

**Balázs Dobos PhD: Democratic consolidation and community boundaries:
Contemporary challenges for minorities in Hungary**

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Resume:

Drawing on the case of national and ethnic minorities living in Hungary, the article primarily seeks to focus on the challenge that the reconfiguration of and uncertainties around community boundaries might pose for democratic consolidation, and to analyse how these issues can be understood in this particular context. In line with the theoretical and empirical findings on consolidation, Europeanization and post-accession compliance, the paper aims to explore recent political and institutional changes in four key areas of minority protection (constitutional provisions, language rights, cultural autonomy, and parliamentary representation), most prominently the profound shift towards the ethnocultural definition of the nation in the new constitution, and critically assess their potential impact on minorities.

Keywords: democratic consolidation, post-accession compliance, political community, ethnocultural community, Hungary, minority rights

I. Introduction

By the 2010s, especially due to the border changes and migration processes of the 20th century, to the accession to the EU, as well as to the recent extension of citizenship to Hungarians abroad, the configuration and boundaries of both the Hungarian political and ethnocultural community had been profoundly reshaped, and had become even more complex and diverse than ever before. As illustrated in Table 1, the increasing complexity necessarily leads to a greater need especially to address the effects and perspectives of the recent changes, including the recognizable shift in the legislation towards the ethnocultural understanding of the nation, and the redrawing of the boundaries of the political community, in each segment. The table raises a number of complex issues; however, this article has a narrower focus and concentrates on a single aspect, namely, that of the situation of traditional national and ethnic minorities – under the new terminology ‘nationalities’ – living in Hungary that has not been deeply analysed by recent scholarship.

Table 1: Basic types of citizenship constellations in the Hungarian political and ethnocultural community

Description	Hungarian citizen	Hungarian national	Living in Hungary
Hungarian citizen, Hungarian national, in Hungary	+	+	+
Hungarian citizen, Hungarian national, abroad	+	+	-
Hungarian citizen, non-Hungarian national, in Hungary	+	-	+
non-Hungarian citizen, Hungarian national, in Hungary	-	+	+
Hungarian citizen, non-Hungarian national, abroad	+	-	-
non-Hungarian citizen, non-Hungarian national, in Hungary	-	-	+
non-Hungarian citizen, Hungarian national, abroad	-	+	-

Source: Rövid 2013: 386.

Although minorities in Hungary are relatively small in numbers, live dispersed, are at an advanced stage of linguistic assimilation, feel themselves closely attached to the state and to the overwhelming Hungarian majority, have not been politically mobilized in large numbers along ethnic lines, and with the exception of the largest group, the Roma are well integrated in socio-economic terms, the interpretations of the minority policy, most notably the system of the elected minority self-governments (MSGs) have been the subject of recurrent debates in politics and academia in at least two critical respects. First, debates about the potential implications of the kin-state activities targeting Hungarians abroad on the domestic minority issues that may exist, and second, the question to what extent the regime of non-territorial autonomy and minority rights are in accordance with the needs of the Roma, by far the country's largest ethnic group, have continually brought the issue to the forefront.

While the extensive amendments to the former 1949 constitution in 1989-1990 and the 1993 minority law have definitely placed Hungary in leading position in European comparison, in terms of granting extended and collective minority rights as well as autonomy (Pan-Pfeil

2002), the discussions around the nature of minority policies have been revived and have become more intense since the 2010 parliamentary elections, as the unprecedented two-third parliamentary majority of the new right-wing government, as part of its efforts to further consolidate the state, redefined the basis of the political community, solidified and codified traditional values and norms, has passed a new constitution (Fundamental Law)¹ and in accordance with the new constitutional provisions a new law on the rights of minorities² replaced the former 1993 law by the end of 2011. Both the design and some parts of the recent legislation on minorities have provoked serious international and domestic critical reactions, particularly since from a predominantly civic definition of the nation they have moved towards the ethnocultural conceptions. While the domestic minorities are invariably recognized as organic part of the political community and some forms of preferential parliamentary representation are provided for them, however, the shift to an ethnic approach inherently affect their political opportunities and institutional framework, and for some the country not only runs the risk of democratic backsliding, but also the recent changes can be considered a setback in the level of minority protection a few years after the EU accession, too.

