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Territoriality versus Non-Territoriality, Language Rights and the Hungarians of Romania in the Age of Globalization

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Abstract. In this paper, I will discuss the relevance of the *Territoriality versus Non-territoriality Principles* for the arrangement of interethnic relations in multicultural, multilingual states in the age of globalization (MacRae 1975; 2007). It will be argued that the Territoriality Principle is to remain on the political agenda in multicultural, multilingual states, although the major socio-political drivers, the globalization processes, are going beyond territorial concepts. More concretely, I will discuss territoriality versus non-territoriality in the case of the Hungarian minority in Romania's north-western part, i.e. Transylvania. The language rights of the ethnic Hungarians are implemented at an individual level in the Romanian law system in terms of the Personality Principle. However, the Personality Principle is 'contained' by the Threshold Principle that is in its turn determined by collective demographic size and territoriality. Supranational bodies, like the Committee's of Experts and Ministers of the Council of Europe which are involved in the European Charter for Regional or Minority Languages, argue to lower the threshold in Romania below 20 percent and to guarantee the maximal application of the Personality Principle.

Keywords: territoriality, non-territoriality, globalization, Hungarian minority, Transylvania, Europeanization.

Territory and Globalization

Right after the Second World War and during the Cold War, the building blocks of the present-day international politico-economic and supranational constellation were developed. Commentators agree that this has resulted in the 'age of globalization,' although the precise definition of globalization is subject of academic discussion (Holton 2011). One of the key concepts reappearing in most of the definitions is the 'compression of time and space'. If this concept is taken seriously, it reduces the role of 'territory'. The reduction of space causes general features to be attached to persons. Key drivers that support the transformation from territory to non-territorial properties are mobility and migration, i.e. the vehicles of globalization.

Note that the objects of globalization processes are not only persons, but also goods and systems such as digital systems (Castells 2013). Other key concepts associated to globalization, like hybridity and fluidity reflecting on the nature and form of 'content' also abstract away from territory. International politics under globalization has also been organized more and more in supranational bodies. These bodies operate across transnational borders and boundaries and have little attachment to a specific territory (Vertovec 2010). In fact, the global arena is their playing ground. Holton (2011) argues, however, that one of the most important groups of building blocks of the present-day international constellation are the nation-states that cover a specific territory, although their political manoeuvring is guided by non-territorial thinking. Territory has turned into a virtual concept for the nation-states. The 'space' of nation-states in their negotiations with supranational bodies has become relevant and not the territory the nation-states are covering.

The second part of the twentieth century has been characterized by the Cold War between the United States and its allies on the one side and the Soviet Union and its allies on the other side. Although it was in essence an ideological confrontation at a global scale between two different political systems' territorial concepts, like territorial demarcation, territorial containment, territorial expansion, the territorialization of the nation and the Territoriality Principle played an important role throughout the Cold War. The international political constellation that developed was characterized by the demarcation and containment of territory. The most telling example of this was the Berlin Wall which was a harsh demarcation almost impossible to cross for ordinary European citizens from both camps. Demarcation lines, especially in Europe, were very well respected by the superpowers acting in the Cold War, i.e. The Soviet Union and the United States. The Berlin Wall, or the 'Iron Curtain' as it was referred to – the line splitting the continent –, was fully respected by the other. The absence of a territorial intervention during the Hungarian Uprising of 1956 clearly demonstrates this point.

Hence, the territorialization of the nation remained on the agenda during the Cold War due to the system of nation-states that had developed much earlier in Europe, starting with the Treaty of Westphalia (1648). During the bipolar context of the Cold War, the Westphalia-system, the territorialization of the European nations remained unchallenged, although both the Western and the Eastern bloc attempted to change the content and structure of the world's political constellation. From this perspective, the territorialization of features of national identity, like language and religion, did not fit into the 'model' of the Cold War. All sorts of nationalisms, whether majority or minority nationalism, were viewed as a force undermining the ideological strife of the Cold War. Both conflicting parties were in agreement on this. National thinking was to play a role only if existing conflicts would have intermingled with the ideological battle, but this actually seldom happened because demarcation lines were strictly respected, at least in Europe. Interestingly, the

