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The Austro-Hungarian Monarchy – ‘The Prison of Folks’?

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Abstract: Some of the Middle-Danube-Valley politicians, who were yearning for their independent state, called the Austro-Hungarian Monarchy the ‘the prison of folks’. Despite this, the contemporary sociologist Oszkár Jászi saw a real chance in the current historical realities for it to become the ‘Switzerland of the East’. The author drafts the history of this region in the era of dualism, with special attention to the historical self-view, to the national identity-consciousness, and to the stereotyped view on neighborhood.

The different legal status and the regional differences in development between the Monarchy’s dozen nationalities became resources for many conflicts. (See Musil’s novel: *The man without attributes*.)

The leading position of the ruling German policy in the Empire was declining in the 1870s and after the failure of the Czech trialist experiment the Empire had to face a continuous fight with the Slavic majority over the Leitha and with Italian irredentism. (The quasi autonomy given in Galicia to get the Polish political support is a unique situation, which led to the Ukrainian majority’s oppression in the above mentioned region.) It was not a solution to extend the language law, nor were the election rights given for men in 1907, nor the concept of personal autonomy planned by Karl Renner (see the Moravian agreement in 1905, and later in Bukovina), nor the many federalist views (for example that of the Czech F. Palacký, the Romanian A. Popovici, the Croatian S. Radić, the Slovak M. Hodža). It was too late in 1918 to put into practice this latter one.

During the heroic freedom fights in 1848/49, the Hungarians were opposed by the other nationalities living on the territory of Hungary, which nationalities mainly became tools in the hands of Vienna. The mutual discontent couldn’t be healed by the law of equality nor by the wide religious and cultural autonomies or by the uniquely liberal law of

nationalities of 1868. The Croatians – enjoying wide political autonomy – were following federal/separatist goals. The Romanians’ growth in number, who became the majority in Transylvania, became a basic argument in the struggle for the new Romanian state; the same happened in Serbia, the inhabitants of which were living close to the southern borders of the Empire. The Hungarian fears of the pan-Slavic ambitions were fed by the czarist Russia’s intervention in Hungary in 1849. These circumstances did not serve the possibility of a political compromise. Certain actions (media trials, change of names and place names into Hungarian, and the so called Lex Apponyi, devised to support the official language in elementary schools) made to slow down the nationalities’ propaganda were actually fuelling the resistance of nationalities. Forcing the official language brought a catastrophic result: 20% of the nationalities were able to understand Hungarian.

The 5% Israelite minority was in a very specific position: they stepped on the road of full assimilation after the emancipation acts of 1849 and 1895. Catalysing the modernisation procedures they became the biggest winners of the capitalist circumstances and with this the moral scapegoat as well. See the anti-Semitism of the Austrian G. Schönerer and Lueger, of the Hungarian Istóczy and of the rural mob of the nationalities.

Having in mind all of the above, it is interesting that in the neighbouring states were watching Saint Stephen’s nation as a ‘Jewish plutocrat’ Hungary.

Nevertheless, it is without doubt that the nationalist tensions reached an extreme peak during the period between the World Wars, and the region became a buffer zone for the major powers after the brutal dismemberment of the Austro-Hungarian Monarchy. The Monarchy successfully fulfilled the role of integration in the fields of economy and culture (the GDP was quadrupled over half a century); and it offers an example to follow in cooperation among nations despite the differing interest and preconceptions. Based on this, it is not an overstatement to see the Monarchy as a miniaturised prefiguration of the European Union.

Keywords: Habsburg Empire, loyalty, pan-Slavism, magyarisation.

The revolutions in 1848 damaged spectacularly the immovable authority of the Habsburg Empire. The defeat by the Hungarian ‘Honvéd’ Army, which was defending the constitutional law, in the spring of 1849 was especially painful. This pain fell into oblivion just with the ‘friendly help’ (military intervention) of Russia. Ten years later, the Empire had to retreat from the French-Piedmont alliance. Finally, in 1866 – after a very quick and ignominious defeat – it was pushed out from the German Alliance by Prussia. With these, the Habsburgs were moved from the Western European centre of power to the Eastern European periphery.

In its hopeless situation the dynasty made a compromise in 1867 with the Hungarian noble elite, which had been passively countering the power of the Monarchy under the decades long retaliation and autocracy (thus offering an example for the later established Irish Sinn Féin). In a critical moment it proved tactical and moderate, because it did not take advantage of its position. So, the Austro-Hungarian

Empire was established, and as its foreign minister said: “...the German and Hungarian elements jointed against the Pan-Slavism” (Vadász 1998: 233).

Naturally, not everyone was happy with this result of the long talks. In 1866, the participants of the Slavic conference in Vienna supported the idea of a federal state made up of five components. The unsuccessful representatives of the imperial centralism were overshadowed, but the supporters of federalism became dissatisfied as well because, led by the resigned prime minister Belcredi, they wanted to build the empire’s future on the conservative, religious and respectful Slavic majority.

While the new public law system represented the power relations at that moment, it proved to be a complex and rigid structure. There were 2 parliaments, one in Vienna and one in Budapest, the ministries with strategic importance, such as the ministry of foreign affairs, the ministry of war and the ministry of finance (which financed the first two) came under a common government. However these offices were not held accountable to a superior imperial parliament but only to delegations comprising 60-60 people, which meant that actually they were overseen by the ruler himself. This structure bore several dysfunctions. These appear in the ironic work of Robert Musil, ‘The Man Without Qualities’. In this novel he refers to Austria-Hungary as Kakania (derived from the German abbreviation K und K – kaiserlich und königlich), which country, although constitutional, is virtually controlled by the emperor by ‘manual override’. Although it features a parliamentary system, its parliament is closed most of the time (at least the one in Vienna) due to the obstruction of the opposition. At first glance the ethnic conglomerate of the Danube Valley did not constitute an economic and political unity, and it could be described as having loose internal cohesion. It was held together by the loyalty to the ruler dynasty, by the large military, the aristocracy, the clergy and by bureaucracy. The fear of an imperial Germany and an expansive Russia served as a cohesive force as well.

The challenges of modernisation for regions with dissimilar level of development resulted in an unequal competition, which meant unevenly proportioned shares from the collective achievements. It is without doubt that behind the criticism formulated by gentilital politicians – which pertains to the dualist system, to the democratic forms of separation of powers, to social justice – lay the demand for positional and economic benefits. It follows that the biggest problem of the dualist Monarchy was nationalism, which invigorated the Western nation states, but acted as a destructive force all along in the case of Austria-Hungary.

This is the reason why I choose the relations between the different nations living on the territory of the empire, the history of cohabitation and conflicts as the guide-lines of my reasoning. And I cite – with some polarised intention – those South Slavic and Czech politicians, who with the purpose of building an

independent state and of convincing the Western public opinion called the Austro-Hungarian Empire as the 'prison of folks'. But was it really?

The conflicts and feelings of dislike had had without doubt a wide historical background, and unless we remember these, our question can not be answered. For this reason we have to look back on the tragic battle of Mohács, in 1526. As a result of that, the country broke into three parts. (These were the Ottoman occupation zone, the Transylvanian Principality, led in those times by the Hungarian majority, and the remaining Kingdom in North-West.) One group of the Hungarian nobles offered the throne of Saint Steven to the Habsburgs, who were relatives of the Árpád-dynasty on the female line. This was supposed to give a bigger chance to repel the Ottoman army. But during the two-hundred years long war against the Ottoman Empire the remaining parts of Hungary was kept as a theatre of war, or the peaceful territories as pillage. However, in this struggle the Hungarians, who lived mainly on the lowlands, had to bring a tremendous blood sacrifice, and became minority in their own country. The earlier not really numerous minorities were able to survive the permanent war in the more secure mountain areas on the peripheries. The Viennese government tried to strengthen the defence forces by resettlements, which was supposed to increase the treasury incomes as well on this abandoned territory. Consequently, the Hungarians were disadvantaged for about a half a century compared to the Catholic Germans and Orthodox Serbs. Moreover, the so called 'frontier/border guard' was organised from the privileged Serbs, Croatians, Romanians and Albanians, to supervise them. So, this *divide et impera* policy was very effective against the Hungarians, who were rebelling for their constitutional law and religious-political rights.

The confrontation started to ease when the Germanist policy of the ongoing absolute monarchy pushed the inner nationalities to ask for the alliance of the Hungarians. But the nationalism that appeared in civilian movements polarised the clashes. The Hungarian gentry – based on their political experience gained in public administration – started a legal struggle in the first decades of the 19th century for the modernisation and democratisation of the country. This period, also called as the 'Reform era', achieved spectacular results. These could be attributed mainly to their programme of common burden sharing, in which they gave up voluntarily their privileges. This period is also the era of the 'national awakening' of the different nations of the Empire, who were looking in quite an ambivalent way at the reformer Hungarians: as examples to follow, but they used them to form an image of the enemy to shape their national characteristics as well.

The forming national consciousness of the Croatians, Slovaks and Serbs was largely influenced by their place of origin. They started to mention the Hungarians, who entered the Carpathian basin in the 9th century as a kind of barbarian horde which pulled apart the peaceful Slavic people into three parts. It is not accidental that many (re)unification and independence plans started to form in this period;

these considered the Russian Empire as the only sovereign from the point of view of leadership or support.

The pan-Slavic doctrines advertised by Jan Kollár and others were inspiring for the domestic nationalities and threatening for the Hungarians, who were able to gain some experience of the ‘Pax Russica’ when the freedom fights in 1849 were put down with Russian help. (The Hungarian literature of this period was enslaved to the vision of the death of the nation.)

The nationalities’ intellectuals bolstered the equality with the Hungarians not just with the demographic power of the Slavic people but – in the spirit of romanticism – with their aristocratic origin. Opposite to the Hungarians’ Hunnish-Turk origins, the Slovaks clung onto the idea of the Big Moravian Empire created by the Franks; the Croats used the conception of a Roman-Illyrian pool; the Romanians connected themselves with the militant Dacians. (This last nation did not pass to identify themselves as the successors of the Roman culture in Eastern Europe.)

In a little while, however, they applied some pragmatic political programs: parallel with the Daco-Roman-Romanian continuity theory worked out by Greek-Catholic priests the so called ‘Great Romania’ unification programme was created in 1838 in Walachia, which was under Turkish and Russian control and which counted on the break-away of Transylvania.

The Serbian Minister of Interior, Ilija Garašanin, wrote very tactically in 1844 that the Hungarian efforts for independence had to be supported because without the Austrians it would be easier to take away those border areas which were partly populated by Serbs. (To support this approach, the linguist Vuk Karadžić wrote some basic ideology, namely the ‘svi i svuda’, which means ‘everybody, anywhere’, meaning that every soil is Serbian if even just one Serb lives there.)

At the same time when Garašanin’s plans emerged, in 1844, the Hungarian parliament accepted the law introducing the Hungarian as official language, exchanging the earlier used Latin. This decision caused a huge outcry among the nationalities. We quote István Széchenyi, the ‘greatest Hungarian’, who talking about the assimilation warned that showing a good example would attract other nationalities and induce them to join Hungary voluntarily. (A good example for this is the Galician Jews’ rapid integration and existential and legal advancement.)

Despite the above mentioned difficulties it is hard to explain why the domestic nationalities decided to turn against the first responsible Hungarian government’s democratic decisions – confirmed by the king – in 1848. (For example the autonomous Banat – Croatian – government didn’t announce the law of March: it introduced its provisions with great celebrations in Croatia.)

We know two reasons of that. The first one was the personal rights which were offered in the framework of liberalism freely and independently from mother tongue or religion. However, the Serbs, Romanians and Slovaks claimed collective

rights, which were unacceptable in the unfavourable demographic position of the Hungarians and in the midst of the theoretical/realistic threat of Pan-Slavism. The other reason without doubt was the cynical politics of Vienna. The nationality leaders were probably pressurised to stand up against the Hungarians, and shortly, with their help the violent busting of the legitimate Hungarian government started. One of the contemporaries, Karl Marx rated the situation too, saying that the nationalities opposing the democrat Hungarians became a comfortable tool in the hands of the Viennese reaction. Indeed, a heroic struggle started formally with the attack of the Serb-Croatian border guard regiments, in which fight the Hungarian defence forces defeated the world's strongest army. But there were some very painful scenes, for example the Serb and Romanian free troops' terror activities turned into genocide. (Such were the atrocities of the guerrillas in Old-Serbia against the Hungarian inhabitants of Szenttamás, Tiszaföldvár and Zenta, or the massacre committed by Romanian insurgents in Zalatna. These and some other very similar actions naturalised the terms 'wild rác' and 'wild oláh' in Hungarian language, which were strengthened by the chronicles of the past massacres in Yugoslavia.) We do not claim that there were no sanctions from the Hungarian side, but we have to qualify the statements of A. J. P. Taylor, who wrote the monograph about the Monarchy, as very hostile; he pronounced that the overheated nationalist Hungarians led by Kossuth "convinced the Hungarian soldiers that they were able to defend the country in just one way: by killing everyone who doesn't speak their language" (Taylor 1998: 96). We deny this too, because the Germans living in the country were on the side of the Hungarians (except for those who lived in Transylvania), as was the crucial majority of Jews and Slovaks. Excellent Serb, Croatian, Romanian and Austrian officers were serving in the general staff. Besides this, in 1849 Kossuth was able to bind a peace agreement with the Romanian representatives. In the decades of the emigration he promoted the concept of a Danubian Confederation, which was offered by him as the opposite of the dualist solution.

The bothersome remembrance of 1848 and 1849 was shadowing the relations between Hungarians and non-Hungarians. However, the national movements earned reward with the same actions which brought punishment to the Hungarians: some leaders of the nationalities were honoured and the territorial unit called 'Vajdaság' was established in Serbia.

Military administration and an informer system was introduced and the usage of the German language was enforced in public administration. (The newly formed province, where the Serbians gave just one quarter of the inhabitants, was standing only for eleven years and it was practically governed from Vienna.)

The officers of the Hungarian noble administration who acted against the new absolutism were replaced mostly by ones brought from the 'eternal provinces'. (The mainly Czech and Slovenian 'Bach hussars', who were dressed up in

Hungarian style clothes, gained their nickname from the fearful Minister of Interior.)

If we consider unfair the comments of the Austrian historian, Erik Zöllner, about the compromise talks, namely that in his opinion “it was not possible to keep up with and satisfy the Hungarians”, it has to be stated that the Hungarian political elite, which found a berth in 1867, judged its opportunities wrongly in long term.

Against the liberal political experiments it adhered – based on the western nation states’ example – to the model of the ‘Hungarian political nation’. So, based on the eight hundred years of ‘commonwealth’ it accepted only the Croatian nation’s political equality and provided for them wide autonomy, secured by the Hungarian-Croatian compromise in 1868. This agreement meant the maximum of concessions for Hungarians but at the same time the minimum for the Croatian partner. Against the nations which were called by Otto Bauer as ‘nations without history’, the Hungarians emphasised their own capability of state organisation and the blood sacrifice they brought defending their sovereignty in the past.

This way of thinking is visible in the law on nationalities of 1868. Half of the politicians who took part in the drafting of the law, which process took up a few years, were experts in matters related to nationalities. Despite of this, some of their suggestions – for example the proportional representation – did not come into force based on the above mentioned reasons. These would have caused, according to the Hungarian side a serious danger to the state’s territorial integrity. Altogether, we can say that this law served the reconciliation, and considering the contemporary Europe, it gave the nationalities cultural and linguistic rights to a uniquely great extent. Taylor wrote in his monograph, with the exaggerations typical to him, that “it is a great law and it is a pity that no points of it came to fruition” (Taylor 1998:160).

In imperial Austria, on the other side of the river Leitha, the inter-ethnic relations were characterised by more conflicts and at the same time by more compromises as well. Local nationalities, the more bourgeois and resolute Czechs, Poles and Italians had achieved those against the will of the German minority, which composed only one third of the population. Their movement’s legal ground was provided by the liberal 19th act of 1867, which guaranteed the preservation of national identity and culture for all ethnicities within the Empire.

At the beginning the forces were balanced. The German liberals, who formed the Constitutional Party were controlling state and economic positions, although with 62% of the population Slavs made up the majority in the ‘Hereditary Lands’ in 1910. Yet proportionally it was the Germans who paid the most tax and demanded political leadership with assertiveness of an imperial master. With the help of the election system (so called ‘curialis system’) they could maintain their majority of two thirds in the parliament. However, despite their privileged situation they were quickly supplanted from power. Their fall was brought by the economic

crisis of 1873, which questioned their economic and political competence at the very same time.

After temporary insecurity, the coalition of 'Iron ring' was formed, which remained in power for an unusually long period of fourteen years. The basis of the Taaffe-government (as it was often called) were the Catholic peasants, who were loyal to the dynasty. This basis consisted mainly of Czech, Polish, Slovenian and Croatian conservative parties, whose support was linked to political concessions. Because of the above this period's also called 'messing around' brought moral decline in politics. After the failure of the 'trialist' attempt in 1871, the approximately 6 million Czechs boycotted work in both the Prague based provincial and in the imperial parliament of Vienna. Following several street riots they received broad official language rights in the partially German populated Bohemian-Moravian Highlands and they returned to parliamentary work. A Czech language university was founded and with the help of central investments an advanced industry was also created, while living on western European living standards. On the top of these the so called young Czechs have consciously built their western diplomatic network.

For supporting the government the 5 million Poles were granted with the government of Galicia, where they achieved spectacular successes, among others the assimilation of Ukrainians and Jews, while at the same time provided many prime ministers and common (k.u.k.) ministers. Although the one million Italians in Istria and Dalmatia were preferred to the Slavic majority living in the mentioned areas, they consistently pursued unification with other Italian populated areas.

For the one million Slovenes, who were partially germanised anyway, less would have sufficed. Yet the cancellation on behalf of the local German population of the secondary school in Celje promised by the government turned them too against the government. Later they formed the so called 'South Slavic Club' with the Croatian representatives and with some outside support from the Czech.

The majority of the Germans loathed the central government of nationalities, and abandoning their liberalism supported Georg von Schönerer's anticlerical and anti-Semitic nationalists, and the pan-German idea.¹ The political antagonisms which broke the 'iron ring' brought frequent government crises. The emperor Franz Joseph I had some hard times finding the new supporters of dualism: the social democrats, who were using revolutionary phraseology yet were loyal to the dynasty, and the anti-Semitic Christian democrats.

This left leaning approach was supportive for a more flexible treatment of nationalities. Two respected party leaders, Karl Renner and Otto Bauer worked out their concept for mixed population areas, later to be known as personal autonomy.

¹ It is interesting that the programme was made by two Jewish party-members, Otto Bauer and Heinrich Friedjung, who were later removed from the party.

This concept was successfully introduced in 1905 in the Czech-German populated Moravia, followed by Ukrainian-Romanian populated Bukovina in 1910. This concept has somewhat eased ethnic tensions. As a result of increasing pressure exercised by nationalist and pro-governmental parties, general male suffrage was introduced in 1907. This step failed to bring sensible results as in Transleithania only two elections were held. As a result of the intensifying arms race, the aging Franz Joseph often resorted to his special authority: for example, following an opposition victory in Hungary he ordered the planning of a military occupation of the country. International relations worsened in the closer vicinity too. In the 1880s and around the beginning of the 20th century, Austria-Hungary fought a custom war with both Romania and Serbia, which pursued a ‘national unification’ strategy. As a result of the Congress of Berlin in 1878, Bosnia-Herzegovina was occupied by the Monarchy. Yet the annexation in 1908 was a serious mistake, which invoked the fury of not only the South Slavs, but the involved Turkey’s and Russia’s, the protector of the Slavs as well. Although both Italy and Romania had been members of the central powers since 1882 and 1883 respectively, both expressed their anger and increased nationalist activities. In the wake of these steps the commander in chief of the Austro-Hungarian army, Conrad von Hötzendorf, urged a preventive war on both precarious allies. In hindsight he had been right since in World War I both stabbed the Dual Monarchy in the back.

The dynastic occupation increased the inner national tensions as well. After failing to achieve a greater Croatian unification, Croatia turned towards Yugoslavism as a consequence; Hungarians resented the condominium status of Bosnia-Herzegovina since the annexation was carried out referring to medieval royal Hungarian legal precedent. Yet even at that time it was not the illogical annexation at stake, which further increased the number of minorities in the Dual Monarchy, but the very existence of the Empire. No matter how many plans were made by bureaucrats close to the heir-to-the-throne to restructure the Dual Monarchy into a federation, Charles IV was late. In 1918 it was way too late to reform the dualist structure. Austria-Hungary was washed away by the forces unleashed in 1914 following the assassination in Sarajevo.

The accomplished essayist Ferenc Fejtő wrote in his monograph: “... *the dual monarchy has not collapsed, but was decomposed intentionally*” (Fejtő 1997: 19) by the forces of French megalomania and Italian, Romanian, Serbian nationalism. It is symbolic that at the beginning of the epoch the leader of the ‘Old Czech’ party, the historian Palacký wrote that had the Dual Monarchy not existed, it would have to be invented in the own interest of smaller nations. His young compatriot Edvard Beneš, covering his real intentions with the Wilson’s principles issued the destructive directive on his western campaign: “Destroy Austria-Hungary!” The state which secured stability in Middle-Europe; where in half a century the GDP quadrupled, truth to be said not proportionally; the state with a free press; where

culture flourished; where a number of global innovations were patented; where contrary to the new states there was neither double oppression nor economical discrimination.² Where ‘magyarisation’ was so ‘strong’ that only 23% of the minorities spoke the state language. Where Alexandru Vaida-Voevod could call the Magyars “law defying scum from Asia”³ in the Parliament of Budapest (of course) unpunished. Years later the very same person, as a leader of Greater Romania set his former fatherland’s democratic system as an example to his Trans-Carpathian Romanian brothers.⁴ And maybe that is the point! All people lost something with the collapse of the Dual Monarchy, yet not all of them realised it at the moment of the breakup. And not only the Magyars feel this way, ripped to six pieces by the Treaty of Trianon. The Magyars, who were the most numerous minority in Europe until 1991 with 3 million compatriots living outside the fatherland, making Hungary the only country on the continent that is surrounded by itself.

Cooperation among people at different levels of development and mentality was not free of conflicts, yet living together for centuries created historical interdependence. Within the Empire cultural and economic interactions created stronger ties among different nationalities than those with their relatives living on the other side of the border, especially with those who were socialized in the Ottoman Empire.⁵ Centuries old division of labour and a huge imperial market, protected by customs has also created a kind of material unity of interests. We do not agree with sociologist and Minister of National Minorities Oszkár Jászi, who called the coexistence of ethnicities within the Dual Monarchy simply a “vegetative symbiosis of nationalities”⁶. Truth to be said, the dual state indeed lacked the constructive dynamism of homogenous nation states’ nationalism.

But was it really a ‘prison of nations’? Self reflexion is needed since as we saw the Dual Monarchy was not perfect. Yet it is a typical example of Marxist internationalist and legalist tradition. The successor states, responsible for tearing

² Contrary to the above, in the successor states only Hungarian and German lands were confiscated as part of land reforms, and they paid quadruple taxes in Yugoslavia. – Arday Lajos: *Magyarok a Délvidéken, Jugoszláviában.* – Budapest, 2002. BIP. – p. 21.

³ See Bíró Sándor: *Kisebbségben és többségben: románok és magyarok (1867-1940).* – Bern, 1989. *Európai Protestáns Magyar Szabadegyetem*, p. 262.

⁴ A similar situation happened to Stjepan Radić and to the Serb Svtozar Pribičević, who had burnt Hungarian flags as students, yet later felt more fellowship with the people of the deceased Dual Monarchy than with their own brethren from the former Ottoman Empire.

⁵ It is not a coincidence that citizens of the Serb Kingdom suspiciously referred to their brethren living in Hungary as *prečani* meaning someone infected with a harmful dose of tolerance. After World War I, in the newly created Greater Romania it was the Romanian inhabitants of the annexed Erdély (Transylvania) who suffered setbacks even though they were more developed economically and more civilised than their Transcarpathian brethren of the motherland.

⁶ The Prime Minister Jozef Redlich and Karl Renner, who were both experts in minorities had an opposing opinion, along with general Conrad von Hötzendorf.

the Empire apart are also uninterested in a dialectic approach. Even for legitimacy causes. (It is probably no coincidence that their neighbourhood policies are still based on the psychosis: “I hurt you therefore I am insulted”, with a not well disguised anti-magyarism.⁷)

Any objective bystander should come to the conclusion, especially after so many decades, that the peace created by the victorious Entente has not solved the problems of East-Central Europe, the region with mixed ethnicity. As a side note we have to add it has not even wanted to solve them! The similarly multi-ethnic successor states turned inside, their autocratic steps and rude homogenising efforts⁸ caused ever worsening relations among the nations in the region. So the stage was set for German, later Soviet expansion. The collapse of the three really multi-ethnic successors in the region (Soviet Union, Yugoslavia and Czechoslovakia) shows the disgraceful failure of the Parisian peace system.

Yet the patriarchal aura of the golden ages, the legendary link between East and West is still radiated by the buildings of that era: train terminals, theatres, administrative buildings, coffee houses, baths from Sarajevo to Lemberg (Lviv), from Brassó (Braşov, Kronstadt) to Karlsbad (Karlovy Vary) and Trieste.

The dual monarchy with all its contradictions held the promise of an ‘Eastern Switzerland’ yet the selfishness of its political elites and the fear of dismemberment have kept it from becoming a federal democracy. Her ageing beauty can not be overshadowed even by the European Union, even though we hope that in the area of integration the EU reaches further than the one-time Austro-Hungarian Empire.

⁷ To quote Tacitus: “They hate whom they have offended.” Well after getting more than two thirds of Hungary, her neighbours are still afraid of any chance of autonomy, fearing the return of annexed territories. Fear leads to anger, anger leads to aggression. It is the rule of psychology.

