

CULTURAL AND TERRITORIAL AUTONOMY AND THE ISSUE OF HUNGARIAN IDENTITY

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The first part of the study looks at the historical context of the symbolic and territorial competition between Romanians and Hungarians, dwelling on the issue of Transylvania and the competition for historical legitimacy. It bridges, against this background, the question of Hungarian identity to a concept developed elsewhere as a part of a national minorities doctrine: that of community privacy. Territorial autonomy, currently invoked in several Hungarian projects, represents one possible answer to the need for the community privacy of Hungarians in Romania. Another manifestation of community privacy is cultural autonomy. The study then discusses the provisions of the current draft law on the statute of national minorities in Romania and shows that it has reduced cultural autonomy to its political dimension. This form of reductionism, together with the role granted to organizations of citizens belonging to the national minorities, harms the internal democracy of minority communities. Given the current political and social context, in order to be successful in their promotion of autonomy the relevant actors in the Hungarian community must overcome their differences and agree on a set of minimal goals as an expression of their identity as a community.

Keywords: community privacy, cultural autonomy, Hungarian community, normative multiculturalism, territorial autonomy

1. The Historical Context of the Romanian-Hungarian Symbolic and Territorial Competition

Romania is a relatively young state created between 1859 and 1862 through the union of two principalities (Moldavia and Walachia), both of which have a Romanian ethnic majority. Between 1918 and 1920 the state changed its frontiers by incorporating two new predominantly Romanian provinces: Transylvania and Bessarabia. Transylvania had been part of the Hungarian Kingdom until 1526, an autonomous principality until 1711, an autonomous province within the Habs-

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burg Empire until 1876, and part of the Hungarian state within the Austro-Hungarian Empire until 1918. In 1920, Transylvania was substantially different from the rest of Romanian society, which had its political center in Bucharest.

After the end of World War I the Romanian state had to manage an extraordinarily high level of ethnic and cultural diversity. The frontiers of Greater Romania contained approximately 17 percent Hungarians, 4.4 percent Germans, 3.2 percent Jews, 1.7 percent Roma and 2.9 percent Russians. The national minorities as a whole amounted to about 29 percent of the entire population.

At the end of the war, Romania, like Czechoslovakia, Poland, Greece, and the Kingdom of Serbs, Croats and Slovenes, signed special treaties on the protection of national minorities, which were placed under the control of the League of Nations. In this context, Romania needed constitutional, legal and administrative measures to protect its minorities. Article 7 of the Constitution of March 28 1923 provided that "Differences in religious faith and confession, as well as in ethnic origin and language shall not constitute in Romania an obstacle to civil and political rights or the exercise thereof...". Articles 5, 8, 22, 28, 29, 64, 108 and 119 rehearsed in various forms the preeminence of the principle of equality over national, confessional, and ethnic distinctions. The authoritarian Constitution of 27 February 1938 stated that "all Romanian citizens, regardless of their ethnic origin and religious faith, are equal before the law..." (Article 5). Yet practice was a different matter. Many authors believe that the policies of the authorities in the "national, unitary, and indivisible" Kingdom of Romania deliberately aimed at the imposition of the ethnic and religious dominance of the majority over the minorities, and of the center over the provinces (Andreescu 2005).

The natural population growth of the Hungarian minority after the union with Transylvania was counterbalanced by Hungarian emigration. The fall in the percentage of the total population represented by Hungarians was visible in the (traditionally Hungarian) Transylvanian cities. Emigration also reflected the policy of the Bucharest authorities. In the interwar period, Hungarian border areas were colonized with Romanians according to a government-steered program. The policies also reflected the desire to turn upside down the consequences of the status of an inferior nationality endured by Romanians in pre-Greater Romania Transylvania.

The fall in the proportion represented by the Hungarian population also had purely demographic explanations. The cities, in which Hungarians had traditionally been a majority, had low birth rates and proved unable to offset the losses caused by the mortality rate in an era of urbanization (Manuilă 1929).

The evolution of ethnic relations after World War II reflected the nature of the new regime. The Statute of Nationalities adopted in 1945¹ codified the new internationalist vision of the communist powers. Its provisions secured high standards for national minorities. Tribunals and courts of justice with jurisdiction over com-

munities that included an ethnic minority amounting to at least 30 percent of the total could use the minority language in their proceedings upon request. The local and central authorities accepted official documents and statements written in the minority language and did not request an accompanying translation. The Romanian state guaranteed instruction in the minority tongue in primary, secondary, and tertiary education. The language in which instruction was delivered was also used for entrance or graduation examinations.

At the end of the 1940s and in the following decade Hungarians benefited from several specific measures, including the creation of the Autonomous Hungarian Region. The Moldavian Csángó population was able to study in Hungarian, while religious service was once again carried out in Hungarian in the community's (Catholic) churches. Minority policies were however dictated by several factors, including foreign policy. As a consequence, one cannot speak of a single standard for all minorities (consider the case of the Greek or Albanian communities).

The 1960s marked a crucial change from the principles of proletarian internationalism to the assimilationist project of national-communism. The colonization of Hungarian localities in the nationalist period and the discriminatory policies whereby graduates were assigned jobs by the state were the two main instruments by means of which the regime created Romanian majorities in predominantly Hungarian regions. Hungarian Csángós were denied the right to carry out activities that built on their ethnic and cultural identity, and the very name of the ethnic group was practically prohibited in the 1970s (Andreescu 2001a). The Jews and the Germans left the country in large numbers.² Despite the high standards set by laws concerning national minorities, the practice of national-communism severely affected the status of minority communities in the 1970s and 1980s.

After the revolution of December 1989 the new political elite capitalized on the nationalist and ultra-nationalist attitudes of the population. Nationalist discourse in this period particularly targeted the Hungarian population. Nationalism became especially widespread after 1989 for two chief reasons. First, its main ingredients had already been planted by Ceaușescu's national-communist regime in Romania. Secondly, the battle for political legitimacy launched after the changes of 1989 had a much higher stake than in other parts of Central Europe, confirming the thesis that the degree of political legitimacy is inversely proportional to the elite's reliance on aggressive nationalistic mythologies (Evera 1994). This historical context explains how bloody conflicts between Romanians and Hungarians, such as the one in Târgu Mureș (19–21 March 1990), the continuous harassment of Roma and the insulting of Jews, or more generally the anti-minority manipulation of public opinion, were possible after 1990.

