

LAJOS LÓRINCZ RESEARCH CENTRE FOR PUBLIC LAW

THE ROMA AND PUBLIC ADMINISTRATION IN HUNGARY

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István Stipta

THE CONNECTION BETWEEN THE ROMA AND
THE PUBLIC ADMINISTRATION IN HUNGARY.¹
A HISTORICAL OVERVIEW

I.

1. There have been sporadic attempts to disclose the history of the issue scientifically. Scientists who knew the history of public administration and also used archive sources to their opuses were indeed concerned with the history of the Hungarian Gypsies. Among those researchers Barna Mezey² and László Pomogyi should be mentioned, thanks to whom the basic sources concerning Hungarian Romas became known and a monography³ was written which extensively analysed the provisions of the Hungarian state in the 19th century and the organizing activity of the public administration related to Gypsies.

Following that, papers related mainly to jurisdiction were written in this topic.⁴ From the aspect of the history of public administration, however,

1 (Translated by: Zsuzsa Stipta)

2 Mezey Barna (szerk.): A magyarországi cigánykérdés dokumentumokban: 1422-1985. [The issue of Hungarian Gypsies in documents.] Kossuth Könyvkiadó. Budapest, 1986. 323 p.; Pomogyi László: Mezey Barna (szerk.): Állam és jogtörténeti bibliográfiák 5. A magyarországi cigányság történetének válogatott bibliográfiája. [Bibliographies on Jurisprudence and political sciences 5. Selection of the history of the Gypsies in Hungary.] Budapest, 1983. 16 p.

3 Pomogyi László: Cigánykérdés és cigányügyi igazgatás a polgári Magyarországon. [The issue of Gypsies and the administration of Gipsy-issues in the civil era in Hungary.] Osiris-Századvég, (Jogtörténeti értekezések). Budapest, 1995. 298 p. This overview follows the conclusions of this work.

4 Frey Dóra: A konfliktuskezelés sajátos eszközei a magyarországi cigányság körében. [The specific instruments of the conflict handling of the Hungarian Gypsies.] In: Mezey B, Nagy Janka Teodóra (szerk.). Jogi néprajz - jogi kultúrtörténet; Tanul-

researches on Romas are still not elaborated in numerous regards. The analysis of the Horthy and the so called socialist eras are especially lacking. That has been also encumbered by the fact that no trustworthy scientific summary has been prepared on the history of public administration of these eras.⁵ In the Collection of Hungarian Scientific Opuses (Magyar Tudományos Művek Tára) there are 1587 bibliographic items that refer to papers in connection with the situation of the Gypsies. Out of those only 15 were related to the topic of the history of public administration. Thus, it can be established that historical researches on the relationship between the public administration and the Gypsies have stagnated in the field of jurisprudence and public sciences and they are waiting for further inspiration.⁶

2. The potential direction of the research is to analyse the demographic relations of the Roma more extensively and from historical aspects. The great neglect of domestic historical statistics is the elaboration of the data available in accordance with the proper methodology.⁷

mányok a jogtudományok, a néprajztudományok és a történettudományok köréből. ELTE Eötvös Kiadó, Budapest, 2009. 370-382. p.

5 Among the few exceptions are: Majtényi Balázs, Majtényi György: Cigánykérdés Magyarországon 1945-től 2010-ig. [The issue of Gypsies in Hungary from 1945 to 2010] Libri Kiadó, Budapest, 2012. 224 p.; Pomogyi László: A század elejétől 1945-ig. [From the beginning of the century to 1945] In: Kemény István (szerk.) A magyarországi romák. Tanulmányok a magyarországi cigányságról. [The Hungarian Romas. Essays on the Hungarian Gypsies.] 128 p. (Változó világ; 31.) Útmutató Kiadó, Budapest, 2000. 12-16. p.

6 Cf. Binder Máttyás: „A cigányok” vagy a „cigánykérdés” története? Áttekintés a magyarországi cigányok történeti kutatásairól. [The history of the „Gypsies” or the „issue of Gypsies”? Overview on the historic researches of the Hungarian Gypsies.] REGIO 20:(4) pp. 35-59. (2009); Dupcsik Csaba: A magyarországi cigányság története. Történelem a cigánykutatások tükrében, 1890-2008. [The history of the Hungarian Gypsies. History in the light of researches on Gypsies, 1890-2008.] Budapest: Osiris Kiadó, 2009. 362 p.