⁸ Their tools included confiscation of goods, limiting cultural and language rights, collective disfranchisement (see Beneš-decrees), forced relocation, moreover genocide. (In Yugoslavia, Tito’s partisans killed tens of thousands of Hungarian civilians in the winter of 1944/45). Currently even the completely Hungarian populated Csallóköz and Székelyföld (Séklerland) are banned from autonomy. All Slovakian and Romanian governments have resisted and still resist such ‘subversive’ intentions. Apart from these, some states were successful in homogenisation. After World War II, Poland and Czechoslovakia managed to evict almost 10 million Germans. Croatia chased away hundreds of thousands of Serbs with the complicity of the West in Operation Oluja (Storm). Even though after years of procrastination the leader of that, general Ante Gotovina was tried at the International Court in Hague, the result remains the same.

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Issues of Autonomy and Hungarian Political Parties in Voivodina after the Change of System

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Abstract. In the paper we attempted to analyse the autonomy created in the special moment of the Serbian political scene in 2008 in order to present the (ever-current) political influences on the views on and attitudes towards the institutional system of the minority. These influences affected the documentary codification of the three-pillar autonomy, too. This has majority and minority constituents as well. From a majority viewpoint, we discussed the abolition of the threshold for minority lists as a support for the development of minority autonomy. Then again, the ab ovo refusal of regional segmentation is also present in the minority political discourse of the majority society. From this, attempts to 'de-territorate' the minority autonomy institutions are generated in a straightforward way. At the same time, the relations of minority participants to each other and to the majority are of decisive importance as well. Enough to mention the Hungarian question that emerged about the making of minority register of voters: who is able to make the list substantively and whose interest is it? This problem, being essentially a problem of election techniques, manifested in the Hungarian discourse of Voivodina as a pivotal clash of interests not without ideological undertones, and it also destroyed the coalition. The attitude towards it has posited the very existence of the manifest personal autonomy in Serbia as a subject of legitimacy disputes.

Party interests and institution formation create a multi-agent political field where the momentary interests of actors and their longer-term strategies cannot be distinguished clearly. The classical threefold distinction of political studies is reproduced by the institutional scenes of minority autonomy in connection with both the respective attitudes and the minority political results they achieve. Therefore, aspects of institution (1), of party political antagonisms (2 – politics) and the desired policies (3) should be distinguished in

the minority political field as well. Since the segment itself is quite complex due to the number and size of participants, interpretation of its processes is also complicated.¹ However, if we intend to understand the causes of the phenomena, to make relevant comments on a politico-theoretical level about the social advantages of the forming institution system and about the challenges it generates, (apart from the classical horizontal segmentation) we have to include the characteristics stemming from the minority/majority/parent-nation constellation in our analysis.

If we succeed in doing so, we can perhaps avoid such superficial social judgements about personal autonomy as hurray-optimism or pitifully devaluating institutional assessments. Our goal was here to contribute to this effort with our humble academic methods.

Keywords: minority politics, Hungarian parties beyond the borders of Hungary, National Councils, autonomy.

1. Introduction

Following the change(s) of system, the attitude towards personal (in other terms: cultural) autonomy has been a main political topic for trans-border Hungarian communities. Almost everywhere where Hungarian minority representation of interest was able to take an institutionalised (organised as political parties) and pluralistic (with multiple political orientations) form, minority parties deal with the issues of cultural autonomy: they articulate their relevant concepts and expectations. It is only in Serbia, however, where the topic has become an institutionalised (implemented) and not only wished (posited as a goal to be realised) part of the political arena, where it has been able to affect the daily political life of the minority. As of today, Hungarians in Serbia (mostly in Voivodina) have to face also the drawbacks (i.e. the less than ideal and unexpected aspects of the original plans) of the institutions (national councils) implementing personal autonomy. Therefore, the attitudes towards the national council as an existing political institution and towards the wider context of minority autonomy shape the daily events of minority politics in a different way.

Our present paper examines the situation of minority parties in connection with the elections of the national councils, a phenomenon that has recently emerged in the majority-principled arena of direct representation: first we present the theoretical (declared) comments of the Hungarian parties in Voivodina about the minority institution system. Then we attempt to interpret the reasons and motivations of the *dissatisfaction* concerning this system of minority institutions that has remained only a wish in other Hungarian-populated areas. The basis for the

¹ So their analysis is not the most fruitful academic occupation.

interpretation will be the behaviour of the examined social formations during the 2010 elections of the MNT II and their relationship with the functioning of the current MNT.

Hopefully, the analysis will provide an interpretation of these minority institutions that is also relevant in a sociological sense. We find this particularly important for the following reasons: In the last two decades, many concepts have been formed in public thought about personal autonomy and in many cases these were unable to distinguish between wishes and possibilities. The prolonged debates on the functioning of the MNT may well be able to falsely diminish the seeming necessity of autonomy and devalue the institution itself, just because its actual operation, its instrumentalised functioning and its reputation failed to become perfect in the recent past.

2. The attitudes of Hungarian parties in Serbia towards minority autonomy before 2010

The then relevant Hungarian parties in Voivodina took part in the 2008 national and provincial elections together. The ‘press term’ for this temporary cooperation became Magyar Koalíció (MK – Hungarian Coalition). In Serbia, the ever current coalition lists tend to be referred to by a list name that suggests the goals of the given alliance. These labels do not need to cover any closer and institutionalised cooperation. Their function is merely to make the competing formations distinguishable. In the same year, the winning coalition was labelled as ‘For European Serbia – Boris Tadic’ during elections. The name of the party leader/head of state was only to impersonate the offered option. (Here we do not need to elaborate on the question whether or not an already inaugurated president should enter the election struggle, even in such a tertiary-presidential system² as Serbia.) The Hungarian Coalition (from now on: the MK) consisted of the then relevant Hungarian parties: Vajdasági Magyar Szövetség, Vajdasági Magyar Demokrata Párt and Vajdasági Magyarok Demokratikus Közössége. István Pásztor was the Coalition’s facade person in the aforementioned sense. Just before the elections, they produced a merely 7-page text referred to as ‘*A Magyar Koalíció Autonómiakoncepciója*’ (The Autonomy Concept of the Hungarian Coalition, from now on: MKak) which was to be evaluated as a common viewpoint. The document was essentially a commonly propagated and desired election programme of all the three parties.

² In Serbia, the President is elected directly, while his (so-called ‘weak presidential’) functions correspond to systems commonly referred to as Parliamentary. To mark the controversy of this situation, the terms ‘tertiary presidential system’ or ‘asymmetric presidential system’ are used in the discourse space of political theories.

The text exceeded its election aims by far, both in its linguistic style (over-sophisticated legal style)³ and content (it sketched out an institutional system far beyond the 4-year representational term). According to its preamble, its main tasks were the followings:

- a) *to organise the personal- and regional-principled forms of autonomy into one unified system*
- b) *to provide solutions of administration and justice-organisation that correspond better to the interests of the Hungarian community in Voivodina (C.f. MKak, p.1.)*

The formation of the coalition was induced mainly by the previous negative experiences about the vote-maximising possibilities. From 2004 on, parties were competing in a system of proportional lists, but (and this was the reason for the alliance four years later) the 5% threshold for entering the Parliament did not apply to minority lists, so they gained mandates according to the principle of the so-called natural threshold, with their received votes in the proportion of the same quote for majority parties to whom the threshold applied. Indeed, this factor forced⁴ the unified appearance of these otherwise antagonistic (incompatible on a personal level) formations that were created basically by secession from each other (let us ignore who and why seceded from who, or which was the original).

But the above applies only to the national level of the election system. However, the times of the (before-schedule) national and the provincial elections partially overlapped. (Only partially because provincial elections are done in a mixed-form system similar to – but less sophisticated than – the previous Hungarian system and its individual phase has two turns.⁵)

3. The theoretical approach to minority autonomy

The autonomy concept listed the followings as the goals to reach:

- 1. Personal-principled autonomy (see: MKak, pp. 1.-5.)
- 2. Regional municipalities – a multiethnic region with Hungarian majority (see: MKak pp 5.-6.)

³ Which is not worse than the overly complicated academic language of our paper, yet it is less than suitable for interpellating the majority of voters, and suitable for laying the foundations of the political discourse about autonomy.

⁴ The 2007 elections brought 3 mandates for the individual party of VMSZ. The coalition list of VMDK-VMDP had none. Since the turn in 2000, Serbia only saw out-of-schedule elections. This pattern seems to break as the same government is in power since 2008. According to normal schedule, the next elections will be in the spring of 2012, uninfluenced even by the possible positive outcome of the December 9. 2012 EU-decision about the status of Serbia.

⁵ And they had to suffer a serious loss of representation on this level (even if the small party mythology of Voivodina tends to ignore this fact) – half of the mandates proportional to population numbers.

3. Political autonomy – proportional Parliamentary representation (see. MKak, p. 6.)
4. Autonomy of Voivodina (see MKak, p.6.),
5. Autonomy of local municipalities (MKak p. 7.)
6. Regional organisation of administration and jurisdiction (see. MKak p. 7.).

As it can well be seen from the page numbers, the legal establishment of personal autonomy, the future framework of the law concerning national councils gained the most space in the document.⁶ It must be especially noted that the chapters 1, 2 and 5 can be regarded as the direct constituent parts of the so-called *3-level autonomy*. The other three chapters include the frameworks for (national, Parliamentary-level manifestation of) minority representation, strengthening of the sub-national level and government decentralisation. These are not direct parts of the institutional system of minority autonomy, but can assist its operation in more than one regard.

4. Majority institutions supporting the formation of minority autonomy

A) *Political autonomy* (chapter 3) is nothing more than a lasting commitment to the aforementioned ‘minority-friendly’ form of the national elections (which positively discriminates ethnic and national minorities by ignoring their threshold for entering Parliament).

B) *Autonomy of Voivodina* (chapter 4) does not qualify as a minority autonomy effort, not even according to the MKak. This is to be emphasised since it is not clear from even the academic publications about the Autonomous Province of Voivodina (Vajdasági Autonóm Tartomány – from now on: VAT) how it should/could be labelled. (C.f. Soós, 2011.) We consider it (in accordance with the interpretations of the 2008 MK statement) as a catalyst institute that supports minority institutional system but does not equal or substitute it.⁷ The MKak also considers that establishment of minority autonomy would be supported by (1) the restoration of the former legal powers of the VAT that were nullified during the establishment of the Milosevic system and (2) their update to the present challenges.

⁶ The section on the national council (personal autonomy) is nine times longer than the description of the ideas about regional autonomy.

⁷ See Sarnyai-Pap, 2010 and Pap, 2010 for a detailed discussion on the autonomy efforts and national councils in Voivodina. The ethnically based regionalism of minorities in Voivodina was presented at a conference in Kaposvár, the paper is under publication.

“We have the earnest conviction that a Voivodina that possesses autonomous assets, incomes, and widespread economic, political and administrative autonomy would result in

- a) faster economic development*
- b) a more consistent implementation of the principles of a constitutional state*
- c) more efficient realisation of human and minority rights*
- d) quicker spreading of European ideas” (see MKak, p. 6).⁸*

It cannot be ignored that all of this was articulated in the period between the 2006 sudden change of constitution (Sarnyai-Pap 2010) and the ‘statute-debate’ peaking in the fall of 2008.

C) *Regional organisation of administration and jurisdiction* is a Serbian manifestation of the Europe-wide decentralising efforts to increase the efficiency of resource distribution.

When considering the Serbian political conditions in 2008, we cannot ignore the phenomena that, regarding the secession of southern regions (Montenegro and Kosovo), posed a false political dilemma to Serbian society. The daily-political (almost journalistic) articulation of these was “Kosovo or Europe?” Without elaborating on the aspects of this (pseudo) question, we must note the followings: the role of those minority communities that did (do) not threaten with secession (national minorities in Voivodina and the regionally diverse ethnic minority of the Romani) gained more value for the pro-Europe election block (those lists able to form a government along this ‘choice of values’). They had to consider that in the case of government formation they might need the mandates to be gained by minorities. This view must have affected the modification⁹ of the election formula and thus also the strategic actions of the Hungarian community which reacted accordingly on a national political level, too.¹⁰

The regionalisation of the Serbian society happened quite separately, if not absolutely independently from this: besides the role of parties that leaned toward

⁸ The text is modified into bullet points by us, for better understanding, PT-SCSM

⁹ The threshold was abolished in 2004 because majority parties did not intend to lose the mandates from minority votes (previously lost easily). After the murder of Zoran Dindic, the Serbian Radical Party gained the majority but was unable to form coalition with majority parties and to install a government, while minority parties were left without mandates even with a 4,22% vote percentage of the list referred to as ‘Tolerance Coalition’ (C.f. Mátyus, 2011, 236).

¹⁰ It must be noted that the ‘prime rehearsal’ was the 2008 presidential election, without significant stakes for the Hungarian community. Hungarian politics gained greater value here by nominating István Pásztor, who received 93.039 (2.26%) from the votes of the first round on January 20 and finished at the fifth place. By this, Hungarian parties made it clear that they are a factor to be reckoned with in the Parliamentary elections too. See: (L.: http://www.rik.parlament.gov.rs/latinica/propisi_frames.htm.)

classical autonomy, the mobilisation role of other parties (that represented the local interests of certain town regions of central Serbia) also increased in value.

In the above discussed political situation the externally motivated (by force/opportunity) formation of the autonomy concepts of Hungarian parties in Voivodina was not unfounded. The political articulation and opportunities of the self-governance goals came closer than ever. However, discerning the individual and actual preferences of the three constituent parties and whether the analysed document was a result of strategic or tactical considerations – these can be topics for another discourse.

5. The actual components of minority autonomy: the national council

The main points of the institutional formation of Hungarian minority autonomy were already articulated in the ‘single-party’ period of the Hungarian political representation in Voivodina (Győri Szabó 2006: 325-327; Mátyus 2011: 233-234). But their realisation was inconceivable in the Milosevic era: “as good as it was, it was far from possible realisation” as Mátyus’ paper puts it. The unified effort had its more or less successful precursors. However, the work known as ‘Agreement on the political and legal framework of Voivodina and the national communities in Voivodina’ was written in 1999 due to an external incentive (from the government of Hungary) and not as a reaction to the internal conditions of the minority’s political situation (Győri Szabó 2006: 327-328). Under the name of Interim Hungarian National Council, the national council as a singular example of self-organisation of the minority institutional system was already formed in 1999, in the crisis period of the late Milosevic era. Yet, this formation is best seen as a minority-based pressure-exercising tool of the democratic anti-Milosevic forces (Győri Szabó 2006: 329).

The novelties of the newer document seem to be the following:

- (a) It was created in an endogenously formed situation.
- (b) The articulated goals conform to a legal environment that is characteristic of the institution forming phase of political struggles.
- (c) It is a basic document to demonstrate the converging efforts of the relevant actors of Hungarian minority political will.
- (d) It was published in a period when there was an actual chance for the partial realisation of the goals.

But the most probably realisable element of the 3-pillar autonomy, which is the most detailed in the concept itself, was a de facto functioning, though insufficiently embedded part of the Serbian minority political institution system (Győri Szabó 2006: 322-323). Formed after the turn of October 5, 2000, the wide political coalition of DOS (approximately the Serbian democratic opposition) included minorities, thus the Hungarian political actors, too. As a minority political

achievement at the beginning of the new system, the law of 2002 was adopted, which allowed the official formation of the national councils but it did not regulate their form and detailed functioning. So it became the main topic of minority parties including the Hungarian minority political scene. The political environment still had elements that pushed the topic of minorities into the background. These included the inhibited democratic transformation threatened by restoration, by the secret service, and by the series of assassination attempts that led to the death of the prime minister. The secret service took the side of the DOS semi-officially, so it could not be made responsible for the wartime actions for a long while; it had a significant influence on interior politics and proved impossible to eliminate overnight.

Institutionalisation became ‘important’ again only at the escalation of the aforementioned ‘Kosovo or Europe’ issue, when minority politics gained a better position. Up to that time, national councils, including the first MNT, existed¹¹ (they were elected indirectly, by electors from minority organisations and representatives of Hungarian political levels) but could only act in a constant democratic deficit that characterised the whole society, without sufficient (legal) warrant. It was in 2008, when the cooperative compulsion and the revaluated minority politics offered an opportunity, that the following expectations about the MNT were included in the MKak:

“The primary organisation of the Hungarian personal autonomy is the MNT, which is embedded in the legal system of the Republic of Serbia as a Hungarian minority municipality.

The goal of the MNT is:

- *to expose, articulate and represent the interests that ensure the maintenance of Hungarian collective identity in Voivodina,*
- *(based on the democratic dialogue with the political bodies of the Serbian Republic) to ensure the survival of the Hungarian community and the development and maintenance of its immaterial and material culture*

Being a legal person with its own assets, the MNT possesses lawful powers of interest-representation, decision, opining, advice and agreement in the fields of education, culture, information and official language use, and it establishes institutions, non-profit economic companies and foundations. Those legal actions that ignore the aforementioned legal powers of the MNT are to be nullified. The MNT regulates the educational, cultural, informational and language use issues within its powers by general acts of legislation, in concordance with the law.

On the basis of national, provincial and local municipal decisions, the MNT fulfills tasks of public power by the rights assigned to it.” (See MKak p. 1.)

¹¹ For further details on its conditions, see the introductory chapters of the paper on the language remedial projects of the MNT I. (Pap, 2011b)

6. The actual constituents of minority autonomy: regional autonomy

The regional pillar is also included in the document; it has been strongly propagated by VMDP, a party constantly representing the original 1992 autonomy model of the VMDK. We have discussed the Serbian limitations of regionally-principled political segmentation in several other papers (Sarnyai-Pap 2010, 2011; Pap 2011a). It is to be noted that the mentioning of regionalisation is a main neuralgic point of the Serbian political field, and minority regionalisation is of especially problematic nature. From a realistic viewpoint, this is absolutely unfounded in the case of Hungarians but it has its basis in an existing frustration, the fear of secessionism. Nothing can make Serbian political public thought more hysterical than the idea of regional secession. Therefore, not even the pro-European part of the Serbian majority society shows any empathy towards political efforts of that sort. The otherwise justified (and, in a political sense, based on the functional necessity of the institution) minority discourse of the Hungarian community is, due to the majority context, both a communal compulsion¹² and a real-political illusion. Before the details of the discussion let us cite the relevant chapter of the MKak:

“The Hungarian Coalition propagates that similarly to many European countries regional municipality system should be formed in Serbia according to the bottom-top regionalisation model. According to our concept, the voters decide by means of referendum on establishing and joining a regional municipality with its own assets and incomes.

A defined goal of the Hungarian Coalition is to create a region with Subotica as its center, the Hungarian Autonomous Region (Magyar Autonóm Körzet – MAK) consisting of the villages Ada, Csóka, Kishegyes, Magyarkanizsa, Óbecse, Topolya, Törökkanizsa and the town of Subotica. The thus created multiethnic region of Hungarian majority would combine the ethnically-based regional autonomy demands of the Hungarian majority with ideas of modern European regionalism. In the process of establishing the Hungarian Autonomous Region, settlements on the borders of the region could join a local municipality of the MAK according to the interest of the local population as expressed by referendum.

According to the Hungarian Coalition, the system of installing its legal powers can be realised on the one hand by decentralising such powers of the present state and provincial bodies that can be fulfilled more efficiently on a regional level, and on the other hand by raising certain tasks in local municipalities’ powers to regional level.

¹² In the analysis of the educational strategy of the MNT II, we also showed that the personal-principled pillar has only limited efficiency if lacking the regionally-principled competences. A longer English-language version of our exposition at the conference in Eszék is under publication, but a shorter summary with relevant details has already been published in the Oct 8-9 issue of *Kilátó* (appendix to the periodical *Magyar Szó*), see Pap 2011c.

The powers of the regional municipalities do not cover the areas controlled by personal-principled autonomy.

The tasks of the regional municipalities would include:

- *creating the rural development concept and operative programme of the region, coordinating town development plans*
- *coordinated improvement of regional infrastructure*
- *coordinated improvement of the region's agriculture*
- *ensuring the equality of officially used languages*
- *certain tasks of forest-, water- and waste management, of environment protection*
- *operating the healthcare and the educational, cultural institution system of the region*
- *maintenance of the institutions founded by the regional municipality*
- *other issues transferred into its power by the state, the province or the local municipalities of the region". (See: MKak, p 5-6.)*

We also consider the above goals as justified and necessary for ensuring the survival of the Hungarian community in Serbia, and for preventing the further economic and political loss of ground. On the third and least problematic level of autonomy, that of the local municipalities, effective improvements can be made only if the connected Hungarian majority areas that complete the above procedure by the rules of representational democracy can also function as bottom-up regional self-organisational units.

The main problem is: how to (and with what intensity) keep the issue on the Serbian political agenda?¹³ It is clear from party statements that the degree and means of commitment to regional autonomy is a main distinguishing and profile-forming characteristic among the Hungarian parties.

7. The actual constituents of regional autonomy: local municipalities

Local municipalities are the least problematic elements of the three-pillar autonomy. This is because the majority principle can work better to the benefit of the otherwise minority community,¹⁴ compared to institutions of both larger

¹³ Organising regional administration is a Europe-wide problem for unitarist states. The European Charta for regional Municipalities is still in planning phase. (See Soós-Fejes, 2009, 66.) An October 2011 EC decision is a positive achievement, it was accepted due to the modification appeal of two Hungarian MPs, Tamás Gaudi Nagy and Ferenc Kalmár. (See Appendix 2.)

¹⁴ Serbia is almost completely Europe-compatible regarding local municipalities. The European Charta for Local Municipalities was signed in 2005 and ratified in the fall of 2007, so it applies from 2008 on (See. Soós-Fejes, 2009, 64.) On the basis of this document, the state can be held responsible for the local operation of minority autonomy. It is not by chance that this is the least problematic element of the MKak.

regions (ethnic regions, economic/political regional autonomy) and of non-regional, personal autonomy (in any of their usual forms in every elective democracy). This paradox is referred to as the fractal-nature of minority relations, creating self-similar forms on the different levels of regional segmentation by replicating the original majority-minority opposition inversely, i.e. also swapping the majority-minority situation on the given level of segmentation. However, as the document shows, the organisational position of local municipalities in the general Serbian government structure (without regard to majority/minority characteristics) has serious democratic deficiencies. So its reform (decentralisation, maintaining local political powers, delegating of tools and competences to local level) is a profound interest of minority communities, indispensable for efficient functioning. The document reflects this fact:

Basic interests of the Hungarian community in Voivodina are the development of our municipalities, the expansion of the legal powers and financial autonomy of our towns and villages.

The Hungarian Coalition's conviction is that apart from the restoration of municipality assets and the establishment of a financing and legislative system based on decentralisation and subsidiarity a comprehensive revision of the municipality system is crucial.

The strengthening of local municipalities is inconceivable without the followings: significantly extending the scopes of authority, creation of community police, exercising municipality-level agreement right in the commission of local police leaders, motivating municipality cooperation from state budget sources, and curbing the state's supervisory rights over municipalities.

Realisation of local democracy also requires restoring both the institution of direct mayor elections and the individual (majority) election system of municipality representatives.

Furthermore, the Hungarian Coalition propagates that apart from increasing the role of local communities local municipalities should be formed in settlements that are capable of self-maintenance with regard to economic resources and the operation of educational, healthcare and cultural institutions. (See: MKak, p 7.)

Here we do not delve into the analysis of the items mentioned by the MKak above.

The minority political party arena is determined by local municipalities of minority character. This is the level of day-to-day minority politics, it is an available domain of intra- and inter-community interest articulation for each of the Hungarian parties, so this is the level of the most interesting struggles. Apart from the villages mentioned under the regional autonomy heading, the village of

Temerin and certain Hungarian majority partial municipalities¹⁵ of the periphery are to be highlighted.

8. The 2010 election of national councils in Serbia

In the summer of 2009, the Serbian Parliament finally passed the long debated Act on National Councils of Minorities (TKNT)¹⁶ (Mátyus 2011: 237). But the legal codification of the long awaited institution distracted the 2008 coalition of the Hungarian parties.¹⁷ The relationship between the VMSZ and the other two historical parties became antagonistic again on the pretext of the passing of the bill. The reasoning for this was a number of formal requirements that are included in the MKak but left out from the TKNT, the state's obligation to make the minority register of voters and irregularities in the making of these registers (Pap-Sarnyai 2011). In any case, the VMDK and the VMDP have been boycotting the MNT since 2009: they kept questioning the lawful operation of the MNT I and they did not get involved in the 2010 election of the MNT, already made direct by the new law. Thus the two parties define themselves as 'anti-system' parties on this level of autonomy who consider the institution 'illegal and illegitimate' until any relevant change in the conditions. Interestingly enough, two other formations which became included among the relevant Hungarian parties at the MNT elections, the MPSZ (about its creation, see Györi Szabó 2006: 327) and the MRM (for further details, see Mátyus 2011: 236-237) share this attitude. Though they got into the MNT II with one person each, with regard to criticism, they do not differ significantly from the other two.¹⁸

¹⁵ Serbian settlements are positioned in the so-called system of local communities. Most of the settlements belong here and these 'partial municipalities' (as the international term refers to them) have only limited powers (even narrower than those of the local municipalities). But this level is less relevant from a minority political viewpoint since competence-possessing decisions are made on the level of town and villages.

¹⁶ The regional department (*Tartományi Jogalkotási, Közigazgatási és Nemzeti Kisebbségi Titkárság*) and its leader, Tamás Korhenz Jr played a significant role in the creation of the law. The political personalisation of the debate is connected to him, too. The role of the department and the later MNT-leader is undisputed, but the debate ignores the crucial intentions of Serbian politics: for them the bill grants too many competences for minority bodies even in its accepted form, it will yield political revenue only when regional autonomy is off the agenda.

¹⁷ Asymmetric coalitions (like the MK was) can only be long-lasting if the involved parties formally subordinate their will to the interests of the dominant power. Such is the case within Tadic's already mentioned Pro Europa coalition.

¹⁸ A four-party coalition seems to be forming for the 2012 elections, so the VMSZ, the four small parties and Serbian majority lists will probably struggle for Hungarian votes. This could make the Hungarian minority political situation more perceivable since the actual impact of and the protest-votes against the VMSZ could be made visible.