dominating view on 'territory' was never given up and, what is more, the linking between the 'content' of the state, i.e. national identity, language and its structure, i.e. territory itself, was never challenged. This even led to territorial conflicts between allies like the conflict between Hungary and Romania concerning the disputed area of Transylvania and the position and status of the Hungarian minority in that area (Bárdi et al. 2011). But also in the Western world, there were serious territorial conflicts such as the conflict between Great Britain and Ireland over the status and position of Northern Ireland. The Irish Constitution never distanced itself from the strife to reunite the two parts of the 'Irish' island. These territorial conflicts in the Eastern and Western camps remained 'local' in the sense that they did not trigger intervention from the other, at least not openly. Even federative constructs, like the Soviet-Union itself, Czechoslovakia or Yugoslavia in the communist camp and multinational states, like Belgium or Canada were in fact states consisting of serial 'separate' mono-national, monolingual communities and territories in which the Territoriality Principle prevailed, i.e. identity features, like language and culture, were linked to a specific territory (Jackson Preece 2011). In the Soviet Union, not only historic nations, like the Baltic or Caucasian states, had their own distinct territory but also national communities that had not been any sort of nation in the modern sense were granted territorial autonomy. Even if these national territories were dominated from Moscow, these constructs became the political sources of nationalist movements, and in the end contributed substantially to the collapse of the Soviet Union itself. Ethno-territorial thinking survived the ideologies of the Cold War and contributed to the collapse of communism. In the academic discourse, this has led to the rediscovery of ethno-nationalist studies where theories of anthropology and socio-political sciences were merged in order to dig into the roots of ethno-nationalism (Brubaker 1996, 2006). But territorial thinking has never been off the agenda in the West although the Western ideology stressed in particular non-territorial features like democratic solidarity and post-modern individual emancipation. But developments and internal strifes within federative states demonstrate that territorial thinking remained firmly fixed on the political agenda. In countries like Belgium, Canada, Spain, and Great Britain, the monocultural, monolingual building blocks have been claiming more and more authority referring to the principle of democracy. In essence, these states have developed into fully deconstructed structures in which national features, like language and identity, are fully territorialized. In Belgium – as Rudi Janssens and Karen Chaltin demonstrate in their paper in this volume –, the separation of ethno-linguistic blocs is both officially implemented at the level of law and in practice. There are separate territories for the Dutch-Flemish, French-Walloon and the German languages, while Brussels is the only territory that is officially bilingual, i.e. Dutch-French.

However, the situation on the ground is much more complicated in the age of globalization due to free mobility and migration. Brussels, being the capital

of the European Union with much expats from other European countries communicating in international languages, like English, German and French, and with migrants from the Maghreb and other continents, is turned into a true 'Babylonian Europe' (Marácz and Rosello 2012).[1] In any case, territorial thinking has resulted in the intensive study of 'federalism and regionalism,' their make-up and scope of governance within the model of multi-level governance in the European Union (Hooghe and Marks 2001; Schimmelfennig and Sedelmeier 2005; and Zielonka 2006). Paradoxically, exclusion and disintegration under the pressure of territorial thinking have jeopardized societies based on democratic solidarity and social cohesion.

The traditional concept of nation-states in the system of globalization is seemingly a redundant feature. However, even in this system, a series of new nation-states has been established along ethno-linguistic lines. The partitioning of Yugoslavia took shape along territorial units that were the building blocks of the Yugoslav federation. Subregional ethno-territorial units have even been implemented in the Dayton Treaty that was closed in 1995 between the leaders of Croatia, Serbia and Bosnia-Herzegovina, i.e. Franjo Tudjman, Slobodan Milosevic and Alija Izetbegović respectively. Agreements like Dayton have been criticized as anachronistic but have been accepted by the international community in the end. This was also the case with the establishment of the independent state of Kosovo that was basically the recognition of the Kosovo Albanians' right for self-governance. Territorial thinking to resolve interethnic conflicts has been prevailing in this case as well. Although the Serbs in the northern part of Kosovo, i.e. the Mitrovica area, have received an exclusive package of cultural autonomy, their kin-state Serbia has strengthened the position of its co-nationals in Kosovo in terms of territorial autonomy in negotiations with the European Union. As a result, the Serbs in Kosovo will have the right to establish a contiguous territory of six regional districts that will have an autonomous territorial status in Kosovo. This type of thinking and acting goes against the mainstream of globalization but shows unambiguously that even in the European Union territorial thinking is relevant in the conflict resolution of multinational, multilingual issues.

In sum, in the case of multinational, multilingual states, it can be noticed that both in Western and Eastern Europe territorial thinking has been on the political agenda, although from the point of view of globalization the concept of 'territory' seemed to have lost its function. In Western Europe, this has led to the federalization and regionalization of multinational, multilingual states on the basis of the 'territorialization' completed with harshening language borders. In Eastern Europe, a series of new states has been established along ethno-linguistic lines of existing territories and borders. Let us consider in similar vein the notion of territorial

1 See Kruse in this volume for how the European Union tackles the challenge of 'Babylonian Europe'.

thinking in the case of the Hungarian minority in Romanian Transylvania in more detail. In order to understand the present-day situation, a historical excursion to the nationality arrangement in the Hungarian Kingdom is necessary.

