

Abstracts

Otto Bauer: *Nationality Question and Social Democracy in Otto Bauer: Die Nationalitätsfrage und die Sozialdemokratie*. 282–299, 308–316, 318–319, 325–331.

Walker Connor: *Nationalism and Political Illegitimacy*

The analysis of nationalism has long been hampered by slipshod terminology. English-speaking societies are particularly prone to the careless interutilization of terms, which in their pristine usage, convey vastly different connotations. Thus, *nation* and *state* are commonly interutilized, and the term *nation-state* is regularly employed indiscriminately to refer both to uninational and multinational entities. As a result of this confusing interutilization of key terms, *nationalism* is used to connote two different concepts which are often in conflict with one another. At times it connotes identification with and loyalty to the nation in the sense of a human grouping which may or may not be essentially coterminous with a state. More often it is used to connote identification with and loyalty to the ‘nation’ when the latter is used to indicate the state structure regardless of the national composition of the state’s population.

In order to avoid the confusion surrounding two vitally different and often antagonistic loyalties, this writer has found it useful elsewhere to employ the term *patriotism* to refer to state loyalty, and *ethnonationalism* to refer to loyalty to the nation. The author explores the development of modern nationalism in the late eighteenth and early nineteenth centuries when medieval notions of popular sovereignty were combined with a growing belief in the importance of national self-determination. He concludes by suggesting three levels of legitimacy (regime-, government-, and state-) that account for the persistence of multinational states in a national era.

István Csekey: *Cultural Autonomy of Minorities in Estonia*, *Budapesti Szemle*, 1928. vol. 208, 75–105

Egry Gábor: *Austro-Marxism, Nationality Question, Autonomy*

Today no stress is laid on the political program elaborated within the Social Democratic Party at the turn of the 19th century, and at the beginning of the 20th century, which envisaged nationality question, or on the theoretical papers sustaining it (the works of Karl Renner and Otto Bauer), though the trends surpass only in intent the then actual interpretation of the problem. No doubt, it was not a unanimous success at its release, not even within the left-wing movements. Its reception was limited to Austria. The authors became the prominent figures of the 20th century Austrian history and their names were interwoven with the history of social democracy.

In such an introductory study I cannot really present in details their ideas. On the other hand, taking into account that their works are almost inaccessible in Hungarian language, and that the present source-paper, which presents a selection exclusively from Bauer, can give only a scanty image on them, I consider useful to outline briefly their activity.

Balázs Gerencsér: *The Law on Minorities and the Use of the Mother Tongue*

The present writing wishes to bring a modest contribution to the high standard debate published by the "Hungarian Minority". The Hungarians in Romania, just as their co-nationals living on the disannexed territories of the Carpathian basin, are in a difficult situation as far as their mother tongue is concerned. In the gate of the European Union, it is indispensable that Romania readjusts minority, and, above all, language rights. However, the draft law under debate in Parliament exhausts only partly the subject, some issues shall become a problem only in years to come and they might also hinder development.

Balázs Gerencsér: *Linguistic Rights and Acts - (II.)*

The international treaties that concluded the First World War fundamentally remodelled the social and juridical order of Central European

states. These treaties concerning the countries of the Carpathian basin also included provisions on minorities. The paper presents the articles referring to language rights.

Imre Jakabffy – Éva Jakabffy: *Presentation of the Volume Entitled Balkan Discourse. Words and People* by Paul Garde: [*Le discours balkanique. Des mots et des homes*], Fayard, Paris, 2004

Albin Juhász: *Legal Remarks on the Draft Law on the Status of National Minorities in Romania*

I wish to comment on the keynote analysis of János Márton and Balázs Orbán on the juridical status of national minorities in Romania. I try, first of all, to share remarks on problems that would emerge when the law is enforced. In my opinion, several provisions of the draft need to be specified. Carrying out these specifications is also in the interest of those who elaborated it, because several provisions bring about serious legal questions, and even constitutional problems. Clarifying professional questions presumes discourse, intent to listen to and ponder observations that, in the case of a draft of such gravity, (should) meet every requirement.

Előd Kincses: *Preliminaries and Pitfalls of the Romanian Draft Framework on the Status of Minorities*

The draft Law on Minorities of the DAHR, concerning the use of the mother tongue, is a setback as compared to the 1945 February Minority Statutes still in force according to the collection of laws. The draft Law on Minorities establishes our strive for autonomy (“together for autonomy”?) exclusively in the so-called cultural autonomy, in such a manner that the government in power might use it later as a reference to reject other forms of autonomy. It is to be feared that by enacting cultural autonomy, the organization for the defense of the interests of Hungarians in Romania will impede the accomplishment of territorial self-governing (autonomy).

