

The debate on the recognition of Hungarian Jewry as a national minority in Hungary, 1990–1993

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ABSTRACT

There is no definition of national, ethnic, linguistic and religious minorities that is binding on states, which therefore have a wide margin of appreciation in deciding which communities to officially recognize. Since its adoption, the Hungarian law on national and ethnic minorities defined the concept and the scope of minorities and provided for the possibility of recognizing an ethnic group as a minority on the initiative of the community concerned.

Therefore, the major objective of the article is to focus on the debates in the Parliament and its committees in connection with the normative definition of the Bill on the Rights of National and Ethnic Minorities, the scope of national and ethnic minorities and the procedure for the recognition of a new minority in Hungary, using the example of the Jewish community.

The article also presents the normative regulations on the concept of national minorities, the scope of officially recognized communities and the recognition of minorities in Hungary after the adoption of the act in 1993.

KEYWORDS

Hungary, minority law, national minority, group recognition, Jewry

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1. INTRODUCTION

In Hungary, the constitutional amendments of the democratic transition in 1989¹ brought a decisive and forward-looking turn in the protection of minority rights. Although Act XX of 1949 on the Constitution of the Hungarian People's Republic (hereinafter: Constitution) had ensured the equal rights of national and ethnic minorities,² their right to use their mother tongue, to education in their mother tongue and to preserve and cultivate their culture, since its entry into force,³ the amendments of the Constitution⁴ before and following the first free elections in 1990 extended and ensured constitutional protection of the individual and community rights of national and ethnic minorities living in Hungary.

Hungary's strong commitment to minority protection can be explained by two reasons: on one hand Hungary's minority policy in the 1990s was motivated by a commitment to 'Europeanization', but on the other hand Hungary was strongly devoted to the protection of Hungarian minorities abroad.⁵

As Sansum and Dobos point out, the Hungarian minority law has been relatively well surveyed, but only a very few studies⁶ actually focus on the parliamentary debates themselves,⁷ and if so, they mostly examine the debate in general. However, with these exceptions a topic-specific analysis which also covers the committee debates has not been undertaken yet.

Therefore, the major objective of the research is to highlight the main points of the debates in the Parliament and its committees in connection with the proposed normative definition, the scope of national and ethnic minorities and the procedure for recognizing a new minority under the Bill on the Rights of National and Ethnic Minorities submitted by the Government to Parliament on 11 June 1992. It is useful to look at how narratives had shaped and fitted the regulatory framework adopted. To this end, the study uses the example of the Jewish community.

¹The democratic transition refers to the era of Hungarian history during which the Hungarian state abolished the communist one-party system and peacefully transformed into a democratic state in 1989–1990.

²National minorities are minorities that have a nation state as their homeland. Ethnic minorities are minorities without a nation state. According to the Hungarian concept, national minorities are the Bulgarian, Greek, Croatian, Polish, German, Armenian, Romanian, Serbian, Slovakian, Slovenian and Ukrainian communities, while ethnic minorities are the Roma and Ruthenian communities. Worth mentioning is the new Hungarian Constitution of 2011, which officially and uniformly renamed minorities living in Hungary from 'national and ethnic minorities' to 'nationalities'. See in detail Pap (2015).

³Article 49 of Act XX of 1949 on the Constitution of the Hungarian People's Republic between 20th August 1949 and 25th April 1972. Article 61 of Act XX of 1949 on the Constitution of the Hungarian People's Republic between 26th April 1972 and 22nd October 1989.

⁴Act XXXI of 1989 on the Amendment of the Act on the Constitution of the Hungarian Republic, Act XL of 1990 on the Amendment of the Act on the Constitution of the Hungarian Republic and Act LXIII of 1990 on the Amendment of the Act on the Constitution of the Hungarian Republic.

⁵Sansum and Dobos (2020) 252–53.

⁶Tóth (2005), Majtényi (2007) and Koller (2011).

⁷Sansum and Dobos (202) 256.

The research also presents the normative regulations on the concept of national and ethnic minorities, the scope of officially recognized communities and the recognition of minorities in Hungary, which have remained almost unchanged since 1993.