Territoriality versus Non-Territoriality in the Hungarian Kingdom

In order to understand present-day ethnic relations in Transylvania, let us summarize 'Territoriality versus Non-territoriality Principles in the Hungarian Kingdom' (see Marácz 2012). Transylvania was part of the Hungarian Kingdom, which was a multinational, multilingual state. In the Kingdom of Hungary, cultural and linguistic diversity were officially recognized by law. In the Hungarian part of the empire, the following thirteen languages were officially recognized and used as vehicular languages: Hungarian, Slovak, Romanian, Ruthenian, Croatian, Serbian, Slovenian, Bunjevac (a Slovakian dialect of Croatian), Bulgarian, Czech, Polish, Roma and Italian (Lőkkös 2000, 28). Although the different languages were the most salient identity features of the various nationalities, the Hungarian Kingdom recognized one nation, the political Hungarian nation. Consider the introductory part of the Law on the Equality of Nationalities, Act XLIV. 1868:[2]

> Since all citizens of Hungary, according to the principles of the constitution, form, from a political point of view, one nation – the indivisible unitary Hungarian nation –, of which every citizen of the fatherland is a member, no matter to what nationality he belongs: since, moreover, this equality of right can only exist with reference to the official use of the various languages of the country and only under special provisions, in so far as it is rendered necessary by the unity of the country and the practical possibility of government and administration; the following rules will serve as standard regarding the official use of the various languages, while in all other matters the complete equality of the citizens remained untouched.

The Hungarian royal legislation recognized the traditional nationalities and their languages as primitives of the system, unlike Western European states, like France, where minorities and their languages other than the French state language were not recognized at all. The idea of collective rights was elaborated by politicians of the so-called *Ausgleich*-generation, like Baron Josef von Eötvös (Nimni 2007).[3]

2 See for the English version of this act Seton-Watson (1972. 429–433); for the German version, Faluhelyi (1946. 5–12) and for the Hungarian version the official website of the Hungarian Parliament (www.1000ev.hu). The provisions of this law were only valid for Hungary proper.

3 See his *Über die Gleichberechtigung der Nationalitäten in Österreich* (Leipzig, 1850); and *A nemzetiségi kérdés* (Pest, 1865).

The nationality law of 1868 tried to combine a 'civic,' i.e. a Western European interpretation of the nation and an 'ethnic,' i.e. a Central and Eastern European interpretation of the nation (Smith 1991, 11–13). Consequently, the Law on the Equality of Nationalities not only distinguishes a 'political civic nation' but also the concept of nationality, rendering what today is considered the collective, cultural autonomy of national or ethnic minorities.[4] The former originates from the view characteristic of nineteenth century's Central and Eastern European nationalism that the 'nation' is first and foremost a community of common descent and a member of the nation is organically connected to it (Smith 1991, 11). Note further that this law introduces a special relation between ethnicity, nationality and language. The most important marker of ethnicity, i.e. nationality, is actually one's mother tongue. This has to do with the fact that in the early nineteenth century's Central and Eastern European nationalism the place of law in the Western civic model is taken by vernacular culture, usually languages and customs in the ethnic model. Nationality in this area of Europe was determined quite often on the basis of mother tongue (Faluhelyi 1946, XLV). For the distribution of the nationalities, i.e. language communities, in the Hungarian Kingdom, consider tables 1 and 2. These tables display that all these languages were spoken in the three constituent parts of the Hungarian Kingdom, i.e. Hungary proper, including Transylvania, Croatia-Slavonia and in the free royal city of Fiume (today's Rijeka), although the distributions were very different (Lőkkös 2000, 197).

Table 1. *Distribution according to mother tongue in the Hungarian Kingdom in the 1910 census*

Mother tongue	Hungary proper	Fiume	Croatia-Slavonia	Total
Hungarian	9,938,134	6,493	105,948	10,050,575
German	1,901,042	2,315	134,078	2,037,435
Slovak	1,946,165	192	21,613	1,967,970
Romanian	2,948,049	137	846	2,949,032
Ruthenian	464,259	11	8,317	472,587
Croatian	181,882	12,926	1,638,354	1,833,162
Serbian	461,091	425	644,955	1,106,471
Slovenian	75,062	2,336	15,776	93,174
Bunjevac	88,204	5	0	88,209
Bulgarian	22,945	1	321	23,267
Czech	31,198	238	32,376	63,812
Polish	38,179	46	2,312	40,537
Roma	108,825	0	12,272	121,097
Italian	5,037	24,212	4,138	33,387

4 The Hungarian language expresses this difference with the terms *nemzet* 'nation' and *nemzetiség* 'nationality'.

Mother tongue	Hungary proper	Fiume	Croatia-Slavonia	Total
Other	4,655	496	648	5,772
Non-Hungarian total	8,276,593	43,313	2,516,006	10,835,912
Total population	18,214,727	49,806	2,621,954	20,886,487

Table 2. *Distribution according to mother tongue in the Hungarian Kingdom in the 1910 census in percentages of the total population*