The direct MNT elections demonstrated that institution-installing strategy and minority party tactics to stabilise one's situation can generate serious controversies in the extended area. As minority politics remains politics as such (and not responsibility-free delegation of experts, as a certain stratum of the Hungarian intellectuals in Voivodina, fearing for its influence, tried to argue before the MNT election¹⁹), so ideological attitude towards the institution is mixed up with the ever preferable party tactics in the interpretations of minority party statements. The attitude of the 'new' parties, the MPSZ and the MRM is particularly interesting. They gained position and became relevant parties largely due to the votes acquired in the MNT elections and the resulting 1-1 mandates.²⁰

Appendixes

Appendix 1: The section of the modified (2004/18) election formula regarding the abolition of threshold for minorities:

Article 13

Three new Paragraphs shall be added to Article 81, reading:

Political parties of ethnic minorities and coalitions of political parties of ethnic minorities shall participate in the distribution of mandates even when receiving less than 5% of the total number of votes.

All parties whose basic aim is to represent and stand for the interests of an ethnic minority and the protection and improvement of the rights of members of ethnic minorities, in accordance with standards set forth by international law, shall be considered political parties of ethnic minorities.

The Republic Electoral Commission shall decide, at the proclamation of an electoral list, whether the submitter of the electoral list should be considered a political party of an ethnic minority or a coalition of political parties of ethnic minorities, at the request of the submitter of the electoral list which should be made when the electoral list is submitted.²¹

Appendix 2:

7. The Assembly considers that even if international law were to recognise a right of national or ethnic minorities or even, in some cases, national majorities to self-determination, such a right would not give rise to an automatic right to

¹⁹ We discussed this pseudo-question (whether experts or politicians are elected into the MNT) in a separate chapter (See Pap-Sarnyai, 2011, 244-246.)

²⁰ It must also be noted that their successful performance is largely due to the passivity of the two smaller heir-parties (of the historical VMDK) and the probable protest-voters against the VMSZ that would have otherwise go one to them.

²¹ Source: webpage of the Serbian Committee of Elections (RIK)

http://www.rik.parlament.gov.rs/engleski/propisi_frames.htm, date of access: November 15, 2011.

secession. The right to self-determination should first and foremost be implemented by way of the protection of minority rights as foreseen in the Council of Europe Framework Convention for the Protection of National Minorities (ETS No. 157) and Assembly Resolution 1334 (2003) on positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe, as well as in other relevant instruments of international law.

8. The Assembly therefore:

- 8.1. reiterates its invitation to those member states which have not yet done so to sign, ratify and implement the Framework Convention and to respect the basic principles set out in Assembly Resolution 1334 (2003) as soon as possible;
- 8.2. will continue to analyse the origin and trends of self-determination movements by addressing the most salient factors, in particular instances of growing tensions among minority or ethnic groups, and to support national parliaments in addressing these demands for self-determination through dialogue and reconciliation, in order to prevent recourse to violence and secession;
- 8.3. invites all member states to refrain from recognising or supporting in any way the de facto authorities of territories resulting from unlawful secessions, in particular those supported by foreign military interventions;
- 8.4. notes that conflicts should be solved exclusively by peaceful means on the basis of international law;
- 8.5. proposes that the criteria for statehood, including those for the emergence of new states by legal secession, and the modalities of protection of national sovereignty and territorial integrity of states be examined thoroughly in the framework of a follow-up conference to the International Commission on Intervention and State Sovereignty.

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The First Attempt of the Slovak Republic for Regionalisation, or the Administrative Reform of 1996

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Abstract. The ‘velvet revolution’ of 1989 put an end to communism in Czechoslovakia, the regime dominated by the communist party collapsed within days. The ever worsening relationship between the Czech and the Slovak inhabitants of the country eventually led to the disintegration of the state itself; on January 1, 1993 the Czech and the Slovak Republics came into being.

The present paper is aimed at investigating the first administrative reform of the Slovak Republic, ratified on July 24, 1996 (act 221/1996), as well as the phenomena that had preceded it. During our research a special emphasis was laid on introducing the issue of how the Hungarian minority living in Slovakia was affected and discriminated by the reform.

Keywords: history of Slovakia, minority question, Hungarian minority in Slovakia, Mečiar as a prime minister.

1. Introduction

Communism in Czechoslovakia came to an end with the ‘velvet revolution’ of 1989 and the regime dominated by the communist party collapsed within days, a situation which meant that the changing of the political system could immediately take momentum. In the meantime the relationship between the Czech and the Slovak inhabitants of the country was worsening and this situation eventually led to the disintegration of the state itself; on January 1, 1993 the Czech and the Slovak

Republics came into being. Our research is aimed at investigating the first administrative reform of the Slovak Republic, ratified on July 24, 1996 (act 221/1996), inclusive of the phenomena that had preceded it. During our research a special emphasis was laid on introducing the issue of how the Hungarian minority living in Slovakia was affected and discriminated by the reform.

2. The Czechoslovak heritage 1968-1992

In the communist era state and local governments did not exist separately; the communist party exercised power through the institution of the National Front. It was also the National Front that nominated representatives who were then eligible for being elected and, following the formal elections they were the ones who eventually had to carry out the orders of the communist party.

From 1969 to 1990 three administrative levels existed in Slovakia (see Map 1). The top level was the area level, and there were four of that in the country. The middle level was the district level, and there were 38 of this. On bottom level there were the 2700 settlements. The communist party set up the so-called National Council in each area, each district and settlement and exercised power through them. The system of national councils ceased to exist in 1990 under the proposition of the Czech and Slovak National Councils. Under the new laws (act 369/1990 and act 472/1990) the administrative system of Slovakia was fully transformed (Petőcz 1998).

Map 1. Areas and districts in Slovakia 1968-1991



Source: Petőcz, 1998. p.112.

Act 369/1990 eliminated the national committees and separated state- and local-level administration. State administrative tasks were delegated to district level, while the individual settlements were legally administered by local governments. This is a dual model, in which state administrative tasks are

performed by districts, while the settlements acquire local administrative roles (Józsa 2004).

Act 472/1990 abolished the level of districts within state administration, while it left the 38 zones intact and within each of them 2-4 smaller administrative units were organised. As a result, a total of 121 administrative zones came into being. The administrative spheres of authority were divided among regional offices, preferably in such a way that citizens could do their official business as close to their place of residence as possible (Petőcz 1998). According to specialists, it was due to these two laws that the Slovak administrative system of the era approached Western European norms (Petőcz 1998).

At the same time the question of further reforms was also raised. A parliamentary committee, commissioned by Ján Čarnogurský, the Slovak prime minister from April 1991-June 1992, proposed continued administrative reforms in May 1992. According to that proposal, in the Slovak part of former Czechoslovakia 16 counties were to be established, and within them the establishment of 77 smaller districts was proposed. Historical traditions, geographical conditions and economic as well as social needs were to be taken into consideration when reorganising the country's administrative units. It was also decided that the administrative units were to have approximately the same number of inhabitants. In addition, the counties were to have been governed by elected local governments (Mezei 2004).

The committee's proposal was not put to debate, because prime minister Ján Čarnogurský, who emphasised the role of counties in his administrative policy, was soon to leave the political scene and he was followed by Vladimír Mečiar in June 1992 (Kováč 1996). During the second Mečiar government (the first Mečiar government ruled from June 1990 until April 1991) the issue of the formation of the county system was removed from the agenda. At the same time Mečiar contributed to the sharpening of the debates in relation to the afterlife of the Czechoslovak state, and as a result of his political views the conflict between Czechs and Slovaks became the centre of home politics. This conflict remained unsolved and this situation eventually resulted in the breaking up of the Czechoslovak state (Hamberger 1997, Gulyás 2005).

3. General characteristics of the Mečiar era (1992-1998)

The Slovak Republic, which became independent on January 1, 1993, was defined by the constitution of the country as a Slovak state despite the fact that a considerable number of minorities – about 15% – lived in the country. (See Table 1.) The period from 1993 to 1998 was defined by the increasingly dominant Slovak nationalism (Gulyás 2005). This political trend was most characteristically represented by the figure of Vladimír Mečiar, who, during the investigated period, functioned as the country's prime minister on two occasions. Considering the

dates, June 24, 1992 – March 11, 1994 was the period of the second Mečiar government, and then from March 15, 1994 to October 1, 1994 was the period of the government of Josef Moravčík, and eventually, October 1, 1994 – October 10, 1998 was the period of the third Mečiar government.

As it can be concluded from the above dates, the new government led by Jozef Moravčík proved to be short-lived, thus, except for a brief period of four and a half months, it was practically Vladimír Mečiar who was the country's prime minister for a six-year period from 1992 up to 1998. The most characteristic feature of that period was that Mečiar and his party – especially during his third term – in addition to political key positions, also dominated the media, and during this period the electronic media actually functioned as the mouthpiece of the government. Mečiar also tried to control the country's economy, especially privatisation processes (Kovač 1996; Lesko 1998). In these attempts the democratic rights were often abused and it was also the period of several unlawful acts. The most scandalous of these was that the secret service kidnapped the son of the president, that person's who functioned as counterbalance to Mečiar in political life (August 1995). In addition, the two investigators of the case were also removed from their jobs, and eventually a person related to the crown witness was murdered, too. The European Union and the United States attempted to warn Mečiar in a diplomatic way but neither of these attempts brought any result of significance. Due to these characteristics, the early Mečiar era can be evaluated as a negative period in the history of the young Slovak state. Slovakia's domestic politics and the country's economic development were very different from the political practices of the other three countries of the 'Visegrád Four' (V4). As a result, in 1999 Slovakia was not considered for NATO membership during the first round of NATO enlargement. The situation was the same with EU membership, since by 1998 Slovakia was excluded from the group of candidate countries, too (Boross 2000/a).

Table 1. Ethnic composition of Slovakia based on the 1991 census figures

Nationality/ethnicity	Number	%
Slovak	4,606,125	85.7%
Hungarian	578,408	10.8%
Czech	65,216	1.1%
Ruthenian-Ukrainian	38,979	0.7%
Romany	80,627	1.6%
Other	1,163	0.03
Total	5,289,608	100.00%

Source: Kovac, 1996. pp. 312-313.

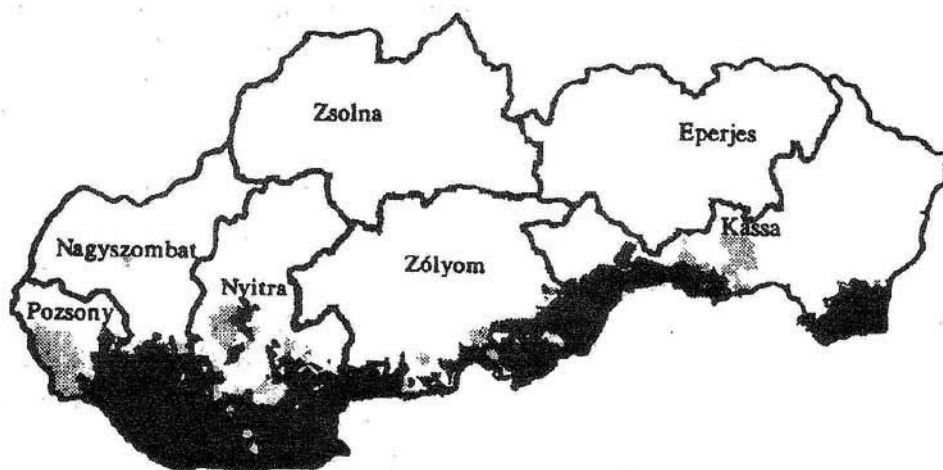
In the Mečiar era serious problems emerged in the relationship between the Slovak majority and the Hungarian minority living in Slovakia. The Mečiar governments radically cut the state funding of minority culture and many people, who considered themselves Hungarian, were dismissed from their jobs in the government sector, and renewed attacks were carried out by the government against minority education (Boros 2000/B). In addition, using the new legislation related to the use of Slovak as the only state language, the official use of Hungarian was made impossible in administration. Since this problem is very complicated, a paper of this length cannot fully explore the complexity of the language problem; instead, as it was stated in the title, those steps taken by the Mečiar government will be examined which had a disadvantageous impact on the Hungarian population.

4. The Mečiar governments and the administrative reform

4.1. The draft of 1993

Mečiar recognised those political opportunities which lay in the restructuring of the country's administrative system. He tried to change Slovakia's administrative system in order to be able to grant key positions to his own party. This attempt can very well be seen in the fact that he replaced act 472/1990 with 487/1992 (Petőcz 1998). While under act 472/1990, ratified by the Czechoslovak state, the administrative leader of any district had been elected by the mayors of the settlements of the given district, Mečiar's act of 487/1992 modified it and said that the administrative leader was appointed by the leader of the area in which the district is situated. Since the leaders of the individual areas were appointed by the government itself, by modifying the former law, the government acquired the right to appoint the regional administrators in all 121 administrative districts. It is also obvious that the second Mečiar government filled all these positions with its own people. Mečiar also intended to use the restructuring of the administrative system as a weapon against the Hungarian minority. At the end of 1993 the second Mečiar government prepared the concept of the division of the country into 7 administrative regions (See Map 2.)

Map 2. The proposal of the 2nd Mečiar government for Slovakia's regional division



Source: Petőcz, 1998 pp. 118.

Seven regions were proposed by Mečiar and there were Hungarian minorities in five of those. There was no Hungarian community of considerable size in the area of Žilina (Zsolna) and Prešov (Eperjes). The number and proportion of ethnic Hungarians is shown in Table 2.

Table 2. The number and proportion of ethnic Hungarians in the proposed regions of 1993

Name of the region	Total population number	Number of Hungarians	Proportion of Hungarians
Bratislava	588,059	30,083	5.12%
Trnava	810,538	157,919	19.48%
Nitra	893,448	196,149	21.95%
Zvolen	634,343	84,682	13.35%
Kosice	836,004	96,343	11.52%

Source: Petőcz, 1998. pp. 119.

In order to interpret the table it is important to consider that according to the language laws of 1990, as well as the 1994 law regulating the use of sign boards, 20% is the limit in any settlement for practicing minority rights. It means that in a given settlement if the number of ethnic population exceeds 20%, those who belong to the minority can use their own language in local administration and they can use bilingual sign boards within the limits of the settlement. From the table it is

evident that Mečiar's intention was to keep the number of ethnic Hungarians below 20% in the proposed regions, thus in four of those, except for the Nitra region, they would not have been able to exercise their rights (Petőcz, 1998).

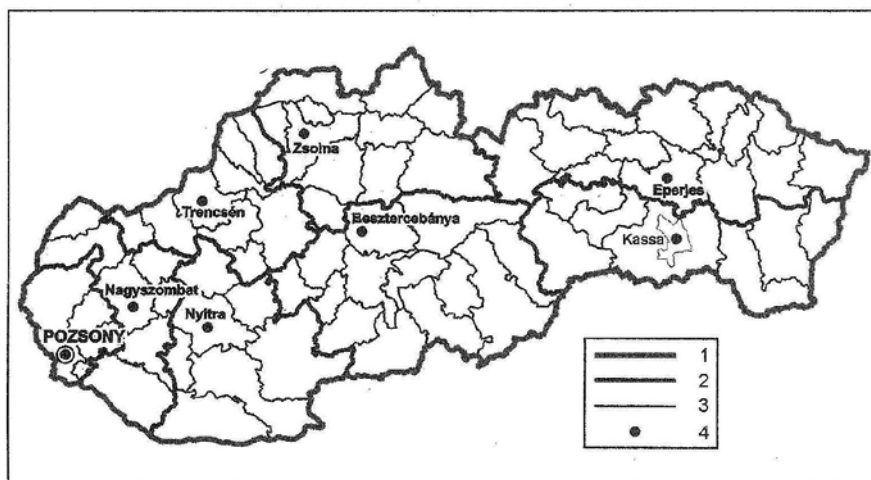
4.2. The administrative reform of 1996

Mečiar's third government, which came into office in October 1994 (Boros 2000/c) put the problem of administrative reform on the agenda again. This step caused the relationship between the government and the Hungarian minority to change from bad to worse. Two issues need to be considered in this respect. The first is that although the third Mečiar government signed an agreement of cordiality with Hungary in March 1995, a document called the Slovak-Hungarian Charter, they did not even make an attempt at keeping it; they treated the Hungarian minority with hostility (Boros 2000/d). The law on language rights of 1995 purposely discriminated against ethnic Hungarians. At the same time the Hungarian minority of Slovakia elaborated a different version of the administrative reform, which suited their interests better (Szarka 2001). There is no opportunity to describe the Hungarian version in details within the framework of this paper but the most significant characteristics of it will be given below.

According to the resolution of the general assembly of Komarno of January 6, 1994, a unified 'Hungarian' region was to be established in those areas of southern Slovakia in which Hungarians constitute the majority. The Party of the Hungarian Coalition developed the idea further and submitted the new version in the 1996 parliamentary debates of the administrative reform. At the same time the draft proposal of the Union of Towns was also being elaborated, a proposal aimed at creating 16 counties and 78 districts within them (Petőcz 1998). On the other hand the third Mečiar government also submitted a draft proposal according to which Slovakia was to be divided into 8 regions and 79 districts. In the parliamentary debates the faction of the government party turned down both proposals, those by the Hungarian Coalition Party and by the Union of Towns. The president – because of the special status of Bratislava – returned the proposal to the parliament for a new debate. Following a lengthy debate, the parliament eventually approved it with amendments on July 7, 1996.

Mečiar intended to strengthen his own political power by establishing the 8 administrative regions in such a way that he could 'reward' those regions in which his party had won (e.g. the Trenčín region) and 'punish' the ones (the Prešov and Banská Bystrica regions for example) where his party had lost.

Map 3. The regional division of Slovakia in 1996.



Jelmagyarázat: 1 – Országhatár; 2 – Kerületi határ; 3 – Járáshatár; 4 – Kerületi székhely.

Legend: 1. country border; 2. district border; 3. zone border; 4. district centre

Source: Horváth 2004, p. 428.

The next question to be examined was what changes the administrative reform held for the Hungarian minority. When drawing the region's borders, the Mečiar government abused the principle of ethnicity on several occasions. Two facts are of major significance in this respect. One is that the Csallóköz region, populated by Hungarians, was divided into two parts and it was shared between Trnava and Nitra regions. That is, the Slovak government deliberately fragmented those areas which were homogeneously inhabited by Hungarians. By doing so, the Slovak government abused a basic international principle, according to which governments should refrain from changing the ethnic proportion of inhabitants living in multiethnic areas. On the other hand in mixed-population regions it was the Slovak towns situated above the Hungarian language border which were designated as regional centers. For example in the Banská Bystrica region it was the town of Banská Bystrica in the north that acquired the leading role, as opposed to the Hungarian towns of Rimaszombat (Rimavská Sobota) or Losonc (Lučenec) in the south. In Trnava and Nitra regions the regional centers were also located in the far north, and it meant that the Hungarian inhabitants of the southern areas had to travel great distances to attend to their business in the offices of the regional centre.

If the administrative reform of 1996 is examined from the point of view of the individual districts – for details see the research by Kálmán Petőcz (Petőcz 1998) – the conclusion can be drawn that the intention was to put the Hungarian minority in

a disadvantageous position. Two facts are of special significance in this respect. One is that the area as well as the number of inhabitants is bigger in the southern districts, which are inhabited by Hungarians, than in the northern ones, populated by Slovaks. This means that when developmental funds are distributed by districts, the proportionately larger and more populous southern districts get less. The second important fact is that when designating towns to become district centers, the towns with Slovak majority became district centers in larger numbers than the Hungarian towns. Out of a total of 15 towns with Hungarians in majority, it was only two that did become district centers.

In conclusion it can be stated that the Mečiar administrative reform of 1996 meant a definite disadvantage for the Hungarian minority in Slovakia, both on regional and on district level.

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La cosmopolitisation comme épreuve, la transition comme espace urbaine décomposée

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Abstract. Hungarian political aspirations into the West – as a new model of the cosmopolitisation and Europeisation – we have [re]written their variations, over a period of system changing to the postmodern “legitimacy-vision” in the space. The question of how the “theatre ruling strategy” of the strange state-modernisation meets the practice of the actors might be a basic one. We will discuss the interpretations of some inter-cultural relations, we would say, the political spaces are bound to follow the norm in social integration; having even the program of building up demarcation force-lines, a kind of identity-building procedure, which serves equally both the maintenance of the right to the existing state-level regulations and the introduction of new ones. In this “scenic space” the director’s conception and the problem around which the pre-script evolves are both counting on such professional actors who, besides having the necessary routine in acting in front of an ever darkening background, are not only undertaking the narration of some well-known story, but they do love acting it out, as well. For this is a kind of cultural boundary-building narrative which, in the name of neighbourly ideology, might be undertaken by the mediary function between the “long awaited West” and the permanently present East. The “West awaited with open arms” attitude had once symbolised a behaviour which was ready to sacrifice the fake brotherly intimacy, but at the same time was asking for help and inclusion – while today, the “East awaited for with closed arms” is reflecting the changed condition of solidarity, and of exclusion games.

The weighing against the West and the accentuation of the traits separating “us” from the East serves as a means of forming a particular double identity or role-awareness which theoretically ensures the presence of both plus the confidence of the possible choice as well. In the sphere of social group boundaries, naturally, this (culture-dependent group definition in

different urban space) is surrounded by polit-ecologically important moments; and is determined by historically impacting demographic perspectives or migrational trends alike (in Hungary and Romania too). All these social and mass relations, geographical and historical dimensions in public policy and in public sentiment are not determined by the condition of being closed, but always by the cultural contacts and the changes of the given time.

We would only recall the fact that the core questions and the key phrases (such as stigmatisation, migrational mobility, local economy, familial and group-integration, exclusion and annexation, dichotomisation, political stability, legitimacy, social conflict and a long list of such terms) in the public political and non-political public (symbolic) speech have for some time served mainly as a means to delineate the way in which it is through the boundaries that the institutionalised and continuous organised existence of several social or ethnocultural groups becomes definable. Obviously, this demarcation zone has at the same time got a boundary-forming function, too, for it enhances the expansion of a new (internal) colonial space if needs be from the inside, or in case more is needed, then from the outside; and it is also shaping the boundaries, the form, the interactions, the choice of patterns, the conflicts and the compromises of this space formed out of the presence of various social groups. As history, the process of local urban events and the system of external effects-impositions are just as subject to factors of identitychange as the internal value systems; the structure of the complex (and even more so of the pluralist) social systems are formalising, operating and, as such, considerably preventing the formation of a more wholesome system of the movement of the cultural boundaries towards or further away from each other – and they do all this in a Romanian-Hungarian historical trend.

Keywords: cosmopolitanism, urban space, transnational transformation, human globalisation, cultural settings in cities, urban presentation of self, “common space” in recomposition, Budapest capital (Hungary).

La Hongrie, ce pays est-européen, se trouve au centre des transitions politico-économiques, entouré par des rapports Nord-Sud, Est-Ouest, ainsi qu'européennes. C'est pourquoi Budapest, la capitale historique de la Hongrie (les trois parties de la ville ont été unifiées à la fin du 19^{ème} siècle), est fortement pressée à réfléchir sur les défis conflictuels posés par la modernisation contemporaine. Ces réflexions sont actuellement en train d'éprouver toutes sortes des dimensions différentes de l'Autre. Cela est dû au fait que l'Autre est devenue dans notre univers des transactions la condition de la modernisation, de la transition politique de l'autorité d'un parti communiste unique au multipartisme, ainsi que du passage de la communauté des acteurs sociaux participants au changement du régime vers leur séparation ultérieure. L'Autre, c'est l'Occident pour la plupart des citoyens est-européennes, c'est-à-dire une vie qui est spectaculaire, lumineuse et plein de succès d'une manière autre. Les hongrois ont reconnu l'espoir du bien-être, de la dignité personnelle, de la différence qualitative du devenir citoyen et citoyen dans le contexte de la transformation du régime. La recomposition territoriale de la

Hongrie historique comme aspiration forcée pour tous les acteurs sociaux s'est indiscutablement l'épreuve de cet époque et notamment pour les citoyens de la „patrie” et de la capitale de cette „nouvelle” région orientale, en constituant du point central en la région périphérique du zone frontalier (Schengen).

Les sentiments collectifs des citadins ainsi que les coopérations interpersonnelles de la vie quotidienne se sont complètement transformées à partir des années quatre-vingt-dix – surtout en ce qui concerne les dimensions culturelles de la transition d'un parti-état national vers l'état national. De la „baraque la plus heureuse” jusqu'à la marginalisation de la population citadine sédentarisée et le combat intérieur envers les nouvelles entreprises multinationales, la transition a été la plus intensive au niveau des variantes culturelles, mais aussi la plus désespérante concernant les possibilités de prospérité économique et sociale, toute cela mobilisant la recherche des interactions, des accords, ce qui a conduit à l'érosion des rapports et des frontières entre les groupes sociales. Dans la pratique des recherches de sciences sociales, et surtout pour les anthropologues l'intérêt majeur est de mieux connaître ces micro-cultures urbaines, entités internes, peu ou non-visibles. Les transformations de groupements urbaines impliquent divers approches, de la recherche sur les situations-limites, en posant des questions au gouvernement multipartite, mais en même temps – à l'autre côté – aux élites de l'éthos économique-religieux et transnational. On pourrait soutenir que les interactions post-socialistes et précapitalistes ont en effet redéfini les notions conventionnelles de la localité, du commun, du privé et du public: elles ont fait de Budapest un espace de recompositions conflictuelles à l'époque du „changement de système”, dans le contexte des processus symboliques d'unification avec l'Europe.

