

MINORITY RIGHTS IN RUMANIA NEW GOVERNMENT EDICT CONCERNING THE REGULATION OF RIGHTS

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Some time ago the whole of the European press reported the news of the publication of the Minority Statutes in Rumania. But the public opinion of the world has not been informed of the text of that edict which Bucharest has dished up as "Minority Statutes." The development of relations between the peoples in the Danube Basin largely depends on the future prospects of the national minorities in Rumania, and it is also important for the peace of Europe to investigate what the minorities of Rumania may expect from this recent regulation of minority rights. Has it brought any change, or does it give any assurance that promises will at last be fulfilled?

Not a royal decree, nor a decree-law (decrèt-lège).

In No. 178., issued on August 1, 1938, the Rumanian gazette ("Monitorul Official") published three *royal decrees* and three *royal decree-laws*. One of the royal decrees, No. 2761, provides for the establishment of the Commissariat of Minority Affairs, defining the fundamental principles on which it is to work and its sphere of authority. Another royal decree contains the appointment of the Commissioner of Minority Affairs. Nine royal decrees, provided with the Sovereign's signature and the promulgation clause, announce the Rumanian citizenship of nine residents in Rumania; each decree is preceded by a preamble, from which it appears that some of the residents concerned owe their Rumanian citizenship to the fact that they have married Ruman-

in women. Royal *decree-laws* provide for the closing hours of barbers' and hairdressers' shops, for shop holidays on Sundays, and for the working hours of private (commercial) employees. Other *decree-laws* contain the appointment of engineers and other technical employees to the State Railways and various other departments. This single issue of the Rumanian gazette is, therefore, enough to convince the reader that the Sovereign holds not only the supreme power of legislation in his hands but also the responsibility for all essential tasks of government.

The first and major half of the official gazette is concerned with royal decrees and decree-laws of this kind. Each of these is provided with a preamble containing the proposals of the Cabinet Council, while in the final clause the King exercises his right of sanctioning (or sealing), promulgation and enforcement, or — in the case of the decree-laws — the legislative power. In the second part of the gazette, in a more unpretending place, we find the edict which was described as the "Minority Statutes", under the following title: "*Journal of the Cabinet Council*" ("Jurnalul ale consilului de ministri"), under No. 1750. This is followed by other two short minutes of the Cabinet Council, concerned with minor affairs, such as the approbation of two tenders, superannuations, suspensions, transfers, auctions.

That is to say, the *Journal of the Cabinet Council*, which has been published under the title of "*Minority Statutes*", is neither a royal decree nor a decree-law. Nevertheless, it was published only in this gazette because the newspapers in Rumania were not allowed to print it. One week later the Censor gave permission for the publication in the newspapers of the *royal decree* concerning the sphere of authority of the Commissariat of Minority Affairs, but even after this date the *Journal of the Cabinet Council* — described as "Minority Statutes" — was not allowed to be published in the newspapers.

No guarantee.

To begin with, the very character of these regulations makes us raise the question: why has the regulation of the

minority problem not taken the form of a decree with the binding force of a law? In the present system of government in Rumania, as we know, the *decree-law* fills the place of parliamentary legislation, so much so that even police regulations of minor importance are often put into this form. The regulation of the minority problem has assumed the simple form of an Order in Council, or to use the literal translation of the Roumanian term, the form of a *Journal of the Cabinet Council*, which really means an edict of the Government. There is an essential difference between the decree-laws of a dictatorial régime and a Government edict. The decree-law did always have the binding force of a law in the political life of Rumania, even before the present régime, and it would still possess the same power if this dictatorial form of government would subsequently be remodelled either according to the new Constitution or otherwise. In Rumania, there is a much greater difference between laws and edicts than elsewhere, owing to the frequent changes of Government, for the Government in office seldom respects the edicts of the previous Government and very soon annuls whatever its predecessors have ordered. Such factors as the signature of the Sovereign, the promulgation, the Sovereign's seal, under any circumstances bear more weight than the signature of the members of the Cabinet. They would be decidedly more valuable, if only for the simple reason that it is impossible to know the attitude of the military authorities towards the edicts of a civilian Government. Rumania is now in a state of siege; the division generals have supreme command over the lives of the civilian population; the counties are governed by high army officers in active service, since the military commanders of the county capitals are also the county prefects, and the heads of the provinces are not high commissioners but *royal deputies* (governors). Criminal proceedings, particularly those relating to political cases, are in the hands of the military courts, and the control of the press (censorship) is also carried out by the Army. Under these circumstances the question of guarantee is a source of extreme anxiety. What makes us most anxious about it is the question *why?* We must take it for granted that this form of a *Government*

edict has been chosen after serious deliberations, and there must have been some reason or other why the idea of a *decree-law* — which is certain to have occurred to the Government — was rejected. Since a law can only be modified today by means of a decree-law this decision really implies that no laws are to be modified in the meantime. Moreover, even the idea of a royal decree has been rejected. There must be a grave reason why they have not decided upon a more substantial form of guarantee.