Addressing the issues above, the purpose of this article is twofold: first, in line with the theoretical and empirical findings on democratic consolidation, Europeanization and post-accession compliance, the following sections primarily aim to evaluate which of the approaches, such as backsliding on minority rights protection, the opposite “Euro-straitjacket” theory, or the idea of promoting the social inclusion would best explain this particular case. This part of the analysis, however, immediately faces the question of whether and how the direct impact of the EU on this particular domain of minority protection can be assessed while the *acquis*, with the exception of antidiscrimination regulations, does not address or provide standards for these issues. Therefore, instead of a more generalized picture, the present study can provide a narrower focus by examining how changes in four key areas – constitutional provisions, language rights and cultural autonomy, and parliamentary representation – were managed and/or resolved that were reflected either in the regular reports on Hungary’s progress toward the EU or in the resolutions on the implementation of the Framework

¹ In English: The Fundamental Law of Hungary (as of 1 October 2013)

<http://www.kormany.hu/download/e/02/00000/The%20New%20Fundamental%20Law%20of%20Hungary.pdf> (accessed 3 November 2014).

² Act 179 of 2011 on the Rights of Nationalities.

<http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF%282012%29014-e> (accessed 3 November 2014).

Convention on the Protection of National Minorities and in the recommendations on the application of the Charter for Regional and Minority Languages, two important international instruments of minority protection.

Second, the analysis that follows goes beyond the widely held view that the rise of identity politics and ethnic conflicts has traditionally posed a threat to democratization and consolidation in the Central and Eastern European region, but the main contribution of the article is in pointing out that uncertainties around community boundaries may also become a barrier to successful consolidation, albeit from a different perspective, the above shift to foster the ethnocultural understanding of citizenship and nation can be also considered as an attempt to consolidate the Hungarian state and strengthen national solidarity. Therefore, the paper on the other hand seeks to explore the recent political and institutional changes and critically assess their potential impact and challenges they might pose for the domestic minorities, with particular emphasis on the question of whether and how group boundaries and uncertainties in identifying in- and out-group members can be understood in this context. Particularly since the recent changes in the political opportunity structure have the potential by themselves to both upgrade the role of minorities in Hungary, to strengthen their weak ethnic identification, but possibly to differentiate and distance them from the ethnic majority. Besides the increasing ethnic identification, as it will be demonstrated by the latest census data, it further aims to map and analyse the reactions of both external actors, particularly EU bodies and internal minorities to these new political and institutional challenges.

II. Democratic Consolidation, Management of Ethnocultural Diversity and Their Implications for Hungary

According to Linz and Stepan, the term ‘democratic consolidation’ refers to a political situation in which, in a phrase, democracy has become “*the only game in town*”, especially when behaviourally “*no significant political groups seriously attempt to overthrow the democratic regime or secede from the state.*” Attitudinally, the state of consolidated democracy can be achieved when, “*even in the face of severe political and economic crises, the overwhelming majority of the people believe that any further political change must emerge from within the parameters of democratic formulas*”, and thirdly, in constitutional terms, democracy may acquire the dominant position when “*all the actors in the polity become habituated to the fact that political conflict will be resolved according to the established norms and that violations of these norms are likely to be both ineffective and*

costly” (1996: 5). The concept, however, does not necessarily imply that there could only one type of consolidated democracies: what researchers can observe instead is a process starting from the transition, a continuum ranging from lesser (such as ‘partial regimes’ or ‘defective democracies’) to a greater level of democratic consolidation. Further, it appears to be widely accepted in the literature that the concept goes beyond the compliance with the formal requirements, and in fact consolidation involves a deeper, broad-ranging and longer process than democratic transition that is, as a general rule, influenced by various internal and external actors, and implicates the stabilization, routinization, institutionalization and legitimation of democratic structures and practices as well as the spreading and rooting of democratic values and behaviours (Pridham 2008: 450, 2009: 467-468).

In terms of diversity management, the contribution of Linz and Stepan lies in adding the issues of stateness and nationalism to the main areas of democratic consolidation, since democratic consolidation is more likely to be more difficult for heterogeneous countries than more homogeneous ones where disputes over state boundaries and polity may not arise. The ethnopolitical debates, the mobilization of the population along ethnic lines, and the formation of minority parties could be indeed much more provoked by the Post-Communist states’ parallel state- and nation-building projects that have tended to secure primarily the institutional positions of the majoritarian language and culture (Kymlicka 2004).