Aux débuts de la transition politico-économique, l'interprétation et l'utilisation de l'espace collective/publique était devenu plus libre, par rapport au sentiment public d'isolement caractérisant l'époque socialiste. Dans la „période étatique”, c'est-à-dire pendant „la démocratie de type socialiste” la particularité des espaces, des lieux de la mémoire collective apparaissait comme fixée et dessinait tout un contexte d'équilibre quasi-utilitarist, nom-localisé – ce qui s'est transformé, relativisé, recomposé en mettant à mal le sentiment de sûreté dans la grande ville monumentale et multiculturelle. Notre époque transitoire est au contraire celle de la transition des existences sociales et de l'incertitude généralisée. Elle permet la reconnaissance de la temporalité relative des choses, des liaisons, des connexions interculturelles; elle rend sensible à l'absence de la dignité, à la complexité d'influences incertaines, sans désigner les perspectives et les horizons humains des processus qui la travaillent. C'est dans un dialogue avec un contexte de mobilité plutôt que de stabilité, de privatisation sans coopération que la figure du citoyen cosmopolite comme nouvel acteur des sociétés urbaines émerge. Et la situation est tout a fait parallèle en Roumanie aussi. Mais *les lieux de la reconnaissance* manquent encore: pour les institutions officielles des normes et les relations

civiques des citoyens ne se représente ni la dignité de la société civile ni les niches sociales des individus isolés ou des groupements socioculturels. L'attention et la réflexion des sciences sociales doit interroger, par les instruments de l'observation participante, l'expérience des différents groupes des villes contemporaines, en entrent dans l'espace invisible des discours cachés de la société active. Comme Alain Battagay l'a dit dans une présentation brève des travaux d'anthropologie urbaine: „l'un des intérêts majeurs de l'anthropologie urbaine comme discipline et comme discours implicite des sciences sociales, à ouvrir des fenêtres de compréhension vers les multi-appartenances des citoyens, la pluralité de leurs engagements et de leurs manières de vivre les villes contemporaines, faisant des individus des représentants des cultures auxquelles ils appartiendraient et qui se définiraient par des stocks de traits distinctifs et culturellement identifiés dans un contexte de héritières de l'anthropologie culturelle” (Battagay 2004b).

Le second point de vue porte sur les effets au niveau des logiques socialisatrices qui se façonnent en milieu urbain dû à la recomposition de l'espace politico-culturelle, en s'interrogeant plus particulièrement sur le rôle de l'espace et du rapport à l'espace dans la re-socialisation des individus et dans la nouvelle construction des identités sociales post-est-européennes. Quel rôle les espaces habités par les citoyens jouent-ils dans la structuration de leur vie sociale et de la diversité de leurs répertoires culturels de l'interaction, dans leur parcours biographique pendant notre époque de la transition? Comment les espaces urbains hérités interviennent-ils dans les manières d'être, de se transformer, d'agir, de penser et d'être ensemble des citoyens après l'époque de la pression exercée par le parti politique „communautaire”? Dans quelle mesure les modalités de reconfiguration et d'appropriation des espaces urbains, les pratiques de territorialisation et de régionalisation européenne, les mobilités urbaines et transnationales, ethniques et culturelles contribuent-elles à la façonnement des individus? Comment pourrions-nous redéfinir – au fil des changements résidentiels – les manières d'habiter des citoyens, et surtout des citoyens épuisés? Comment ces groupes sociaux socialisés d'une manière différente adaptent-ils les dispositions héritées aux situations d'interactions sociales dans lesquelles ils se trouvent à l'intérieur de leur quartier ou de leur ville? Dans quelle mesure les contextes résidentiels servent-ils de référence pour interpréter des transitions et gérer les situations nouvelles de la société civile? Pour qui et par qui ces contextes d'habitat peuvent-ils constituer des lieux de la reconnaissance de l'intérêt public, ou, au contraire, des lieux de commémoration des dimensions à la fois sociales ou socialistes, morales et collectives?

La question la plus délicate qui se pose ainsi, c'est celle de la reconnaissance des épreuves du vivre-ensemble dans cette société presque cosmopolite. Le défi de la cosmopolitisation est une nouveauté pour les acteurs de ces processus, ainsi que pour les chercheurs d'anthropologie urbaine dans les sociétés de consommation

(voir ces questions dans un contexte beaucoup plus large chez R. Brubaker, P. Niedermüller, U. Hannerz ou Z. Bauman etc.). La position de la Hongrie post-communiste et de la capitale n'est pas celle de „l'Occident de l'Orient", mais plutôt celle d'une bastion orientée vers l'Occident, une forteresse périphérique dans le processus d'unification avec l'Europe. Elle est en même temps la porte des mouvements inter-ethniques est-européens, des foules migratoires; Budapest est devenu une station où les routes inégalement légitimes des étrangers, des altérités, c'est-à-dire celles de la transformation des interactions post-socialistes et pré-capitalistes – qui redéfinissent les notions conventionnelles de la localité, du privé et du public – s'entrecroisent. Il s'agit d'une *nouvelle espace transitoire*, celle des *recompositions conflictuelles* dans l'époque de „changement du régime". L'interprétation et l'utilisation de l'espace est devenue plus libre au début de la transition politico-économique (1989–94), par rapport au sentiment public d'isolement caractérisant l'époque socialiste. Toutefois, le sentiment de constance des citoyens a été radicalement relativisé par les conflits subculturels entre les générations „anciennes" et „contemporaines". La capitale était une certaine notion symbolique de la stabilité historique, l'espace de jeux pour les divers types de foules de la société, pour les identités locales et subculturelles; mais les transformations mentales permettent la représentation des influences locales ou contre-culturelles des entités politico-culturelles de nos jours. Les tensions inter-ethniques et interculturelles créent des micro-cultures de la solidarité dans les milieux sociaux les plus différents, et structurent l'ordre de la dépendance sociale, la différenciation des itinéraires et des rapports sociaux, sur la base de niveau de formation, des univers professionnels, de l'habitat, des réseaux amicaux ou de parenté, des échanges familiaux, des intérêts spécifiques; ou d'autres tiers qui interviennent comme médiateurs, porte-paroles des partis, les activistes dans les secteurs public-privé etc. La transformation de ces rapports sociaux démontrent la légitimité de l'observation de la reconnaissance intersubjective et sociale qui est à l'oeuvre dans ces différentes dimensions. De même, un certain nombre de projets de recherche (voir les bases de données de Hannerz, Jacques Barou, ou de Julianna Bodó, avec les relevances est-européennes, traité par Barou 2004; Bodó 1993) se donnent pour objet l'étude des conditions de transition vers l'âge adulte des nouvelles démocraties, afin d'expliquer les rôles des acteurs de la vie publique, des organisations transnationales, ou des relations non-institutionnelles, des groupes voisins en interaction.

Notre époque actuelle se focalise surtout sur le présent, sur l'*instantanéité*. Elle nous témoigne de et nous permet de documenter tous les consécues de la transition, en faisant ainsi possible de reconnaître le caractère temporelle des choses, des liaisons et des connexions interculturelles; elle fait possible de constater l'absence de la dignité de la personnalité, ainsi que la totalité des effets de l'incertitude, de la manque de perspective du processus humaine de transformation.

Pour le nouvel acteur des sociétés urbaines, pour l'homme „cosmopolite”, la mobilité a pris la place de la stabilité, la privatisation celle de la coopération, et l'assujettissement universelle celle des milieux locaux fortement fermés.

Nous voudrions encore signaler modestement les contextes d'utilisation de la notion de *transition* et celle de *tendances transitoires*. Le contexte d'utilisation de la notion de transition est fortement surchargée en Europe de l'Est, par les différents contenus – premièrement nationales – véhiculés par les interprétations politiques (voir les cas des étapes encore en déroulement en Roumanie, en Ukraine, et dans presque toute l'espace balcanique). La transition, entendu comme une sorte *frontière sensible* entre les faits sociaux internes et externes, ou comme l'espace politique créé par la disparition du bloc de l'Est et par la transformation libérale de la plupart des économies de la planète, produit des zones ou des blocs de conflits, et génère des flux de migrations jamais prévu (voir les cas des roumaines en Espagne, en France et en Italie, ou celui des chinois en Hongrie, des polonais en Grande-Bretagne, les tamiles en Pays-Bas etc.), avec des millions de personnes déplacées, avec des bouleversements politiques, avec des milliers des populations étrangères non-communautaires. Ces transformations « brutales » se trouve à l'origine de la difficulté de définir nettement le contenu exact de la transition... – celle qui reste fluide, précaire, incertaine.

Les effets des processus de la transition vers l'intégration européenne n'ont pas été envisagés d'un point de vue politique ou institutionnel; et nous ne nous proposons pas non plus à faire l'inventaire des conséquences des diverses réglementations. Notre étude se propose avant tout à déterminer les directions spatiales dans lesquelles évoluent, au cours de l'adhésion, les coopérations territoriales, les relations existant entre la ville et ses environs, qui, historiquement, ont été formées sous forme d'inégalités (c'est-à-dire sous forme de dépendances hiérarchiques) en Hongrie et en Roumanie aussi.

On pourrait essayer de redéfinir la notion de la transition en dehors des débats politiques, mais dans un milieu purement académique. Au niveau le plus *général*, la transition représente la *complexité des changements* de chez nous, la totalité de la transformation politique, et tous les reformulations des phénomènes sociaux, y compris le tournant de l'Est vers l'Ouest. Ce type de changement dans les villes signifie la réhabilitation de l'espace politique publique, au sens d'un nouveau recommencement de la reconstruction des intérêts politiques. Il est moins claire, dans la société hongroise et roumaine, et pour la plupart des acteurs sociaux, que les liens invisibles qui rattachent, dans la ville, une organisation sociale à son environnement construit ainsi que naturel, ne se constituent pas simplement par les rassemblements par le partage des hommes ou des murailles, mais par l'agir sur la ville. La problématique qu'il faut savoir représenter et nommer est la suivante: comment se *représenter* la ville (qu'il s'agisse de Budapest ou d'Oradea, de Bucuresti or Ploiesti) dans sa complexité? Les cartes, les plans, la cartographie, la

modélisation, les études des représentations mentales forment un ensemble de recherches fondamentales cohérentes indispensables pour la compréhension de la ville, pour la construction des habitations et pour le tracement des places destinées au rassemblement libre et au débats, en toute légalité, des affaires des habitants ou du gouvernement. Selon les élites politiques, la ville est bien compréhensible par les *fonctions*, par les *modèles* de fonctionnement. Selon les habitants, ou selon quelques groupes de chercheurs, au contraire, il faut aujourd'hui retrouver les *liens invisibles* qui unissent l'organisation sociale ou socioculturels de la ville, parce qu'il est nécessaire de redonner à la ville contemporaine sa capacité à fabriquer des liens sociales, externes et internes, mentales et représentationnels. Ce débat urbano-politique est fortement utilitariste, en concentrant le discours sur la représentation des divers transmissions sociales, des migrations, des *réorientations* des mentalités socioculturelles.

En ce qui concerne les milieux familiaux et professionnels, les questions les plus délicates touchent les problématiques d'*instrumentalisation* systémique: les échanges, les générations, les itinéraires, les utilisations des symboles politico-mentales. Pour les habitants des villes c'était l'un des provocations les plus marquants: retrouver les relations familiales, reformuler les intérêts localement définissables, détecter les absents des relations visibles au croisement des certaines cultures urbaines et patrimoniales.

On pourrait mettre en évidence, concernant l'existence urbaine une forme de temps articulé par le *rythme culturel* et par la permanence des choses. Les périodes vécues par l'être social peuvent aussi se décomposer en éléments constitutifs: naissance, mariage, mort, floraison, mûrissement, disparition; les moments de la journée, les saisons, l'horaire journalier décomposé en travail-loisir-repos, les crescendo et les diminutions des sons et des lumières, c'est à dire les rythmes de la vie urbaine qui deviennent les « crampons » de la vie quotidienne. Tout ce stock d'usages du temps et de la culture, le choix de modèles et surtout la possibilité de changement ne sont pas donnés à tout le monde dans les différentes sphères sociales. Les foules des métropoles ne résistent plus à la tentation d'influer sur le temps, de le maîtriser, de le remplir, de le transformer. L'être humain a besoin de se protéger contre le temps, la *vitesse de la modernité* le rend ahuri, il perd sa propre historicité. Les Grandes Narrations (nationales, globales, historiques) sont accompagnées de petites histoires (locales, des groupes, privées, culturelles) et le chercheur avide de les connaître ne doit pas se contenter de découvrir les structures des significations, mais aussi les rythmes des rapports sociaux, des liens familiaux, des relations de groupe intimes et des structures de pouvoir. Un des composants élémentaires de ces rythmes est la coupure (l'état statique), et l'opposition du mouvement et de la coupure résulte dans un ordre interne observable en tant que style de vie, ce qui peut être en harmonie, ou au contraire, en conflit avec celui des autres. Le temps social organise le mode de vie et le rythme des corps des individus

et celui du corps social. Le changement de cette condition de vie (par exemple le changement de la proportion entre le temps de travail et le temps libre, entre le travail solitaire et collectif, le changement de l'intérêt et de l'implication, la direction « extérieure » devenue fréquente de l'économie du temps) a *changé l'espace-temps social* – ou au moins les manières de le traiter et de le vivre. Et pendant qu'une partie de l'expérience temporelle se perd à cause des effets régulateurs des tempos artificiels, les rythmes naturels équilibrés d'antan ne peuvent malheureusement pas se rétablir.

Même le rythme social est rendu historique, dialectique, commercialisé. Le passage entre la nature et le milieu est de plus en plus difficile, la « connaissance des jours de fête » est de moins en moins tolérée; il y a de moins en moins de chance pour créer un rythme de vie personnel ou pour s'adapter à un rythme commun. L'ordre ou le système des mouvements sociaux ou refoulement est de plus en plus mécanique, ou bien il devient de plus en plus artificiel (et politisé).

Ainsi, le temps dans la ville et les temps culturellement définissables nous intéressent en tant que *rites de passage*, en tant que narratives particulières de la temporalité de la société, que le chercheur doit apprendre à connaître, comprendre et interpréter. Éclaircir la symbiose entre le temps et l'homme, entre temporalité et expérience humaine, remarquer les équivoques cachées du processus d'action sociale, déchiffrer les significations abstraites et concrètes, sont des tâches gigantesques et étonnamment belles. Et si nos tâches prévisibles, réalisables n'étaient pas limitées par autre chose que du temps qui passe, il nous serait plus aisé d'appréhender les différentes notions de temps caractéristiques pour les villes, les communautés, les nations, objectifs que nous avons fixés comme cadre pour notre travail.

Les anciens quartiers populaire et bourgeois changent leur face à Budapest, les populations se transforment, les banlieux reconnaissent leurs rôles comme zones intermédiaires entre le centre ville et le périphérique des grandes magasins commerciales. C'est pourquoi les villages autour de la capitale ont été réinventés comme zones d'habitation pour les plus riches, pour les parcs d'habitation fermées, et pour les routes nationales étroites. En même temps la société éprouve les changements ou la transformation des anciens fonctions d'emploi: il y en a plus en plus de services sociaux, plus en plus de circulation routière, plus en plus de commerçants et d'agents commerciales, les relations entre les lieux de travail fixes et mobiles sont pris dans un mouvement infini, en contribuant à la création d'une nouvelle type de personnage: *l'homme nomade*, sans racines locales, sans liaisons familiales intimes, sans normes ou coutumes sociales, sans une identité topologiquement définissable. (Voir le livre de Jacques Attali, *L'Homme nomade*, ou les analyses de Zygmunt Bauman sur les divers types des marginaux).

Ces transformations socioculturelles, conséquences de la globalisation et de la métropolisation, se trouvent à l'origine des divers types de reconnaissance dans les

relations interculturelles, comme la reconnaissance de la diversité ethnique, ou celle de l'Autre culturellement déterminé, ainsi qu'à l'origine de l'absence des liens sociopolitiques et des connexions de solidarité.

La cosmopolitisation et l'homme dit „cosmopolite” était auparavant (avant la chute du mur de Berlin, avant le changement de régime) une valeur „typiquement capitaliste”, avec une connotation absolument négative, au sens péjoratif, presque juridiquement définissable. Mais la cosmopolitisation est devenue actuellement le but d'une grande ensemble des couches sociales, l'idéal de vivre ensemble socialement valable, la nouvelle notion de cohésion pour les plus meilleurs aspirations sociales. La réorganisation des normes et des coutumes, la tendance multiforme qui enchante l'époque de la transition, demeure ainsi, à travers ses acquisitions, pour tout dire, la priorité de la transition spectaculaire de la société hongroise et roumaine, en entrant dans un âge où la raison a véritablement commencé à constater la nécessité de la reconnaissance des possibilités limitées du progrès humain dans les villes.

Le symbolisme de la territorialité

Toutes ces questions sont liées au symbolisme de la territorialité pendant et après les années 1990. Le territoire ou l'espace, tout comme la politique, constitue une expérience quotidienne pour chacun de nous. Ils sont indiscutablement liés l'un à l'autre, ce qui nous permet de poser la question: comment la politique s'exprime-t-elle dans l'espace, et inversement, quelle est la place de celui-ci dans la politique?

La société est toujours et partout étroitement liée à l'espace. Par contre, *les modalités et les conditions d'utilisation de l'espace par la société* ne sont jamais les mêmes pour les cultures, les peuples, les États-nations et les producteurs de discours politiques. En plus de l'exploration des défis politiques et de l'articulation des discours singuliers, la compréhension des différences manifestes dans l'utilisation politique de l'espace offrira une piste pour la réflexion contemporaine en sciences sociales. Nos questions se précisent. Quelles sont les différentes étapes du symbolisme urbano-politique dans les territoires existantes en Hongrie (et/ou en Roumanie), pendant les années de la transition politico-culturelle, et surtout dans le milieu urbaine, sous l'égide de démocratisation locale/interne? Ensuite: quelle est la notion de démocratie qui est actuellement *reconstruite* par les territoires locales, politiquement favorisées ou défavorisées?

Etant donné que l'espace et la politique ne sont pas facilement définissables, et que les sciences de l'espace ou du territoire conçoivent l'espace en premier lieu comme un *phénomène géographique*, l'utilisation sociale de l'espace se présente le plus souvent comme un problème spécifique, subordonné à la problématique générale des sciences de l'espace et de l'administration. Mais la science politique, le régionalisme, la philosophie, la sociologie et l'anthropologie de nos jours ne

peuvent plus se contenter de cette approche – il est donc indispensable d'examiner la signification symbolique, la représentation collective des phénomènes liés à l'espace.

Nous considérons que le fait de vivre dans l'espace social n'est pas un objet pur de la sociologie. Il s'identifie plutôt à une *chaîne d'actions symboliques* qui se manifeste ou peut être appréhendée dans l'espace public. L'idée principale ou le sujet de notre exposé est que l'espace public est aménagée et réaménagée par les mécanismes cachés du pouvoir politique, et que l'utilisation de l'espace est, au niveau symbolique, au service d'intérêts politiques. Le pouvoir politique, à son tour, en occupant symboliquement l'espace, acquiert un capital symbolique dont l'utilisation ne dépendra désormais que de lui. La société n'aura plus aucune chance pour intervenir et faire valoir ses intérêts, et cela malgré toutes les institutions démocratiques existantes.

L'utilisation de l'espace par le pouvoir politique, tant au niveau de la pratique qu'au niveau de sa représentation spatiale, se sert, outre l'influence politique directe, d'un moyen d'intervention beaucoup plus solide et efficace, celui de la *domination symbolique*, utilisée en vue de l'appropriation des espaces publics et de manipuler l'expérience de l'espace sociale. Il arrive souvent que la distance par rapport au pouvoir, le caractère étrange de celui-ci apparaissent naturels pour la réflexion symbolique, et se hissent au rang de principe formateur de la vie réelle et ordonnée. C'est la continuité de la collectivité sociale qui se matérialise ainsi dans l'organisation spatiale de la « vie ordonnée ». Néanmoins, l'espace est le *lieu* où se réalisent les *relations* qui relient les actions au *discours* pluridimensionnel de la société. Celui-ci est morcelé dans l'espace et dans le temps. Les discours sociaux produits par les acteurs qui se disputent l'espace privé et l'espace public, servent de miroir à la culture, ainsi que de soutien à la cohésion sociale. L'espace sociale collectif matérialise les relations entre les individus et leur environnement. Ces relations ne sont pas des relations de possession, mais des relations symboliques (voir les exemples cités par Bourdieu 1976, 1981), qui ne s'identifient pas à des réflexions mécaniques ou à la représentation simplifiée de la réalité politique, étant donné qu'elles dépendent en grande partie de l'espace des valeurs, des attitudes de valorisation dominantes, et qu'elles sont à la merci de la formation du capital symbolique.

La réalité sociale et sa représentation sont également dépendantes de la lutte dont l'objet est la conquête du pouvoir exclusif, et qui se manifeste dans l'effort de rendre légitime une nouvelle définition de l'univers social, y compris ses conséquences, c'est-à-dire la formation et la disparition de certains groupes sociaux. L'enjeu de la lutte est donc le pouvoir d'être capable de faire accepter une nouvelle vision du monde social par la *division*. L'autorité, par ses déclarations, par son discours autoritaire et ses *limitations spatiales* tente de mettre au monde une nouvelle répartition qui correspondrait à ses intérêts, et impose volontairement la

formation d'unités territoriales qui ne correspondent à aucune frontière historique, culturelle, économique ou politique (Bourdieu 1985). Cette nouvelle division symbolique de l'univers social est réalisée par le moyen d'un *discours performatif* dans lequel la division symbolique de l'espace social, ainsi que la restructuration de l'unité sociale par cette division, ont toujours à leur disposition une panoplie d'instruments institutionnalisés. Il est particulièrement intéressant d'observer l'utilisation de ces instruments au niveau de la lutte symbolique dont l'enjeu est la reconnaissance sociale par la langue et par la parole distinctive (Bourdieu – Boltanski 1975).

La réalité politique s'identifie avec la « grande politique » menée au niveau des nations ou des États. Pourtant, la source primordiale des arguments et des droits qu'allègue le pouvoir politique dans l'objectif de conquérir l'espace est la légitimité imposée par la force et le « principe de majorité ». Tous les intérêts et toutes les intentions politiques ne « se matérialisent » pas dans l'espace, la *conquête* de l'espace est réalisée en ayant recours à des moyens symboliques (voir les exemples dans l'espace symbolique des « magyars » en Transylvanie, ou des aspirations politiques des hongroises en gagnant de nouvel espace territorial vis-à-vis les autres groupes nationales est-européennes). Par contre, le « contrat social » concernant la répartition de l'espace, passé entre l'État politique et la société politique, est loin d'être interprété de la même manière et contient des représentations spatiales divergentes. Le mode d'appropriation de l'espace est encore plus hétérogène. Les relations qui existent entre l'espace et la politique ne constituent pas un sujet trivial, bien que *l'interprétation de la territorialité* fasse partie de l'histoire de la culture politique. Cela veut dire que sa compréhension ne peut pas se passer de concepts qui aident à interpréter les représentations spatiales dans le contexte de la réflexion politique contemporaine.

Ici, à côté de la multiplicité des conceptions de l'espace, il faut parler aussi des sphères symboliques, étant donné que les *représentations sociales de l'espace* sont le plus souvent véhiculés à travers des *formes* et des *fonctions symboliques*. L'analyse des sphères symboliques pourrait comprendre les divers points de vue développés par de nombreux sociologues, étant donné que: tous les domaines de la vie politique sont symbolisés, les symboles sont susceptibles de s'autonomiser ou de prendre d'autres significations, et le *no man's land* entre le symbolique et le réel devient souvent la base de *l'identité socialement réalisable*. La représentation symbolique peut aussi tenir lieu d'acte ou de contenu politique réel, peut renforcer des identités et aider à repérer les frontières de l'existence individuelle ou sociale dans la sphère symbolique. Autant dire que la *notion d'espace* détermine pour la réflexion quotidienne une « vision sociale de l'espace », ou, en d'autres termes, une opinion sur l'environnement social, faisant partie de l'intégration, de l'appartenance/proximité sociale. En ce sens, le discours politique s'assimile à un « discours spatial », c'est-à-dire la communication s'effectue à l'aide de

métaphores plus ou moins voisines avec les notions d'espace appartenant au langage quotidien.

Nous n'avons pas l'intention de rappeler ici tout le vocabulaire quotidien des relations existant entre l'espace et la politique ou de la colonisation discrète de notre sociétés. Nous voudrions seulement dresser un inventaire : comment la politique parle-t-elle *de l'espace* ou plutôt *à travers* l'espace ? Le langage politique verse souvent dans le coercitif, en adoptant le registre de la contrainte et du droit, parfois celui du « racisme » ou de l'« ethnicité », se servant du langage des historiens. Mais il interpelle le citoyen de plus en plus fréquemment dans le langage « spatial ». Le sentiment d'asservissement et la politique de ressentiment sont, depuis des siècles, les caractéristiques de l'histoire politique nationale (et régionale). Or, un des éléments primordiaux de cette pratique politique reste le sentiment d'être *limité dans l'espace*, qui s'est toujours exprimé dans le discours public national et régional. La notion d'espace, à cause du fait qu'elle n'est pas définie et que le discours quotidien l'utilise d'une manière *polysémique*, devient facilement le vecteur de jugements de *valeur*, surtout quand la répression cesse ou en cas de l'adoucissement du climat politique. L'élargissement de la marge de manoeuvre sociale en cas de changement de régime politique permet la redéfinition du contenu de la notion d'espace. Pour ce qui concerne notre époque, on serait tenté de dire que le *processus du changement de régime* (voir l'horizon des interprétations Varga 2009, 2010a) qui, entre autres, amène la transformation des identités, s'assimile à une « histoire spatiale », celle de mouvements sociaux extraordinaires et d'appropriations spatiales. Pour la conscience quotidienne, et souvent pour la réflexion scientifique également, l'espace se réduit à ses deux dimensions *verticale* et *horizontale*. Pourtant, les sciences sociales considèrent que l'espace est défini par ses *frontières*, par son *voisinage*, et que la notion politique de l'espace s'oppose fermement au monde extérieur et hostile, cet « espace propre » qu'il convient de reconquérir. A notre sens, à l'*espace concret réel* est toujours « superposé » un *espace symbolique*; les institutions politiques, par exemple, ont toujours un halo de connotations historiques, et cette histoire de significations, cette hiérarchie ou la supériorité symbolique attribuée au pouvoir sont toujours interprétées dans une dimension spatiale. C'est donc autour de phénomènes sociaux réels et autour d'individus réels que s'organise l'espace symbolique. Le comportement de ces acteurs comprend souvent des *actes symboliques*, mais l'*espace* lui-même peut devenir un *système*, un ensemble formalisé, tel le *pouvoir* que les citoyens perçoivent comme une *unité spatiale particulière*. A certains moments, l'espace politique devient un *principe régulateur* et prend les couleurs d'une *réalité ordonnée*. Cet *ordonnement* identifié à la *performance* du pouvoir garantant l'ordre social, peut devenir aux yeux des gens, les circonstances aidant, la garantie évidente de la continuité sociale cavhée, invisibile.