Mother Tongue	Hungary proper	Fiume	Croatia-Slavonia	Total
Hungarian	54.56	13.04	4.04	48.12
German	10.44	4.65	5.11	9.75
Slovak	10.68	0.39	0.82	9.42
Romanian	16.18	0.28	0.03	14.12
Ruthenian	2.55	0.02	0.32	2.26
Croatian	1.00	25.95	62.49	8.78
Serbian	2.53	0.85	24.60	5.30
Slovenian	0.41	4.69	0.60	0.45
Bunjevac	0.48	0.01	0	0.42
Bulgarian	0.13	0	0.01	0.11
Czech	0.17	0.48	1.24	0.31
Polish	0.21	0.09	0.09	0.19
Roma	0.60	0	0.47	0.58
Italian	0.03	48.61	0.16	0.16
Other	0.03	0.94	0.02	0.03
Non-Hungarian total	45.44	86.96	95.96	51.88
Total population	100.00	100.00	100.00	100.00

On the basis of these tables, it is not hard to imagine that the ethnic map of the Hungarian Kingdom displayed a heterogeneous picture. Although there were a number of 'mixed' regions, it was clear that in the biggest parts of the country there was an absolute or relative majority of some of the nationalities. The language policy of the Hungarian Kingdom was stipulated in the Nationality Law as well. Although Paragraph 1 of the law declared the Hungarian language as the official language of the state in Hungary proper, it did allow the use of any other official language than Hungarian at the regional and local level in government, judiciary, church organizations and schools alike. In this sense, the Hungarian Kingdom was a true multinational, multilingual state, in which, apart from the official language, other languages of communication were also recognized.

The decision to make Hungarian the language of the state was supported by the fact that the Hungarian nationality, i.e. the mother tongue speakers of Hungarian, were in the majority with 55 percent (10,050,575 persons) of the total population.

Although the Hungarian Kingdom acknowledged a state of multilingualism in which twelve minority languages had an official status next to the Hungarian state language, multilingualism in fact consisted of a serial 'separate' monolingualism practised in the different national communities. Bi- or multilingual speakers were actually a very small minority. A large majority of the inhabitants of the Hungarian Kingdom, i.e. 77 percent, were monolingual, knowing only their own mother tongue and being unable to communicate with people outside of their ethnic group. The only ethnic group having a majority of bi- or multilingual speakers were the Germans with 54 percent, i.e. 1,105,429 of the 2,037,436 Germans. It is fair to conclude that hardly any direct communication between the ethnic groups in the Hungarian Kingdom was possible. This state of 'separate' multilingualism was conserved by the strict organization of society. Most of the inhabitants of the Hungarian Kingdom, i.e. 81 percent (16,923,000 persons), lived in the countryside in small agricultural settlements. Only the Hungarians and the Germans remained with 71 percent and 81 percent, respectively, under or at this average. One of the main reasons why 'separate' multilingualism existed in the Hungarian Kingdom was connected to the liberal Law on the Equality of the Nationalities in the Hungarian Kingdom. The law assigned the nationalities the right to establish their own schools and to choose their own language of instruction in these schools. The nationalities made optimal use of this.

The legal situation of the nationalities was also regulated in the Nationality Law. The Law counted 29 paragraphs stipulating individual and collective rights referring foremost to the use of the languages of the nationalities. This law, next to specifying the Hungarian language as the language of the state to be used in all branches of government and administration (§ 1), recognized individual and collective rights for the nationalities, i.e. the Slovaks, Romanians, Serbs etc. to use all registers of their own mother tongue in offices, schools, courts and in county and communal assemblies. During the whole period of the dualism, the Law on the Equality of Nationalities and its provisions remained almost unchanged and in force. It was meant as an effective tool for protecting the identity of nationalities and also against the homogenization policies of Hungarian nationalism.

The individual rights included the following rights, among others: In county and communal assemblies, everyone had the right to speak their own mother tongue (§ 3; § 24) and to use the non-state languages of the nationalities for the minutes of the county and communal assemblies if more than twenty percent of the deputies asked for it (§ 2; § 20). The assemblies had the right to communicate internally (§ 5), with higher instances of the state and with each other in the languages of the nationalities (§ 4 in agreement with § 2 and § 20). Further, every citizen had the right to use their own mother tongue in court (§ 7), to use their own mother tongue in church assemblies (§ 24) and to correspond with the state and ecclesiastical authorities in their own mother tongue (§ 23).

Interestingly, the provisions of the Nationality Law did not only specify the linguistic rights of individual citizens and non-governmental organizations, but they also referred to the obligation of state servants to use languages other than the Hungarian official state language. The officials of the counties and communal authorities had to employ the language of those state authorities, non-governmental organizations or private individuals (§ 6; § 21 respectively) that used other language than Hungarian. In this way, communication with the non-Hungarian speaking nationalities was guaranteed because the authorities had to answer in the language in which they were addressed. This was also the duty of judges when pronouncing verdicts (§ 8). Furthermore, the Law also explicitly referred to the non-discrimination of members of the nationalities in the judicial and administrative offices of the state, especially in the office of the governor of the county, the highest official of the state in the county system (§ 27).[5] The Law wanted to guarantee in this way that in each state office the languages of the nationalities were represented.