2. THE CONSTITUTIONAL FRAMEWORK FOR THE RIGHTS OF NATIONAL AND ETHNIC MINORITIES IN HUNGARY AFTER THE DEMOCRATIC TRANSITION

According to the Constitution, which was consolidated after the democratic transition, national and ethnic minorities living in the Republic of Hungary participate in the sovereign power of the people: they represent a constituent part of the State. Pursuant to the Constitution, Hungary shall provide for the protection of national and ethnic minorities and ensure their collective participation in public affairs, the fostering of their cultures, the use of their native languages, education in their native languages and the use of names in their native languages. In relation to their collective participation in public affairs, the Constitution granted that laws shall ensure representation for the national and ethnic minorities living within the country and the right to form local and national bodies for self-government.⁸

It is important to point out, however, that although the Constitution mentioned national and ethnic minorities in several provisions, it did not define the concept and the scope of national and ethnic minorities, nor did it specify the conditions for the possible recognition of new minorities. The final regulation of these issues was postponed until the adoption of the Act LXXVII of 1993 on the Rights of National and Ethnic Minorities (hereinafter: National and Ethnic Minorities Act).

3. REGULATIONS UNDER THE 1993 NATIONAL AND ETHNIC MINORITIES ACT

By adopting the National and Ethnic Minorities Act, Hungary created a normative definition of national and ethnic minorities at the legislative level, and at the same time listed the national and ethnic minorities and created the possibility for their recognition as national and ethnic minorities.

Pursuant to the National and Ethnic Minorities Act, a national or ethnic minority is any group with a history of at least one century of living in the Republic of Hungary, which represents a numerical minority among the citizens of the state, the members of which are Hungarian citizens, and are distinguished from the rest of the citizens by their own language, culture and traditions, and at the same time demonstrate a sense of belonging together, which is aimed at the preservation of all these, and the expression and protection of the interests of their communities, which have been formed in the course of history.⁹

⁸Article 68 (1)–(4) of the Constitution.

⁹Section 1 (2) of the National and Ethnic Minorities Act.

In 1993 the legislator defined the scope of national and ethnic minorities as native in Hungary as following: Bulgarian, Gypsy, Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovakian, Slovenian and Ukrainian.¹⁰

However, the scope of national and ethnic minority communities is not a closed list. Since the entry into force of the National and Ethnic Minorities Act, Hungarian minority law has provided for the possibility of recognition as a national and ethnic minority.¹¹ The importance of this possibility was also highlighted by the Venice Commission during the preparation of the National and Ethnic Minorities Act.¹² In this context, it is also worth pointing out that Hungary – unlike many Member States – has not made any reservations or other declarations to the Framework Convention for the Protection of National Minorities, in which it would have accepted its scope of application as being limited to specific communities,¹³ presumably confirming that the scope of national and ethnic minority communities in Hungary is not a closed enumeration.

Since its entry into force, the National and Ethnic Minorities Act has created an opportunity for the recognition of other national and ethnic minorities in Hungary. According to the National and Ethnic Minorities Act if a minority other than those listed wish to prove that they meet the requirements specified in the act, they may submit a petition related to this subject to the Speaker of the Parliament if supported by at least 1,000 voters who declare themselves members of this minority.¹⁴

Although the National and Ethnic Minorities Act made the recognition of a minority community subject to strict objective and subjective conditions, it was based on the right to free self-identification at the individual level. According to the Act, the admission and acknowledgement of the fact that one belongs to a national or ethnic minority is the exclusive and inalienable right of the individual. No one is obliged to make a statement on the question of which minority he or she belongs to. The right to national or ethnic identity and the acknowledgement and admission of membership of such a minority does not preclude the recognition of dual or multi-affiliation.¹⁵

3.1. Parliamentary debates on the scope of national and ethnic minorities

It is worth pointing out that the debate long preceded the submission of the bill in 1992. After the free elections that brought about the democratic transition, Parliament was faced with the

¹⁰Section 61 (1) of the National and Ethnic Minorities Act.

¹¹Section 61 (2) of the National and Ethnic Minorities Act.

¹²CDL-MIN (93) 4 Revised Opinion on the Hungarian bill no. 5190 on the Rights of National and Ethnic Minorities approved by the Commission, para. 7.