The latter phenomenon was, however, just partially true for the post-transition Hungary where, initially, in 1920, 11% of the ca. 8 million inhabitants belonged to minorities, by now, according to census data from 2001 and 2011, the percentage of persons belonging to the 13 officially recognized minorities grew from 5 percent to 6.5% of the population (ca. 650 thousands of people) (*see Table 2*)³, showing at first glance some increase in the level of minority consciousness but others remain sceptical about data. On one hand, it is still in contrast with the estimates of the minority organizations which, being virtually interested in growing the size and political weight, seem to take less into account the assimilation that went on during the previous century. However, the fact alone that the estimated number is at least twice as high as the official figures reveals the relatively high level of uncertainty surrounding minority identities in Hungary. On the other hand, some point out that it is difficult to make

³ The method of the two latest censuses provided the possibility of recording dual and multiple affiliations since in 2001 three, and in 2011 two (anonymous and voluntary) responses could be given to the four (in 2011 three) questions regarding ethnicity, but the Statistical Office does not publish separately the primary and secondary affiliations.

comparisons due to different census methodology, and more importantly, the vast majority of them declared themselves to be Hungarian, too, so it is an open question that if just one response would have been given to each question, which affiliation would they have preferred?⁴ Thirdly, some imply their doubts whether the question on language use in family and among friends may be appropriate to assess ethnic belongings. Most probably, with the exception of Roma and Germans it is still questionable whether there is any such dissimilation in most of the cases. In addition, for greater compatibility experts may rely on the number of registered MSG voters as other primary sources, but since only adult Hungarian citizens had the right to register for MSG elections, the number of minority voters was not below the census data in all the cases. That difference, to some extent, accounts for weak minority loyalties, but on the other hand it may indicate electoral abuses, too.

⁴ On account of this close association with both the state and the Hungarian majority, scholars often portray their identities as dual, being composed of both ethnic minority and Hungarian elements, thereby distinguishing them from the more numerous and nationally conscious minority Hungarian communities in the neighbouring states.

Table 2: the censuses of 2001 and 2011 regarding national and ethnic minorities, and the number of registered minority voters at the 2006 and 2010 MSG elections

Minority	Nationality (ethnicity)		Native language		Language used among friends, in family		Affinity with cultural values, traditions	Persons		Registered MSG voters	
	2001	2011	2001	2011	2001	2011		2001	2011	2006	2010
Bulgarian	1.358	3.556	1.299	2.899	1.118	2.756	1.693	2.316	6.272	2.110	2.088
Roma	189.984	308.957	48.438	54.339	53.323	61.143	129.259	205.720	315.583	106.333	133.492
Greek	2.509	3.916	1.921	1.872	1.974	2.346	6.140	6.619	4.642	2.451	2.267
Croat	15.597	23.561	14.326	13.716	14.788	16.053	19.715	25.730	26.774	11.090	11.571
Polish	2.962	5.730	2.580	3.049	2.659	3.815	3.983	5.144	7.001	3.061	3.052
German	62.105	131.951	33.774	38.248	53.040	95.661	88.416	120.344	185.696	45.983	46.629
Armenian	620	3.293	294	444	300	496	836	1.165	3.571	2.361	2.357
Romanian	7.995	26.345	8.482	13.886	8.215	17.983	9.162	14.781	35.641	4.404	5.277
Ruthene	1.098	3.323	1.113	999	1.068	1.131	1.292	2.079	3.882	2.729	4.228
Serb	3.816	7.210	3.388	3.078	4.186	5.713	5.279	7.350	10.038	2.143	2.432
Slovak	17.693	29.647	11.817	9.888	18.057	16.266	26.631	39.266	35.208	15.049	12.282
Slovene	3.025	2.385	3.180	1.723	3.119	1.745	3.442	4.832	2.820	991	1.025
Ukrainian	5.070	5.633	4.885	3.384	4.519	3.245	4.779	7.393	7.396	1.084	1.338