After 1996, political relations between Hungarians and Romanians were brought back on the path towards reconciliation. The Democratic Alliance of Hungarians in Romania (UDMR) became a member in the governing coalition

and, subsequent to the 2000 elections, it entered a political partnership with the ruling Social Democratic Party (PSD). But the right steps taken in political life could not compensate for the losses that had been incurred during the previous decades. The public sphere in Romania had become imbued with mentality deeply hostile to diversity.

The post-revolutionary emigration of Hungarians, Germans, and Jews continued in this highly charged context. The 2002 census points to a population make-up in which minorities occupy a peripheral position. The only minority that registered an increase in numbers is the Roma community.³ The contemporary ethnic map is very different from that of Romania immediately following the war. Table 1 offers an image of the type of ethnic and cultural diversity that the Romanian state needs to manage at the start of the 21st century.

Table 1. The ethnic composition of Romania's population in 2002

Total population: 21,698,181

Ethnic group	No. of individuals	Percentage of total
Romanians	19,409,400	89.5
Hungarians	1,434,377	6.6
Roma	535,250	2.5
Germans	60,088	0.3
Ukrainians	61,091	0.3
Serbs	22,518	0.1
Turks	32,596	0.2
Tatars	24,137	0.1
Slovaks	17,199	0.1
Russian-Lippovans	36,397	0.2
Bulgarians	8,092	< 0.1
Croats	6,786	
Jews	5,870	
Greeks	6,513	
Czechs	3,938	
Poles	3,671	
Armenians	1,780	
Slovenians	175	
Ruthens	262	
Carashovans	207	
Chinese	2,249	
Csangos	1,370	
Slavo-Macedonians	731	
Albanians	520	
Gagauz	45	

2. Transylvania in the Competition for Historical Legitimacy

Approximately 97 percent of the Hungarians in Romania are located in Transylvania. Estimates of the number of Hungarians in Bucharest vary significantly. Judging by the vote in the 1990 elections, the number of Hungarians in Bucharest is somewhere below 10,000. The regions of Oltenia in the south and Moldavia in the north-east each contain only about 0.1 percent Hungarians. An equally small percentage live in Dobrudja on the Black Sea coast, and about 0.05 in Walachia, south of Transylvania (Abraham et al. 1995).

The presence of Hungarians in this country has a powerful political dimension, as the national utopias and ideals of Romanians and Hungarians overlap, with Transylvania as the common ground.⁴ The province is seen as having made a crucial contribution to the autonomous survival of both nations (Deletant 1995). Since both groups lay claim to the region on historical grounds, the disputes between the Romanian and the Hungarian versions of the past extend to virtually all major events in the national histories of these communities (Schöpflin 1990). Historiographic conflicts are especially concerned with chronological precedence in Transylvania, and the place of Transylvania within the Hungarian medieval kingdom.

Controversies concerning historical legitimacy are compounded by the strong sense of specificity among Hungarians in Romania, often defined by opposition to the identity of the majority. A wholly different language, a powerful literary tradition, and a strong sense of one's own history, as well as the tradition of Habsburg rule, have all contributed to the current sense of difference.⁵ In religious terms, all Hungarians belong to Western Christendom (as Catholics or as members of the Reformed, Evangelical and Unitarian Churches), while Romanians belong to Eastern Christianity.

After the turning point of 1918, the year Transylvania became part of Greater Romania, Hungarians had to redefine their status. Since 1867 the Hungarian administration had pursued a policy of Magyarization in the region, where Romanians represented the numerical majority. Four laws were passed (in 1879, 1883, 1891, and 1907, respectively) aiming to Magyarize the teaching staff and to expand schooling in Hungarian, while simultaneously restricting education in other minority languages. In order to obtain education beyond the primary level, Romanian youths were forced to leave their villages and attend Hungarian or German schools in towns and cities. They were encouraged to abandon their traditional dress, which made it even more difficult to pursue strategies of symbolic resistance (Hitchins 1998).

By the time the region became a part of Romania in 1918, therefore, it was thoroughly Hungarian in political, administrative and cultural terms. Against this historical background, Bucharest regimes pursued an inverse policy of Roman-

izing Transylvania. Between the two World Wars the areas bordering Hungary were colonized with Romanians according to a systematic program. The local administration was replaced with Bucharest officials. As a consequence, the trend of Hungarian emigration which had started after the Treaty of Trianon continued. The proportion of the total population represented by Hungarians declined, a reality most visible in Transylvanian towns.

After becoming a national minority the Hungarian community founded ethnicity-based organizations in order to sustain its institutional framework. Between 1940 and 1944, during World War II, Hungary annexed the territory of northern Transylvania. The vast majority of Romanian agricultural colonists in the region were forced to leave. Simultaneously, in the southern part, 67,000 Hungarians were driven out by the Romanian authorities (Kocsis 1995).

During the 1950s, the Romanian government began a duplicitous policy towards the Hungarians. In 1952 it created the Hungarian Autonomous Province, which did not have a structure distinct from the other regions but ensured the territorial concentration of Hungarians. According to the 1956 census, this region, with the capital in Târgu Mureş, had a total population of 731,361, of whom 567,509 were Hungarians.

During the 1956 Hungarian revolution, Hungarians in Romania expressed sympathy for their co-ethnics fighting the Soviets in Budapest. This understandably alarmed the communists. It was at this time that the regime started its assimilationist policy. The authorities adopted a policy of population transfer, and handpicked Romanian officials in regions inhabited by Hungarians. The distinction drawn by the laws between the minimum number of children that could make up a class with instruction in the mother tongue, which considered the ethnic identity (Romanian or Hungarian) of the children as a relevant factor, clearly exposes these assimilationist designs.