It is clearly stated in the Government's edict that it does not contain provisions but *instructions* concerning the interpretation and application of previous laws, for the guidance of the *ministries, authorities and public departments*. This means that all the numerous unjust measures and provisions contained in the previous laws will be upheld without any change. This is another reason why the form of a Government edict was chosen instead of a decree-law.

The introductory part of the edict defines the immediate purpose of the edict as follows: "*to give direct instructions to the Commissariat of Minority Affairs*", notwithstanding the fact that a separate royal decree has been issued containing those principles which the Commissariat has to follow. This decree also contains certain instructions, but these are not identical with those laid down in the Government's edict. If, however, the two were identical in their principles, it would have been enough to lay down the fundamental principles in a regulative legal (royal) decree and simply refer to it in the edict. The two different ways of wording raise the suspicion that the differences cannot be ascribed to pure accident.

The more elaborate instructions of the edict containing the regulation of the minority problem refer to three main branches of public life: *education, church life, and public administration*. There are also minor instructions in it concerning such matters as the appointments to Government departments, language tests, the use of minority languages in the law courts, etc.; some of them touch on private life and private finances; a short paragraph promises a settlement of the condition of three Hungarian scientific and cultural institutions, while another paragraph contains encouraging

assurances concerning the regular activity of the Hungarian Agricultural Society. Let us now examine more closely what these provisions mean, and what practical results may be expected from them?

The determination of nationality

The first eight of the twenty-six paragraphs are concerned with *minority education*. They do not embrace the problem in its entirety, but they show a certain inclination to do away with some of the most glaring injustices and absurdities.

In the first place, we must point out the most important paragraph, which is also the most essential part not only of the section on education, but also of the whole edict: *the persons responsible for the child's education (father, mother or guardian) alone are entitled to decide to which ethnic group the child belongs.* (Sec. 5.) This is the only paragraph which would relieve the minority families in Rumania from a terrible pressure, if only we could hope that it would be carried out in practice. The children can not be taken away any more — by violent measures — from their parents, their denomination, their nation, and from the minority schools. This is an elementary human right of which no one would have thought to deprive people in Hungary, but of which Rumania has deprived the parents of the Hungarian children in Transylvania. One sentence in the edict, which gives one the impression that this elementary right — the "sine qua non" of the freedom of education — will now be restored, has created an intense feeling of relief. The child is every one's dearest treasure, and it was this alienation of the child that inflicted the deepest wounds on people's souls in the past. This problem has caused a great deal of bitterness and worry to the Hungarian families; the Hungarian minority had to devote the better half of its energies to this struggle for the child, and this struggle has never achieved a better result than 30—40%. Yet even this paragraph leaves no hope for a 100% solution; for it is to be feared that this exclusive right of determination — which is now given to the parents — will be misused to harass the

people's leaders by those means of coercion which are only too well known to all of us. To mention only one example: many Hungarian clergymen have been placed under the charge of hostile activity against the State, merely because they informed their parishioners that they were entitled to send their children to the denominational Hungarian schools. It is a great question, above all, *what results this promise of rights will be able to achieve in practice without the necessary sanctions.*

The term "nationality" is not mentioned at all in the edict. It is clear, therefore, that it does not recognize *nationality* as a term applied to a group of citizens. As regards the determination of the ethnic character, the edict mentions it only in connection with children and with the free choice of school. As far as the adults are concerned, the edict does not recognize their right to choose their own nationality. Consequently, there is nothing to guarantee the right of a Rumanian subject to determine his own nationality in civil life. Why could it not be laid down as a general rule that the citizen's own free will must be regarded as the determining factor in respect of nationality? This should have been the basic principle of the regulation of the minority problem, but this was left out of the edict.

The Minority Pact and the educational policy of Rumania

There is a general statement in the edict — described as "Minority Statutes" — to the effect that the minorities of race, religion and language may maintain schools and teach in their own language. There is, however, nothing new in this statement; it is essentially the repetition of a statement contained in the "Minority Treaty", an agreement concluded between the Allied Powers and Rumania in Paris, on December 19, 1919. The Minority Treaty was ratified on September 26, 1920, and has since then become *one of Rumania's basic laws*. The obligations which Rumania undertook in it have not been fulfilled. Even this law, this basic law, which is at the same time an international agreement guaranteed by the League of Nations, was not enough to induce Rumania to fulfill her obligations. Nor is this abstract

principle any more firmly guaranteed by the simple fact that it was repeatedly laid down in an ordinary Government edict.