¹³Reservations and Declarations for Treaty No.157 – Framework Convention for the Protection of National Minorities (ETS No. 157).

¹⁴Section 61 (2) of the National and Ethnic Minorities Act.

¹⁵Section 7 (1)–(2) of the National and Ethnic Minorities Act.

fact that, according to an act¹⁶ adopted by the previous Parliament, it should have ensured the representation of national and linguistic minorities in Parliament by means of co-optation.¹⁷ Under this act, the Roma, Croatian, German, Romanian, Serb, Slovak, Slovenian and Jewish communities each have one representative in Parliament.

Although the two parties, MDF¹⁸ and SZDSZ¹⁹ that did best in the parliamentary elections, postponed the issue of minority representation in Parliament until the next elections in their post-election agreement, the Committee on Human Rights, Minorities and Religious Affairs (hereinafter: HRC) still addressed the issue and heard representatives of various minority organizations in the summer of 1990. The HRC had heard representatives of twelve minority organizations in three sessions on the issue of parliamentary representation, treating the Cultural Association of Hungarian Jews (Magyar Zsidó Kulturális Egyesület) on an equal footing with the others.²⁰

An analysis of the minutes of the HCR shows that during these hearings a number of arguments were made concerning the recognition of additional minority communities. Some questioned the unity or diverseness of the Slovenian and Wend communities.²¹ Many also expressed the claims for recognition of other minority communities (Bulgarian, Greek, Polish, Armenian) and, with it, representation in Parliament.²²

However, the recognition of the eight communities listed in the Parliamentary Representation Act as national and linguistic minorities was not challenged, so the official status of the Jewish community remained unchanged for a short period until the act was repealed.²³

Following the submission of the bill, the debate on the scope of the future National and Ethnic Minorities Act was reopened.

In relation to the enumeration of national and ethnic minorities in the bill, the cornerstone of contention has been the tension between enumerating and the principle of free self-identification.

It is worth pointing out that the president of the Round Table of National and Ethnic Minorities in Hungary (hereinafter: MRT),²⁴ at the very beginning of the debate on the bill,

¹⁶Act XVII of 1990 on the Representation of National and Linguistic Minorities in Parliament (hereinafter: Parliamentary Representation Act).

¹⁷Co-optation is the act or process of being elected or selected into a body by the existing members.

According to Article 2–3 of the Parliamentary Representation Act, minority representatives should have been elected by parliament on the recommendation of a special nomination committee.

¹⁸MDF (Magyar Demokrata Fórum [Hungarian Democratic Forum]).

¹⁹SZDSZ (Szabad Demokraták Szövetsége [Alliance of Free Democrats]).

²⁰The Cultural Association of Hungarian Jews was heard at the Committee's meeting on 7 June 1990.

²¹Speech by Vilmos Horváth (SZDSZ) in the 4th session of the HRC (29 May 1990) 182–83.

²²Speech by Jenő Kovács (MSZP) in the 8th session of the HRC (13 June 1990) 38, Speech by Zsolt Németh (FIDESZ) in the 8th session of the HRC (13 June 1990) 50, Speech by István Mészáros (SZDSZ) in the 8th session of the HRC (13 June 1990) 52–53, Speech by Gábor Fodor, President of HRC in the 8th session of the HRC (13 June 1990) 54, 59.

²³The Parliamentary Representation Act was repealed on 25 June 1990 and the issue of minority representation in Parliament remained unresolved for nearly two and a half decades in Hungary.

²⁴The MRT was an umbrella organization of national and ethnic minority organizations that played a decisive role in the drafting of the National and Ethnic Minorities Act.

strongly opposed the enumeration of minority communities covered by the future act, which, in his view, was incompatible with the principle of free self-identification.²⁵

In addition, during the parliamentary debate, many politicians, regardless of party affiliation, pointed out the conflict between the principle of free self-identification and the enumeration of minority communities.²⁶

However, many of them,²⁷ including the MRT,²⁸ finally accepted the Government's argumentation, which considered the enumeration as part of the compromise jointly agreed by the Government and the MRT, which solved the issue of legal personality of the future act in line with European practice, and at the same time provided the basis for the financing of the minority protection system and a way to prevent the future enforcing of unfounded claims.²⁹

The debate over the enumeration of national and ethnic minorities also included arguments for the exclusion or inclusion of certain communities in the enumeration of the future act.