Source: Csordás 2014: 16-18. For the minority elections: www.valasztas.hu

The trend that emerges when comparing the two latest census data is the shift to prioritizing ethnic and cultural belongings over minority language use. For instance, the most extreme case is associated with the highly assimilated Slovak minority: only 30% of people declaring Slovak to at least one of the four questions in 2001, declared Slovak to be their native language. The overall assessment of these dominantly Hungarian-speaking minority groups whose identities usually involve cultural ties and less linguistic affiliations is an exciting issue especially in the broader Central and Eastern European context where the tradition of defining communities in ethnocultural terms has strongly prevailed since the rise of nationalism and modern nation-states. While there has been a long-lasting, traditional discussion in the Hungarian political thought even since the 19th century on the boundaries as well as the potential characteristics of the Hungarian nation, too, the presence of the mostly Hungarian-speaking subgroups of certain communities (like Roma⁵, Armenians), and the vague nature of ethnic identities has often given rise to debates over the complexity of belongings and the so-called “ethnobusiness”. The contestation over group boundaries played a significant role at the minority elections, too, because not only the wider public but the different minority subgroups often tended to accuse each other with ethnobusiness. Within certain communities a recent phenomenon also contributes to the debates that the proportions of those persons who belong to the specific minority but were born abroad and are non-Hungarian citizens (or possessing dual citizenship) have become significant (Tóth-Vékás 2009). This explains the minorities’ years-long efforts to extend the application of minority law to foreign citizens established in Hungary, who usually have favourable socioeconomic positions, are well-educated, have better native language skills, close ties to the kin-states, and stronger ethnic identities. Their attempts to contribute to minority public life, to the work of MSGs, however, caused tensions in certain cases.

Despite the high number of registered ethnic parties since 1989,⁶ their electoral failures reflect accurately the situation that in Hungary the ethnic components of personal identities generally

⁵ According to the latest census results from 2011, approximately 315 thousands of people declared themselves as Roma, about 3 percent of the total population but their estimated number is at least twice as high. The overwhelming majority is Hungarian-speaking, while the others speak either some variants of Romani or an ancient Romanian dialect, the Beash.

⁶ The number of ethnopolitical parties that were registered by county courts between 1989 and 2014 is more than 30, although the legal framework does not recognize them as separate entities within political parties, and that is why, interestingly, the participation of these minority parties at the minority elections is prohibited by law. With one exception, the Nationality Forum which was formed by Croat, German and Slovak minority leaders in 1998, all of them were created by Roma. Only one-third of the parties were able to run at least one candidate in at least one of the past parliamentary elections, but none of them could win a mandate.

have little impact on the individuals' political interests and voting preferences. In the light of other factors, such as the electoral system, the minorities' numerical and territorial conditions, weak identities it was obvious that their representation in major decision-making bodies could only be accomplished in a preferential manner. Generally, with the exception of Roma who have to face various social and discriminatory problems, similar types of challenges in everyday life as other Roma in the broader region (Bernát 2009), minorities have been well-integrated into the Hungarian society in socioeconomic terms. In addition, openly anti-minority forces, right-wing radicals which might trigger large-scale minority mobilization – until recently – had only a small representation in the parliament.

III. Post-Accession Compliance in Hungary

It has become widely accepted that combining political conditionality during the accession with significant political and economic incentives to candidate states proved to be the most effective and unprecedented approach in promoting democracy in the Post-communist region (Pop-Eleches 2007). Although the lack of clear conditions in the field of minority protection where the EU as such lacks competence resulted in a relatively few number of concrete decisions, legislative changes (most notably, with the exception of antidiscrimination legislations), furthermore, it even could have confused the impact (Grabbe 2002). Instead, conditionality much more aimed at shaping and improving the discursive context, kick-starting a dynamic process through which domestic actors, minority communities could be also effectively involved in the decision-making. A number of case studies have already demonstrated that domestic political constellations and pressures were much more influential factors on the outcomes (Sasse 2005).

Since the EU enlargement, consequently, the dominant focus of the relevant literature has shifted to studying the post-accession compliance in the new member-states, given the relatively weak and limited nature of the EU mechanisms to sanction its members. It has become even more widespread to distinct pre- and post-accession rationales. Moreover, concerns have been raised shortly after the enlargement whether democratic norms have become widely accepted and used especially when the powerful incentives of EU membership and its benefits are no longer present (Mayrgündter 2012, Pop-Eleches 2007: 150, Schulze 2010), and the costs of adaptation, the impact of veto players against reforms tend to be more influential.