Moreover, the edict was not satisfied with the simple repetition of the above abstract statement, but provided it with a clause which flatly contradicts the Minority Treaty. It says, namely, that *the provisions of the Private Education Act of 1925 remain unaltered in the case of elementary education*. Now, this is a reference to the ill-famed Anghelescu-Law (named after the Minister of Education Anghelescu who was responsible for it) which chiefly aims at the complete destruction of minority education, and against which the Hungarian Churches were obliged to appeal to the League of Nations. The League's proceedings in the case ended with a report from the Rumanian Government in which the latter declared that the matter would be settled internally by peaceful means. Nevertheless, no "peaceful settlement" of this kind has taken place in those twelve years which have elapsed since that date.

The Anghelescu-Law refuses the fulfilment of those obligations which Roumania has undertaken by an international agreement. It makes teaching in minority languages impossible, it aims at the eradication of the denominational minority schools — which it degrades to the rank of private schools (in the literal sense of the term) — and that system of teaching which it has introduced leaves hardly any room even for the teaching of reading in the minority languages. For the Szeklers — the largest group of Hungarians in Transylvania —, for instance, the Minority Treaty guarantees *national autonomy in matters of education and religion*. The Anghelescu-Law not only ignores and denies this privilege but introduces certain measures which compel the Hungarians of the "Szeklerland" to send their children to Rumanian schools. Hosts of Rumanian teachers were sent to Transylvania from the old Kingdom to accomplish the task of Rumanization, for which service they were given high premiums in addition to their salaries. By the frequent closing of schools and other methods of official pressure *they have succeeded in sending two-thirds of the Hungarian children*

to Rumanian schools in an area to which the Minority Treaty has guaranteed educational autonomy.

In the Minority Treaty Rumania has, among other things, pledged herself to give the minority schools an *equitable share* out of the budgets of the State and municipalities in general. This promise has not been fulfilled. In one year only — in the budgetary year of 1930—31 — did the minority schools receive an insignificant grant from the State. The Government now omits the obligation contained both in the law and in the international agreement and inserts the following text in the place of the term "equitable share":

The State will offer facilities, under the Budget, to the authorities responsible for the maintenance of these schools.

It is by no means identical whether we recognize someone's lawful *claim to an equitable share* or just graciously offer him the *gift of certain facilities*.

It appears, however, from the above passage that even this uncertain gift of facilities is offered merely under the *State Budget*, and not under the various municipal budgets (parishes, counties, etc.) as well. *This, too, shows a remarkable difference between the Minority Treaty and the Government edict in question.* In order to palliate this contradiction to some extent, the following section has been inserted in the edict:

The minority schools are entitled to an adequate share of the 14% municipal tax.

The term "*adequate share*" is not very far from the definition of what really ought to be done. But the word "adequate" has such an enormous variety of meanings in Rumania that it will serve for the rejection of any claim. There is, moreover, a secret trap hidden behind it. Namely, there is no such thing as a 14% municipal tax in Rumania; nor is it mentioned in the recently promulgated decree-law concerning the new system of government. *No adequate share can be promised out of a thing that does not exist.* This 14% tax has no legal foundation, but it has a history.

A decree which was passed during the last century in the Old Kingdom compelled the villages of Rumania to establish schools *for the State*. For this purpose the villages were ordered to levy a new tax corresponding to 14% of

their budgets. The same old and obsolete decree was again unearthed when the Hungarian villages of the Szeklerland were ordered to build schools for the Rumanian State. This non-existent, illegal tax was imposed on an ever increasing number of Hungarian villages and evoked an endless stream of protests and complaints. Once, by chance or otherwise, a paragraph was inserted in a law — the law dealing with the sphere of authority of the Ministry of Education after its separation from the Ministry of Arts — which provides that the sums for education in the municipal budgets must be divided among the schools of the parishes concerned. This paragraph naturally, did not escape the attention of the minorities who began to claim their share wherever this tax was imposed upon them. By and by protest against the tax became more and more rare, and a division of the funds began in those villages where the municipal elections helped the candidates of the population into power. Thereupon *the Rumanian authorities cancelled the 14% tax, and the Rumanian schools did not demand it*; this was easy enough for them, as the tax had never really existed. In the large cities, for instance, it would have amounted to such enormous sums that it was rather left out of their budgets altogether.

It was easy for the Rumanian schools not to claim their share of this tax, as the parishes have to provide for the maintenance of Rumanian State schools in any case, without any special tax being imposed on them.

According to the Rumanian laws, the parishes have to provide for the establishment and maintenance of the State schools, while the State itself contributes only the salary of the teachers. The authorities show no mercy towards the Hungarian parishes when it comes to the payment of the expenses of the Rumanian schools. And every parish, even the smallest one, has to maintain a Rumanian State school. Those poor people who remain faithful to their minority schools at all costs and without any help from either State or the parishes must, therefore pay *three times as much as the costs imposed upon them under the title of contributions towards the expenses of education*. They have to pay their tax to the State, though it does not provide for the maintenance of its own schools. In the second place, they have to

pay a tax to the parish for the maintenance of the State school. And in addition to this the people undertake to pay — because they feel they have to — for the maintenance of their own minority schools.