Attacks on cultural institutions started in the late 1950s, the most notable being the merging of the Hungarian Bolyai University with the Romanian Babeş University in Cluj Napoca in 1959. The new Romanian administration was out to destroy the Hungarian character of higher education. The Hungarian Autonomous Province was reorganized in 1960 as the Mureş Hungarian Autonomous Province, a process whereby areas inhabited by ethnic Romanian majorities were added to the administrative unit. Eight years later, the province was completely disestablished. The goal of Ceauşescu's national-communist regime was to create a homogenous population so as to ensure that, first and foremost, citizens were good Romanians.⁶

Anti-Hungarian policies were reflected in the declining number of Hungarians educated in the mother tongue, as well as in the decreasing number of Hungarian-language teachers.⁷ The practice of forced displacement was widespread: the regime tried to de-Magyarize Hungarian-inhabited areas by moving ethnic Hun-

garians out and ethnic Romanians in.⁸ In December 1984, Romanian National Television ceased broadcasting programs in Hungarian.

It was in this context that the historiographic conflict became prominent in the 1980s as a result of a political command from above. Diplomatic relations between Bucharest and Budapest were strained.⁹ The first Romanian samizdat, *Romania liberă* (April 1988), and the unofficial news agency "The Hungarian Press of Transylvania" were therefore both inaugurated in Budapest. Romania reacted by closing the Hungarian consulate in Cluj and the Hungarian Cultural Centre in Bucharest.

The downfall of the Ceaușescu regime happened to be connected with the Hungarian community in Timișoara. In December 1989, the threatened eviction of local Hungarian pastor László Tőkés met with the opposition of local Hungarians. Their protest was embraced shortly thereafter by Romanians and became the trigger of the Romanian revolution.

The euphoria of victory seemed for awhile to have completely altered the relationship between the two ethnic communities. The National Salvation Front, the new legislative and governmental body, included 14 Hungarians. The Hungarian press proclaimed a new era of Romanian-Hungarian relations, symbolized by the heroic figure of László Tőkés.¹⁰ The Democratic Alliance of Hungarians in Romania (UDMR) was established on 29 December 1989 and has been representing the Hungarian minority ever since.

But the struggle for political legitimacy of the ex-communists in power turned Hungarians into a favorite target of the new nationalist movement. Since 1990, the political mobilization of anti-minority sentiment among the majority population has been a constant factor of disturbance. The most vehement organization was undoubtedly *Vatra Românească* (Romanian Hearth).¹¹

The Hungarians' demand for the return of the Bolyai High School in Târgu-Mureș led to violent clashes in the city between Hungarians and Romanians on 19 and 20 March 1990. Five people died and a large number were injured, some gravely. It is fair to say that this was the moment when Romania adopted a state-sanctioned policy of minority-bashing. References to Hungarians as "barbarians" and "a primitive people" abounded (Andreescu – Weber 1996).

Between 1992 and 1996, extremist parties joined the nationalist PDSR in the ruling coalition. The PSM (Socialist Workers Party), PRM (Greater Romania Party) and PUNR (Party of National Unity of Romanians), all extremist parties with anti-minority agendas, secured some state secretarial positions and portfolios in 1994.

After the 1996 elections, the representatives of the Hungarian community became a partner in the government coalition alongside the new political class. Romanian-Hungarian relations experienced a genuine rebirth, but the virulent

anti-Hungarian and more generally anti-minority propaganda of the past had already poisoned the atmosphere for the minorities (Andreescu 2001a). Its effects on public mentality will take a long time to fade.

Against this background, the Hungarians' presence in and possible departure from Transylvania represents a constant subject of public intellectual and political debate in Romania. It is also a matter of concern for intellectuals and politicians in Budapest and their co-nationals in the Hungarian Diaspora. The unanimously (implicitly or explicitly) accepted goal of the representatives of Hungarians everywhere is to preserve in Transylvania a Hungarian community able to sustain demographically the current population and reproduce and develop its cultural tradition. The emigration of Hungarians from Transylvania is regarded with apprehension by most analysts, as it is strongly connected with the question of the community's stability. Table 2 offers a synthesis of the evolution of the Hungarian minority according to ethnicity and mother tongue between 1910 and until the census of 2002 (Andreescu 2005).

Table 2. Ethnic Hungarians in Romania according to 7 censuses (since 1910)

Years	Ethnicity		Mother tongue	
	Number	Percentage	Number	Percentage
1910	N/A	N/A	1,653,943	N/A
1930	1,425,507	10	1,554,525	10.8
1956	1,587,675	9	1,653,700	9.5
1966	1,619,592	8.5	1,651,873	8.6
1977	1,713,900 ²²	7.9	1,720,630	8
1992	1,624,959	7.1	1,639,135	7.2
2002	1,434,377	6.6	1,447,377	6.7

3. Hungarian Identity, Internal Self-determination, and the Concept of Community Privacy

The last decades of Romanian national-communism traumatized the Hungarian community in Transylvania. This is one of the reasons why freedom from the communist regime led to a fast-paced reorganization of the Hungarian community. The UDMR was "merely" the most representative and visible of the numerous cultural and political associations designing a new destiny for the community. The establishment of a single representative association in politics and the decision to place the segregation of schools at the top of the agenda proved beyond doubt that the Hungarian minority saw itself as a community able to take care of itself.

The UDMR Memorandum on Romania's acceptance to the Council of Europe (26 August 1993), and the UDMR-drafted Bill on National Minorities and Autonomous Communities (18 November 1993) concerning the status of the Hungarian minority in Romania, offered a formal expression of this program by promoting two chief concepts: (a) that of an autonomous community, that is, "that national minority which defines itself as such and exercises its rights according to the principle of internal self-determination"; (b) and internal self-determination, which is "an inalienable right of the autonomous communities and is manifested in the various forms of autonomy" – personal, local, and regional (Andreescu et al. 1994). The Draft Bill on National Minorities and Autonomous Communities never made it on the parliament's agenda. But the issues of autonomous communities and the three forms of autonomy have been constant among the community projects supported by the Hungarian elites.

Self-determination is a right of peoples, and the internal dimension is an attribute of self-determination. This is why the term "internal self-determination" was greeted by international legal experts with reluctance. It was all the more difficult to argue in favor of an international right as an inalienable right of autonomous communities. Internal autonomy and self-determination are seen as suspect especially in the cultural context of Romania and Central and Eastern Europe, where the terms are compromised. For this reason, I have chosen to introduce the broad issue of the internal self-determination of the Hungarian community by means of a different concept.