For some, certain events and trends in the recent post-accession years were important warning signs and led to draw the conclusion that these could demonstrate backsliding with respect to democracy. Still others remain sceptical about a potential and general backsliding, agree only upon the slowdown in reforms, and either found no empirical evidence before the global economic crisis supporting this claim, arguing among others that candidates themselves did not outperform during the access process (Levitz-Pop-Eleches 2010) or asserted the contrary that compliance was stronger in the new member-states (Sedelmeier 2008). Although the EU accession has apparently brought the resurgence of radical parties in the region, they mostly have modest support (Vachudova 2008). In similar vein, in studying Estonia and Slovakia, Agarin and Regelmann have observed a high level of political continuity, and claimed that for these countries “*EU membership was a step on the way to achieving a more covert, yet more subtle policy objective*” (2012: 447). In contrast to backsliding theory, the ‘Euro-straitjacket’ theory is more optimistic about the long-term and positive effects of accession and holds that EU not only gives strong support to the adoption of democratic norms in the members but greatly privileges those parties which share a strong commitment to democracy. Advocates of this idea argue that since even some populist and less committed forces had to adopt the EU rules and use the EU language, and thus, it seems to corroborate their view. Nevertheless it is still in question whether it is feasible to measure and how to compare the pre- and post-accession performance of the countries concerned in the particular area of minority protection.

As Koinova notes, the relevant literature on the relationship between the EU and the candidates is often based on the assumption that democracy is the “*major game in town*” (2011: 807), therefore, this can greatly explain why the debate on the state of democracy as well as on certain recent legislations, including the new media law or the new constitution, in particular, whether they are in full conformity with EU values could be a challenging issue for EU bodies. Both the Venice Commission and the European Parliament raised concerns on the transparency, openness and inclusiveness of the adoption process of the Fundamental Law and on several provisions. The latter in one of its 2011 resolution called on the Hungarian authorities, among others, to guarantee “*the equal protection of the rights of every citizen*” and to “*ensure that the reorganization of the system of parliamentary commissioners will not serve to water down the existing guarantees*” concerning the promotion and protection of minority rights.⁷ A half year later, in another resolution the EP instructed the Committee on

⁷ European Parliament resolution of 5 July 2011 on the Revised Hungarian Constitution. P7_TA(2011)0315.

Civil Liberties, Justice and Home Affairs to follow up and report the issue of whether and how the recommendations have been implemented.⁸ The final adopted report while acknowledging among other the long historical tradition of peaceful coexistence of diverse groups and the role of the Hungarian Government in launching the European Framework of National Roma Inclusion Strategy during its EU presidency in 2011⁹, raised serious concerns about discrimination, hate speech and racial violence and urged the active implementation of the relevant legislation.¹⁰

IV. The Recent Legislative Changes and Their Implications for the Minorities

IV. 1. The New Constitutional Provisions

The political-legal measures of the new right-wing government that came into power in 2010 have brought serious changes in various fields in a very short time and at the peak of them there is the new Fundamental Law adopted in April 2011. As regards its formulation, the Venice Commission criticized the rapidity of the process, and the significant lack of transparency and public debates.¹¹ Obviously the situation of the minorities could not remain unaffected either, and the new constitutional provisions, coupled with the new law on minorities, have changed the institutional arrangement to a large extent. Besides returning to the term ‘nationalities’ that was in use before 1990, as noted above, the Fundamental Law moreover represents a serious shift in the concept of nation: until its adoption, at the political-legal level, the civic-neutral concept appeared in the legal measures which defined the common entity in terms of citizenship, while the ethnocultural understanding of the nation became much more influential in public discourse after the 1920 Treaty of Trianon, and it could regain its influence during the transition.

Like most of the other constitutions in the region, both the previous and the recent Hungarian constitution illustrate well how difficult it is to define the political community and reconcile the different concepts of the nation (Batory 2010, Coakley 2011, Deets 2005, Dimitrijević 2002), and like many of them the latter one also seems to prefer the ethnocultural

⁸ European Parliament resolution of 16 February 2012 on the recent political developments in Hungary. P7_TA(2012)0053.