7 Hoóz István: A cigányokkal foglalkozó statisztika továbbfejlesztésének és megújításának lehetőségei. [The possibilities of the development and reformation of the statistics concerning Gypsies.] In: Kovacsics József (szerk.) Magyarország nemzetiségeinek és a szomszédos államok magyarságának statisztikája (1910-

From this deficiency numerous stereotypes can be deduced even from nowadays concerning the exaggerated rate of Gypsy criminality. Oddly, namely, the Gypsies were registered by the numbers of the census of population taking place decennially in accordance with the ones who qualified themselves as Gypsy native speakers. This number meant the fragment of the population sociologically considered to be Romas by the environment. The statistics of the jurisdiction, however, registered the perpetrators of Gypsy origin based on their 'look'. Thus, much more people concerned were registered. During the assessment of the criminal rates, however, this item was screened onto the (lower) number of population with Gypsy as mother tongue. Therefore, a much higher rate of criminality appeared in the statistics than the reality. The data of the national census of population are available.⁸ Their more thorough interpretation, the correction of the methodical deficiencies and the interpretation of the inaccuracies, however, are still missing.

The national data concerning the number of Gypsies conceal, indeed, the specific problems that the local organs of public administration had to be concerned with. There belongs, for instance, the settlement situation of the contemporary Gypsy population or the rate of the wandering Gypsies within the population. Thus, the extension of national statistics data, further local data collection and the analysis of sources in archives would be needed.⁹ In this regard, the annual reports of the committees of public administration organised until 1876 and operating until 1945 are a great opportunity to complete the national data. The extensive data line of the census by the ministry for home affairs offers a unique research possibility. It would also be an important task for historians to analyse the distribution of the number of Gypsy population in the capital city and their division based on lifestyle. Budapest, namely, was not covered by the

1990). [The statistics of the Hungarians living in the neighbouring countries and of the nations of Hungary. (1910-1990)] KSH. Budapest, 1994. 339-348. p.

8 Kertesi Gábor, Kézdi Gábor: A cigány népesség Magyarországon. Dokumentáció és adattár. [The Gypsy population in Hungary. Documentation and data base.] Socio-typo. Budapest, 1998. 467 p.

9 Keményfi Róbert: Etnikai besorolás és statisztika. Elvi alapvetés a gömöri cigányok három évszázados jelenlétének vizsgálatához. [Ethnic classification and statistics. Theoretical foundation to the examination of the presence of the Gypsies from Gömör for three centuries. Régió. 10:(1) 137-155. p. (1999)

contemporary census. From the aspect of the examination of the relationship between public administration and the Gipsy population, the more thorough analysis of the data collection ordered by the national inspector of public health in 1943 would serve useful data. It would be an important task to disclose and synthesize historiographic essays that are concerned with certain specific areas of the contemporary issue of the Roma.¹⁰

3. Also from the aspect of the history of public administration it would be reasonable to examine the sociological situation of the Gipsy population.¹¹ It has already been attempted by applying the central data from 1893. That could be continued with the disclosure of the sources in local archives. These analyses could be extended to the Horthy era as well. In general, it would be necessary to reveal the public administration of Hungary and the situation of the Gipsies in the inter-war period more thoroughly. In this subject hardly any useful scientific work has been written. Regarding the methodology and the fact finding, the examination of the Gipsy-policy of the historical period after 1949 is an independent research task. In that regard, the archived materials of the local counsel organs and the directing party organs should be revealed. It cannot be forgotten that the historical researches must be relevant and – from the aspect of the current problems – usable. Thus, it is an important task to summarize the historical experiences and to create the connection between the works prepared based on the actual situation, in general, to bring the results of historical researches closer to the current problems.¹²

10 Tóth Péter. Az 1768. évi cigányösszeírás a Jászságban. [The census of Gipsies in 1768 in the Region of Jászság.] In: Fülöp Tamás (szerk.). Zouunok: A Jász-Nagykun-Szolnok megyei Levéltár évkönyve, 26. Jász-Nagykun-Szolnok megyei Levéltár. Szolnok, 2011. 443–464. p.