This system obviously aims at causing minority education to collapse of itself, because *the minority population, which is heavily burdened by taxes and, as it is, generally lives in most precarious conditions will not be able to support this incredible burden very much longer.* And to ask help from abroad for the maintenance of minority schools would be considered as a most unfriendly act against the State and is — in any case — punished with the utmost severity.

If we add to all this the fact that *it is looked upon as one of the most severely punishable acts to teach Hungarian reading and spelling to those young Hungarians who attend Rumanian schools,* the whole political tendency of the present educational system stands clear before us. If any one dares to give somebody a Hungarian spelling book in a village, he is liable to prosecution. It is strictly forbidden to publish or propagate such books. The idea is to prevent the younger generation from keeping in touch with their nation.

No relief from any of these burdens and prohibitions has been brought by the new Government edict; on the contrary, it merely perpetuates and strengthens the old tendency. During the Hungarian regime, on the other hand, the Rumanian Churches maintained their own schools, elementary as well as secondary schools, from those regular grants which they received from the Hungarian State.

Difficulties in the teaching of religion and in the final examinations

The anti-minority tendency of M. Anghelescu's educational policy has also doomed the minority secondary schools to slow extinction. The Churches maintain them with the utmost difficulty. Innumerable obstacles have been placed in the way of the secondary education of the minorities with the aim of bringing about its ultimate collapse. We shall here deal with two of these obstacles, since the Government edict also discusses only these two:

Schoolmasters in Rumania must, after the completion of their studies at the Rumanian Universities, appear before another *qualifying* committee of examiners in the Ministry before their definite appointment. On the other hand, there is a law which provides for the obligatory number of definitely appointed school-masters in the different secondary schools; and if a school is not able to produce this obligatory number it runs the risk of being closed. Out of those Hungarian schoolmasters who have left the Rumanian Universities with excellent results since the war, 99% could not take this final *qualifying examination*. For about ten years there were no such examinations held at all, while in those few examinations that actually did take place the Hungarian candidates failed, no matter how excellent their previous qualifications may have been. A royal decree, published in January this year, provides, that in certain subjects — such as history, political science, geography, Rumanian language and literature — *only persons of pure Rumanian ethnic origin may be admitted to the examination*. Another royal decree exempts the Germans — in exceptional cases — from this prohibition. Under such circumstances it is impossible for the minority schools to appoint their masters definitely. Consequently, they cannot produce the necessary number of definitely appointed masters, and that they are now faced with the danger of being closed.

What facilities does the present Government edict offer against this insupportable state of affairs? None at all. It declares, however, that the Churches are allowed to employ their own priests as religion teachers in their own schools, but these priests, too, have to take the same obligatory *qualifying examination* as the other qualified schoolmasters. In other words the obligation of an impossible examination is also imposed upon the religion masters. The Hungarians in Transylvania demanded a general settlement of the problem in such a way that *pupils should receive their education in religion from the priests of their own denomination*. This request, however, was not granted; instead of this, only the denominational schools have obtained permission to employ their own religion masters under the above strict reservations.

Another obstacle which the secondary education of the minorities must face is presented by the *final examinations* in Rumania. Those pupils who have completed their secondary studies are not examined in their own schools and by their own masters, but by a committee of examiners composed of masters from other schools who do not even know the pupils' language. The idea underlying this system of examination is to prevent the minority youth from going to the Universities. The results were, indeed, excellent. By and by the parents began to think that it was aimless to send their children to such schools where they could not even obtain a higher leaving certificate and from where they could not obtain admission to the University. And with this blow the present system has struck at the very roots of the minority secondary schools.

On this point the Government edict has, indeed, brought a certain improvement of the lamentable situation of minority youth. It provides that in those subjects which the pupils had learnt in their own language they must be examined by teachers who know that language. It must be known that the minority schools have to teach some of the subjects in Rumanian. In these subjects the method of examination will remain the same as before, and the pupils will continue to be examined by teachers from other schools. The same applies to the subjects taught in the pupils' own language, with the difference that the examiners must possess a knowledge of the language in which those subjects are taught in the minority schools. This latter concession certainly means a relief to the minority pupils preparing for their finals. It is, however, still very far from a really generous solution, because *the minority schoolmasters still remain excluded from the committee of examiners*. The pupils are examined by hostile Rumanian schoolmasters whose judgement is not guided by the pupils' knowledge but by their own chauvinistic hatred. This chauvinism nips the careers of many thousands of able minority youths in the bud, so that their ruined lives may hinder their nation in its future development!