Recent history and developments suggest a "need to separate" from the rest of society which has been expressed more or less explicitly by the Hungarian minority in Romania. This need is a reflection of the traditional distinction in sociology between society and community. In a society, the functions of the group consist of adjusting divergent interests in order to reach common goals. A community involves, in addition to this, a desire for continuity and integration. It follows that the relationship between an individual and his or her community is different from that with his or her society. As Georg Schwarzenberger put it, the members of a community are united in spite of their individuality, while the members of a society are isolated despite their association (Schwarzenberger 2004). For Hungarians, Romanian society as a whole provides a contingent historical framework. While the necessity of accommodating Hungarians to the majority and the existence of general goals may be well recognized, the sense of isolation despite cohabitation within the same state is no less obvious. This attitude among Hungarians with respect to Romanian society mirrors their strong sense of identity. The differences between leaders and groups within the community do not diminish their investment in association with and the continuity of the community. Under such circumstances, to affirm the possibility and desirability of the simulta-

neous development of the community's integration and separation is to restate the observation that reality is a mixture of the ideal types of society and community.

The rejection of community separation, so vehemently expressed by supporters of majority rule, is based on the argument that separation (segregation) is at odds with integration and cohabitation. A minority that turns to itself is a minority opposed to integration. More separation means less integration and vice-versa. I believe this presupposition is false. The issue of minority separation and segregation may be regarded from the perspective of a need for "community privacy" (a form of group privacy). The condition of the community resembles closely that of a person who defines for him/herself a private space in which she has the right to be alone with herself and which she manages by herself, without outside interference. The well-acknowledged need for private life is the basis of the right to privacy and the correlative obligation of others to respect it. In much the same way, we may think of a community's need for "community privacy" and its correlative right to community privacy.¹² In view of the fact that the need for integration and privacy depends on the type of majority and the specificity of the national minority – different in the case of Hungarians, and, say, Roma in this country – what I have in mind is in fact a relative community privacy (relative, that is, to the majority – Andreescu 2001b).

The analogy above shows how artificial it is to oppose the need for separation to the need for integration. Respect for somebody's private life does not necessarily contradict that person's need to participate in the life of the nation of which he or she is a member. Similarly, the need of communities for privacy does not imply any lack of involvement in the broader society. The Hungarian community offers a telling example. Its strong need for privacy has not diminished its desire to influence the course of Romanian democracy.¹³ The active role of the Hungarian parliamentary group and UDMR's participation in various governments is actually only the tip of the iceberg of Hungarian integration.

The simultaneous development of the integration and the community privacy of ethno-cultural groups is possible as well as desirable. This thesis is fundamental to a certain definition of multiculturalism, which describes the condition of a minority in a multicultural society along these two dimensions. To distinguish the term from other interpretations and underline its active meaning, I shall define "normative multiculturalism" as

the concept or attitude which states that balance in and fairness of inter-ethnic relations presuppose the recognition of a need for integration alongside a need for separation of the ethno-cultural communities, supports their simultaneous development (Andreescu 2001c).

In this definition, the idea of (non-assimilationist) integration underlies the realization of a common super-ethnic identity, equality of opportunity, and non-dis-

criminy treatment of the members of all ethno-cultural groups. The degree of integration determines the degree of democratization.

4. Territorial Autonomy as an Answer to the Need for Community Privacy

Territorial autonomy may in principle be an instrument of ensuring community privacy. The former was defined in the 1993 Bill on National Minorities and Autonomous Communities by the representative association of Hungarians as an inalienable right of the Hungarian community. Projects for an autonomy statute had been drafted before that date and were drafted a long time after it as well. But, as a scholar of multiculturalism noted with bitter irony,

If the efficiency of the fight for minority rights could be measured by the number of autonomy statute initiatives, then Hungarians in Romania would certainly be one of the most successful minorities in Europe: starting in 1990, no less than ten such statutes were drafted on their behalf by various more or less self-selected experts and groups.¹⁴

Between 1990 and 2004 a number of such projects were submitted:

- April 1991: Géza Szűcs's Package of Nationality Draft Laws (*Pachet de proiecte de lege a naționalităților*)
- March 1993: József Csapó's Memorandum on the Self-Determination of the National Community of Hungarians in Romania (*Memorandum privind autodeterminarea comunității naționale a maghiarilor din România*)
- November 1993: the UDMR-CDU *Bill on National Minorities and Autonomous Communities*
- March 1994: Sándor N. Szilágyi's Bill on National Identity Rights and Respectful and Harmonious Cohabitation of National Communities (*Legea drepturilor identitare naționale și a conviețuirii respectuoase și armonioase a comunităților naționale*)
- September 1994: József Csapó's Autonomies Leading to Internal Self-Determination (*Autonomii care conduc la autodeterminare interăn. Statutul autoguvernării cu statut special; Statutul autonomiei individuale a comunității naționale a maghiarilor din România și Statutul autonomiei uniunii regionale a autoguvernărilor locale cu statut special*)
- April 1995: UDMR Executive Presidency Political Department (Barna Bodó, Zoltán Alpár Szász, Miklós Bakk), Statute of Personal Autonomy of the Hungarian Community in Romania (*Statul autonomiei personale a comunității maghiare din România*)

- April 1995: Miklós Bakk's Bill on Personal Self-Determination (*Proiect de lege privind autoguvernarea persoanelor*)
- May-June 1995: József Csapó's Statute for the Autonomy of the Székely Country (*Statutul autonomiei Țării Secuilor*)
- October 2003: Székely National Council's Statute for the Autonomy of the Székely Country (*Statutul autonomiei Țării Secuilor*, a project submitted by József Csapó)
- November 2003: An expert group's (coordinated by Miklós Bakk) Autonomy Project (*Lege cadru referitoare la regiuni, Proiect de lege privind înființarea regiunii cu statut special a secuilor, Statutul autonomiei regiunii cu statut special a secuilor*)