11 Tóth Péter: A magyarországi cigányság története a feudalizmus korában. [The history of the Hungarian Gipsies in the era of feudalism.] ELTE Bölcsész Konzorcium. Budapest, 2006. 151 p.

12 Rixer Ádám: A roma érdekek megjelenítése a jogalkotásban. [The appearance of Roma interests in the legislation.] Patrocinium Kiadó. Budapest, 2013. 236 p. (Lőrincz Lajos Közjogi Kutatóműhely Vitasorozat; III.); id: Roma Civil Society in Hungary. De iurisprudentia et iure publico. VII.:(1) pp. 142–170. (2013); id: Roma civil Society in Hungary. Journal of Constitutionalism and Human Rights. 3: pp. 1–29. (2013).

II.

1. During the historical overview of the attempts made by the state to solve the 'Gipsy issue', the contemporary drafts, suggestions and interpellations submitted to the Hungarian legislation organs still need to be analysed. Lately, there has been unlimited opportunity to process them since the whole material of the Parliament is available in the digitalised scientific collection of the legislation. By analysing it, we could have an image on the Gipsy policy of the contemporary political elite and also what role the representatives wanted to give to the public administration in order to ameliorate the situation of the Gipsies. The argument would also be revealed based upon which the legislation declined the extensive settlement of the integration of the Roma population.

2. It would also be an important research task in the field of the history of public administration to reveal and analyse the suggestions of the contemporary organs of public administration concerning the solution of the situation.¹³ Regarding that, especially the suggestions of the contemporary municipals should be systemized. In the civil era, namely, these organs could submit proposals to regulate national issues. It could also be an independent research field to elaborate the archive material of the symposium on Roma issues convoked by Prime Minister Kálmán Széll in 1902 and to elaborate the response of the press concerning this action. We know about this forum very little. Although that was the only attempt of the government to analyse the Gipsy issue with a real intention.

3. In the field of the departmental public administration there was an official attempt that aimed at the more thorough cognition of the situation of the Roma. That happened in 1909 when the ministry for foreign affairs ordered a survey consisting of 57 questions. This attempt was not successful, its reasons should be examined. Even more importantly, it would be an inevitable task to examine the Order Nr. 15.000/1916 of the Ministry for Home Affairs on forced relocation. This norm was prepared during World

13 Bánkiné Molnár Erzsébet: Helyzetkép a Jászkun Kerület cigányságáról. [Situation of the Gipsies in the District Jászkun.] ETHNICA IV.:(4.) 163–173. p. (2002)

War I and it arranged the planned integration of the Gypsies (in connection with the liability for military service). Within that, the ministry ordered to prepare a mandatory record. These data concerned mainly the warfare ability and willingness of the Roma population. Sándor Wekerle had the data collection repeated in 1918 but we do not know anything of its result. In the inter-war period Order Nr. 257.000/1928 of the Ministry for Home Affairs made the police record obligatory that already contained sanctions against stray Gypsies. That order of the ministry has not been analysed and evaluated by the historical literature with adequate thoroughness, either.

4. The only attempt of Gypsy settlement of our history still needs to be revealed. During World War I, Minister for Home Affairs János Sándor adopted measures on that. The reason of the government was that the violation within the country enormously increased because of extraordinary incidences. The order concerned the stray Gypsies (with tents). It contained numerous measures that were problematic from a legal aspect as well and were not in conformity with the formula of extraordinary acts. The order prohibited the wandering of Gypsies without a proper residence. Every Gypsy without a residence had to be recorded, examined by doctors and forced into a residence that was chosen by the organs for them. The realisation of the measures could only be traced with the help of local archive sources.

III.