⁹ In this regard see Vizi 2011.

¹⁰ European Parliament resolution of 3 July 2013 on the situation of fundamental rights: standards and practices in Hungary (pursuant to the European Parliament resolution of 16 February 2012). P7_TA(2013)0315.

¹¹ *Opinion on the new Constitution of Hungary*. Adopted by the Venice Commission at its 87th Plenary Session (Venice, 17-18 June 2011).

<http://www.venice.coe.int/docs/2011/CDL-AD%282011%29016-e.pdf>

conceptualization. The previous law combined the civic-neutral term ‘*people*’ with the national-ethnic approach (Deets 2005): it declared that the supreme power was vested in the people, and the national and ethnic minorities to be constituent part of the state and the paramount duty of the state to protect them,¹² but, interestingly enough, it referred only indirectly to the presence of the overwhelming Hungarian majority, especially in the ‘responsibility clause’ for the fate of Hungarians living abroad.¹³ By contrast, the new Preamble, the National Avowal that still recognizes “*the nationalities living with us*” as state constituents, is written in the name of “*we the members of the Hungarian nation*”, and therefore it follows, according to the opinion of the Venice Commission,¹⁴ that ethnic Hungarians share the power with the nationalities who are not part of the people behind the adoption, while in fact several national MSGs expressed their opinions during the formulation. It further states that “*our Fundamental Law shall be the basis of our legal order: it shall be a covenant among Hungarians past, present and future; a living framework which expresses the nation’s will and the form in which we want to live.*” The more pronounced responsibility for the Hungarian minorities as well as the much disputed provision that, contrary to the previous constitution, declares Hungarian as official language to be protected,¹⁵ also indicate the intention to strengthen the ethnic elements.

The returning to the term ‘*nationalities*’ was officially justified partly as an effort to go beyond the dichotomy of majority versus minorities by highlighting how minority communities with their distinct ethnocultural features add to the entire culture of both the Hungarian state and nation, besides, that the term have long formed part of the legal tradition but were parts of the proposals of the minorities and the minority ombudsman, too. The Fundamental Law, furthermore, takes over provisions from the previous constitution, including minorities’ rights to use their native languages, names, to promote their cultures, to be educated in their mother tongue and to create local and national MSGs, but does not declare their general protection and collective participation in public life, moreover, it terminated the independent position of the Minority Rights Ombudsman. Instead it aims to fill a significant gap in the institutional framework when it states that minorities shall contribute

¹² Article 2 (2). 68 (1)-(2). Article 68 (1).

¹³ Article 6 (3).

¹⁴ *Opinion on the new Constitution of Hungary*. Adopted by the Venice Commission at its 87th Plenary Session (Venice, 17-18 June 2011). <http://www.venice.coe.int/docs/2011/CDL-AD%282011%29016-e.pdf> See also Pap 2011.

¹⁵ Article (H), Article XXIX (1).

to parliament's work.¹⁶ With respect to preventing electoral abuses it declares that those Hungarian citizens who belong to any nationality shall have the right to freely express and preserve their identities.

IV. 2. Minority language rights and cultural autonomy

The new minority law has made sustained efforts to further develop the model of non-territorial autonomy and attempted to solve those problems and issues that were addressed by the resolutions and recommendations on the implementation of both the Framework Convention and the Language Charter. First of all, critical voices of the international bodies highlighted the need to prevent electoral abuses at the minority elections, and strengthen the institutional framework and financial guarantees of the autonomy.¹⁷

Although the relevant legislation is still based on the principle of free choice of identity, it lacks any further safeguards to prevent electoral abuses, but continuing the struggle against ethnobusiness, the most relevant change is that from 2014, at the local level, an election may be called only when the number of minority individuals of a given community reaches 25 according to the latest census results. These results will, furthermore, play an important role in relation to language rights and the financial support granted to local MSGs. The latter is particularly important in specifying those administrative and judicial districts where minority speakers can use their languages in contact with authorities.¹⁸

Act 131 of 2010 on Preparing New Legislation and on Public Discussions on Drafts has limited the scope of minority veto power. Indeed, there has been a shift from the previous right of consent (approval) to the right of consultation. Reflecting the new circumstances, the Minister for Public Administration and Justice and the national MSGs signed a strategic partnership agreement in 2011. Minority bodies can still run their own educational and cultural institutions, but all the other schools have been taken over by the state and are now managed and maintained by a national body.