L'espace ne signifie pas seulement un territoire naturel, une zone biologique ou un phénomène géographique. D'une part, c'est une formation sociale définie par des facteurs physico-géographiques et économico-sociaux (mais ce ne serait qu'un paysage « social »), d'autre part, il s'agit d'une *portion de réalité virtuelle* délimitée par des frontières et des exclusions, résultante (parfois imaginaire) de comportements humains, d'interactions culturelles et de processus d'intégration, perçue comme « La Nôtre ». Elle reçoit un nom si on en a l'expérience quotidienne et à condition qu'elle prenne racine dans la conscience ordinaire. Ce qui doit être souligné, c'est que les champs d'action sont des phénomènes qui constituent un *environnement virtuel* qui reste constant malgré les changements incessants dus aux interactions sociales. Ils sont chargés de motivations, d'intentions, de défis et de réactions, c'est-à-dire: la communication n'y cesse jamais, et forme un espace divisé en zones sociales et privées, institutionnelles et personnelles, y créant des tensions et le remplissant de contenus. Dans le modèle de Claus Offe, qui décrit nettement de typologie de la lutte pour le pouvoir, l'espace est tridimensionnel : il distingue entre le niveau de l'élite bureaucratique de l'État, le niveau des groupes anonymes et des acteurs collectifs, et finalement le niveau de la communication et de la culture politique (1976). Ces trois groupes utilisent des *définitions différentes de la réalité* en vue d'acquérir l'hégémonie culturelle. Du fait que ces luttes ne sont pas perceptibles par le commun des mortels et ne déclenchent qu'épisodiquement des actions politiques, ils permettent la formation d'opinions et de formes de communication autonomes, renforçant les possibilités d'actions collectives. C'est de cette façon que se crée l'*espace* de la *publicité* habermasienne face à la « chasse gardée ». A notre sens, on ne parviendra pas à une représentation générale de la politique que par la définition de l'*espace du pouvoir*, par l'analyse de la *répartition spatiale du pouvoir politique* et de l'articulation horizontale et verticale, déterminée à son tour par la dynamique des décisions.

La représentation que se fait l'anthropologie politique de l'*espace* est déterminée par l'analyse des *champs d'actions* et par les notions de *centre* et de *périphérie*, ainsi que par la théorie des « zones marginales ». Bourdieu affirme qu'il y a une relation fondamentale entre le mode de domination et la légitimité symbolique. Comme on le connaît bien, Michel Foucault dit que « la discipline crée un espace analytique » « en séparant spatialement les individus les uns des autres », et il identifie de cette manière le contrôle des actions, fonction juridico-politique qui attire le pouvoir invincible à l'« art de la répartition ». Il ajoute que le corps humain et le « corps politique », y compris leur environnement, peuvent être conçus comme autant de « petits États », étant donné que les espaces définis, outre qu'ils sont contrôlables afin d'empêcher les formes de communication dangereuses, doivent être des espaces utiles (Foucault 1990:41, 193-196, 283).

Les sciences sociales d'aujourd'hui estiment que l'expression *spatiale* de l'articulation politique de la société est inscrite *dans le champ politique*, dans les

institutions de celui-ci, c'est-à-dire qu'elle se retrouve au niveau du réseau médiateur constitué par les partis, les groupes, les normes, les valeurs et qui s'étend sur l'ensemble du pays. Les intérêts qui se réalisent par la voie de l'institutionnalisation représentent nombre d'influences politiques au niveau symbolique ou au niveau de la réalité – et se réduisent souvent à des éléments *porteurs d'une symbolique*, et sémantiquement analysables. Quand nous parlons ici d'*espace politique*, on peut penser d'abord à un *segment isolé de l'espace physique*, approprié et magnifié par la politique. Dans cette zone latente, la société tente bien évidemment d'« outrepasser » les limites spatiales politiquement légitimées, mais puisque l'espace politique lui-même n'est qu'une portion de l'*espace social*, toutes ces tentatives ne font pas leur apparition dans l'espace politique. Pour ce qui concerne le changement de régime en Hongrie et/ou en Roumanie, on a vu que l'État politique *s'exprime dans l'espace* : il s'agit d'un « *passage* », dit-on, passage du passé à l'avenir, passage du socialisme au capitalisme, du « rideau de fer » à l'air libre, des Balkans à l'Ouest ... pour se contenter des métaphores les plus usuelles. Les rites de ce passage montrent la voie de l'*espace général* vers les *espaces spécifiques* (ces sont les espaces signifiés par les actions rituelles, analysées par Réka Albert ou András Zempléni au colloque tenu à *Collegium Budapest*, mai 1997). Le passage est la forme dans laquelle se réalisent les changements de régime, d'identités politiques et la modification des structures, porteuse de mouvements intérieurs, dont la légitimité dépend souvent du geste approuvé de l'environnement *spatial* (extérieur). (Voir les exemples: notre place dans l'Union Européenne, notre acclimatation à l'intégration européenne, notre adhésion à l'OTAN etc.). Le changement spatial dépend bien sûr de conditions *intérieures* aussi, telles que le multipartisme (avec des partis qui n'en finissent pas de se scinder) ou la *division spatiale* du pouvoir avec comme conséquence la décentralisation territoriale des techniques de *domination* sur lesquelles nous ne m'étendrons pas cette fois.

Dans les années du changement de régime politique la sphère propre du pouvoir retrouve sa position déclarative, et en plus on a commencé la recentralisation de l'espace politique. Cette „repartition” de l'espace et le grossissement relatif de l'espace politique justement face à l'espace social – c'est l'un des événements et des tendances virtuelles les plus spectaculaires. Cette période de la transition politique était un nouvel „lotissement des territoires” politiques, pour deux composants: le premier est l'espace de la domination, et l'autre c'est l'espace des sujets du gouvernement formellement démocratique, mais réellement re-colonisable. En observant cette symbolisation ou cette „langue politique”, nous pourrions retrouver une stabilisation et une réorientation de l'espace national. On peut constater une modification de la direction de système de l'Est vers l'Ouest au début des années '90; on peut retrouver du changement dans l'espace international aussi lorsque l'Union Soviétique perde sa position dirigée et

quand le discours des superpouvoirs commencent à s'orienter vers une autre intégrité spatiale. Nous pourrions dire que la „nationalisation” d'une certaine unité territoriale et la reformulation des frontières quasiment entouchables par les voisins d'un État, donne la possibilité de restauration d'un nationalisme caché ou semi-publique, une occupation interne organisée par l'État-propre.

Une démarche politique pluraliste modifie les rôles, les usages des partis, ainsi que la distance d'entre eux. En Hongrie, par ex, les partis les plus forts, les gagnants sont ceux qui redéfinissent les intérêts collectifs, les diverses positions des politocrates, et finalement l'espace aussi, modifié par des orientations politiques pour les acteurs sociaux (1990–1994). On modifie la notion de la nation, et celle de la patrie aussi. Il est bien significative la fameuse déclaration de M. Le Premier Ministre József Antall, au moment quand il a gagné les premières élections démocratiques de Hongrie: „je souhaite devenir le premier ministre non seulement de la population actuelle de l'Hongrie, mais de 15 millions de Hongrois (magyars) qui vivent partout dans le monde”. Cette argumentation symbolique de la compétition du pouvoir illimité (sans frontières) est l'un des plusieurs exemples de la vie politique de la Hongrie postcommuniste en transition – „ce qui signifiait qu'il s'engageait à défendre la cause des Hongrois vivant en dehors du territoire national” » (notons : pas dernier rang en Transylvanie) » Par la suite, „l'opposition a régulièrement formulé des reproches au premier ministre au sujet de ces dires” – analysée par Guy Lázár et Ildikó Szabó (1997).

Il était évident que les mécanismes cachées et sophistiquées d'intégration européenne n'étaient pas les seuls à modifier les relations existant entre les villes et ses environs, ses espaces sociaux et culturelles, et qu'ils agissaient parallèlement avec d'autres grands processus de la transition intégrative. En ce qui concerne la délimitation de ces influences spatio-politiques, il nous semble que les conséquences sociologiques et spatio-sociales des différentes politiques symboliques, provoquées par la *désintégration du système sociale et locale* sous le fonctionnement d'administration territoriale, par la manipulation systémique durant le passage du socialisme de type est-européenne à la démocratie (quasi)libérale, par l'établissement de la société de marché et la mondialisation, avaient été déterminantes. Par conséquent position hypothétique de notre analyse était la suivante : l'intégration européenne et la mondialisation ont entraîné, sous l'égide du pouvoir légitime, des effets territoriaux et sociaux *contradictaires*. Les préparations pour l'adhésion avaient tendance à mobiliser plutôt la coopération, tandis que les influences sociopolitiques de la mondialisation encourageaient la discussion et faisaient *émerger des conflits spatiales*. Notre hypothèse centrale est qu'on peut constater partout en Hongrie et en Roumanie aussi une diminution du capital social, qui a été remplacé par la rigidité des formes administratives actuelles, une diminution qui serait à la source d'un *affaiblissement des liens social* (en fragmentant les coopérations sociales), qui, à son tour, entraînerait une baisse

de la performance démocratique de notre société. L'objectif concret de l'enquête était d'éclaircir, dans des divers régions hongroises – en montrant les différences entre les niveaux de développement socioéconomique – les facteurs sociologiques, les ensembles d'intérêts (partiales ou totales), et les conflits sociaux déterminés, d'une part, par les relations entre les restaurations des traditions ethnoculturelles, et d'autre part par des reformulations de l'espace sociale par la domination et par la cosmopolitisation comme épreuve. Selon notre vision, ces conflits pourront être atténués grâce aux effets positifs de l'intégration européenne, ou, dans le même contexte, par des relations de partenariat, par l'attribution de nouvelles fonctions bien réelles aux associations de communes, par la garantie de la représentation politique efficace des intérêts, par l'encouragement des coopérations multilatérales/intercommunales et des certaines fonctions existantes de *la cosmopolitisation spatiale* de façon bien meilleure qu'aujourd'hui. Finalement, il était bien évident qu'il faut redéfinir et/ou reinventer les rôles locales de la territorialité *contre* la globalisation politique. Le travail d'analyse montre assez clairement qu'en revanche, les mécanismes de la représentation et de la régulation politiques auraient moins de prise sur les nouveaux lieux et processus d'intégration sociale qu'on voit émerger. C'est ce déphasage qui est à la source de l'impression de *crise de la démocratie*, au sens d'une baisse de la performance sociale et mentale des institutions publiques.

Plusieurs différents éléments de cette problématique ont été déclinées ensuite dans des champs plus particuliers – minorités, la vie dit „civile” ou associative, la crise et le renouveau du politique, le développement économique, l'aménagement du territoire, la démocratie et les sociétés pluriculturelles; les transformations de groupements urbaines implique des approches divers et la participation dans des situations-limites, en posant des questions pour le gouvernement multipartidique, mais pose en même temps des questions, à l'autre côté, pour les élites de l'éthos socio-religieux et transnational – et dans une espace étatique définie. On peut soutenir que les interactions post-socialistes et précapitalistes ont en effet redéfini les notions conventionnelles de la localité, du commun, du privé et du public: elles ont fait de Budapest une espace des recompositions conflictuelles à l'époque du „changement de système”, dans le contexte des processus d'unification avec l'Europe – mais *sans la participation ou la soutenance des européens*.

La recherche sur les évolutions de l'accueil des idées européennes montre bien le second conséquence des réponses apportées aux exclusions et aux ruptures: située dans une ville ou différents espaces emblématiques, on pourrait mettre en lumière les mécanismes d'entrée dans cette phase visible de la rupture qu'est la perte de sa validité, des modalités et des difficultés de l'accueil européenne, et plus encore de la sortie de l'univers de l'exclusion, comme élément fondamentale d'un *dramaturgie étatique*. Ces conclusions de recherche analysent les capacités

de réponse face aux ruptures et à la désinsertion, développées par les acteurs de l'Etat, ceux des centres de défenseur exclusif des individus en situation de rupture, et le passage au secteur associatif accroît la désaffiliation par rapport aux collectivités. Cette étude explorait déjà les réponses apportées par la conscience public et par les collectivités aux défis de la montée de la précarité et de l'émergence de nouveaux publics pour et par la *colonisation interne de tous les espaces sociaux* libres/moins libres. Les exemples visibles de la Hongrie montre ou démontre bien l'analyse émique dans des contextes roumaines aussi.

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Informal Economic Behaviour and Interhousehold Exchange of Services in a Transylvanian Village¹

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Abstract. The present study gives an overview of the results of a research carried out in Magyarhermány as one of the projects in a 2010 field workshop. The aim of the research was to investigate the issue of Székely-Gypsy co-existence but the topic was not approached through an analysis of opinions and attitudes but by revealing the practices of informal economic and social solidarity. The results show that interhousehold exchange processes of labour, goods and services are still very intensive in the village and strengthen cohesion in the local society. The Gypsy population, however, does not participate in this system and does not enjoy its benefits. The range of economic contact between the two communities is quite limited and the traces of cooperation still existing are based on traditional activities only.

Keywords: local community, reciprocity, informal economic behaviour.

¹ The questionnaire survey that the present study is based on was administered by the authors in September 2010 at a field workshop in Magyarhermány (*Herculian*), Romania. The survey used the methods of an earlier American-Hungarian co-operative research (Brown–Kulcsár 2001) and it was an analysis involving various situations of economic behaviour and interhousehold exchange of services. The 158 families responding in Magyarhermány were all of 'Székely' (Szekler) origin.

1. Introduction

The co-existence and relationship of ethnic groups representing different cultures is an issue that has been addressed by many and in various ways. Researchers of anthropology, sociology and political studies have produced a good number of volumes on this topic. The central research questions have usually been the following: what difficulties or problems arise in co-operation due to cultural differences and what is the attitude of the population representing the dominant culture to assimilation, integration, or to the lack thereof. The theory of the 'melting pot', which was born in North-America in the 1700s, or the European theory of 'plural integration' originating in the 1910s both arose out of conflicts often present in the relationship of ethnic groups with different cultural backgrounds. The 'melting pot' theory refers to processes of assimilation and integration that, on the one hand, include the likely abandonment or loss of the original cultural identity; and, on the other hand, require pressurising behaviour and support of assimilation on the part of the majority society. This supportive attitude towards assimilation can appear in economic institutions and their practices; therefore, the study of informal economic networks can serve as a good starting point. The theory of plural integration envisages less the loss of identity than the threat of segregation. Both of these theories, however, are based on underlying strategies that do not seem to operate with regard to the Gypsy population in present-day societies of Eastern Europe. One of the reasons is that in spite of the historical presence of Gypsies in the region, their level of organisation and ability to lobby for themselves is minimal, except for a few local initiatives. The melting pot theory fails to describe the situation as well: the heterogeneous Gypsy culture, lifestyle and value system are putting up resistance, there are no significant efforts to assimilate and the majority society is not exercising pressure in that direction either but upholds processes of separation and exclusion instead. Thus, no adequate solution has been found to the problems manifest in the social and economic status of the Gypsy population so far. As a matter, a group of researchers (Bíró–Oláh 2002) involved with such social issues as the relationship between the Roma and the majority society give less attention to ethnical dimensions than to social aspects. In their view the ethnic definition basically serves the purpose of identifying a kind of economic and social exclusion. Others, however, make a somewhat contrary observation when they point to the fact that an asymmetric, patron-client relationship is maintained even if a Gypsy achieves better economic status (Szabó 2009). This statement is partly refined by Eparu's (2008) view about the Gábor group of Gypsies when, using the first category in the typology set up in Bíró–Oláh, he describes them as characterised by total separation.

The issue of the relationship between ethnic groups representing different cultures has been approached applying a variety of sociological methods; the Magyarhermány study used the concept of economic behaviour. In our understanding the relationship and co-existence of different cultures is adequately illustrated by the form and intensity of contact in everyday economic activities. In this respect we have been able to observe a significant change or transformation. The earlier patterns of economic integration have all disappeared as the activities traditionally providing jobs for Gypsies (such as agriculture) have gone through transformation or lost ground, and the lifestyle supporting production and services involving Gypsies has changed. Nowadays very little reference is made to tasks such as repairing or gathering and employment opportunities connected to agriculture or stock-breeding have also vanished. Some romantic efforts have been made to reanimate the so-called traditional Gypsy professions or activities through programmes financed by the European Union or launched by ruling governments but, with the exception of one or two projects, all these attempts failed and could not offer any solution (not even at a local level) to the economic difficulties of the Gypsy population (Anăstăsoaie–Tarnovschi 2001; Ladányi–Szelényi 2004).

In the face of these changes, examining Gypsy participation in a local economy should turn out to be very important. It is interesting to investigate whether new kinds of co-operation have been formed considering the fact that the economic base of old forms has disappeared or is disappearing. The Magyarhermány study attempted to map the relationship between different ethnic groups by using a relatively rare method, namely, the examination of informal economic behaviour and practices of interhousehold exchange of services. As we see it, the relationship and co-existence of different cultures can be described well by the platforms and intensity of contact between representatives of various cultures in everyday economic and non-economic activities and by the degree of reciprocity involved in such contacts.

The analysis of informal economic and social networks is an important aspect in the sociological study of local communities. These studies usually follow two approaches. The one that is probably known better (Plickert 2007) focuses on the concepts of *trust*, *cooperation* and *reciprocity* and describes the qualitative features of a community. The degree of solidarity deepens trust, and practices of economic or non-economic exchange of services indicate the relationship between different groups in the community. It is not a coincidence that the category of social capital is also closely linked to communal manifestations of cooperation and reciprocity in relevant literature.

The other approach is primarily *economic* and *social* in nature since it considers informal economic behaviour and interhousehold exchange of services as corrective factors in the community, that is, as efforts made to counterbalance poverty, deprivation and exclusion and alleviate the deficiencies in the social

welfare system. In their evaluation of several aspects of informal economy Williams and Windebank (2000) point out that social and economic elements often mix as well as support and strengthen each other. In economic contact situations compensation for the service or labour received is offered either 'in-kind' or in the form of goods (e.g. presents) or 'cash-in-hand'. Reciprocity is highly relevant – 'I do the shopping for you and you babysit for me', etc. Whatever the payment, there is a wide agreement among researchers that these activities or forms of behaviour do not function according to the principles of strictly understood economic utility but are dominated by social and welfare aspects. Informal economic and noneconomic behaviour is primarily organised within networks including relatives, friends or neighbours (Brown–Kulcsár 2001) and this is why the presence of a person with a different cultural background in this system bears high significance. The frequency of such a presence or the lack thereof indicates to what extent the relationship previously existing in economic contacts could be rebuilt under the transformed circumstances. Naturally, this relationship is not to be understood as economic partnership between equal parties but as asymmetric 'co-existence' (Bíró–Oláh 2002; Szabó 2009).

Geographical and socio-historical background

The description of the wider context is essential in the analysis of any aspect of local social relations. The demographic indicators of both towns and villages in Székely Land are quite unfavourable and reflect a special situation: whereas birth rate is declining among Hungarians and Romanians, the tendency is just the opposite in the case of the Gypsy population.

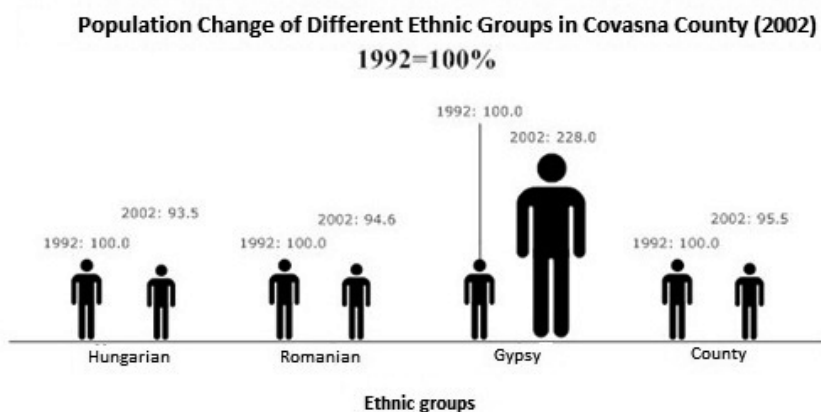


Figure 1.

Source: Horváth 2003, edited by the authors.

The results of the 1992 census show that the total number of population in the three counties of Székely Land is 1 191 644, out of which the number of Hungarians is 723 257, that of Romanians is 468 387 and that of Gypsies is 41 266 (Horváth 2003: 123). Concerning the present study the most relevant figures are the ones pertaining to Covasna County: in 2002 out of the total population of 222 274 (1992: 232 600) in Covasna County 164 055 were Hungarians (1992: 175 502), 51 664 were Romanians (1992: 54 586) and 6022 were Gypsies (1992: 2641), (Horváth 2003). As the data indicate, the natural decline in population is the strongest among Hungarians, which is a national tendency, although, as Tamás Kiss (2004) points out, Covasna County is a region where the birth rate of Hungarians is one of the highest. At the same time Valér Veres (2004) stresses the importance of taking emigration into consideration in order to grasp the exact nature of population decline. As far as religious distribution (in the 1992 census) is concerned, about half of the Hungarians identified themselves as Reformed (78 929; total number 79 802) and the other half as Catholics (81 345; total number 85 648); Unitarians were almost exclusively all Hungarians (10 701), while the majority of the Orthodox were Romanians (50 467, out of which 48 884 Romanians), (Horváth 2003).

Unofficial estimates report that there are more than 2 million Gypsies living in Romania (Horváth 2003; Ladányi–Szelényi 2004; Barany 2003). The Roma population is not characterised by weakening childbearing intentions: on average, they have four children per family (Horváth 2003). Based on the results of the 1992 and the 2002 censuses, the average decline in birth rate in Romania is 19,1%. Tamás Kiss (2004), however, calls attention to the fact that the only ethnic group in which this tendency is not to be observed are Gypsies; in their case birth rate actually increased by 111,7%. Experience shows that many Roma identify themselves as Hungarians or Romanians in the censuses; or an alternative option is that census officers make arbitrary decisions. It is Szilágyi (2004), who directs attention to the fact that a linguistic community does not always totally overlap with a corresponding ethnic community although the two correlate in the case of Hungarians and Romanians. As we have seen, the size of the Roma population was reported to be 2641 in the 2002 census. This result was found to be distorted by Sepsiszkéi (1998), who gave the number 22 000 as the number of the population with 71% speaking Hungarian and 29% Romanian as their mother tongue. Obtaining exact figures is impeded by the fact that even municipalities have approximated data. This also implies that Gypsy-Hungarian relations can only be studied on the local level (Bíró–Oláh 2002).

Concerning employment, current processes in Romania run counter to the tendencies observed in Western Europe in the sense that the number of people working in the agricultural sector has been growing since the end of the Communist-Socialist era. This has been true of Székely Land as well in spite of the fact that its natural resources, terrain features (gradient above 10%) and soil structure are less favourable than the national average.² The municipality centre of Magyarhermány is Nagybacon (Băţanii Mari), which is famous for breeding cattle, processing milk and making ewe's curd and has a tile plant that provides seasonal employment. The northern part of the region is covered by valuable

² Some of the unemployed were recorded in the category of agricultural workers in order to decrease unemployment rates.

deciduous forests (oak and birch). Geographical diversity and cultural sites in the area offer opportunities for touristic utilisation.

Actors in interethnic relations

The Székely population

One of the actors in interethnic relations is the Székely population. This ethnic group and the frameworks of its organisation are presented briefly from an aspect that is relevant to the topic. The origin of the Székelys has not yet been fully and convincingly cleared. Their groups, vested with guarding duties, first appeared in Transylvania around Nagyvárad (*Oradea*) in the 11th century and in Southern Transylvania in the 12th century. They settled in the territory of present-day Székely Land in the 13th century on royal order to guard the frontier. After signing the Union of Kápolna (*Căpâlna*), their special legal status was no longer a question of debate and this forged the seven Székely seats into a unified nation³ (Horváth 2003). In the Middle Ages and in modern times the history of this ethnic group was dominated by fights for their shrinking scope of privileges. Their rights to tax exemption and self-governance, granted as a compensation for voluntary military service, were also curtailed. The village communities of the Székelys were characterised by their yeoman members and were heterogeneous in composition. The ‘possessorata’ (priors or county noblemen) wanted to exert their influence over the ‘communitas’ (village community: *primipilus*, *pixidarius*) that also included the lowest strata of the society, that is, villeins and cottagers. The village was a closed community and formal admittance into this community was regarded as a ceremony. István Imreh (1973) points out the proprietary aspects of the situation since members owning a residential plot inside the village also participated in undivided communal property. Unfavourable environmental conditions strengthened the need for solidarity in the *communitas*. This solidarity has survived to our present days in the form of ‘working bees’ (voluntary gathering of people to accomplish a major task) and in the wide range of economic and social co-operation.