1. In the case of the issue of state maintenance of administration concerning patrol service and the issue of the Roma, the relevant regulation from 1867 should be followed and analysed. A promising part of the research could be the comparison with the dispositions of similar issues in the neighbouring countries. In general it is to be established that the Gypsy issue was considered to be a problem belonging to the police in the era of dualism. The instruments of the solution were various e.g. deportation of the foreign Gypsies without any profession, systematization of the identity card, patrol and Gypsy raids, relocation, internment, relocation camp, and finally, in 1944 deportation.¹⁴

¹⁴ Karsai László: Cigány katonai munkaszázadok Magyarországon 1944-45-ben

2. The activity of the administration concerning industry and trade would have been extremely important in this field. Despite that, the contemporary public administration did few activities to be appreciated in this field. The fundamental aim of the dispositions was settlement and to encumber the wandering. The vast majority of dispositions concerning professions was prohibitory and restrictive. These dispositions of the ministry continued in the inter-war period with the orders from 1931. It would be useful to analyse what kind of politics the countries in Central Europe followed.

3. Similarly, there are few positive dispositions on the part of the governing organs of the administration concerning labour affairs, too. It caused difficulties for the ministry that there was no legal regulation concerning that issue in Hungary. The ministry aimed at encumbering the wandering of Gypsies or at least restricting it. Thus, cohesive rules were composed concerning labour law. A good example of the spirit of the age is the disposition according to which only those could be considered official Gypsy musicians in the Horthy era who stroke a patriotic attitude.

4. In the relation of the administration of national defense and the Gypsies, the intention of the state was to the effect that this population group should also participate in the national defense in proportion to its capita (number). The defaults of the administration concerning education, the negligent control of compulsory education and the deficiency of the proper census also contributed to the deterioration of the situation of Roma population. Public health care was forced to be active in this issue and it made numerous provisions. There are similarly numerous norms of vet health care concerning Gypsies between 1867 and 1945.

5. It would need a thorough scientific examination to what extent the local organs took advantage of their opportunity to make rules. László Pomogyi established that thirty Hungarian statutes were composed that aimed at changing the lifestyle of Gypsies. These orders need to be analysed more thoroughly just like what was accomplished from them in practice.

[Gypsy Military Labour-service Companies in Hungary in 1944-1945] Hadtörténelmi Közlemények 1991. június. 157-166. p. (1991).

Generally, it is to be established that these rules did not contain any positive discrimination and did not offer the local Romas any advantages.¹⁵

IV.

1. Based on the researches of László Pomogyi and Barna Mezey it could be further investigated why there was no legal regulation on the amelioration of the social situation of Gipsies in that period. It should be analyzed what role the contemporary approach of equality of rights played in that. It can be established that in this period the regulation based on the level of orders dominated; its reasons could be also the subject of an examination. The local regulation was of little extent and in the administration of Gypsy communities the segment provisions of the local administration dominated. Collecting and analysing these provisions could be a useful subject of researches of local history.

2. Within the frame of a summarising examination, the relations of the Gypsy population concerning public law, the nature of the discrimination affecting Gipsies could be defined. In accordance with the theses of László Pomogyi, the discrimination in the regulation was of racial nature, the discrimination by the state was not individual but institutional. It can be established that the detrimental practice was consolidated not by central regulation but local provisions. The new researches mentioned above could modulate these establishments too.

¹⁵ Kállai Ernő: Helyi cigány kisebbségi önkormányzatok elméleti modellje és működési gyakorlata Magyarországon. [The theoretical model and operation practice of Gypsy minority local governments in Hungary.] 356 p. PhD értekezés. Miskolc, 2008.; id: Helyi cigány kisebbségi önkormányzatok Magyarországon. [Gypsy minority local governments in Hungary.] Gondolat-MTA Etnikai-Nemzeti Kisebbségkutató Intézet. Budapest, 2005. 204 p.

Further reading:

- Rácz Sándor Romano: Historical consciousness among the roma. Hungarian Review 2011. (Vol. 2.) No. 1. www.hungarianreview.com/archive (26. 04. 2015)
- Tóth Csaba: A cigányok története és a magyarországi roma etnikumhoz köthető konfliktusok eredete. [The story of the gypsies' and the roots of the hungarian roma's ethnic conflicts.] Hadtudományi Szemle 2014. (Vol. 7.) No. 4.
- Vekérdi József: The Gypsies and the Gypsy Problem in Hungary. Hungarian Studies Review 1988. (Vol. 15) No. 2, 13-26.