Summarizing the nationality and language policies in the Hungarian Kingdom, it can be concluded that the language rights were assigned according to the Personality Principle. Note that this principle was implemented both individually and collectively. This implied that the officially recognized languages had a country-wide scope. The language was 'adjoined,' so to speak, to persons and the persons did not lose the right to use their own mother tongue wherever they were or migrated to in the Hungarian Kingdom. Note that the Territoriality Principle and the collective demographic size constrained the Personality Principle in this case. The county and communal assemblies could only be held in a language other than the state language if a threshold of 20 percent was respected. This means that in order to use a language other than the state language, the Hungarian, as the language of local public administration the percentage of the assembly members of the nationality population in an administrative-territorial domain had to reach the threshold of 20 percent of the total number of the assembly members.

Territoriality versus Non-Territoriality in Transylvania

In Dembinska, Tonk and Marácz [forthcoming], it has been argued that the concept of territoriality, although it has been on the international political agenda in the post-Cold War world order, is no longer a generally accepted concept for resolving national and ethnic minority issues in Central and Eastern Europe. Hence, it can no longer fulfil the implementation of the self-determination of national and ethnic minorities in Central Europe. The paper also argues that the notion of territoriality has been replaced by different concepts that do not involve territoriality in the first

5 The county governor, in Hungarian, *főispán*, was appointed by the Hungarian king acting upon the advice of the Minister of Interior.

place. The paper put forward three types of strategies that have been developed to replace the Territoriality Principle. The three strategies have in common that cultural and linguistic rights are assigned to national and ethnic minorities on the basis of non-territoriality, i.e. the Personality Principle (Kymlicka and Opalski 2001; Péntek and Benő 2003; Deets and Stroschein 2005; Csergő and Deevan-Krause 2011). This does not imply, however, that territorial thinking is excluded from the political discourse in the case of the Hungarian national minority in Transylvania.

The Hungarian minority counted 1,227,663 persons in the latest census in 2011, who make up 6.5 percent of the population of Romania. In the Transylvanian area, where almost all of the ethnic Hungarians live, the percentages of the geo-ethnic distribution of ethnic Hungarians and Romanians differ from the national percentages. In the whole of the Transylvanian territory, the ethnic Hungarians make up around fifteen percent of the total population, while the ethnic Romanians number around seventy percent. However, the percentages are again much higher in the Transylvanian subregions of Romania, where the ethnic Hungarians actually live in more or less concentrated areas. The Hungarians basically inhabit three spatially connected subregions with different geo-ethnic distributions. The first subregion is located in the Hungarian-Romanian border area in the former eastern Hungarian region and present-day northwest Romania. This subregion is the so-called Partium. Here, a large fraction of the ethnic Hungarians lives, especially in cities like Oradea (in Hungarian: Nagyvárad) and Satu Mare (in Hungarian: Szatmárnémeti). The second subregion, the area next to the Partium area, is the central area of Transylvania with the capital Cluj-Napoca (in Hungarian: Kolozsvár). In this region, the ethnic Hungarians are a smaller minority that in the Partium area and live quite often in mixed Hungarian-Romanian-Roma communities. The third subregion, which matches the historical area of Szeklerland (in Hungarian: Székelyföld; in Romanian: Ţinutul Secuiesc), is of about 13,000 km^2 and consists of three provinces, which are Harghita (in Hungarian: Hargita), Covasna (in Hungarian: Kovászna) and Mureş (in Hungarian: Maros), although not all of the provinces of Mureş fall within the traditional region of Szeklerland. According to the 2002 census, the population of Szeklerland counted 809,000 persons, of which 612,043 are ethnic Hungarians, yielding 75.65 percent of the total. The ethnic Hungarians meanly represent 59 percent of the population in the Harghita, Covasna and Mureş provinces. The percentages of the ethnic Hungarians are higher in Harghita and Covasna, i.e. 84.8 percent and 73.58 percent respectively, and much lower in Mureş, i.e. 37.82 percent. Compared to the census of 2002, the percentages of ethnic Hungarians in the three provinces of Szeklerland hardly changed during the census of 2011. In Harghita, Covasna and Mureş, the percentages and absolute figures of the ethnic Hungarian population are as follows: 85.21 percent (257,707 persons), 73.74 percent (150,468 persons) and 38.09 percent (200,858 persons) respectively.

The spatial partitioning of the ethnic Hungarians in three Transylvanian subregions demonstrates that the geo-ethnic distribution of the Hungarian minority in Transylvania is rather diverse and complex. The geo-ethnic situation in the Transylvanian towns, especially in the north-western part of Transylvania, is rather complex as well (Brubaker et al. 2006). In the towns, all sorts of diglossia and various forms of bi- and multilingualism appear (Péntek 2006). However, the official Romanian language policy and minority politics consider the normative variants of Romanian and Hungarian as the 'ideal' situation. The reason for this has to do with the fact that for all language communities in Transylvania their language is strongly connected to symbolic power (Fenyvesi 2005; Csergő 2007; Gal 2008). According to Article 13 of the Romanian Constitution, the Romanian language is the official language in Romania. The second paragraph of Article 120 of the Romanian Constitution guarantees the use of Hungarian in administrative authorities and public services, and this is further specified by Government Decision Nr. 1206 of 27 November 2001, regarding the Law on Local Public Administration No. 215/2001, Paragraph 19, Article 2, stating:

Authorities of public and local administrations, public institutions subordinated to them as well as decentralized public services ensure the use of the mother tongue in their relationships with national minorities in those administrative-territorial units in which the percentage of citizens belonging to national minorities is over 20 percent – all according to the Constitution, the present law and the international treaties to which Romania is a party.