Church and religion under control

The national Church of Rumania is the Greek Oriental (or Orthodox) Church; this means the enjoyment of privileges and political power. Under such circumstances it would be extremely important to guarantee the freedom of religion in that country. The national minorities in Transylvania do not belong to the Greek Oriental Church, so that an international guarantee of their religious freedom would be an *indispensable necessity* to them. The Minority Pact really does contain certain provisions to this effect, but the practical execution of the generalizing statements introduced in the basic law of Rumania is left to the discretion of the State. It promises the freedom of religious practice and Church activities in so far as they are not inconsistent with the order of the State and with public morals. It was forgotten that the narrow-mindedness of Rumanian village clerks, gendarme sergeants and higher public functionaries identifies the State with the Greek Oriental Church, and that their judgement of public morals is guided by their own individual way of thinking. In their hands, *proselytizing often becomes an instrument of official coercion, and their unbridled freedom to interfere with religious practice has not unfrequently led to the disturbance of the people's peace of mind.*

The Government edict dished up as "Minority Statutes" makes the same statement concerning Church and religion as the Minority Treaty. Accordingly, no Government authority — it only mentions Government authorities — is allowed to hinder the Churches in their activity, nor is it allowed to withhold the permissions necessary for the activities of the Church authorities, provided that this activity is *not inconsistent with the order of the State*. As to what is to be considered as "inconsistent with the order of the State" is still left to the discretion of the authorities, *without any possibility of appeal and without any sanctions against the abuse of official power*. In other words, it continues to leave Church and religion at the mercy of the authorities. It is a gross insult both to the Roman Catholic and the Protestant Churches to place them from the standpoint of public morals, under the

control of Rumanian village clerks and it is equally insulting to invest the Government authorities with the power of controlling their activities as affecting the order of the State. The order of the State is, in any case, so strictly guarded both by the criminal laws of Rumania and the civil and military courts that the control of the authorities is nothing more than an annoying interference with the internal life of the Church.

The sacred abode of religion: the church is now exempted from this control. The Government's edict declares that *the authorities will not be allowed in future to interfere with matters of Divine Service*. At last they begin to realize that it is impossible to order religious services on occasions prohibited by the canons of the Church, that it is absurd to interfere with the prescribed order of rites, and that it is nonsense to prescribe the subject and contents of religious sermons. Unfortunately, *this restriction is imposed only on the Government authorities*, and not on all authorities in general. For gendarmes, for instance, who are most frequently guilty of interference with the freedom of religious service, are regular soldiers in Rumania and are subject to military discipline.

Minority law in the new system of government

In the matter of Government administration it would be essential to bring about such a regulation of minority rights as would guarantee equality of rights in general. With the evolution of the system of Hungarian public administration, in the course of ten centuries minority law in Transylvania had attained a very high standard of development due to the extension of the self-government of the counties and municipalities. The Hungarian Minority Act of 1868 (Art. 44) was such a safeguard of the rights of the Transylvanian minorities — i. e. in those days the Germans and the Rumanians — that *the present Hungarian minority in Transylvania would experience an intense relief if it was accorded a similar regulation of its rights by the Rumanians*. The national assembly of the Transylvanian Rumanians which the supporters of Rumania's aspirations

arranged at Gyulafehérvár (Alba Julia) on the eve of the Peace Treaty, December 1, 1919, declared as the "conditio sine qua non" of union with Rumania that *every nation of Transylvania was to govern itself in its own language and through its own freely elected sons*. This resolution was also incorporated as a solemn declaration in the laws of Rumania.

There is a deep gulf between the resolution of Gyulafehérvár (Alba Julia) and the present Government edict. The same gulf separates the edict from the constitutional development of Hungarian nationality administration the principles of which were followed in the above resolution. The system of Hungarian Government administration was based on the pure self-government of the municipalities and counties as large territorial units. *Within the limits of this self-government, every nationality was free to live its own life*. Every municipality and village could choose its own official language, and every individual was allowed to use his own mother-tongue too. The minute-books of the counties were written in several languages, according to the number of languages spoken by the population, so that there were municipalities whose minute-books were written in three languages: Hungarian, German and Rumanian, in the case of a mixed population. In such self-governing territories, those Rumanians who now play an active part in the present political life of Rumania used only their own language at the council meetings.

The Government administration of post-war Rumania underwent numerous changes, and every change resulted in a fresh curtailment of self-government, until it was completely submerged in the present centralistic system. *The Rumanians, therefore, do not even propose to speak of a nationality law similar to that which the minorities of the Hungarian State enjoyed*.

The "Statute"-edict contains the following concessions:

1. In the councils of those municipalities where there is *a considerable percentage of minority population* the members may also address the meetings in their own language.

2. In those municipalities where *a considerable percentage* of the population belongs to the minorities, the sheriff — or

the deputy-sheriff — must be chosen from the minority population.

3. The functionaries of a "*minority municipality*" must know the language of the minority.

4. If the minority inhabitants of such municipalities *have not yet acquired a sufficient command of Rumanian*, they may be allowed to submit their applications in their own language, but in this case the application must be accompanied by an officially certified Rumanian translation.