Ágnes Kiss: *Romania's Kin-state Nationalism between 1990-2004: An Analysis of the Legal Framework*

The present paper examines Romania's kin-state nationalism between 1990 and 2004 from a legal perspective. The analysis of nearly 190 legal acts targeting directly Romanians living abroad resulted in a comprehensive picture regarding the content and institutional background of Romania's relevant supportive policies. During this research the author aimed at answering the following questions: Which central institutions deal(t) with the question of Romanian communities living abroad? What is the amount of aid Romania is willing to spend on supporting policies? What forms does this support take? Are there any preferences observable in the legal acts favoring some Romanian communities? Trying to answer these questions the documents were clustered based on the following concepts: legal acts showing the political reason, engagement and determination to pursue certain goals and their motivation; legal acts establishing the institutional structures (institutions and funds) performing the supportive measures; legal acts determining the utilization of funds and legal acts facilitating the use of other types of sources; and the type of supportive measures: concrete/direct and program-type/indirect supportive measures.

Zsolt Kokoly: *Controversial Questions concerning Public Property*

The study tries to consider and systematize the unclarified aspects (regulation, terminology, delimitation, right to public ownership, the relation between the right of public ownership and public property, use, different viewpoints of specialized literature) in the legal practice of administrative law and in specialized literature, namely public property.

The clarification of the problem in administrative law is of major importance since the legal situation of public properties of the state and of territorial administrative units has not been cleared yet. Therefore, the processing of unsettled aspects is the first step in the practical solving of the problem.

Árpád Márton: *Ideas on a Potential Law on National Minorities and (or) Autonomy*

Árpád Márton's remarks to the keynote lecture of János Márton and Balázs Orbán, on the one hand, present the questions and a part of the alternatives that emerged during the elaboration process of the minority bill, on the other hand, outline the arguments that supported the decisions of the legislator.

János Márton – Balázs Orbán: *Analysis on the 2005 Draft Law on Minorities*

Our study attempts to analyze the 2005 Draft Law on Minorities. During the past 15 years there had been several attempts to settle the status of minorities or the status of the Hungarian minority within the Romanian state.

The present paper concentrates on the analysis of the 2005 draft law, laying stress on the provisions and the connections we considered highly important. Prior to the analysis, we try to sketch the political context of Romania during the period of elaboration, finally we draw some conclusions.

Pâclișanu, Zenovie: *The Question of Minority Statutes in Pâclișanu, Zenovie*: Problema statutului minorităților. Extract from the *Libertatea* journal. Tipografia de Artă și Editură, Leopold Geller, București, 1935. 24.

Tamás Sárándi: *Grievances Committed against the Hungarian Population and the Policy of the Hungarian National Alliance (MNSZ)*

The study deals with discriminating measures, respectively with grievances committed against the Hungarians of Transylvania after 1994 with no attempt to be exhaustive. In my opinion the most important events are: the land reform, the citizenship and the CASBI issues [CASBI is an abbreviation of the Rumanian name for the Office for the Administration and Supervision of Enemy Property. It was established and organized by a royal decree which appeared in the Romanian official gazette on the 10th of February, 1945].

In the 1940's, the Hungarians of Transylvania – consequently the membership of the MNSZ too – lived in the country, so the land reform deeply affected them. Its solving was a vital interest for the MNSZ. The CASBI had an impact, above all, but not exclusively on the population of towns. The organization needed, beside the population of villages, the elite and the middle class of towns and cities. Among the grievances, the one referring to citizenship was first solved, because the interest of the MNSZ coincided with that of the Romanian Communist Party, as the latter was interested in the votes of the Hungarian population.

Summing all up, it can be stated that the Hungarian population joined the MNSZ not for its policy, but because they considered it an organization for the defense of their interests that might redress their grievances. Unfortunately, instead of finding a legal solution, the question was handled politically. Due to unsuccessful solution attempts, the Hungarian population turned their backs on the MNSZ and resigned from it in large numbers.

Attila Varga: *Community Goals, Legislative Tools and Political Stakes in Connection with the Draft Law on Minorities*

I do not have the intention to analyze the *Analysis* of János Márton and Balázs Orbán, much rather give an opinion, debate on certain affirmations and critiques expressed in the study. I do not wish to refer to all details, answer all statements or explain all objections. I'd like to make some remarks on the analysis of constitutional objections and cultural autonomy. I wish to do so as one of those persons who elaborated the draft and also because the authors repeatedly refer to my writings and opinions formulated during interviews.

Emőd Veress: *The Control of the Government and the Limitation of the Governmental Power in Hungary and Romania (Part 2)*

The state and its institutional system underwent major changes during the 19th and 20th centuries and continue to change to the present. The classical theories, for example the *original version* of the division of powers, can neither explain the present realities of constitutional law and politics, nor find solutions to the problems of the day. The *actuality* of the theory of the division of powers does not lie in its answers to the structure and to the

functional structure of the state, but in the *value of the division of powers: the exclusion of the concentration of power or the decrease of its prospect.*

Many point out the “devaluation” and the “loss of power” of the parliament vs. the “excessive power” of the government. This is, in fact, the simplification, and thus the distortion of the issue. The constitutional practice in operating democracies has developed a correctional mechanism, as a reaction to the changes of the state and of its institutional system. Therefore the constitutional and political realities are more complicated, and the relational system between the government and the parliament more complex than the above simplifying viewpoint would suggest.

The present study surveys certain important elements of control and limitation of the government without trying to draw up an exhaustive or comprehensive picture.