A significant proportion of the Székely population was occupied in agriculture. Besides farming, stock-breeding and forestry also played a dominant role. Urbanisation and industrialisation in Székely Land only started during the last decades of the 19th century due to railway construction and the increasingly active presence of government and civil actors. The tariff war fought with Romania, however, caused the smaller industries of the Székelys to erode more and more, which process was completed by the forced and unnatural propagation of factory

³ Seats were the traditional territorial self-governing units of the Székely: Csík-Gyergyó-Kászon, Udvarhely, Maros, Torda-Aranyos, Sepsi, Kézdi, Orbai; in the 16th century the last three merged to form Háromszék (Three Seats).

production in the Socialist era. Agriculture was restructured from the 1950s onwards through collectivisation. The new era following the political transition of 1989 called forth a democratic structural change and was the time of self-supporting and survival strategies. Agriculture during this stage was described by some (among others Mária Vince 1994) as diffuse and lacking efficiency from a national economic perspective. Romania followed the policy of re-privatising lands and returning them to their original owners (or their heirs) based on the status quo in 1945/1962.⁴ The statute No. 1/2000 created favourable conditions for the re-establishment of joint tenancy which used to be the traditional form of ownership among the Székelys.

The Roma population

The Gypsies settled in Transylvania and in the two Romanian principalities during the 14th and 15th centuries. There was, nevertheless, a significant distinction: whereas in the Hungarian territories their status was that of royal serfs, in the principalities they lived in slavery. In Hungary the Gypsy population was one of the groups that were granted ethnic autonomy. According to Viorel Achim (2001) this difference in social status resulted in the permanent, centuries-long infiltration of Gypsies into Transylvania. They exploited the opportunities for horizontal mobility which remained intact despite their inferior status; at the same time chances for vertical mobility did not arise until their liberation in the 19th century.⁵ As for measures regarding the Gypsy population, Ferenc Pozsony (2009) considers them to be consistent both under the princes of Transylvania and the Habsburg rulers in Vienna from the point of view that the concentration of larger groups of Gypsies around settlements was forbidden. Romania has had the largest Roma population in Europe since the times following World War I. In the Socialist era there were unsuccessful attempts to lift them out of their peripheral status using the concept of full employment. Higher social status and assimilation could be achieved through party membership. After the political transition the Roma population, which had already been heterogeneous, experienced not only polarisation but also deep ruptures between micro-social groups (Oláh 2002). Their conflict-ridden relationship to the majority society became apparent in anti-Roma pogroms.⁶

Based on the results of the 1992 census, the religious distribution in Covasna County reflects the general tendency for the Roma to follow the religion of the dominant group. Accordingly, the majority of them were Roman Catholics (1235),

⁴ Act 18/1991, Act 169/1997

⁵ The case of Ștefan Răzvan, Prince of Moldavia, who was of Gypsy origin, can be treated as 'sui generis'.

⁶ Bucharest, Hadrév (*Hădăreni*), Dânpataka (*Vălenii Lăpușului*).

Reformed (551) or Orthodox (440). As reported in Horváth (2003), the next denominational group with several hundred members, however, were the Pentecostals (280), which indicates an interesting tendency and proves the success of the small Pentecostal church in evangelising primarily Romanian-speaking Orthodox Roma especially in Árapatak (*Araci*), Előpatak (*Vâlcele*), Székelyszáldobos (*Doboşeni*) and Magyarhermány. According to Ferenc Pozsony (1998), the Romanian authorities were not the least disturbed by these processes, on the contrary, they encouraged them even prior to the political transition because, being Romanian-speaking, Pentecostal congregations reinforced acculturation. József Gagy (2002) and László Fosztó (1998) claim that the ethical expectations held in Neoprotestant churches (prohibitions on the consumption of alcohol, tobacco and drugs, arguments and dancing) laid the foundations of a new system of Roma conventions and customs.

In Ladányi-Szelényi (2004) Romania is described as a country with neo-patrimonial systems, meaning that the relationship between the employer and the employee can be interpreted with reference to patron-client relations. Spatially the village Roma usually live on the outskirts in marginalised contexts; if, however, they gain majority in a community, they take the central positions in the village. In Covasna County the majority of Romanian-speaking Roma do not live in the predominantly Romanian Bodza Region but in areas that are primarily Hungarian-speaking (Magyarhermány, Székelyszáldobos, Zágon [*Zagon*]). Today they are still pursuing some of their traditional craftsmanship such as basket weaving, broom making and trough making.

Magyarhermány, an interethnic micro-world

Magyarhermány lies at the upper reaches of the River Barót and at the foot of the Harghita Mountains at an elevation of 581 metres. In earlier times it belonged to the filial seat of Bardóc (Brăduţ). It was first mentioned in official documents in 1566 in a deed of gift by John Sigismund. Imre Boér (2005) claims, however, that the community had been established a long time before, since its German name (Hermansdorf) appears in documents as early as 1401. In 1550 its originally Roman Catholic inhabitants converted to the Reformed religion. According to László Vofkori (1998), the village was mainly inhabited by free Székelys. His claim is supported by the reports: in 1764 the Reformed congregation had 443 members and at the same year 58 persons were sworn in to perform border guarding duties; and in 1819 the community counted 810 members, out of which 365 men belonged to the military order and 48 were serfs (Máthé 2004: 62). In the 20th century Magyarhermány was part of the Kingdom of Romania until it was briefly annexed back to Hungary as an effect of the Second Vienna Award. Due to

its geographical features, the village escaped the wave of aggressive collectivisation of the 1950s after having gone through several years of harassment.

The village is a remote community with a no-through road and lies far from the main road crossing the region of Erdővidék but it has satisfactory coach connections to both Barót (Baraolt) and Sepsiszentgyörgy (Sfântu Gheorghe). An overview of the ethnic, linguistic and religious composition of the community is given in Tables 1 and 2. Contrary to national and countywide tendencies, the number of inhabitants has not declined significantly but this can be attributed to the high birth rate in Roma families whereas the Hungarian population struggles with demographical problems. There are no Romanians living in the village only Romanian speaking Roma. Oral tradition has it that the first Roma settled there in the 1880s when the magistrate, Sándor Zsigmond, called in a dogcatcher from Vargyas (Vârghiș) (Boér 2005). As opposed to the other communities belonging to Nagybacon centre, the original Gypsy inhabitants of Magyarhermány were a Romanian-speaking Orthodox group of 'Beas', who joined other denominations mainly in the '90s (Sepsiszéki Nagy 1998). There is also a small Hungarian-speaking Gypsy minority who belong to the Reformed Church but pay no church contribution.

Table 1. Denominational Distribution in Magyarhermány

Year	Total	Orthodox	Roman Catholic	Reformed	Other total*	Pentecostal
1850	867	18	1	848	-	-
1857	1013	22	56	926	9	-
1869	1198	56	56	1083	3	-
1880	1113	29	46	1036	2	-
1900	1183	56	22	1101	4	-
1910	1185	48	19	1106	12	-
1930	1159	66	33	1042	18	-
1941	1222	6	35	1169	12	-
1992	1047	14	19	800	5	209
2002	1169	[.]	29	777	[.]	358
2010	1173	3	31	776	11	352

Source: Árpád Varga E. <http://www.kia.hu/konyvtar/erdely/erd2002.htm>, 19.03.2011 – *the present version was edited by the authors.*

Note: In the column 'Other total' the asterisk (*) marks all denominations bearing no relevance to the study because of their low percentage: Synodal-Presbyterian, Evangelical-Lutheran, Greek Catholic, Israelite, Unitarian, minor Neoprotestant churches.

The 2002 settlement-specific data submitted by the Statistical Office in Bucharest do not contain entities under 5 people for reasons of data protection. These figures could mostly be deduced by comparing municipality totals and community-specific items; in the remaining cases the missing values are marked by [.]

The figures of 2010 indicated in this table are based on the information received from the Mayor's Office in Nagybacon.

Table 2. Ethnic (Language / Ethnicity) Distribution in Magyarhermány

Year	Total	Romanian	Hungarian	German	Gypsy
1850e	867	18	847	-	2
1900l	1183	33	1149	1	-
1910l	1185	2	1183	-	-
1920l	1012	39	973	-	-
1930e	1159	8	1095	-	56
1941e	1222	-	1149	1	72
1966e	1214	12	1084	-	118
1977e	1071	103	910	-	58
1992e	1047	70	877	-	100
2002e	1169	5	756	1	407
2010e	1173	3	759	-	411

Source: Árpád Varga E. <http://www.kia.hu/konyvtar/erdely/erd2002.htm>, March 19, 2011 – *the present version was edited by the authors.*

The table is a revised and updated electronic version of the relevant part of the volume “*Erdély etnikai és felekezeti statisztikája. I. Kovászna, Hargita és Maros megye. Népszámlálási adatok 1850–1992 között*” [Statistics on Ethnicity and Religion I. Covasna, Harghita and Maros Counties. Census Data from 1850 to 1992] published by Pro-Print in Csíkszereda (1998). Last modified on November 2, 2008.

Note: No data. (In the census in question no enquiries were made as to the ethnicity with the missing data or the data were not reported).

Abbreviations following dates: l = language, e = ethnicity.

The 2002 settlement-specific data submitted by the Statistical Office in Bucharest do not contain entities under 4 and 5 people (0-4 for mother tongue; 1-5 for ethnicity) for reasons of data protection. These figures could mostly be deduced by comparing municipality totals and community-specific items; in the remaining cases the missing values are marked by [.]. When using these deduced data for further purposes the possibility of miscalculation or typos should be taken into consideration.

The figures of 2010 indicated in this table are based on the information received from the Mayor's Office in Nagybacon.

The spatial structure of Magyarhermány is such that the Roma population lives on the outskirts of the village in the so-called ‘Ponk’ (Gypsy colony), which is separated from the Elizabeth Hill by a ditch functioning as a symbolic barrier. As János Máthé (2008) describes, the co-existence of Székelys and Roma was characterised by an asymmetric patron-client relationship even in the Socialist era in spite of the fact that the Roma participated in local governing bodies (an example being György Lingurar⁷ in 1963).

The village primary school bears the name of the self-educated local historian, János Máthé and has eight grades. Education is bilingual: Hungarian classes are

⁷ “Nomen est omen”: in the 19th century Mihail Kogălniceanu set up a typology of royal slaves and listed the group of ‘lingurarii’ (spoon-makers or woodworkers) who belonged to the ‘rudari’ tribe. An alternative designation for the same group was ‘kalányos’ (Albert 1998).

mainly visited by children of Székely families, whereas Romanian classes are composed of Roma pupils. In the 1990s, 104 pupils out of a total of 174 attended the Romanian classes and at the beginning of the new millennium this imbalance intensified even further (Sepsiszéki Nagy 1998). In the nursery school the Hungarian group had 34 children and the Romanian 43 according to the March 13, 2003 issue of the newspaper 'Háromszék' (Frigyes Udvardy).

Because of the hilly landscape surrounding Magyarhermány, industrial farming is impossible and the small patches of land are cultivated using partly animal power. Local ownership relations are adequately illustrated by János Máthé's example (2008): Máthé was blacklisted as 'kulák' (earlier landowners and therefore class enemies in Communism) in the 1950s and owned 4,69 acres of ploughland and 13,10 acres of meadows. Climate conditions are favourable for growing oat, barley, maize and potato profitably. The farmers, however, are forced to leave more and more areas uncultivated, which makes it difficult to protect the land against damage caused by wild animals. The majority of area surrounding the village was declared a wild reserve in the Socialism.

The main source of income is cattle-breeding and forest farming. Handicraft is pursued as a supplementary activity: according to Iván Balassa (1989) one of the typical products in Magyarhermány was the joined chest but pottery, stonemasonry and cooperage also used to be significant. These have all disappeared, and the nine sawmills taking their place are thought to threaten the future prospects of the forest (Boér 2005). The Roma population earns its livelihood by gathering forest fruits (e.g. cranberries) and selling traditional handicraft products. The area of the community is rich in acidulous mineral water,⁸ but this natural resource has not yet been commercially utilised.

Interethnic relations and informal economy

In a community or smaller region the relations between different groups of the population can be described well by analysing the extent, and also nature, of the various kinds of co-operation, mutual service and economic transaction. These activities mainly occur in the framework of so-called informal economy and they are distinctly local in nature. In relevant literature, increasing interest in informal economic action is primarily linked to a deterioration of economic conditions and research is directed at disadvantaged regions and social groups (Lyson & Falk 1993; Jensen 1995; Nelson 1999; Tickamyer–Wood 1998; Czakó et al 2010; Williams–Windebank 2000). In reality, a wide range of informal economic practices have been deeply rooted in village communities all over the world

⁸ The four springs are called 'Alszegi', 'Szénakerti', 'Szikra', 'Ágostonhídi'. According to József Hermány Dienes they are also reflected in the name of the village, which originates in the word 'érmány' meaning rill or spring (Vofkori 1998).

similarly to interhousehold exchange of services, which is an expression of solidarity and a cohesive power in local societies (Sík 1988; Brown–Kulcsár 2001; Szabó 2009). In this well-established system the Transylvanian Gypsies used to have their own place and their own functions. The process of modernisation, however, has made it more difficult, or in many cases impossible, to maintain the ‘old order’; former rules and traditions have lost their power to regulate.

In the present study we only examined those elements of the Székely-Gypsy interethnic relations that are connected to economic transactions and primarily noneconomic services. Distinguishing between the two has proven to be difficult in many instances especially since they tend to have strong social dimensions, that is, the considerations taking a role in the activities are not only strictly economic in nature. Each community constructs its system of reciprocal services and establishes economic relationships primarily within the borders of the community but eventually also across these borders. The Székely-Gypsy interethnic relations were analysed with regard to the activities listed in Table 3.

The data indicate that relationships regarding all the activities above are quite common in Magyarhermány, which also shows the scale of integration in the local society. Reciprocity, in its turn, apparently serves the function of strengthening local social networks and community cohesion (Plickert et al. 2007; Szabó 2009; Caliendo et al. 2011). Some activities are more suitable for practicing reciprocity than others. The degree of reciprocity, however, is not only dependent on the nature of the activity but also the conditions given in social structure and the structure of the given community.

Table 3. Frequency of participating in economic and noneconomic co-operation and exchange of services in Magyarhermány (%)

Activities	Given	Received
Tasks in the garden, backyard or the fields	67	83
Trading self-manufactured goods	60	70
Trading handicrafts	13	76
Personal services	53	66
Trading gathered produce	15	66
Repair, maintenance	35	70

Source: own research.

It is apparent from the table that the degree of reciprocity is especially high in the categories of exchange of personal services and barter transactions and within these categories exchange of labour and exchange of self-manufactured goods have the most prominent values.

Table 4. Nature of compensation and reciprocity in Magyarhermány (%)

Activities	Degree of reciprocity if compensation is (%)		
	Money	Product	Service
Tasks in the garden, backyard or the fields	22	54	65
Trading self-manufactured goods	10	50	60
Trading handicrafts	5	6	12
Personal services	9	8	55
Trading gathered produce	4	0	24
Repair, maintenance	5	19	37

Source: own research.

In these categories exchange does not necessarily involve the same product or service on both sides and it is even possible to exchange goods for services. There is no standard interpretation of the concept of reciprocity in literature either (Falk–Fischbacher 2006). In the present study mutual exchange involving the same people was not a condition for reciprocity because such an approach would have resulted in a rigid and unrealistic methodology. Since the basic units in our study were households, reciprocity was interpreted on the higher level of households as well. As implied above, some other studies work with even wider, sometimes community-level interpretations.

After this overview of the main features characterising informal economic and noneconomic exchange of services in Magyarhermány, let us turn to examining the role and place of the Gypsy population in this social network. The results will provide some insight into the nature and extent of Gypsy participation in the system or, in other words, they will enable us to discover to what extent participation in informal economy has interethnic qualities in the community.

Table 5. Gypsies in the system of informal economic and noneconomic exchange (%)

Activities	Proportion of Gypsies		Exchange reciprocity percentage
	Given to Gypsies	Received from Gypsies	
Tasks in the garden, backyard or the fields	9	19	65
Self-manufactured goods	16	8	60
Personal services	8	7	55
Repair, maintenance	6	2	37
Gathering	4	67	24
Handicrafts	1	30	12

Source: own research.

The figures above imply that there is some contact between the Székely culture and the Gypsy culture but the contact area is quite narrow and depends primarily on the acceptance and utilisation of traditional Gypsy trades and services by the Székelys. As mentioned before, traces of these traditional means of livelihood can be found but they are not strong and competitive enough to significantly influence interethnic relations in a positive way; on the contrary, they tend to exert a negative influence. The Gypsy population has still not been admitted into the 'inner circles' of the society; on the contrary, they are moving further to the periphery, which is well illustrated by our finding that the ethnic group in question does not participate in personal services and networks of noneconomic exchange. Economic relationships with Gypsies still follow the line of traditional activities (handicraft, gathering, in some instances contributing to agricultural work) and communal solidarity is not extended to them. At the same time, traditional economic relations (services and labour) have been losing ground and the tendency is expected to continue, therefore, it seems likely that segregation will intensify. Even though the question of Gypsy solidarity was outside the scope of our study, we presume that the Gypsy population has also established a parallel system among themselves and that this system is a function of their relationship to the population representing the majority culture.

Social distance between Székelys and Gypsies in Magyarhermány

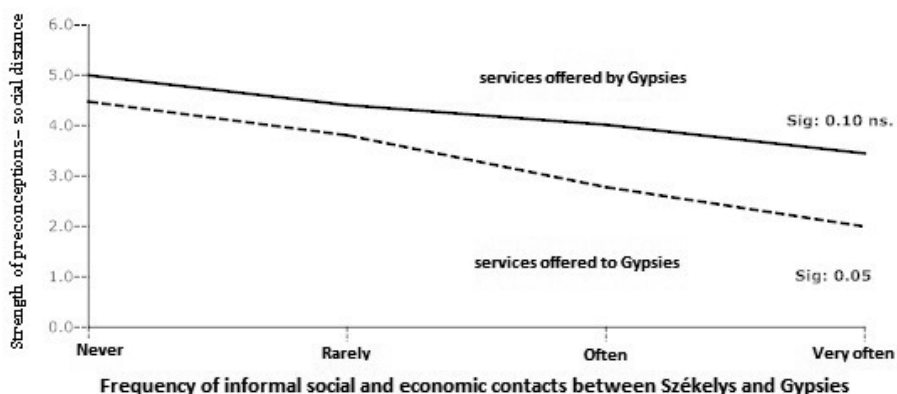
We have attempted to analyse interethnic relations between Székelys and Gypsies by describing informal economic and social networks. Although these networks turned out to be very strong, we found that Gypsies generally do not participate in them and do not benefit from reciprocity either. It was not clear, however, whether the ditch physically separating the two cultures in the village is also paralleled by a mental 'firewall' in Székely consciousness and whether it can be connected to the existing economic and social networks. In order to answer this question, we investigated the relations between the quality of Székely-Gypsy relationships and prejudices concerning the Gypsy population. Our hypothesis was that these prejudices are too strong to be disrupted by economic and social contact.

We measured prejudices against Gypsies using the Bogardus scale of social distance (Bogardus 1926; Karakayali 2009; Babbie 1995), which was only slightly modified to adapt to local conditions⁹. The average score of Székelys on this

⁹ The items of the social distance scale consisted of the opinions given to the following: (1) What would you say if the majority of the population in this village were Gypsies; (2) What would you say if the majority of the children at the school were Gypsies; (3) What would you say if a Gypsy family moved next door; (4) What would you say if your child or grandchild was made to sit next to a Gypsy child at school; (5) What would you say if your child or grandchild had Gypsy friends; (6) What would you say if your child or grandchild invited Gypsy guests to your home; (7) What would you say if your child or grandchild wanted to marry a Gypsy.

seven-degree scale was 4,17, which indicates quite a high degree of rejection and simultaneously large social distance. The highest degree of rejection characterised 29.7% of the inhabitants in Magyarhermány, whereas total acceptance of Gypsies was found in 15% of the cases. Deviation was also relatively high (2.64 points), which indicates that there is no unified opinion regarding this issue in Magyarhermány. The next figure shows whether contact with Gypsies and frequency of contact has an effect on social distance; in other words, it answers the question whether co-operation in informal economy has any influence on prejudices.

Figure 2. Prejudices against Roma and informal economic and social relationships in Magyarhermány



Source: own research.

The results show that informal labour and service exchange does have an influence on the formation of prejudices against Gypsies. It is not clear, however, whether contact reduces prejudices or contact is more intense among those who are less prejudiced anyway. Nevertheless, it is apparent that the shortening of social distance between Székelys and Gypsies is stronger if the relationship is directed towards Gypsies. In opposite cases, that is, in cases of Gypsies offering services to Székelys, deepening of contact does not entail a significant reduction of prejudices.

Conclusion

The present study gives an overview of the results of a research carried out in Magyarhermány as one of the projects in a 2010 field workshop. The aim of the research was to investigate the issue of Székely-Gypsy co-existence but the topic was not approached through an analysis of opinions and attitudes but by revealing

the practices of informal economic and social solidarity. The results show that interhousehold exchange processes of labour, goods and services are still very intensive in the village and strengthen cohesion in the local society. The Gypsy population, however, does not participate in this system and does not enjoy its benefits. The range of economic contact between the two communities is quite limited and the traces of cooperation still existing are based on traditional activities only. The Székelys and the Gypsies co-habiting the space of informal economic and social networks exert some influence on prejudices; however, these contacts are not capable of significantly reducing the traditional social distance between the two ethnic groups. The unfavourable consequences of the present situation might become more intense as the number of the Gypsy population is increasing.

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EGTC Setup on Hungary's External Border in the Hungarian-Romanian-Serbian Triple-border Area

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Abstract. Hungary is among the leading countries when it comes to European Grouping of Territorial Cooperation (EGTC). Ten of them are based in Hungary and two has Hungarian partners (CoR, 2012). The southern border areas of Hungary presently comprise the external borders of the EU. Those that are regarded as external borders are the Hungarian-Serbian, Hungarian-Ukrainian border lines. Although Hungary has a good reputation of EGTCs in the evaluation of the EU along the internal borders, the country cannot achieve the ambitious goals set at European level for the external borders.

The purpose of the present paper is to give an overview of the development of organic region on the external border, namely in the Hungarian-Romanian-Serbian border area. What are the obstacles hindering collaborations, why the regional and local governments on the external border of the Union cannot achieve their aspirations?

The paper focuses on the collection of practical information in connection with the elaboration and registration of the analyzed Banat-Triplex-Confinium EGTC. The basic empirical material consists of official public documents and theme interviews conducted with the key actors of the EGTC. Beyond that, this paper devotes particular attention to the political dimension of elaboration and registration.

Keywords: European Grouping of Territorial Cooperation (EGTC), Hungarian-Romanian-Serbian border area, Banat-Triplex-Confinium EGTC.

1. Introduction

Hungary is among the leading countries when it comes to European Grouping of Territorial Cooperation (EGTC). Ten of them are based in Hungary and two has

Hungarian partners (CoR, 2012). The southern border areas of Hungary presently comprise the external borders of the EU. Those that are regarded as external borders are the Hungarian-Serbian, Hungarian-Ukrainian border lines. Although Hungary has a good reputation of EGTCs in the evaluation of the EU along the internal borders, the country cannot achieve the ambitious goals set at European level for the external borders.

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2. Development of cross-border cooperation in the triple-border area

Borders are the ‘scars of History’ (AEBR, 2004). In the Carpathian basin the borders of the states are the aftermath of the peace system put into shape after the Second World War. The borders were rather the symbol of the sovereignty of the states during the last centuries and their dividing role prevailed over the connective one.

The borders cut the historically, geographically, socially, politically homogenous organic space, preventing interactions between the two sides of the border, thus presenting problems for national minorities and for their families living on either sides of the borders. As for the number of ethnic Hungarian minority, this is 290,207 (2011) in Serbia (Vojvodina), while in Romania (Transylvania) it is 1,238,000 (2012).

The significance of borders transformed, and the role of cross-border regions changed during the last two decades. The cross-border networks in Hungary's southern border area draw up lines of the historical organic region. The cohesion of the border region is stably integrated by regional consciousness and inter-institutional system. While the Hungarian national minority groups belong to their nation state spontaneously as citizens, they belong to their kin-state in another way, through their secondary identity. The nation states often see cross-border cooperation as a potential threat to their integrity when it deals with ethnic homogeneity rather than with diversity (Palermo, F. 2009).

Because of the differing structure of national identities the cultural borders of nations do not overlap the political borders of a state (Bakk, M. 2008). But the EU

makes a new conception of the nation state in every state. In the focus of the new conception is the European citizenship which retains the legal and political framework but draws attention to the sources of the cultural and psychological considerations of national consciousness, dissolving the difference between the two paradigms of political nation and cultural nation (Örkény & Székelyi & Csepeli & Poór & Várhalmi 2007).

The removal of borderlines and the reinforcement of their bridge role can induce considerable development in the border area. Attention is currently centred on cross-border cooperation, which can allow regions earlier belonging together to reunite, to create areas of natural attraction, to integrate border regions in a peripheral situation, and to strengthen development and cooperation relations in areas inhabited by national minority (Hungarian) populations in varying ways and to varying extents. For this reason in Hungary the border cooperation appears as a necessary policy in order to most efficiently exploit the wide spectrum of development opportunities on both sides of the border. The external borders, due to the Schengen acquis, are evidently in a disadvantageous situation. The strategy towards Hungarian population can play a key role in the elaboration of the strategic purposes of cooperation across external borders.

The character of cross-border cooperation differs depending on whether the cooperation concerns areas along internal or external borders. The first steps towards organised cooperation started on Hungary's external border in the triple-border area as early as the 1990s. Initially it was done spontaneously, with bottom-up cooperation systems evolving without any formality. From the occasional cooperation systems, cooperation systems with great cultural traditions and with town-twinning relations have the largest importance and can become more serious and establish long-lasting cooperation, while institutionalised forms aim at the Euroregional status.

The most complete cooperating structures are found along the Hungarian-Romanian-Serbian borders, where intensive relations have evolved at all local levels, fostered by common traditions and the large number of ethnic and national majority residing in areas that earlier belonged together. The EU association process of the Autonomous Province of Vojvodina could fill the cooperation with content, and could reinforce and make it effective.