In the new millennium, the issue of territorial autonomy was no longer championed by the UDMR, but by the Hungarian National Council in Transylvania and the Székely National Council. A decision on the establishment of the Initiative Committee for the Self-Government of the Hungarian National Community was taken on March 14, 2003 during the March Forum in Cluj. In April 2003 an Appeal for the establishment of the Hungarian National Council of Transylvania and the Székely National Council was adopted at a forum in Odorheiu Secuiesc.¹⁵ The two organizations came to life at the end of 2003. Their initiatives carried an older internal break within the ranks of the Hungarian elite, which now seemed to emphasize two different visions of community identity as its logical conclusion. The statement *On the Way from Szatmárnémeti towards Kolozsvár* offers a synthesis of the new situation:

The Hungarian national community in Romania has been continuously asserting its claim for autonomy since the change of regime of 1989. ... However, between 1996 and 2003, the period of participation in the government coalition and then the time-frame covered by the agreement with the governing party, the Democratic Alliance of Hungarians in Romania neglected the concept of autonomy. Its rhetoric and practice delegated communal self-government to local administrative autonomies. Dismissing its own foreign affairs instruments, it supported the then current Romanian foreign policy, which would like the condition of Romania's Hungarians to serve as a model for other countries.

The Hungarian minority politicians who urged the abandonment of autonomy reforms were pushed out of the Alliance's leadership. The Transylvanian Hungarians' struggle for autonomy reached a dead-end. ... Keeping all this in mind, some prominent personalities of the Hungarian community in Transylvania, under the spiritual leadership of Bishop László Tőkés, the Honorary President of the Democratic Alliance of Hungarians in Romania, joined forces with

two internal groups within the UDMR – the Transylvanian Hungarian Initiative and the Reform Union – and decided to revive the process.¹⁶

Two resolutions on the self-determination of the Székely regions and the autonomy of the Székely Lands and, respectively, on the finalization of the statute of the autonomy of the Székely Land and its submission to the Romanian Parliament, were adopted by the Székely National Council on October 26, 2003 in Sfântu Gheorghe.

As a result, by the end of 2003 a significant group within the Hungarian community was already tying the Hungarian community's identity project more to community privacy by placing additional emphasis on the autonomy of the Székely Land and less to integration by expressing its skepticism towards collaboration with Romanian parties (a sentiment supported by some analysts).¹⁷ It was in this context that the Hungarian Civic Alliance made public its intention in the summer and then the autumn of 2004 to have its own candidates run in local and parliamentary elections. It would have thus competed against the UDMR in order to support its own political and identity project.

At this point, something took place that is likely to leave an enduring mark on the internal relations of the Hungarian community: the UDMR responded by modifying the electoral law in an attempt to prevent the Hungarian Civic Alliance from participating in elections. The new law (no. 67/2004) on the election of local authorities was published in the Official Gazette on March 29, 2004. The new provisions were blatantly discriminatory. The organizations of persons belonging to national minorities already enjoying parliamentary representation were able to run in local elections by default, while all other organizations were subject prohibitive requirements: membership in the organization had to reach at least 15 percent of the national minority; if this percentage exceeded 25,000 individuals, the number of members of the organization had to be at least 25,000 *and* come from 15 administrative counties and the capital, Bucharest; further, at least 300 members had to reside in each of the 15 counties; personal data had to be included on the membership list, next to the members' names.

Several Romanian organizations (including the Open Society Foundation, the Institute for Public Policy, the Center for Legal Resources, the Pro Europe League, the Roma Community Resource Center, the Ethno-cultural Diversity Resource Center, and the Ombudspersons for National Minorities) tried to prevent the adoption of such a blatantly discriminatory norm. The Venice Commission also noted the discriminatory character of the Electoral Law, but its criticism had no effect. In April 2004, the Central Election Committee rejected the submission of the Hungarian Civic Alliance. The Alliance described the situation in the following terms:

The Hungarian Civic Alliance came into being in order to represent the aspirations of the Hungarian national community to achieve self-determination. The Hungarian Civic Alliance defines itself as an alternative to the Democratic Alliance of Hungarians in Romania, which in our view has forfeited many of the original ideals of its program and has proved insufficiently democratic in its operations.

The UDMR has exclusive control over funds appropriated from both the Hungarian state and the Romanian state for the benefit of the Hungarian community in Romania. These funds are spent to support UDMR's institutional organisms and to preserve its political clout at the expense of local civic initiatives, of the Hungarian-language media, and of professional organizations and institutions.

The Hungarian Civic Alliance was created to end the UDMR monopoly. The Hungarian Civic Alliance does not intend to threaten the representation of the national community at the local or national level. By introducing political competition, a higher level of civic participation in political life could be achieved, thus strengthening the influence and increasing the number of Hungarian representatives in local and county decision-making bodies. Given that there is a 5 percent threshold for entry into the Romanian Parliament, the leaders of the Hungarian Civic Alliance have announced that they are ready to cooperate with other Hungarian political forces in order to preserve Hungarian representation therein (Alpár Szász 2003, 176).

The Hungarian Civic Alliance also missed the general elections, but it continued its efforts to promote the autonomy of the Székely Land. It submitted a project on the autonomy of the Székely Land to the parliament.

In his discussion of the obstacles to the realization of autonomy, Levente Salat mentioned the issue of mentality:

What can one say ... with respect to the autonomy projects of Hungarians in Romania? One thing one may say is that, on the one hand, the political elite of Hungarians in Romania sees this project either as a slogan devoid of content and impossible to fulfill under the existing circumstances, or as a fetish, the consequences of which are not fully grasped. Romanian public opinion, on the other hand, demonizes the plans of Hungarians concerning autonomy every time the issue returns to the forefront of political debate, referring to "conspiracies" behind separatist, self-isolationist, segregationist and bantustan-ist tendencies. So on the one hand we're dealing with a fetish, and on the other with a diabolical construct. Everything indicates a lack of political culture on both sides, and suggests we need a lot of additional effort to begin to talk properly about autonomy, to give it a real chance to succeed, and to be free of the unfortunate effects on the development of democracy in Romania (Salat 2006, pp. 37–38).

However, the projects of the Hungarian community now face an obstacle that is more specific than either the fetishizing or the demonizing attitudes: the uncon-

stitutional nature of any special statute or any kind of regionalization. Although the Romanian Constitution was amended in 2003 while Romania was negotiating the final chapters of its accession to the EU, an organization that presupposes regionalization, this step was delayed, undoubtedly with the Hungarians' projects in mind. The project of autonomy for the Székely Land is impossible to fulfill before the new constitutional order has been changed so as to enable a new administrative organization of the country. The change may be postponed only until 2013 at the latest.