¹⁶ Article 2 (2).

¹⁷ See for instance Resolution ResCMN(2005)10 on the implementation of the Framework Convention for the Protection of National Minorities by Hungary (Adopted by the Committee of Ministers on 14 December 2005 at the 951st meeting of the Ministers' Deputies).

¹⁸ See for instance Recommendation RecChL(2010)3 of the Committee of Ministers on the application of the European Charter of Regional and Minority Languages by Hungary (Adopted by the Committee of Ministers on 10 March 2010 at the 1079th Meeting of the Ministers' Deputies).

The system of allocating central financial support to MSGs has been also modified. First, there has been a change in the ratios: one third of the total amount is granted for core functions based on the latest 2011 census data; the remaining amount is granted on the basis of the activity history of each applicant.¹⁹ Further, minority organizations are eligible to apply annually to a fund supporting their cultural and linguistic activities.

IV. 3. Contribution to the work of the Parliament

The realisation of the right to parliamentary representation, which was a specific provision in the 1993 law, was the main political and legal demand of the minorities in Hungary after 1990. Despite many drafts and various domestic and international critiques, the aim was never realized. According to the new law on elections, in the mixed electoral system, those voters who are registered in minority electoral rolls have the right to vote for their candidates in the single-mandate constituencies and for the minority lists drawn up by the national self-governments. In such cases the 5% threshold is not applied, but they are entitled to one seat if they receive at least 25% of an electoral quota, thereby reducing the number of MPs to be elected on party lists.²⁰ It follows that this preferential system mostly favours larger communities. As the latest parliamentary elections in April 2014 clearly showed, however, even these minorities had to work hard to attract their potential voters. Minority lists that fail to win preferential mandates, are still entitled to a parliamentary spokesperson, which, however, does not have voting rights. Minority MPs and spokespersons can found permanent parliamentary committees, pursuant to the new law on the Parliament.²¹

V. Conclusions

The study aimed at better understanding how Hungary fits into the broader context of Post-Communist state- and nation-building, consolidation as well as post-accession processes in terms of minority protection. In the four studied areas (language rights, cultural autonomy, and parliamentary representation) the paper has found no clear evidence that post-accession compliance has inevitably led to backsliding in Hungary. Rather, what can be observed is on one hand the anti-egalitarian and less inclusive nature of the new constitution which places lesser importance on equality and antidiscrimination and terminated the independent position of the Minority Rights Ombudsman. On the other hand, the general line of internal minority

¹⁹ Governmental decree 428/2012. (29th December).

²⁰ Act 203 of 2011 on the elections of members of Parliament of Hungary.

²¹ Act 36 of 2012 on the Parliament of Hungary.

policy has followed the same path since the adoption of the new legislation by further developing the non-territorial autonomy and providing some kind solution to the lack of parliamentary representation.

Yet, one of the major question within the highly assimilated internal minority groups is whether such recent legal, political and social changes, like the ethnocultural definition of the nation, the further improvement of the autonomy, the transnational migration processes, and the opportunities of study and work abroad will eventually lead to preferring the ethnic elements, to more conscious communities, and to an increasing need for the better implementation of minority rights or, on the contrary, facilitates the strengthening the Hungarian components of minority identities. Further, since many assess the socio-demographic processes as a gradual and irreversible assimilation process, a view supported by the relevant census data on the decline of minority language use, the question arises as to whether the creation of the Hungarian model was too late to slow down and possibly reverse these tendencies. While public opinion is critical of the somewhat exaggerated phenomenon of ethnobusiness,²² the support given by the parliamentary parties to the system of MSGs is also favourable to the maintenance of the Hungarian model.

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²² See for instance 'Egyetértésre talált az új nemzetiségi önkormányzati szabályozás' (19th December 2012, Századvég Foundation) http://szazadveg.hu/ld/r8h3l0m2y5p4s8g6t6a1_egyertertesre-talalt-az-uj-nemzetisegi-onkormanyzati-szabalyozas.pdf (accessed 21st May 2014).

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