The publication of the "Statute"-edict was followed, two weeks later, by the promulgation of the royal decree concerning the new system of Government administration. *Of the above four points this decree contains only two, and even these two have undergone significant alterations.* Within two weeks the promises previously made were changed so that the minority languages may only be used in the councils of those municipalities where the majority of the population belongs to one nationality; if there are more nationalities in the municipality, only the language of the largest nationality group may be used at council meetings, and any address delivered in a minority language must be translated at once into Rumanian. This system of compulsory interpretation (translation) means that the council meetings of a purely Hungarian or German municipality may not be held in Hungarian or German. Which national minorities will obtain the benefit of figuring as the majority group (in the case of more nationalities in the same place) is, as yet, doubtful.

Again the decree states that one of the positions — that of the sheriff or the deputy-sheriff, or the burgomaster or the vice-burgomaster — may be filled by a person belonging to the *majority group* (the nationality representing the highest percentage). The fact that these posts are filled *by appointment means that, instead of obtaining a privilege, the population is really deprived of one of its privileges.* Judging by our former experiences of Rumania we may say that such promises of appointment are particularly dangerous, since such posts are usually filled by renegades, vile hirelings, who are known as the paid enemies of the minorities and of minority culture.

The passage providing that the functionaries employed in minority municipalities must know the language of the minority was thus left out of the above royal decree. In any case, it has not been decided yet as to what percentage the minority population must represent in what is to be (or may be) recognized as a "minority municipality". The compulsory knowledge of minority language, in itself, does not offer much help to the population. The corresponding passage of the Hungarian Minority Act, which was here taken over in a mutilated form, runs as follows:

— In their intercourse with the citizens the public functionaries *must use* the language of the population.

Nor does the royal decree mention that in certain villages applications may be submitted also in the vernacular. It may be said that such a concession might follow at a later date, or that the Government's edict is quite sufficient for that purpose. For this reason it is important to investigate whether the above Government edict offers any facilities to the minority population? None whatsoever. In the first place, it offers only a *temporary concession* to those "*who have not yet acquired* a sufficient command of Rumanian". It is left to the discretion of the public functionaries to believe the applicants that they have not yet learned Rumanian sufficiently. Nor is it specified as to which national groups are allowed to enjoy this concession in the various municipalities. And what is still worse: a certified Rumanian translation must accompany the Hungarian applications. In a Hungarian village, where the people do not know enough Rumanian, the application has to be translated either by a solicitor or the village clerk; this translation must then be taken to the nearest town — which means sometimes a whole day's walk — or to some other place where it can be certified by the notary public. This, again, means extra outlay: translation and certification fees, travelling expenses, loss of labour, etc.; these make the "privilege" of the "free" use of the mother-tongue so expensive and troublesome that it is impossible to avail oneself of it. Yet an application must be submitted even for a simple local certificate.

To all this we must add that *even this slight minority*

privilege is strictly limited to the municipalities; in the higher organizations of Government administration, such as the counties or the provinces (a province is a group of counties), the minorites have *no privilege whatsoever*. Those concessions which were given to the municipalities are of no value, since there is no self-government. The municipal council, where the language of the minority population might be used, is a body of no importance and with no sphere of authority; it holds a meeting every six months, and the population of the village is not allowed to delegate more than three members of its own choice to it, while all the other members are either appointed officially, or else they are members of the council by virtue of their position as public functionaries. At the present moment however, there are no municipal councils, and the new system of election is, as yet, unknown.

The inaccessibility of public posts

There is a negative statement both in the Minority Treaty and in the Constitution Act, which says that no individual may be prevented on account of his race or religion from *occupying* a public post. This negative statement has not prevented the Rumanian State from ousting the minority elements, especially the Hungarians, from the public posts, public undertakings, or from the workshops belonging either to the State or to the counties and municipalities. The same negative statement is again repeated in the "Statute"-edict, because it means no obligation, no promise that minority individuals will be employed anywhere or that, at least, those who by chance have remained in active service in offices or workshops will not be turned out of their posts. Anyone who is not appointed cannot occupy a public post.

Thousands and thousands of Hungarians have been dismissed from the public service. The cause of — or, rather, the excuse for — their dismissal was an "insufficient knowledge of the language of the State". That this was merely an excuse may be seen from the fact that many people were made to fail in subsequent examinations though they had succeeded in the preceding language tests, and that many of these people possessed Rumanian diplomas. Now that

they have succeeded in eradicating the minority element from the public service, the Government edict offers this concession that those who possess Rumanian diplomas and have already passed an examination in the Rumanian language will not be required to take another examination. *It does not mention a single word about the reappointment of those who in the past were dismissed from the public service under that pretext, nor does it say anything about the appointment of minority individuals in the future. It does not even mention the lawful claim to a pension, or at least a partial indemnification, of the dismissed minority employees. The exemption from the language tests — in which anyhow the candidates are always made to fail — means nothing to the Hungarians, because they have already been dismissed from the public service, and God alone knows how they all live now. This concession is like a merciful reprieve signed after the execution of the criminal.*

Use of minority languages — with an eightfold tax

In the Minority Treaty Rumania has solemnly pledged herself to guarantee the unlimited use of peoples mother-tongue in private life as well as in business and economic life. This applies, of course, to the language of the minority press and to minority literature and culture, too. In business and commercial life this solemnly guaranteed free use of language was rendered impracticable in such a way that all those minority undertakings which do not keep their books in Rumanian have to pay — according to the law — higher taxes.