However, constitutional acknowledgement for the regions does not imply the recognition of special statutes. The latter option would have to be mentioned explicitly, and this implies introducing in the constitution provisions the sole advocate of which remains the Hungarian community. What is the extent of its influence? I think it is extremely limited. Paradoxically, Romania's current status as an EU member lowers the ability to use the Union's power in order to support minority projects. The much larger role of political negotiation at governmental or parliamentary level in the process of promoting the interests of the Hungarian community has led to a much diminished part for civil society. The independent voices that could build inter-ethnic and intra-ethnic bridges in the past now seem to have lost their relevance.

Given the positions of the various actors with any say on such matters, one can at most hope for securing a degree of territorial autonomy for Transylvanian Hungarians through regionalization. This is the basic idea behind the project advanced by Miklós Bakk: drawing regional borders in such a way as to render the Hungarian minority a majority in an area covering its traditional territory.

There isn't much sympathy for this concept among Romanian parties. The current organization of the country in development regions avoided this solution and created an unfavorable precedent. Only the coalescing of the entire Hungarian community around the project of a region with a Hungarian majority can ensure the concept's success. The real solution does not consist of erasing the existing borders – something highly unlikely anyway –, but of including the project of a region with a Hungarian majority among a set of minimal, realistic principles, able to transcend internal divisions. To stand any chance, it is preferable for the initiative to come from outside the ranks of the big political players – UDMR and the Hungarian Civic Alliance.

5. Cultural Autonomy and the Statute Draft Law. Another Form of Community Privacy

The 2004 elections made it possible for UDMR to return to power, this time together with the DA coalition and the Conservative Party. It was a moment that the

UDMR considered auspicious for its taking control of the autonomy project. Immediately after the conclusion of the governing protocol UDMR elaborated, with support from the national minorities' parliamentary group, the Draft Law on the Status of National Minorities in Romania. The law was designed as a constitution of national minorities and, as such, it provides a synthesis of numerous provisions already existing in sectorial laws, such as the Education Act, the Local Administration Act, or the Anti-Discrimination Act. There is, however, something new in the draft law: the principle of cultural autonomy. According to the draft law, "the state recognizes and guarantees the cultural autonomy of the national minorities" (Article 56), i.e., "the right of a national community to have decisional powers in matters regarding its cultural, linguistic and religious identity, through councils appointed by its members" (Article 57(1)). Under Article 58 of the bill, the cultural autonomy of national minorities refers to the following of powers:

- (a) elaboration of strategies and priorities regarding education in the mother tongue of national communities;
- (b) organization, administration and control of education in the mother tongue; or participation, in partnership with public authorities, in carrying out these duties in the case of public institutions;
- (c) organization, administration and control of private educational and research institutions, and development of cultural institutions in the mother tongue; or the participation, in partnership with public authorities, in carrying out these duties, in the case of public cultural institutions;
- (d) establishment and administration of minorities' media; or participation, in partnership with public authorities, in the organization of stations, sections, editorial boards, or shows in the public radio and TV system;
- (e) participation in the elaboration of strategies and priorities for the preservation and valorization of historical monuments and of the immovable and movable cultural patrimony of the respective national minority;
- (f) administration or participation, in partnership with public authorities, in monitoring the administration of funds for specific activities in the fields of the preservation, promotion and expression of the cultural, linguistic and religious identity of national minorities;
- (g) power to appoint the management of private educational institutions with instruction in the language of national minorities, as well as private cultural institutions belonging to the respective national minority;
- (h) power to appoint the management of public educational institutions with instruction in the language of national minorities, as well as of public cultural institutions belonging to the respective national minority, under the relevant laws;

- (i) power to recommend members for management positions in public educational institutions where there are sub-units with instruction in the mother tongue of the national minorities;
- (j) power to recommend representatives of the respective national minority for positions in the Ministry of Culture and Religious Denominations and the Ministry of Education and Research, within departments having duties in the fields of the culture of national minorities and education in the mother tongue of national minorities;
- (k) establishment and award of cultural and scientific scholarships and prizes;
- (l) establishment of special taxes, under the law, in order to ensure the functioning of the institutions of cultural autonomy.

In order to exercise these powers, the organizations of citizens belonging to national minorities may establish National Councils of Cultural Autonomy – autonomous administrative authorities enjoying legal personhood. Such bodies may be established by means of internal elections carried out through the secret, direct, equal, and freely expressed vote of the persons belonging to the national minority whose Council is being established. Expenses for such elections are to be covered by the state budget. The National Councils of Cultural Autonomy consist of:

- (a) 7 members, for national minorities of less than 5,000 members, as counted according to the last census; or
- (b) 9 members, for national minorities consisting of between 5,000 and 15,000 members, as counted according to the last census; or
- (c) 11 members, for national minorities consisting of between 15,000 and 30,000 members, as counted according to the last census; or
- (d) 15 members, for national minorities consisting of between 30,000 and 100,000 members, as counted according to the last census; or
- (e) 25 members, for national minorities consisting of between 100,000 and 500,000 members, as counted according to the last census; or
- (f) 45 members, for national minorities consisting of between 500,000 and 1,000,000 members, as counted according to the last census; or
- (g) 91 members, for national minorities consisting of over 1,000,000 members, as counted according to the last census.

Council members are to serve for a term of 4 years (Article 64(1)). A Permanent Secretariat will function within the National Councils and carry out administrative and operative tasks. The expenses incurred for organization, operation and salaries are to be covered from the state budget (Article 69(1)).

The first thing to notice about the provisions on cultural autonomy is their essentially administrative nature. The main concepts of the draft law are “elabora-

tion”, “organization, administration and control”, “establishment and administration”, “establishment and award”, “appointment”, and “recommendation for the appointment” etc. These provisions add no new rights to those recognized in sectorial laws. No additional educational, linguistic, or religious measures are introduced that did not already exist. The main goal of the law is to transfer decision making power to structures consisting of persons belonging to the communities and ensure control over the exercise of specific rights. The administration of the principle of cultural autonomy is left to bodies with an essentially political nature. Although cultural autonomy is designed to impose the voice of the minority in specialized fields such as culture and education, the system not only fails to support professional associations, but in fact excludes their direct role. To rephrase this in terms of the concepts advanced above, cultural autonomy as defined in the draft law may be considered an expression of the need for community privacy, but reduces the latter to its political dimension.