Article 120 of the Romanian Constitution was implemented in the Law on Local Public Administration of 2001 (Horváth et al. 2010, 7–9), where more provisions of language use in local public administration are spelled out and in the Romanian Educational Law (Janssens et al. 2013, 16–17). The latter gives the Hungarians of Romania the right to establish their own educational institution. This is relevant because Hungarians complain about the fact that the Romanian language is taught to them as if Romanian were their L1, but for ethnic Hungarians Romanian should be taught as a foreign, L2 language. Note that the Romanian legal system guarantees provisions for the Hungarian language in terms of the Personality Principle and not in terms of the Territoriality Principle. The Educational Law of 1/2011 specifies when the Hungarian language can be used as the language of instruction in educational institutions. Article 135 of the Educational Law 1/2011 also specifies that three institution of higher education where national minority programmes already exist in so-called multilingual, multicultural institutions have the right to establish 'mother tongue tracks' (Janssens 2013, 17). One of these institutions of higher education is the Babeş–Bolyai University in Cluj-Napoca that is an official trilingual university, where the languages of instruction are Romanian, Hungarian and German. At the Babeş–Bolyai University, there is a tendency to separate Hungarian and Romanian tracks whenever possible. Making use of this

right, the Philosophy Department was split into two sections, a Romanian and a Hungarian one. The staff members and the students agreed that language in the case of philosophy is extremely important. Hence, the decision was taken to split the Department into a Hungarian- and Romanian-language section. However, the political scientists, i.e. both Romanians and Hungarians, of the Institute of Political Science decided not to split the Department into two sections but rather to increase the number of courses that are taught in the Hungarian language without setting up a complete, separate administration for it. Due to the fact that the Romanian collaborators of the Institute for Political Science have no command over the Hungarian language, English has become more and more the language of mutual communication in the Institute. But not only some of the academic state institutions have the possibility to implement a multilingual policy but also state-sponsored research institutes, like the institute for the study of the ethnic and minority issues, the Romanian Institute for the Research on National Minorities (in Romanian: Institutul pentru Studierea Problemelor Minorităților (ISPMN)) employ a multilingual policy. Their website (see www.ispmn.gov.ro) and their publications are trilingual, i.e. in Romanian, Hungarian and English.

The implementation of language rights for ethnic Hungarians in Romania is not only relevant in the academic setting, but several civil rights organizations are trying to raise awareness among the population for the introduction of Romanian-Hungarian multilingualism in Transylvania (Kovács 2003; Kovács and Tóth 2009)). A civil rights group that is working on the empowerment of the Hungarian language and the introduction of bi- and multilingualism in the framework of the Romanian legal system is the Civic Engagement Movement (in Hungarian: Civil Elkötelezettség Mozgalom (CEMO) and in Romanian: Mişcarea Angajament Civic) based in the town of Târgu Mureş (in Hungarian: Marosvásárhely and in German: Neumarkt am Mieresch), where the ratio of the around 130,000-strong Romanian and Hungarian population is in balance, making up around 90 percent of the town's total population. Note that the percentage of Hungarian population in this town is far beyond the threshold of 20 percent as fixed in the Law on Local Public Administration.

The CEMO's website (see www.cemo.ro) is trilingual, i.e. Romanian, Hungarian and English. A Mahatma Gandhi quote on the opening page of the website transmits the message that CEMO is ready to use all sorts of peaceful activism within the legal Romanian framework to reach their objectives. The activists of CEMO display a modern European outlook and have been trained in the circuit of the European NGOs. CEMO has organized several successful civic rights campaigns that were unprecedented in connection with the Hungarian minority in Transylvania.

CEMO successfully protested against an exclusive Romanian linguistic landscape in Târgu Mureş, like the public signs during the Christmas period

and the street signs, although according to Paragraph 4 of Article 76 of the Law on Local Public Administration 215/2001 street signs and other public signs in public offices and institutions must be in the minority language as well where the percentage of citizens belonging to a national minority is over 20 percent in an administrative-territorial domain. CEMO, referring to this law, protested successfully against the 'Romanian-only' website of the town's mayor's office and against Romanian monolingual signs in post offices, the mayor's office, the culture palace, wedding rooms, police stations, offices of the national bank and the chamber of commerce in the town of Târgu Mureş.