The main Euroregional organisation of the Hungarian-Romanian-Serbian triple-borderline area is the *Danube-Kris-Mures-Tisa (DKMT) Euroregion*, founded in November 1997, consisting of three Hungarian and four Romanian counties, and the autonomous Vojvodina province of Serbia. The process of institutionalisation was preceded by bilateral cooperative agreements. The cooperation went through a structural reform in 2003, and a Coordination Committee, which is a body of three caring for the efficiency of the preparations of the decision and the functioning of DKMT, became part of the organisational

system. Furthermore, a working association with a legal entity, the DKMT Euroregion Development Agency P.C. came into being, as an instrument of the preparation and management of common development tasks. The essence of the structure is to separate the economic partnership with legal character from the political organisation of the regional cooperation. Due to the reforms, the Euroregion took on a new two-part structure: one part is an open consultative political forum, while the other is an operative working association with a registered legal-economic status. The public benefit organisation is a private company, founded by the common-rule organisations that established the Euroregion in 1997; therefore, in the members' assembly, the founders assert their rights and make their decisions on the development plans that the working association deems suitable to execute (Soós & Fejes 2008).

Attention is currently centred on European Grouping of Territorial Cooperation (EGTC). The new tool for cooperation across the borders was approved by the EU in 2006 (EGTC Regulation 1082/2006).

The EGTC instrument was proposed to overcome the obstacles hindering territorial cooperation in the EU and beyond the EU member states' borders. The EGTCs make it possible to reunite regions earlier belonging together, create areas of natural attraction, integrate border regions in a peripheral situation, and strengthen development and cooperation relations in areas inhabited by Hungarian populations in varying ways and to varying extents.

The establishment of an EGTC requires institutions from at least two EU Member States that are members of the cooperation system. Hungary was the first to pass its national act (Act XCIX., 2007) necessary for the establishment of EGTC. Romania was among the first countries that adopted the national legislation addressing EGTC (Romanian Government Ordinance, 127/2007).

The members of a European Grouping of Territorial Cooperation (EGTC) can be member states, regional and local authorities, as well as certain public legal institutions. If it is necessary under community or international private law to choose rights which govern an EGTC's acts, an EGTC shall be treated as an entity of the Member State where it has its registered office (Article 2 (1)). The function of the EGTC is determined by its constitution, and shall be governed by a convention concluded by its members in accordance with Article 4. The organisation of an EGTC is the following: general assembly with members' representatives and a director, representative of the association. It should be noted that the constitution could regulate other bodies with a clearly predefined competence (Article 10). The EGTC has in each Member State legal personality, under that Member State's national law it may acquire property and employ staff. The EGTC must compile an annual budget that, most importantly, contains the running costs and, if necessary, the operating costs and the association's debts of any kind, which is to be approved by the general assembly (Article 11-12). In

accordance with this act an EGTC seated in Hungary, as a legal entity has limited responsibility. A potential Hungarian EGTC member can only cooperate with a member that operates on a non-profit basis.

In particular, practical difficulties arise in the application of the EGTCs in the external border areas, where the cross-border cooperation strategy is very different from that in the internal ones. A decisive role has been given to the European integration in the border area. The cooperation makes an indirect contribution to the mediation of European values (rule of law, market economy, respect of human and minority rights). The EU-supported operative programmes in the triple border region along the external border contribute to the cross-border parts of IPA (Instrument for Pre-accession). But in the cross-border area the local and regional actors' fundraising ability is restrained without support of the central authorities. (Although there are some exceptions, since local governmental and economic actors – enterprises – can have their own resources.) Their activities in many cases go further beyond the implementation of cooperation programmes in the framework of Hungary's relations to Hungarian ethnic minorities living over the border area. Therefore the increasing or decreasing significance of the dividing border line of a state in many cases depends on the intentions of state authorities. Cross-border relations are strongly influenced by the relationship between the neighbouring countries.

3. EGTC establishment on the ground. The failure of the trilateral initiative in the Hungarian-Romanian-Serbian triple-border region

The Hungarian-Romanian-Serbian triple-border region can be considered a gradually dynamic region on the edge of the Great Hungarian Plain. Its main centre is Szeged with Mórahalom, a nearby small town, which is active in the renewal of ties with Vojvodina. The formation of the Banat – Triplex Confinium European Grouping of Territorial Cooperation Limited (BTC EGTC) started at the meeting of 50 mayors from the triple-border region which decided in Mórahalom (Hungary) on 17 June 2009 to establish a Mórahalom-based European Grouping of Territorial Cooperation.

Referring to the EGTC Regulation (EGTC Regulation 1082/2006 Art. 3), the creation of an EGTC is the competence of the cooperating parties, and the matter is to be decided by the municipalities. The participative members have to make decision about the intention to join the grouping of territorial cooperation. Since local governments are decision-making bodies of political authority decisions about cooperation with the local governments of other countries, these are to be made with a qualified majority within the governing body. On 10 December 2009, upon the initiative of participative members the Convention (Convention, BTC EGTC, 2009) and the Statute of BTC EGTC was approved.

The establishment of the EGTC is connected with the process of approval by national authorities – the criteria for approval or rejection by national authorities are specified and the time for examination is limited to three months. The EGTC members must first obtain authorisations from all the states concerned. In Hungary the Approval Authority, the Ministry of Public Administration and Justice approved the grouping in 2010.

In Romania the Approval Authority is the Ministry of Regional Development and Tourism (MRDT), which issued the approval of a Romanian entity to the association at the establishment of an EGTC to be located in Mórahalom (Hungary).

Concerning the third part of the prospective EGTC, in 2009 the councils of Vojvodinian municipalities made a decision to join the BTC EGTC. They notified the Serbian government about their intention to participate in the grouping but the petition of local authorities was refused first by the Ministry of State Administration and Local Government in September 2009, then by the Ministry of Human and Minority Rights, State Administration and Local Government in May 2011. In the explanation of the Ministry the main reason of refusal was that Serbian legal system cannot allow the municipalities to participate in such type of grouping. In the official response the Ministry argues that the Republic of Serbia has no bilateral agreement with the EU Member States and there is no applicable national law on EGTC allowing the participation of the Vojvodinian municipalities.

Taking into consideration the government resolution, the Vojvodinian municipalities decided not to slow down the establishment process. Ad interim, until the elimination of legal difficulties, while the Serbian government approves their full member status in the EGTC, they will take the position of an observer. From Serbia eight municipalities from Bačka and Banat joined the EGTC as observers. The Cooperation Agreement between the BTC EGTC and the eight Vojvodinian municipalities was signed in Mórahalom on 10 December 2009 (Cooperation Agreement, BTC EGTC, 2009).

The full EU member states of the EGTC obtained the approval of their own states, and the Banat-Triplex-Confinium EGTC was registered in Budapest on 5 January 2011 with the affirmation of the Budapest Metropolitan Court.

The aim of the cooperation on the triple-border is to underpin the economic and social cohesion with territorial cooperation. By the Convention, the cooperation between Hungary and Romania shall act for the purpose of implementing territorial cooperation programmes or projects co-financed by the European Union, notably under the structural funds through ERDF, ESF and the Cohesion Fund. The main task of EGTC is to dynamise border areas which were marginalised in the last few decades. So particularly important is the elaboration of a joint market in the BTC EGTC area, and labour development strategy in the fields of agricultural innovation, the exploitation of renewable energy sources, the infrastructure, the enterprise

restructuring, the education and training, and achievements of particular applications of EU funds (Convention, BTC EGTC, 2009).

Signing agreements with other municipalities beyond the borders is to be the competence of local and regional municipalities. Even though the cross-border cooperation for Serbian municipalities is formally guaranteed by the constitutional and legislative frameworks, without the political endorsement of the establishment of the Banat-Triplex Confinium EGTC and other prospective EGTCs by the central governmental authorities the legal background remains a required but insufficient term.

Cross-border cooperation among local communities of neighbouring countries is a real indicator of stability of relations and normalisation of relations between the two countries (Jelinčić & Durovič 2009). The failure of the full membership of the Vojvodinian municipalities raises a question of political nature. In order to overcome the obstacles hindering cross-border cooperation there is a demand to have an international agreement between the two states, further bilateral agreement between the EU member state Hungary and non-EU Serbia. The lack of bilateral agreements between the two countries restricts the cooperation initiatives and development in the Hungarian-Serbian border area.

Among the few advantages of the observer status for the Vojvodinian municipalities are that they do not have to search for partners for IPA projects any more since they can find partners among the EGTC partners to different IPA programs. Besides, there is also hope among partners that the future cross-border cooperation programmes may facilitate the establishment of good and close relations with the Serbian government and herewith build good neighbourly relations.

4. Conclusions

The prospective EGTC, the Banat-Triplex Confinium EGTC in the Hungarian-Romanian-Serbian triple-border region is still lacking the 'top-down' support of the neighbouring central governments. After having helped EGTC make its first step, the establishment, the central government prevents them from growing into a strong and mature structure.

How to remove obstacles from the establishment of an EGTC with Serbian full members? The primary concept was the setting up of the triple-border cooperation in the framework of an EGTC, but the dismissal of Serbian central authorities significantly changed the nature of the cooperation.

The actual creation and operation of cooperation systems largely depends on the legal system and political attitude of the neighbouring countries.

1. The authorities of the central governments are still convinced that each type of international relations is the monopoly of the bodies of the central government,

and no cross-border cooperation on the part of local or regional authorities should be allowed. The Serbian government acknowledges the significance of cooperation but try to keep them under state control, favouring the initiatives generated by the central state authorities.

Consequently, the building-up and institutionalisation of cooperation systems are largely influenced by bilateral agreements signed by central governments. That is why it is very important to adopt bilateral and multilateral agreements with neighbouring countries, to ensure the protection of persons belonging to the national minorities concerned.

2. As far as their legal status is regarded, the EGTCs in which Hungarian municipalities participate have cross-border legal entity therefore they can sign regional agreements with international public legal content. Due to the different laws and degrees of centralisation in Hungary's neighbouring states it is necessary to provide the participants with the legal background of cooperation systems, the scope of competences, and the right to sign contracts.

It belongs to the democratic principles of integration to acknowledge that municipalities have political power and have the right to participate in the international activities of the State at any time. Local authorities shall be entitled to cooperate with their counterparts in other States in the manner defined by the relevant national legislation, where their interests are concerned.

At European level there is a comprehensive regulation on cross-border cooperation systems that makes an attempt to create a comprehensive regulation, namely the Madrid Outline Convention (Madrid Outline Convention, 1980), passed by the Council of Europe in 1980.

So the Serbian Parliament has to approve the Madrid Outline Convention and the Government has to secure conditions for application of the European Charter of Local Self-Government (1985), particularly the right of local governments to unite at international level. 'Local authorities shall be entitled, under such conditions as may be provided for by the law, to cooperate with their counterparts in other States' (European Charter of Local Self-Government, Art. 10. (3), 1985).

The Convention increases the role of local governments and territorial authorities in creating relations across borders. Therefore it is necessary to draft regulations compatible to the Madrid Convention that guarantee political power to communities and local governments and provide suitable financial resources to create cross-border cooperation systems. Hungary signed the Convention on 6 April 1992, and it was announced together with Act XXV of 1997; Romania signed it on 27 February 1996. From Hungary's neighbouring countries on the external borders Serbia, where local governments are still undeveloped, has not signed that, and the absence of European norms can aggravate the situation. This fact can seriously reduce the chances of cross-border cooperation systems. Usually there is

a chance to sign bilateral agreements at local level in countries where the lower levels have a large degree of autonomy.

On the other hand, the Madrid Convention authorises regional and local bodies to sign international treaties only under the supervision of the national level authorities. Consequently, here the state preserves its right of veto as the exclusive possessor of competence on foreign affairs.

However, the EU does facilitate the participation of local and regional authorities from third countries in the European groupings of territorial cooperation. The EGTC Regulation does not explicitly exclude the possibility of the involvement of entities from a third country, or the participation of their regional and local bodies in an EGTC formed in accordance with this regulation (EGTC Regulation 1082/2006 Preamble (169)). In the examined case the implementation difficulties made the participation for the Vojvodinian municipalities from Serbia impossible. Its main reason stems from a perception of incompatibility of the differing statuses of the neighbouring states. The EGTC Regulation cannot be applied directly in non-EU Member States. On 1 March 2012 the European Council agreed to grant Serbia the status of candidate country. Reassuring for the BTC EGTC and the future EGTCs on the Hungarian-Serbian border that the Council's progressive resolution may eventuate the adoption and implementation of the *acquis communautaire*, among others the 1082/2006/EC Regulation, in the internal legal system as early as during the accession negotiations (COM (2011) 668).

Third countries, such as Serbia, can be involved in an EGTC-like cooperation system initiated by two EU member states. In the examined and proposed EGTC on the external border of Hungary in the case of BTC EGTC it is Serbia who blocks the establishment process. The delay in the approval process is the consequence of the terms of establishment of the groupings determined by the EU regulations and also by the national policies of the involved countries.

For third country partners interested in an EGTC to be involved in it is essential to pass a national legal regulation that allows such a form of cooperation. Cooperation with third countries within the framework of the EGTC is possible if it is allowed by the national legal regulation of the given EU member state. The EGTC left the question open, the decision is left to the member states.

However, there are several cases where the members or prospective members would see advantages in involving members from a third country or even setting up an EGTC between regions or local authorities of two member states and a third country. It is particularly true in those cases where a significant minority lives in the border area and they want to establish close links with their kin-state. The EGTC tool allows the intervention across borders and the motivation to set up an EGTC often depends on the previous history of the countries involved. Obviously, this has a deep impact on the national minorities of a country. Cross-border

cooperation 'below the nation state' resuscitates regional and local identities in the border areas.

In order to have more EGTCs in the border areas Hungarian national and subnational diplomacy should keep the issue on the political agenda: the expectation towards the Serbian government is to sign the most important international documents, the Madrid Convention and the bilateral agreement with Hungary, and promote more active relations with the Romanian central government to abolish the prejudice and make them more cooperative towards cross-border 'bottom-up' events.

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Arguments for Promoting the Right to Practise Sports as a Fundamental Right

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Abstract. The theme of this article covers the benefits of sport for society in general, but also the provisions of Romanian Law no. 69/2000 on Physical Education and Sport, as subsequently amended, as well as all the relevant Romanian legislation arising from the provisions of European Union (EU) law on the subject, in particular The White Paper on Sport and the Charter of Fundamental Rights of the European Union, documents which entered into force pursuant to the Treaty of Lisbon. Last but not least, the article debates the possibility of enhancing the importance of practising physical education and sport as an inherent human right.

Keywords: sport, physical education, fundamental rights and liberties, natural law.

*“Play is a uniquely adaptive act,
not subordinate to some other adaptive act,
but with a special function of its
own in human experience.”*

Johan Huizinga

The sporting phenomenon – a significant social phenomenon

Every individual is keen on developing speculations and debates regarding the causes, consequences and even the content itself of various phenomena and processes that he or she might encounter in daily life. The most probable outcome of such an endeavour would most probably be that of referring to these subjects from different perspectives, that is, ascertaining different points of view – subjectivity owing in this case mainly to conditional experience and common sense. Therefore, one must place oneself in a position that claims a prudent attitude – if not total rejection – towards intuition, speculation, horse-sense (the fundamentals of common sense), and strive for the rigours of the scientific method.

It is thought that human rights are an ideological projection in order to justify certain social actions, a philosophy, a concept of the world and the existence. Human rights are foremost a sociology of contemporary life inasmuch as they encompass facts, phenomena, social processes and relationships alike, mentalities, states of mind, imagery, representations, interests and perceptions. Max Weber spoke of the design of the world and man's place in it. The topic on human rights is often reduced to a legislative concept, and human rights education bears a technical nature – law articles, pros and cons debates in sustaining a certain idea, case analysis etc. In this particular context, one cannot ignore the existence of a sporting phenomenon, which has developed into an important social phenomenon. Its importance is foremost justifiable by humans' dependence on their physiological and social needs to participate in organized or random sporting activities, also used – more recently – with the aim of satisfying a professional vocation (professional sports).

We see it imperative to remind ourselves that a person “is not static, he is profoundly dynamic, he is a living reality in a tireless state of wanting, restless until reaching his goal” (Mărgineanu 1999:78). It is from this psychology-of-the-(dynamic)-person perspective that we will be able to appreciate the three forms of human development: biological, dynamic and psychological, reaching the conclusion that these are the working fundamentals of the motivational theories. Whether one agrees or not – ultimately confident in the social-cultural calling of the human nature – a person is concurrently nature and culture. That is why one can argue that the need to exert physical activity – viewed as a means of physical education and sport, whether professional or amateur – is also a biological need that is integrated in people's various organic necessities, as are those “linked to the assimilation and dissimilation process or anabolism and catabolism, such as hunger, thirst and breathing on one hand, and the necessity to preserve the species, or sexual instinct, on the other.” (Mărgineanu 1999:79).

Every single need-related work motivation theory drawn up by authors such as Maslow, Clayton Alderfer (ERG theory – existence, relatedness, growth), (Gary 1996: 153) McClelland (Necessities theory), Faverge J.M (1976) states that until

elementary necessities, more urgent and pressing, have not been fulfilled, all others remain in the background; as one category of needs is satisfied, another, superior one, is sought after.¹ This justifies our statement that human needs have been revalued in time as being inherent rights of the human being – transposed in generations of fundamental human rights.²

Therefore, taking into consideration that *the need to practice sports is an inherent right of the human being*, the European Sports Minister of the Council of Europe has already ascribed a *legal value* to this need appreciating it as a *fundamental right* through the European Sport for all Charters in 1975. The first article stated that *every individual shall have the right to participate in sport*. “From that date on, sport policies in Europe were endowed with a common programme based on the conviction that the values of sport would contribute to the fulfilment of the ideals of the Council of Europe.”³ Later, in 1992, inspired by the same charter, the European Sport Charter was adopted with the aim of providing a common set of principles for the European countries. The Charter was completed afterwards with the Code of Sport Ethics promoting the principle of fair play⁴.

On international level, in 1978 the General Conference of the UNESCO adopted the International Charter of Physical Education and Sport, which expressly states in its first article that the practice of sport is a fundamental right for all.

Similarly, a child’s right to play has been enshrined in article 31 of the Convention on the Rights of the Child, which recognizes “the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child”. “Several other United Nations instruments also acknowledge the importance of access to and participation in sport, such as the Convention on the Elimination of All Forms of Discrimination against Women. Similarly, ILO Conventions Nos. 138 and 182 concerning child labour require Governments to establish policies for the rehabilitation of child labourers. Here, sport is considered an effective policy tool.”⁵

In spite of these international instruments, the right to sport and play is often denied or neglected, often gender and ability based discrimination. It is also

¹ For example, according to Maslow, the needs hierarchy is as follows: 1) physiological needs 2) security needs 3) social needs 4) self-esteem needs 5) self actualisation needs.

² Intangible rights (e.g. the right to life, the right to have a personal development), conditional rights (e.g. the right to education, the right to privacy), indirect rights (e.g. foreigner rights) and the so-called third generation rights (Augustin Fuerea, “*Introducere în problematica dreptului internațional al drepturilor omului*” / *An Introduction into the Notion of International Human Rights Law*, Editura Era, 2000).

³ History of the European Sport Charter http://www.coe.int/t/dg4/sport/sportineurope/charter_en.asp, January 15, 012.

⁴ See http://www.coe.int/t/dg4/sport/sportineurope/charter_en.asp

⁵ Report from the United Nations Inter-Agency Task Force of Sport for Development and Peace, 2003, http://www.unep.org/sport_env/documents/taskforce_report.pdf, p. 4

frequently due to political neglect of the importance of sport in society, exemplified by the decline in spending on physical education and the lack of appropriate spaces and resources necessary for sport.⁶

Human rights are inherent to the human being, “taken individually or as part of a predetermined social group” (Niciu 1997: 196). Human rights are fundamental to our nature. The deprivation or denial of these rights amounts to the inability to exist as human beings and opens the path to political and social disorder. Exercising these rights freely can only be possible in a legal protection system that guarantees and implements human rights. In the preamble of the *Universal Declaration of Human Rights*⁷ (par. 1) it is stated that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”.

The functions and values of sports

It seems that the present day finds us witnessing an overturning of all values. We deny everything, even that which not long ago surrounded us with respect. Still, we must not forget that the struggle of values for pre-eminence is defined by a permanent contradiction. History shows us that the values which are imposed on everyone are only those that “completely satisfy the logical and psychological criteria of the human soul” – the foundation of a value needs to be based on logic and the theory of knowledge. The wideness and validity of value can only be established through logic. Two points of view are to be taken into consideration when discussing the issue of value, as follows: a. *subjective-psychological*, which induces a value-based psychology, and b. *objective-logical*, which determines the most profound and thorough research, *the logic of value*. (Andrei 1997: 15/23)

Numerous functions are attributed to the concept of sport, more significantly: *conative function* (satisfaction of the desire to move, to act), *competition function* (stimulation and satisfaction of the desire to compete), *performance maximising function* (performance capacity development in a biological, psychological and social scheme), *social function* (integration, social assertion, communication, emulation – also comprising the national identity representation, cultural and economic functions).

The sporting culture is an essential element of economic development and social regeneration and stands as an indicator of the quality of life and individual welfare. The law – seen as a normative phenomenon – is also entrusted to create the legal framework in an ample social phenomenon such as sports. It is

⁶ Ibidem.

⁷ Universal Declaration of Human Rights of December 10, 1948 – issued by The General Assembly of the United Nations, published in the Brochure of December 10, 1948.

imperative that all participants to sporting activities are guaranteed legal reliability, in the sense that individual behaviour needs to be influenced in the name of value requirements that encompass both legal values and positive values of sports – more so in the current context, marked by the excessive commercial nature of sports and its transformation into an instrument of political manipulation (which can lead to a legitimization of illicit behaviour both in and off ‘the court’).

The sporting phenomenon requires a prior understanding and embracing of meanings attributed to various notions and concept, such as: society and globalisation, social system, state, culture, politics, deontology, law, rights and liberties, social values, interest groups etc. If we accept Warren Weaver’s definition of communication – mainly relevant through its pragmatism – “Communication is *the totality of processes by which one mind can influence another*” (Prutianu 2008: 339) – then we can understand the importance of the functions served by all communicators (Fournier 2010: 198/201) (medics, priests, pedagogues, psychologists, coaches, athletes, managers, science communicators, actors, artists, lawyers, magistrates etc.) – including mass-media which – not seldom – act as a social control tool, a source of social pressure on the individual (Noell-Neumann 2004).

Communication made by sports communicators has a political dimension, but also a cultural conditionality. It is in this respect that cohabitation between systems of different cultures should be promoted – *cultural cohabitation* – truly a unity in diversity, more effective than multiculturalism seen as a prerequisite of a nation-state (Allemand 2010: 294/297). “While sport and play are repeatedly acknowledged as a human right, they are not always seen as a priority and have even been called the ‘forgotten right’. Sport is seen as a by-product of development, not as an engine.”⁸

Human rights should not form an enclosed philosophical, political, religious and social system. They should be kept open to diverse ways of thinking, to diverse beliefs, cultures and social practices. Each person is a subject of law. This is a common feature which establishes the link with society. The human being has inalienable rights, irrespective of the will of the authorities. The concept of fundamental rights makes a direct reference to the natural rights philosophy, inspired from the European humanist movement.

Debates over natural rights are open as a result of new situations that arise in human life, of new claims – both on a national and international level. The international human rights law constitutes a summation of natural rights expressed in the present context of globalisation, to which states must associate in order to transform them in positive rights – rights that establish common principles and can be applied by a concrete international jurisdiction. Contemporary legal papers on

⁸ Report from the United Nations..., p. 2

the protection of human rights provide a large number of philosophical notions that can constitute the basis for a consensus. This international law of human rights texts focus on the link between the individual and the authorities, on the legitimacy of the latter's actions and on the conditions under which individuals with equal rights coexist. Owing to the respect of each individual and the equality in rights and dignity, human rights constitute an open system for the peaceful coexistence of a multitude of cultures, beliefs, practices and social organisations (Voinea, Bulzan 2004).

Returning to natural law – starting point for promoting other fundamental rights

Research on human rights has developed a history of concepts related to them, as well as a history regarding the struggle to validate these rights. The philosophy of rights originates from individualist theories. (Dănişor 2011: 16) According to these theories, the legitimacy of power centres on human individuality. Power is legitimate only if it acknowledges the rights of the individual as an entity. Starting from here, we can question ourselves regarding the historic origins of individualism.

On a long term, human rights encourage self-interest to the prejudice of community spirit because they favour individualism without balancing it with the community. It is a well-known fact that individualism is the fundament of human rights, hence the criticism upon human rights transforms into a criticism upon modernity, which, in turn, is based on individualism. First generation human rights arise from the affirmation of the individual, which has substantially marked the destiny of modernity up to present times.

The term 'human rights' remained unknown until the French Revolution of 1789. That is why it has been said that it represents a construct meant to create a new authority, to replace the divine authority. The cause of this authority was found in *man* and his will power. It is extremely difficult now to renounce rights, if not impossible without creating insurmountable difficulties. What can and should be done is to bring individual rights in balance with the community spirit, considering the fact that individual rights cannot exist unless the *relationships* between humans change substantially – that is to say liberty, for example, cannot manifest without the background of a well organised society. Only a person with optimal relations with others can benefit from freedom. From here, a come-back to natural law is inherently necessary, more so in order to promote the right to practice sporting activities as a fundamental human right.

The actuality, utility and definition of the legal grounds for the existence of acquired rights

First generation fundamental rights and liberties cannot be extended to all citizens without a proper protection of second generation rights. In this case, the two generations of rights are not only non-contradictive, but complementary. One cannot talk about the right to life, to freedom if these comprise only a part of society, the rest being eluded through various means. In fact, there is considerable controversy about what should constitute ‘human rights’ and what rights are most important, including topics such as the excessive promotion of individual rights over collective rights, civil and political rights while neglecting economic and social rights (Kidd–Donnelly 2000: 5-6). Another set of debates covers the tension between the rights and the corresponding responsibilities (Kidd–Donnelly 2000: 4). However, state intervention can assure a certain degree of social equilibrium. Profound social movements have changed the balance between social forces and have required the state to intervene in order to grant first generation rights to everybody.