The minority press has not been prevented from writing in its own language, but it was placed under the unrestricted control of the censors. It was, however, prohibited to use the minority names of geographical places, mountains, valleys, rivers, etc., and the corresponding Rumanian names had to be printed instead. The Hungarian régime had imposed no restrictions on the Rumanian press in Transylvania, which was allowed to use the Roumanian names without any limitations. The old Hungarian newspaper "*Temesvári Hirlap*" now bears the following title:

"Timișoarei Hirlap, Gazeta Timișoarei".

In this long title there is only one Hungarian word: "Hirlap" (journal).

The "Statute"-edict has now brought this concession that on the title page the heading may bear the Hungarian name of the place in brackets. Thus the original name of the "*Temesvári Hirlap*" will now be changed in the following manner:

Timișoarei (Temesvári) Hirlap
Gazeta Timișoarei.

So, after the execution of the above edict, the title of this newspaper will have two Hungarian words in it. Up to this moment the edict has not been enforced yet; at any rate, the censors of the press have not taken any cognizance of it so far. The edict states that it will be allowed to print the minority names of places in the text.

There is another passage in the edict, which deals with the question of sign-boards. So far, sign-boards were not allowed to bear inscriptions in the minority languages, *so that a foreign visitor arriving in a town or a village should not see that it was not inhabited by Rumanians*. At the beginning of this year all the tradesmen, merchants, commercial companies, solicitors, doctors, etc. were ordered to put up new sign-boards according to the new regulations, with even their own names in the Rumanian form. The same edict also ordered the removal from the shop-windows of any inscriptions giving information concerning quality or price etc. in the language of the minority population. The edict, furthermore, *entitled policemen to remove the death notices from biers at funerals if they were not printed only in Rumanian*. The death notice of an eminent Hungarian poet in Transylvania was torn off his bier during his funeral at Kolozsvár (Cluj) this year, for even the death notice of a Hungarian poet was not allowed to be printed in Hungarian...

The "Statute"-edict now promises this concession that the sign-boards may henceforth bear inscriptions in the minority languages in addition to those in Rumanian, but they must not be any larger than the Rumanian inscriptions.

Not one single sign-board has been exchanged for bilingual ones since the publication of the above edict, and it is most unlikely that this process of exchange will take place in the

near future. Everyone has now put up new and expensive sign-boards according to the regulations of the previous edict. No one will dare to remove them, as every one is afraid of a further official regulation of the question. Nor is it to be hoped that the military commanders, who also rule supreme over civil life, will obey the orders published in the Cabinet Council diary of a civilian Government.

The decree dealing with the new system of Government administration contains a different regulation of the question of bilingual sign-boards: it orders that *all non-Rumanian sign-boards must be taxed eight times as high as the Rumanian ones*. Since all the edicts agree in this that no sign-boards in Rumania may bear inscriptions in more than two languages, it appears that this eight-fold communal tax is to be imposed on those sign-boards on which the Rumanian inscription is smaller than the inscription in the other language. This, being left to the discretion of the authorities, no one is prepared to run the risk of eight-fold taxation.

In any country where the minority population is really meant to live in peace, no authority would ever think of imposing a heavier tax on business accounts and books written in their mother-tongue, and no one would invent such deterrent ideas as the eight-fold taxation of minority sign-boards.

Equality of rights before the law and in economic life.

The equality of rights before the law is based on the elementary right of the defendant in a law-suit to defend himself in his own mother-tongue. The Hungarian régime gave full play to this privilege of the minorities, and there were always sworn interpreters available at every law court. *The laws of Rumania*, on the other hand, *do not admit the use of minority languages in the courts*, nor do they provide for sworn interpreters in the courts.

The "Statute"-edict now makes the following statement: "Facilities will be offered to the minority citizens to defend themselves in their own language, if they are not represented by a counsel". It is, then, only an empty promise that facilities *may be offered some time in the future*, and even this help is restricted to those cases where the defendant has not employed

a counsel. Does this mean to say that if a minority citizen has a counsel to speak for him he may not be allowed to use his own language in the courts? Imagine the unequal situation of a minority citizen, who is prevented from giving evidence against his Rumanian opponent in his own language!

Furthermore, the edict also states that provisions will be made for the presence of interpreters in the law courts. It does not say that they will be *sworn interpreters*. The willful commission of the qualifying term "*sworn*" shows that they were fully aware of the high importance of that term in law.