CEMO also campaigned for the legitimate right to address local authorities in the minority languages of Romania. The civil rights organization started to collect data on language rights and language use in official institutions and sent out a questionnaire in Hungarian to public institutions in the town. The questionnaire inquired about language choice and use in Hungarian in 76 institutions in Târgu Mureş. A quarter of the institutions, i.e. 19, answered both in Hungarian and Romanian. Thirteen institutions, i.e. 17 percent answered only in Romanian. Eleven institutions, i.e. 14 percent, replied to the CEMO questionnaire, but noted that the questionnaire should be addressed in the state language. However, almost half of the respondents, i.e. 33 (44 percent), did not answer. From this campaign, CEMO concluded that the Romanians are overrepresented in state institutions and that ethnic Hungarians have not enough knowledge of the public administration vocabulary in Hungarian. The latter was sometimes referred to by Hungarian respondents in their replies.

The Council of Europe's Charter for Regional or Minority Languages that has been signed by Romania as well has positively affected the Hungarian language use of ethnic Hungarians (Gal 2000, Trifunovska 2001, Skovgaard 2007 and Marácz 2011); it gives the Hungarian language protection from outside (Marácz 2011a). Romania signed the Charter in July 1995, but only ratified it on 24 October 2007 (Act Nr. 282 of 24 October 2007). This law states that the provisions of the Charter will apply to ten minority languages being used in Romania, including Hungarian. The Charter ensures the use of regional and minority languages in various and significant areas of life, including education, public administration, the judicial system, media and in the context of social life and cultural activities. CEMO also kept the international monitors of the European Charter for Regional or Minority Languages awake. In January 2011, CEMO compiled a 'Shadow Report to the Initial Periodical Report on the Implementation of the European Charter for Regional or Minority Languages in Romania'. The initial Periodical Report was submitted on 26 October 2010. It was clear that CEMO tried to put pressure on the second cycle of the State Report. CEMO's lobbying was successful because the findings of their report were picked up in the evaluation report of the Committee of Experts released on 30 November 2011.

Similar civil activities in order to empower Hungarian language use in Transylvania have been started by companies and shopkeepers as well. This initiative can be viewed as an action not only for empowering Hungarian customers to speak Hungarian when they are shopping, but also for shops, businesses etc. to attract new customers. The 'movement' employs two ways to indicate that in their shops, businesses, hotels etc. Hungarian is spoken as well. Firstly, on the trilingual, i.e. Romanian, Hungarian and English website (see www.igentessek.ro), the shops, businesses etc. are listed where consumers and buyers can be served in Hungarian. So far, the civil movement is active in three Transylvanian towns, i.e. Cluj-Napoca, Târgu Mureş and Sighetu Marmaţiei (in Hungarian: Máramarossziget). Secondly, the main attribute of the initiative is a green sticker that can be pasted on the display window or on the front door with the inscription 'Igen, tessék!,' which means in Hungarian 'Yes, please!'. Its Romanian equivalent, i.e. 'Da, poftiţi!' is also included on the sticker, but under the Hungarian inscription and in smaller letters.

In sum, the Law on Local Public Administration and the Education Law are framed in terms of the Personality Principle because rights are assigned to individual citizens. The Educational Law is flexible in a way because it does not specify the place of the educational institute but refers to the number of pupils needed to form Hungarian classes being restricted by a minimum number. The Law on the Local Public Administration gives ethnic Hungarian citizens specific rights in terms of communication and language use, but it is restricted by a threshold in a specific administrative-territorial domain. So, the Territoriality Principle is relevant here but it is actually operating as a 'container' of the Personality Principle. Language rights for national and ethnic minorities are not guaranteed when the percentage of citizens belonging to a national minority is below twenty percent of the population in a certain administrative-territorial unit. So, this may imply that even when a large community of citizens belonging to a national minority is present in absolute numbers, language rights are not guaranteed. This is the case, for example, in Cluj-Napoca, a city of 309,136 inhabitants. According to the census of 2011, 16 percent of the total population, i.e. 49,283 persons, are ethnic Hungarians. In this case, although there is a substantial number of ethnic Hungarians, the percentage of ethnic Hungarians in the town does not pass the threshold of twenty percent. Consequently, the Hungarian language does not enjoy any official status in Cluj-Napoca.

Synthesis

Although the Territoriality Principle for the arrangement of interethnic relations is not applied in Transylvania, the options offered by the alternative in terms

of the Personality Principle are realized only partially (Palermo 2009). Cultural autonomy similar to the nationality principle of the Austro-Hungarian Monarchy is not realized because the Romanian law system does not recognize collective but only individual rights for minorities (Vizi 2002; Keating 2004; McGarry and Keating 2006). This means that cultural autonomy based on collectivity is ruled out in Transylvania. Note that this is a step back with respect to the concept of nationality rights, including language rights as has been implemented in law and realized in practice in the Austro-Hungarian Monarchy even though the system had deficiencies (Goebl 1994). It referred to the Territoriality Principle negatively in the form of a threshold in a certain county and communal assembly, and it suffered from asymmetries and inconsistencies (Marácz 2012).