Starting in February 2005 the draft law has been debated within several larger or more restricted meetings of specialists. During the discussions several matters of principle were criticized,¹⁸ as were various technical details,¹⁹ all of which were however relatively easy to solve. Eventually, the draft law was blocked in the government, since the Alliance’s partners refused to accept several details of the model of cultural autonomy it advanced. Neither the efforts of the UDMR nor those of other organizations to persuade the executive were successful in moving the project forward, nor were appeals to political partners in the EU. In order to understand the predicament of the UDMR, and in particular its difficult position in supporting the project, one must consider the draft law as a whole.

6. Identity, Community Privacy, and Internal Democracy

I mentioned cultural autonomy as the new issue introduced by the draft law. Another novel matter, this time less visible, involved the formalization of the concept of an “organization of citizens belonging to a national minority”.

The term “organization of citizens belonging to a national minority” appears in the Romanian Constitution. Sectorial legislation interpreted it as referring to associations and foundations established by persons belonging to the national minorities. Any association or foundation of this type may compete against all others in order to represent the community in the Romanian Parliament. It also manages the funds through which the state ensures the protection and development of national minority identity. The basic law and sectorial legislation, including the electoral law, emphasize the internal democracy of minority communities.

The authors of the draft law, however, chose to define “the organizations of citizens belonging to national minorities” in such a way as to integrate the discrimi-

natory provisions of the 2004 electoral law: the document distinguishes between existing minority cultural associations and other minority associations. Under Chapter III of the draft law,

- (1) The organization of citizens belonging to a national minority represents the legal entity established by persons identifying themselves as members of the national minority in question and who, on the basis of an agreement, pool together, without any right to restitution, a material contribution, their expertise, or a contribution in kind in order to carry out activities in the interest of guaranteeing the right to preserve, express and promote their ethnic, cultural, linguistic, or religious identity, or to constitute, promote and protect the institutional and legislative framework necessary for the achievement of the interests of the respective minority.
- (2) The number of members of an organization of citizens belonging to a national minority cannot be smaller than 10% of the total number of the citizens having declared their membership in the respective minority at the latest census.
- (3) Should 10% of the total number of citizens registered as belonging to a minority in the latest census be equal or exceed 25,000 persons, the list of founding members must contain at least 25,000 persons, residing in at least 15 counties in Romania, but no less than 300 persons in each of these counties.
- (4) Persons who do not belong to a national minority may be members of an organization of citizens belonging to a national minority, but their number cannot exceed 25% of the total number of the members of the organization at either a local or national level.
- (5) A person cannot be a member of two organizations belonging to the same minority, registered under the provisions of this law (Article 40).

These associations of citizens belonging to national minorities, the organizational logic of which is essentially political, were granted extensive powers on community life. They,

- (a) may take part in parliamentary, presidential and local elections, under the legislation in force, being regarded for all purposes as political parties and benefiting from legal facilitations in obtaining a mandate in the public local administration as well as in the Parliament, under the terms of Article 49;
- (b) may represent the respective minority in the Council of National Minorities;
- (c) may administer special funds received from the state budget or the local budgets for the purpose of achieving the goals stipulated in Article 40(1);
- (d) will receive yearly allowances from the state budget under the law;

- (e) may propose, under relevant laws, the appointment of representatives in institutions, state agencies or authorities active in the fields of the expression, preservation and promotion of the ethnic, cultural, linguistic and religious identity of the persons belonging to national minorities; should the special law fail to stipulate such representation, the organizations shall be consulted with respect to the appointment of managers in these structures;
- (f) will authorize representatives in inter-governmental commissions on issues concerning national minorities in order to conclude bilateral agreements between Romania and the country with which the respective national community forms a community of culture and language;
- (g) may represent before national or international courts persons or groups of persons whose interests have been harmed because of their affiliation with the respective minority;
- (h) may notify the National Council for Combating Discrimination in case of discrimination against persons belonging to the national minority they represent.

The terms and powers in the new draft law ensure the political monopoly of existing cultural organizations. Under the system now in place, the chief political role within minority communities is played by associations successful in the electoral competition. They obtain parliamentary representation and, through the Council of National Minorities, gain access to funds for the protection and development of minority identity. It has been noted that the competition remained relatively fair until 2004. For the last elections, several discriminatory amendments were passed. It could have been hoped that this violation of equality of rights within minority communities would represent merely an exceptional circumstance and would be easily overcome in the coming elections. But the draft law attempts to render the monopoly irreversible.

The provisions concerning organizations of citizens belonging to national minorities together with those of the cultural autonomy bodies practically entrust the entire life of the community to an organization formed according to political criteria. A large part of state funds are earmarked for support for the infrastructure of the organizations of citizens belonging to national minorities,²⁰ while competing associations are left out in the cold.

Many of the powers of the cultural autonomy bodies and the organizations of national minorities overlap.²¹ This provides existing cultural organizations with additional means to cement their supremacy.²² Such fears are not excessive. The way in which the UDMR and the Roma Party managed to prevent the Hungarian Civic Alliance and competing Roma associations from running in the 2004 elections is undeniable positive of the effects of this serious threat to the internal democracy of national minorities. The 2004 electoral law affected the ability of na-

tional minority communities as a whole to secure their representation. The number of Hungarian and Roma councilors dropped and the ability of those elected to express the interests of their constituencies was reduced.

The draft law on the status of national minorities of Romania offers a costly system of protection which adds little, if anything, to the rights enjoyed today via the system of sectorial laws by persons belonging to the national minorities. The draft law does, however, destroy the internal democracy of minority communities. It places their fortunes under the control of political groups, sometimes partners and possibly clients of Romanian parties. The draft bill puts no barrier in place against control of the entire natural and educational institutional system by the national minority organizations having secured the formal representation of the respective minorities.