The mass of promises, which we find accumulated in this passage, is a striking illustration of the inequality of rights in Rumania to-day. And one of the most disquieting questions of the future, is whether this state of affairs will ever change?

The same conclusion may be drawn from the passage which offers the non-Rumanian members of the teaching staff (in State schools) a *50% reduction of the railway fares, to which every State employee is entitled in any case*. In other words, this passage really admits the fact that the minority teachers of the State schools — unlike the Rumanians — were hitherto deprived of the benefit of a 50% reduction on the railways. Whatever the case may be, the above promise has no practical value, because the State does not employ any minority teachers in its schools.

As regards economic life, the edict states that the commercial undertakings, cooperative societies and the banks of the minorities will be allowed to operate *under the same conditions* as those of the Rumanians. This, too, is a mere generalizing statement, and it is not easy to estimate its practical value. A great deal depends on the interpretation of the term "same (or equal) conditions", as it may easily have something to do with such factors as services rendered to the nation, or the nationality (ethnic origin) of the employees.

Another passage relating to economic life provides that minority merchants, tradesmen and agriculturists may also be electing members of the chambers of commerce, trade and agriculture respectively. Anyone who is not sufficiently familiar with conditions in Rumania would not believe that it was possible to leave out individuals of the same profession

from the list of electors merely because they did not belong to the Rumanian race.

Will this, we ask, be sufficient for the re-establishment of the equality of rights in economic life, and will it be enough to solve all those cumbersome problems which have made the life of the minorities so difficult?

The last two sections of the "Statute"-edict are concerned exclusively with the Hungarian minority. The first promises to settle the status of three highly important Hungarian cultural institutions, with due regard to their deeds of endowment. This refers to three inestimable cultural estates — libraries and museums — which were established by public contribution for the purposes of national culture. There is no room here to describe their situation in detail, or to give an account of their unending struggle against the attacks on their existence. One of them, the Museum of Transylvania, had its collections and its library seized by the University of Kolozsvár (Cluj) the latter having no permission to do so. No rent was paid and the Museum was not able to establish its claims as proprietor.

It is not easy to imagine what the edict means by the settlement of the problem of this private Hungarian cultural estate. Former attempts show that *the Rumanians endeavoured to prevail upon the Hungarian minority to resign its claim to the whole, or at least to one part of these treasures*. Since, however, it is the case of an inherited national estate, the Hungarian minority has no right to resign its rights.

In addition to these the Hungarian minority has a considerable number of cultural societies, institutions, museums and halls for cultural purposes, but the edict makes no reference to them even collectively, though in each case their status is still unsettled.

The last section of the edict provides for the regular activity of the Agricultural Society of Transylvania. It is undoubtedly true that the granting of this permission is a great help, but it must not be forgotten that the Hungarians in Rumania have more than this one economic union, as the

whole of the Hungarian minority population is not composed of farmers alone. Though with the new Constitution the whole internal political life of Rumania is now in the process of being remodelled on the basis of a system of professional representation, the results of which cannot be guessed as yet, this attempt to remodel it must not serve as a pretext for ignoring the national unity of the various national groups. The division according to professions is intended to destroy the existing framework of national unity among the minority population. The fact that the Agricultural Society is the only one which is allowed to function as a separate Hungarian society or union, means that no other professional organization of the minorities will be allowed to be based on the foundation of national unity. In other words, this means that agriculture will be the only profession in which the Hungarians will be taken into account as a national minority. But it must not be forgotten that the Hungarians still form a large part of the industrial labouring class, that the tradesmen represent an ancient class of Hungarian society in the towns, and that the Hungarian intelligentsia is still the leading class of the Hungarian minority in Transylvania.

It is vitally essential for the Hungarians in Transylvania to maintain a national minority organization if they are to defend their own political, cultural and economic interests and if they intend to have a national relief fund of their own. And it is just the recognition of, and permission to, establish this organization that we do not find in the edict, though without them it will be impossible to reach an agreement. No national minority can ever be expected to give up this most essential instrument of self-defence if it wishes to survive. Without this, there is no recognition of nationality as a collective term applied to a group of people of the same origin. This is, however, the very reason why we do not find the term "*nationality*" in the new "Statute"-edict. This attitude agrees with the intentions of the new Constitution, which describes Rumania as a national State in the sense that all its citizens are Rumanians, though of different ethnic origin, language and religion. The mere fact, however, that *all the citizens of Rumania are put down as Rumanians on paper* does not actually make Rumanians of them.

Though the edicts and laws, or decree-laws, may deny the fact: there *are* nationalities in Rumania, and there are many millions of them. Rumania is, therefore a State composed of nationalities, and no serious regulation of the nationality problem may be imagined without the recognition of this fact. This Government edict, which was dished up as "Minority Statutes", is a mere promise in general, a moderate repetition of promises previously made. Should it fail to produce any good results at all, it will merely be throwing dust in the world's eyes, but it will hardly serve as a satisfactory regulation of minority rights.

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