The option in terms of regionalism or federalism is not employed either. Transylvania or subregions of Transylvania, such as Szeklerland, do not have a status apart in the Romanian state administrative system. Neither do subregions enjoy a status in international charters like the European Charter for Regional or Minority Languages. However, European regionalization in the framework of multilevel governance could be an option for the area of Transylvania or its subregions and for the area of the Banat in the north-western part of Romania, neighbouring Transylvania (Bruszt 2008). There are geographic and historic arguments for the regionalization of these regions that would bring together the national and ethnic communities of these areas. However, any manifestation of regionalization is strongly opposed by the Romanian government whatever political colour it has. The idea of the national unitary state stipulated in the first article of the Constitution and the hegemony of the Romanian language are firmly anchored in the Romanian constitution. Although the legal position of the ethnic Hungarians in Romania is framed in accordance with the Personality Principle, the reference to regionalization is still one of the options for the Hungarian community. Recently, the secretary general of the Hungarian political party, UDMR, pointed out to the advisors of the High Commissioner on National Minorities of the OSCE, William Romans and Stéphanie Marsal, when consulting parties concerned in Transylvania in February 2014 that the recognition of the Hungarian language on regional level should be put on the agenda.[6] Here, by regional level, we mean Transylvania or the historic territory where the Hungarian language is spoken. This proposal ties in with what the political scientist Peter Kraus proposed in order to develop alternative regimes for minority rights, namely that a 'non-essentialist approach to recognition can be developed by recognizing not groups but culturally grounded contexts of praxis, as embodied by languages, religions, territorial affiliations, collective memories and a sense of

6 Az EBESZ szakértői küldöttsége Kolozsváron. Erdély.ma. http://erdely.ma/kozeletunk.php?id=157998&cim=az_ebesz_szakertoi_kuldottsege_kolozsvaron (accessed on: February 13, 2014).

historicity' (Kraus 2012, 20). In other words, these contexts of praxis may provide more stability and satisfying results for all sides concerned than the group-rights approach (Jackson Preece 1997).

The Territoriality Principle could be applied in the Szekler provinces of Harghita and Covasna because there is an unambiguous Hungarian majority and the provinces are embedded in the Romanian system of state administration. Hence, the most outspoken movement for Hungarian territoriality in Transylvania is the Szekler National Council, a shadow assembly and government representing the Szekler community. Territorial autonomy in case of a Szekler self-government could have the effect of splitting the Transylvanian Hungarian minority, as it was the case when the Szekler territorial autonomy was established in the 1950s. However, a territorial Hungarian rearrangement within Transylvania is not supported by the Romanian government whatever its political colour is. Moreover, the Romanian government is planning to restructure parts of the regions as an act of 'forward strategy'. In this plan, the Szeklerland provinces of Harghita and Covasna could lose their Hungarian majority. Interestingly, eight contiguous municipalities in the north of Harghita province have recently been offered territorial self-government by the Provincial Council of Harghita, which has a Hungarian majority.[7] It is clear that this political manoeuvring on behalf of the Szeklers implies a message for the Romanian government. It demonstrates how the Szeklers would like to organize the self-government of Szeklerland within Romania.

So, the only option for the ethnic Hungarians in Transylvania left is to manoeuvre within the boundaries of the Threshold Principle applied in combination with individual cultural and linguistic rights. Note that the Threshold Principle acts as a territorial and demographic 'container'. The individual Personality Principle is restricted due to the size of the group within the borders of a specific territory. Paradoxically, the minority is denied both principles, i.e. collectivity and territoriality, but the state, when trying to curtail minority language rights, operates with the concepts of collective identity and territory (Edwards 2010). The Committee of Experts' evaluation of the Romanian implementation of the European Charter for Regional or Minority Languages takes sides against the threshold of 20 percent, considering this incompatible with Article 10 of the Charter on the functioning of administrative authorities and public services. Instead, the Committee of Experts has formulated the following recommendation:[8]

The Committee of Experts encourages the Romanian authorities to lower the general thresholds in the field of administrative authorities in order to make

7 Elemzők: politikai üzenete lehet a román autonómiának. http://www.kronika.ro/erdelyi-hirek/politikai-uzenete-lehet-a-roman-autonomianak (accessed on: 13 February, 2014).

8 Committee of Experts' evaluation report adopted on 30 November 2011. http://www.coe.int/t/dg4/education/minlang/Report/EvaluationReports/RomaniaECRML1_en.pdf (accessed on: 13 February 2014).

them compatible with the Charter as well as to encourage local authorities to voluntarily apply the Charter irrespective of thresholds.

The Committee of Ministers has adopted this recommendation.[9] Hence, this would mean a complete deterritorialization of language rights in the communication with local authorities and public services. Consider that this is fully in line with the globalized, non-territorial approach in the age of globalization.

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9 Committee of Ministers' Recommendation adopted on 13 June 2012. http://www.coe.int/t/dg4/education/minlang/Report/Recommendations/RomaniaCMRec1_%20en.pdf (accessed on: 13 February 2014).

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