Associations such as the Hungarian Civic Alliance, alongside coalitions such as the Roma Civic Alliance and human and minority rights groups, have expressed their opposition to the draft law. The norm would trade internal democracy for community privacy when, in fact, the latter's role is to empower the members of the community. Cultural and territorial autonomy are supposed to ensure the framework necessary for the manifestation of the diversity of views on identity and for the expression of the variety of elements of a community's identity. This principle is vital especially when the minority is large (as is the case with Hungarians and Roma in Romania) and when its sense of identity is strong and positive (as is again the case with the Hungarians). From the perspective of the concept of community privacy, the purpose of autonomy is to protect members of a community from external pressures. But significantly less protection from internal pressures would be too high a price to pay for additional protection from the outside.

To conclude, the current draft law on the status of national minorities in Romania cannot be understood as an expression of consensus within the Hungarian community in Transylvania, even though the notion of cultural autonomy that it promotes may have the support of every member. To stand any chance of success with its territorial and cultural autonomy projects, both of which are expressions of a need for community privacy deeply connected to the identity of Hungarians in Romania, such a consensus is however necessary. Research has shown that majorities do not like autonomies (Robotin 2005). If only for this reason, a minimal set of goals must be agreed on by the diverse representatives of the Hungarian community in Romania, and these goals must be asserted as an expression of a common identity.

But is it really so important for the future of the Hungarian community to affirm community privacy in relation to Romanian and Transylvanian society? Romania's accession to the EU ensures additional freedoms, mobility and security to members of the Hungarian community. Yet, in time it is conceivable that EU

membership might reduce Hungarian identity to a matter of folklore. On this point I am in agreement with Levente Salat: “Though such a development would not run ... contrary to tendencies prevalent throughout the world, it would be the proof of a common failure of all the actors with a direct influence on the condition of the Hungarian minority in Romania” (Salat 2005).

Notes

- ¹ Decree no. 309 of February 6, 1945.
- ² Most of them were simply sold to Western Germany and Israel.
- ³ Note that this increase is much more marked than indicated by census data. Estimates are that the number of registered Roma amounts to approximately one third of the real number.
- ⁴ See Ethnocultural Diversity Resource Center, “*Major characteristics of minorities in South-Eastern Europe. Hungarians in Romania*”, Cluj. Available at <http://www.edrc.ro>.
- ⁵ See Ethnocultural Diversity Resource Center, <http://www.edrc.ro>.
- ⁶ After the mid-1960s, the era during which Nicolae Ceaușescu came to power, the condition of the Hungarian minority in Romania took a turn for the better. But the 1970s saw the beginning of a policy of forced assimilation, under which Hungarians, as well as other minorities, lost their remaining educational and cultural establishments (Schöpflin 1990).
- ⁷ In 1977 the László Takács memorandum indicated the steady reduction in Hungarian-language schooling. It included a disturbing statistic according to which of the 34,738 ethnic Hungarian students attending secondary schools nationwide 15,591 (or 45 percent) were attending technical secondary schools where instruction was offered exclusively in Romanian (Deletant, 1995).
- ⁸ See for example Helsinki Watch, *Struggling for Ethnic Identity: Ethnic Hungarians in Post-Ceaușescu Romania* (Washington: Human Rights Watch/Helsinki Watch, 1993), 10.
- ⁹ On February 9, 1987, Mátyás Szűrös, the Hungarian Foreign Minister, admitted that there were fundamental differences of perspective between the two countries on the status of the Hungarian minority in Romania and that it had not been possible to reach any genuine understanding.
- ¹⁰ See Ethnocultural Diversity Resource Center, <http://www.edrc.ro>.
- ¹¹ This extremist group founded in Târgu-Mureș in early 1990 portrayed Hungarians as a “fifth column” inside Romania. Vatra Românească was responsible for placing the ethnic issue at the forefront of the political agenda, where it was ably used by Ion Iliescu to stir up support and to comfortably win the elections two months later (Adamson 1995).
- ¹² Levente Salat provides a functional explanation: “the very varied and rich set of case studies [of minority autonomy] validate the thesis that the controversial issues arising between majority and minorities are easier to manage by reducing the surface of contact.” (Levente Salat 2006).
- ¹³ According to the 2002 Ethnic Relations Barometer most Hungarians (56.5%) believed UDMR should be part of the governing coalition, irrespective of who wins the elections, or that it ought to be co-opted in the government as any other party would be (Monica Robotin 2005).
- ¹⁴ See Levente Salat’s manuscript on “*Proiecte de autonomie ale maghiarilor din Transilvania*”.
- ¹⁵ See the documents in *Transylvanian Monitor* no. 1 (2004): 166–167 (published in Oradea by the Hungarian National Council of Transylvania).
- ¹⁶ See *Transylvanian Monitor* no. 1 (2004): 168.

- ¹⁷ Zoltán Alpár Szász refers to the “undemocratizing effects of the recent developments” in the UDMR’s participation in the majority political coalition (Alpár Szász 2003).
- ¹⁸ Such as the idea that in 2005 one needs a law covering the status of new minorities, following, for example, recent developments related to the Framework Convention for the Protection of National Minorities.
- ¹⁹ The protection of ethnic minorities may be defined as a matter of states’ international obligations, but in the case of Romania this would mean a reduction of standards of protection.
- ²⁰ I use the shorter “organizations of national minorities” for “organizations of citizens belonging to national minorities”.
- ²¹ The chief norm governing the relationship between a National Council of Cultural Autonomy and an organization of citizens belonging to a national minority is enshrined in Article 59(2) of the draft law. This is a useful provision, aimed at avoiding a duplication of tasks. It suggests the National Councils would largely subordinate themselves to organizations of citizens belonging to national minorities. There is no such provision on the relationship between National Councils of Cultural Autonomy and the Council of National Minorities, although the duties assigned to the latter by Article 53 suggest a lot of overlapping with the powers of the Cultural autonomy of national minorities in fields such as education, culture and media.
- ²² In its Draft Opinion on the draft law, the Venice Commission underlined that: “In order for the draft law to better comply with the freedom of association, the conditions for the registration of the so-called ‘organisations of citizens belonging to national minorities’ should be eased”.

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