One of the causes for the decline of human rights is their unjustified multiplication and extension to various fields that often seem utterly fanciful. Their multiplication leads to a decrease in their importance, which in turn can provoke an increase in the state’s power stance. This ambiguity of human rights derives from the paradoxical nature of the human being, which strives for being free of constraints while concurrently stating the necessity of order. What should be considered is that the two concepts should be balanced and mutually dependable. We agree with the statement that “individual freedom cannot be limitless, but the same forces that determine the necessity for limitations can, if permitted, unbearably restrain the scope of human freedom” (Dănişor 2011: 17). The multiplication of human rights cannot be measured only from a quantitative and qualitative perspective. If in the field of quantity the essential aspect is measurement, we ask ourselves if the right to life and freedom can be measured.

Considering the social importance of the sporting phenomenon, it is necessary to promote the right to practice sports as a fundamental right of the human being because this right identifies itself with many civil, political, economic and social rights (the right to work, the right to health welfare), cultural ones (the right to benefit from education, the right to participate in cultural life, the right to have a protection of the moral and material interests deriving from one’s work – with emphasis on sporting creations), a person’s right to fulfil their economic, social and cultural rights in order to maintain dignity – laid down as fundamental rights in national and international legislations. Along the history of the last half century it has been held that along other international conventions such as the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the

Elimination of Discrimination Against Women, the Convention on the Rights of the Child, etc, the Charter on Physical Education and Sport proclaimed by UNESCO has “contributed to a much broader commitment to human dignity throughout the world, in both in the abstract and in the concrete” (Kidd–Donnelly 2000: 6).

The updating methods are conceived differently by the theorists that have pondered in this field. A concern for updating the concept of freedom has always been present, and it focuses on the relationship between individual freedom and power, a relationship which leads to a conception of human rights. As latency is updated, history unfolds itself and human rights tend to impose themselves. We feel that the multitude of acquired rights – comprised of the third generation fundamental human rights – are in decline also because they are not justified to form a legal point of view. These have to be defined by bringing together four essential conditions without which no right can exist, both in the positive and natural law: 1. a *bearer* who can exert a right; 2. a *scope* that can give meaning to that right; 3. *opposability* which allows the bearer to exert his right in court; 4. an organised *sanction* (as to realise the right). (Dănişor 2011: 12,42).

The right to practice sports and its role, as prescribed by the law

In Romania, according to Article 2, par. (5) of law no. 69/2000 on Physical Education and Sport, “the practice of physical education and sport is a human right, without any discrimination, guaranteed by the state. Exercising this right is free and voluntary and independently undertaken or as part of associated sports structures.” Physical education and sport stand for “all forms of physical activities aimed through an organised or independent participation to express or improve physical fitness and mental well-being, to establish civilised social relations and lead to results in competitions at any level” – art. 1 par. (2). As prescribed by the law, physical education and sports activities include physical education, school and university sports, sports for all persons, high-level sports performance, exercise carried out for maintenance, physical development or therapeutic purposes – art. 2 par. (3).

By guaranteeing the promotion of this right, its social importance arises from the content of art. 2 and 3 of the law: “Art. 2 – (1) physical education and sports are activities of national interest supported by the state, (2) In accordance to the applicable legislation, the state recognises and stimulates organisational actions to promote physical education and sports, held by public authorities and, where appropriate, non-governmental organisations focusing on education, the national defence institutions, public order, national security, health, in companies and other sectors of social life, (4) The State guarantees the performance of specific functions in the public and private sector in physical education and sport, in accordance with the principles of collaboration and responsibility of all interested parties, (5) The

practice of physical education and sport is a human right, without discrimination and guaranteed by the state. Exercising this right is free and voluntary and undertaken independently or as part of associated sports structures, (6) The State recognises and guarantees the natural and legal right to free association for the establishment of sports entities. Art. 3 par. (1) The government units and educational institutions, sports institutions and nongovernmental organizations have the obligation to support sports for all persons and high-level sport performance and to ensure organisational and material conditions for practising physical education and sport in local communities, (2) The public government authorities and institutions referred to in paragraph (1) shall foremost ensure proper conditions for practicing physical exercises with respect to preschool children, young persons and the elderly, for purposes of social integration, (3) The public administration authorities must offer the necessary conditions for practising physical education and sport to persons with physical, sensory, mental and other handicaps in order to sustain their personal development and integration within society and the resources to allow disabled athletes to participate in national and international competitions organised for such persons”.

It is necessary to make a clarification of terminology, to distinguish between the definition provided by the Romanian legislature in year 2000 with respect to ‘physical education and sport activities’, with that established and enshrined in the European Union’s White Paper on Sport. For reasons of clarity and simplicity, the White Paper on Sport uses the definition of ‘sport’ which was established by the Council of Europe in its European Sports Charter⁹: “*Sport* means all forms of physical activity, which, through casual or organized participation, aims at expressing or improving physical fitness and mental well-being, forming social relationships or obtaining results in competition at all levels.”

In consistency with one of its objectives – the welfare of its citizens, in all forms – the E.U. declared 2004 as the ‘European Year of Education through Sports’ (Fuerea 2011). The aims of this initiative were established as follows: to make educational institutions and sports organisations aware of the need for cooperation in order to develop education through sport and its European dimension, given the great interest that young people take in all kinds of sports; to take advantage of the values conveyed through sport to develop knowledge and skills whereby young people in particular can develop their physical prowess and readiness for personal effort and also social abilities such as teamwork, solidarity, tolerance and fair play in a multicultural framework; to promote the educational value of student mobility and exchanges, particularly in a multicultural environment, through the organisation of sporting and cultural contacts as part of

⁹ The European Union’s White Paper on Sport, Introduction, footnote no. 2

school activity; to create a better balance between intellectual and physical activity in school life by encouraging sport in school activities etc.¹⁰

In 2007, the Lisbon Treaty introduced sports within the categories and fields of competence of the EU. Therefore, according to art. 6 of the Treaty on The Functioning of the European Union¹¹ (TFUE), the Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States. The areas of such action shall, at European level, be:

- (a) protection and improvement of human health;
- (b) industry;
- (c) culture;
- (d) tourism;
- (e) education, vocational training, youth and *sport*¹²;
- (f) civil protection;
- (g) administrative cooperation.

Title XII - Education, Vocational Training, Youth and *Sport*¹³ provides in article 165 TFUE that *the Union shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function.*¹⁴ Union action shall be aimed at developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen.

The importance of sports in achieving the objectives set forth at EU level among which resides the free movement of persons (Fuerea 2006: 104), is obvious, furthermore taking into consideration that according to the European Court of Justice in Luxemburg¹⁵ professional athletes are considered workers in terms of EU law and are therefore provided with all rights that occur from this quality.

The Olympic Charter in force as from July 8, 2011 provides the Fundamental Principles of Olympics:

1. Olympics is a philosophy of life, exalting and combining in a balanced whole the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy

¹⁰ Decision no. 291/2003/EC of the European Parliament and of the Council, of 6 February 2003, establishing the European Year of Education through Sport 2004.

¹¹ Consolidated version (JOUE C 83/120, March 30, 2010).

¹² Authors' emphasis.

¹³ Idem.

¹⁴ Idem.

¹⁵ Bosman Case (CJE Decision of December 15, 1995, Case no. C-415/1993, Royal Belgian Football Association (ASBL), Royal Club Liégeois SA and European Football Association Union (UEFA) c. Jean-Marc Bosman).

of effort, the educational value of good example, social responsibility and respect for universal fundamental ethical principles.

2. The goal of Olympics is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity.
3. The Olympic Movement is the concerted, organised, universal and permanent action, carried out under the supreme authority of the IOC, of all individuals and entities who are inspired by the values of Olympics. It covers the five continents. It reaches its peak with the bringing together of the world's athletes at the great sports festival, the Olympic Games. Its symbol is five interlaced rings.
4. **The practice of sport is a fundamental right.** Every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play.
5. Recognising that sport occurs within the framework of society, sports organisations within the Olympic Movement shall have the rights and obligations of autonomy, which include freely establishing and controlling the rules of sport, determining the structure and governance of their organisations, enjoying the right of elections free from any outside influence and the responsibility for ensuring that principles of good governance be applied.
6. Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement.
7. Belonging to the Olympic Movement requires compliance with the Olympic Charter and recognition by the IOC.

Closing statements

The purpose of this article was to describe the importance of the role attributed to sports in contemporary society. Our initiative can contribute to a more concrete and circumstantial legalisation of the sporting domain by using the protection and guarantee instruments that are particular to fundamental rights.

Sport is a growing social and economic phenomenon which makes an important contribution to the European Union's strategic objectives of solidarity and prosperity. The Olympic ideal of developing sport to promote peace and understanding among nations and cultures as well as the education of young people was born in Europe and has been fostered by the International and the European Olympic Committees. Sport attracts European citizens, with a majority of people taking part in sporting activities on a regular basis. It generates important values

such as team spirit, solidarity, tolerance and fair play, contributing to personal development and fulfilment. It promotes the active contribution of EU citizens to society and thereby helps to foster active citizenship. The Commission acknowledges the essential role of sport in European society, in particular when it needs to bring itself closer to citizens and to tackle issues that matter directly to them. In addition, the United Nations holds that “sport is about participation. It is about inclusion and citizenship. Sport brings individuals and communities together, highlighting commonalities and bridging cultural and ethnic divide”.¹⁶ However, sport is also confronted with new threats and challenges which have emerged in European society, such as commercial pressure, exploitation of young players, doping, racism, violence, corruption and money laundering. (White Paper on Sport, Introduction, par. 1-3.)

In this context we find it necessary to underline the following: “*The case law of the European courts and decisions of the European Commission show that the specificity of sport has been recognised and taken into account. They also provide guidance on how EU law applies to sport. In line with established case law, the specificity of sport will continue to be recognised, but it cannot be construed so as to justify a general exemption from the application of EU law.*”¹⁷

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¹⁷ White Paper on Sport, p. 14.

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Current Problems of European Law – International Conference

Cluj / Kolozsvár, May 6–7th, 2011

In May 2011, the Department of Juridical Sciences and European Studies of the Sapientia University hosted the international conference dedicated to the current issues of European Law.

Meant as the first edition of a planned series of annual international scientific conferences around the Europe Day, the conference aimed to discuss the current and debatable issues of European law, always in progress or transformation. The choice of topic seemed rather obvious as European law has become part of our daily activities, and one cannot circumvent this law, no matter what field of law they are working in (as practitioners or academics).

As Emőd Veress, head of the Legal Sciences Specialisation at the Department of Juridical Sciences and European Studies, stressed it in his opening speech, European integration is not a straight path towards perfection, but a permanent experiment in a space of economic constraints and interests, and the critical study of the European law is of paramount importance.

Organised in different panels, the conference hosted 27 lectures given by renowned specialists from Romania and Hungary, while Jonathan Tomkin from Ireland's Trinity College Dublin, Irish Center for European Law was invited as a keynote speaker. The attendance comprised law practitioners mostly from Cluj / Kolozsvár (prosecutors, attorneys, legal counselors), as well as academic staff and students also from other Romanian and Hungarian cities.

The plenary lectures held in the opening sections each day comprised themes of general interest: Miklós Király, Dean of the Faculty of Law, Eötvös Loránd University (Budapest) gave a lecture on the Common Frame of Reference as an optional means in creating a common European contract law, pointing out the complex and debated nature of the CFR, as well as the methods of how law practitioners, scholars, politicians all concur in implementing a truly common internal market.

Jonathan Tomkin, Director of the Irish Centre for European Law, Trinity College Dublin followed him, his lecture bearing the title: *Recent Case Law of the Court of Justice of the European Union in the Field of Public Procurement*. His lecture also focused on this fundamental objective of the European Union, the creation of the

internal market, characterised as an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured. Accordingly, EU public procurement legislation is a significant tool in the development of the internal market, providing a mechanism by which Member States (including emanations of the State, such as regional, local authorities and public bodies) respect and assure freedom of movement of goods, freedom of establishment, and freedom to provide services.

The second day featured plenary lectures delivered by Erzsébet Sándor Szalay (Faculty of Law, University of Pécs): *Fundamental EU Rights – on the Strasbourg Scale of Justice*, in which she presented the possibilities of enforcing fundamental EU rights through the Court of Justice of Strasbourg; and by Tamás Nótári (Károli Gáspár University of the Reformed Church, Budapest): *Development of Hungarian Copyright Law in the Perspective of Tendencies in the EU Legislation*.

After the plenary lectures, work sessions were organised in three different panels: European public law, European procedural law, European economic law and European penal law. Discussions following each section concluded in valuable exchange of ideas, sometimes references to know-how in the field of expertise of the participants.

A separate section was dedicated to minority rights as many faculty members of the European Studies Department of the Sapientia University specialise in this field and in this way the conference could benefit from their researches and expertise in this field of study.

Given the secular traditions of higher legal education in Kolozsvár / Cluj, the host institutions (Sapientia University and Forum Iuris Association) organised a poster exhibition, under the curatorship of Zsolt Kokoly (lecturer at Sapientia University), presenting the evolution of legal education in this city (from 1581, the founding of the Jesuit college until the present days).

A book launching took place at the conference, the audience was presented the 2/2011 number of the scientific journal *Scientia Iuris Român-Magyar Jogtudományi Közlöny* [*Scientia Iuris Romanian-Hungarian Review of Law*], published by the Sapientia University.

Given the large number of participants from abroad, the conference wanted to give them the opportunity of familiarising with the cultural sights of this region organising a one-day trip to the renowned salt mines of Torda / Turda and to the city of Nagyenyed / Aiud in Alba County.

The participants of the conference had spent three days lecturing on and discussing about current issues of different sections of European law and agreed that these were very productive and efficient work sessions. In the closing session of the conference, the organisers made a call for papers, asking all participants to review their lectures and send them in for publication in the following number of the *Scientia Iuris Romanian-Hungarian Review of Law*.

KOKOLY Zsolt

Department of Juridical Sciences and European Studies



Department's Conference at Geoagiu

A two-day scientific conference entitled *European Integration and Problems of the Central European Space* was organised by the Department of Juridical Sciences and European Studies of the Faculty of Sciences and Arts Cluj-Napoca of the Sapientia University in collaboration with the Department of Political Sciences of the Faculty of Political Sciences, Philosophy and Communication Sciences of the West University of Timișoara on June 1-2nd, 2012. The conference took place at the Christian Youth Centre in Geoagiu, Hunedoara County.

The programme of the conference contained presentations covering topics from different scientific areas, such as political and legal sciences, history and economics. The following topics were discussed: history and problems of minority education, minority protection in the EU, institutional contexts of social justice in a poorly consolidated democracy, problems and political context of regionalisation in Romania, contribution of EU supports to sustainable rural development.

After each presentation participants were offered the possibility to formulate their questions and observations.

The variety of topics served as a basis for interesting discussions revealing significant problems of our social, political and economic environment in the context of the EU integration.

Sz. E.



Lectures and Discussions

Organised by the Department of Juridical Sciences and European Studies of the Sapientia University

In the academic year 2011/2012 our university continued its traditional programme entitled Egyetemi Esték – Világpolitika a XXI. században (University Evenings – World Politics in the 21st Century), hosting several interesting lectures on diverse topics related to political science and international relations.

On October 19, 2011, explaining why the Netherlands vetoed Romania's accession to the Schengen region, Dr L. K. Marác, associated professor at the University of Amsterdam held a lecture on the internal politics of the Netherlands, entitled *The Wilders-phenomenon and the Dutch Foreign Policy in the Case of Romania's Schengen Accession*.

On March 8, 2012, Sándorné Dr Kriszt Éva, a renowned expert of educational policy and the rector of the Budapest Business School, held a lecture on the mission and the interpretation of higher education and the measurability of its performance. The Budapest Business School being a partner of the Sapientia University, she presented the most important achievements of the institution and the MA courses as well.

On April 4, 2012, Dr András Dorottya, associated professor of the Pázmány Péter Catholic University held a lecture on linguistic rights and their consequences in Central and Eastern Europe. The lecture was widely appreciated not only by our students, but by the academic sphere of Cluj-Napoca as well.

The last lecture organised in the series of events entitled University Evenings – World Politics in the 21st Century was held by Dr Mezey Barna, rector of the Eötvös Loránd University, on May 22, 2012. Although not related to international relations, the lecture of professor Mezey on the prison conditions in Feudal Hungary enjoyed great success.

Besides the University Evenings series, the Department of Juridical Sciences and European Studies of the Sapientia University in collaboration with the Jakabffy Elemér Foundation launched a series of debates on topics crucial to the fate of the Hungarian minority from Romania. The event, entitled Jakabffy-Sapientia Club, organised discussions on the emerging electoral law in Romania, the educational law and the

rectoral election of the Babeş-Bolyai University from Cluj-Napoca, the economic crisis and the Slovakian elections.

The most important objective of the discussion-series is to start a debate between the different members of the social science profession, involving politicians and intellectuals as well. All the meetings of the Jakabffy-Sapientia Club were open to the members of the press; most of them were recorded and will be reachable online as well.

TORÓ Tibor

Department of Juridical Sciences and European Studies



A Novelty on the Book Market?

A Review of the Volume

***Közpolitika (Public Policy)* by Barna Bodó
Cluj-Napoca: Scientia Publishing House, 2011**

SZÁSZ Zoltán Alpár

The volume about which one may rightly ask whether it is indeed a novelty or not on the book market is Barna Bodó's textbook on public policy. Of course, the expression book market should be interpreted not on a global, but on a much smaller scale such as the Hungarian book market, the Romanian book market or the Hungarian book market in Romania. In what concerns the Hungarian book market, three manuals and a reader have already been published. In Romania, a somewhat greater number of Romanian language publications have been issued as well. However, in what concerns the Hungarian language readership in Romania, the book is the first of its kind and it deserves to be written about even if it were a novelty only in this sense. However, in my short review I will try to show that it is innovative in other respects as well, at least in what concerns the three book markets considered thus far.

First of all, I deem the book a novelty because the topic it addresses is rather new for the Hungarian readership on both sides of the Hungarian–Romanian border. The volume itself draws attention to the fact that the concept of public policy has been imported to European political science from the other side of the Atlantic and, thus, has been dealt with to a lesser extent on the old continent. Moreover, in Hungary, it became known in the last decade only – initially by specialists and later on by a more general readership, too. Taking into account this state of affairs, the author adopted a maximalist approach and tried to include in his textbook as many aspects and topics connected to public policy and policy-making as possible.

The textbook starts with a personal interpretation of public policy as a set of possibilities or the art of rendering what is necessary feasible. In a modern world and under the circumstances of mass society, public policy means in rather general terms positive tasks to be fulfilled by the state as the *contents* of the political or administrative *process* – the focus being, as the author himself stresses, on administrative processes perceived as political ones and on their contents; instead of

institutions, procedures and actors as in the case of other political scientific disciplines. Nonetheless, as the next chapters of the book show, there are several ways of interpreting and defining public policy as there are several philosophies underpinning public policy and the policy process. This may be so because we speak of an inherently multidisciplinary field of study, which is oriented towards problems and tasks and is also normative in nature.

With regard to the multidisciplinary character of the subject matter, the author lived up to the challenge because he managed to write a book organised around a linear conception while being able to tackle the many ramifications and facets of the topic. From the table of contents one can glean the following guiding principle: in presenting the subject matter in textbook form – Bodó might argue – it is most appropriate to start with definitional and general theoretical matters in order to focus next on the individual building blocks of public policy and the policy process. The last chapters, though, reveal something about the author's identity as a political scientist. He has always been puzzled and attracted by normative issues, hence, a field like public policy involving choices between sometimes competing values and also ethical, philosophical considerations is a natural choice of topic for him. These considerations are present at the end of the book as are two rather pragmatic questions as well: local public policy and public policy in the European Union, a signal that local and regional policy within the frames of the European Union also feature among the author's interests.

As a textbook, the work stands out because of its multifaceted nature. The author chose to delve into many related fields of study, as well as many streams, strands and schools of political science. All of them are thoroughly treated from the point of view of the history of political and social science. On this basis, he builds a rich and solid theoretical grounding for the manual itself, which is often illustrated with well-crafted empirical examples. The language is always clear and understandable not only by students of the social sciences, but by a more general readership, too. Of particular importance are definitions and illustrations of concepts, phenomena and processes. In an Anglo-Saxon textbook, the publisher would have opted for boxes. This manual uses fine print for this purpose – but this solution also sets these inserts apart from the main argument, which is particularly helpful. This style of compiling and drafting a textbook is another novelty, at least on the Hungarian language book market in Romania.

Last but not least, the author presents a topic, which is well-established in Western scientific and political culture. In Western Europe, it is commonplace to judge the performance of a cabinet through the effectiveness and efficiency of the policies they pursue. In other words, 'public policy' means a set of more or less systematic responses given by the government to a set of social problems. It represents the manner in which their political vision and programme is converted into daily measures in order to achieve necessary changes affecting – and, hopefully, improving – people's lives.

The manner how this is done is described in detail in this book, since it introduces the vision underpinning public policy and the basic elements thereof – such as its definition, the main actors and tools, as well as the policy process and its functioning, that is, the way in which public policy is made and implemented as a result of various

interactions between political actors, individual and group interests, and value judgments made by civic organisations and individual citizens. Apart from its undeniable theoretical merits, the book is partly practically oriented in the sense that it also suggests techniques of making and carrying out public policies. Thus, it may represent a useful reading not only for students, but for persons active in the public sector as well, particularly people who wish to be involved in making and implementing public policies as managers of public service providers, representatives in municipal councils or leaders of civic organisations. Nonetheless, any interested reader who simply cares to better understand the manner in which decisions in public matters affecting her/his life are made and have an impact on her/him may find the book interesting and full of lessons to be learned.



Further books

**by the members of the Department of Juridical Sciences and
European Studies Sapientia University published in 2011**

Title: **Nemzetközi intézmények és szervezetek** (International Institutions and Organisations)

Author: MURÁDIN János Kristóf

Publisher: Scientia Publishing House, Kolozsvár / Cluj-Napoca

ISBN: 978-973-1970-59-2 (973-1970-59-2)

Issued on: 10-06-2011

Pages: 264

Series: Textbooks

Field of Interest: Social Sciences / History, Archaeology

The textbook entitled ‘Nemzetközi intézmények és szervezetek’ (International Institutions and Organisations) by Murádin János Kristóf covers one semester of the material for International relations and European studies students. In the introductory part the author gives a general overview of the international institutions and organisations, then the most important institutions and organisations related to politics, army, security, economics, environment protection, finance, sciences and culture are detailed in seven larger chapters. The textbook helps students in understanding and mastering the material by offering them a selected bibliography of the relevant literature and a glossary of the technical terms as well.

For more details see: <http://issuu.com/scientiakiado/docs/muradinnemzetkozi>

*

Title: **Államfő és kormány a hatalommegosztás rendszerében** (The Head of the State and the Government in the System of Separation of Powers)

Author: Veress Emőd

Publisher: Scientia Publishing House, Kolozsvár / Cluj-Napoca

ISBN: 978-973-1970-47-9 (973-1970-47-9)

Issued on: 27-01-2011

Pages: 336

Series: Sapientia Books

Field of Interest: Law and Economics / Legal Sciences

The book comprises three main parts: the first analyses the idea of separation of power, while the second and third parts focus on the role of the head of the state and the role of the government in the state structure.

After the change of regime, Romania started off in the direction of a constitutional democracy, on the way of the formation of a state based on the rule of law. The difficult task of creating a state based on the rule of law has given rise to a number of problems in the course of constitutional and political practice. From all these, the author selected the problems related to the separation of power as the topic of his analysis.



Tutorial Programme for the BA Students of the International Relations and European Studies Specialisation

In autumn 2011 the Sapientia University Department of Juridical Sciences and European Studies started a tutorial programme. Six BA students were included in this, namely: Tekla Vincze, Levente Molnár, Noémi Hegyi, Zsombor Nagy, Bíborka Bántó, Gábor Herman. The students were working together with a tutor – one of the professors of the Department, namely: Márton Tonk, Barna Bodó, Zsolt Kokoly, Tibor Toró, Tünde Székely – on different topics such as *Organisational management*, *Who needs Verespatak/Roşia Montana? – public policy issues in the mass-media*, *Economic freedoms in the EU: legal regulations regarding the freedom to provide services*, *Experiment for realising the mental map of Kolozsvár/Cluj-Napoca*, and *Non-governmental organisations for young people in Transylvania*.

The outcome of this joint work of professors and students was expected to be realised by including students in some projects to work together with their tutor, and students also presented papers at Student Research Conferences. On April 2nd the Department organised a Student Research Conference, where the 1st prize was won by Noémi Hegyi, who presented her paper in the Law Section of the conference, while in the EU Section Levente Molnár came to the 1st place.

Between the 10th and 13th of May the Hungarian Student Union of Kolozsvár organised ‘The 15th Transylvanian Student Scientific Conference’, where four students from the tutorial programme presented their research findings. Three out of the four presentations were awarded by the jury. In the Law Section Noémi Hegyi received the 1st prize, while Gábor Herman got the 2nd and Bíborka Bántó the 3rd award in the Political Science Section. The two latter students discussed a different topic from what they entered the tutorial programme with: Gábor Herman presented an economic and social analysis of the Sapientia University, while Bíborka Bántó presented a comparative public policy analysis of the student loan policies in Finland and Hungary.

These three students are entitled to participate in next year’s National Student Scientific Conference organised by the universities of Hungary.

Finally, we can conclude that this pioneer programme of our Department – this is the first programme of such nature at the Sapientia University – has reached its goals not only in helping students and professors to work together but also in nurturing students’ talents to pursue their own professional interests.

SZÉKELY Tünde

Department of Juridical Sciences and European Studies

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