However, the statement of the FIDESZ representative, who said that at least three communities, namely the Bulgarian, Greek and Polish communities, do not meet the criteria of at least one century-long presence in Hungary in the definition of the bill, caused a heated debate in the committee.³⁰

The future situation and legal status of the Jewish community had been a long-standing and recurring issue in the debate. In the enumeration of the bill submitted by the Government to Parliament, the Jewish community was not included as a national and ethnic minority in Hungary. The debate presumably arose from the fact that the Parliamentary Representation Act in 1990 listed the Jewish community as a national and linguistic minority,³¹ and there were

²⁵Speech by Tosó Doncsev, President of MRT in the 80th session of the HRC (11 March 1992) 18.

²⁶Speech by Zoltán Zétényi (MDF) on the 10th day of the autumn session of Parliament (29 September 1992) 729.
Speech by Csaba Tabajdi (MSZP) on the 10th day of the autumn session of Parliament (29 September 1992) 742.
Speech by Zsolt Németh (FIDESZ) on the 10th day of the autumn session of Parliament (29 September 1992) 746.
Speech by Sándor Kávássy (FKgP – Független Kisgazdapárt [Independent Smallholders' Party]) on the 12th day of the spring session of Parliament (9 March 1993) 851.

²⁷Speech by Attila Várfalvi (MSZP) in the 105th session of HRC (30 September 1992) 39.
Speech by Zoltán Zétényi (MDF) on the 10th day of the autumn session of Parliament (29 September 1992) 728.
Speech by Tamás Lukács (KDNP – Kereszténydemokrata Néppárt [Christian Democratic People's Party]), discussed on the 12th day of the autumn session of Parliament (6 October 1992) 859.

²⁸Speech by János Bárony, MRT, in the 105th session of HRC (30 September 1992) 20.

²⁹Speech by Ferenc József Nagy, Minister without portfolio, on the 10th day of the autumn session of Parliament (29 September 1992) 720–21.

³⁰See the debate between Zsolt Németh (FIDESZ) and Zoltán Speidl (MDF) on the 170th session of the HRC (8 June 1993) 26–31.

³¹It is worth recalling that in the course of the debate on the Parliamentary Representation Act, many politicians shared their views on the denominational and minority character of the Jewish community and its representation. The speech of the Minister of Justice, Kálmán Kulcsár, on 27 February 1990 is especially noteworthy, since, in addition to mentioning the heterogeneity of the Hungarian Jewish community on the issue of its public recognition, he also pointed out that, besides the Hungarian National Rabbi Council and the Cultural Association of Hungarian Jews, the then denominationally based representative body, the National Representation of Hungarian Israelites (Magyar Izraeliták Országos Képviselőlete) – the legal predecessor of the Federation of Hungarian Jewish Communities (Magyarországi Zsidó Hitközségek Szövetsége), founded in 1991 – did not rule out the possibility of minority-based representation of Jews in Parliament. See the Speech by Kálmán Kulcsár, Minister of Justice, in the 79th session of Parliament (27 February 1990) 6546–47.

still civil organizations that defined Jewry as a national minority to be protected within the scope of the future act. The debate was also influenced by the fact that Hungary's neighbors such as Croatia,³² Romania,³³ Serbia,³⁴ Slovakia³⁵ and Ukraine,³⁶ recognized Jews as a national minority.

A turning point in the protracted debate on this issue was the speech made by the president of the National Association of Hungarian Jews (Magyarországi Zsidók Nemzeti Szövetsége) in the spring of 1993 during the committee debate. The head of the National Association of Hungarian Jews that identified Jewry on a national basis explained that the community was divided over the issue of the legal status of Jews. He pointed out that the organizations which organized themselves exclusively on religious grounds had protested very strongly – primarily because of the historical traumas of the Holocaust – against the linking of the concept of Jewry with national and ethnic minority, and against the recognition of the Jews as a minority. In view of this, and in order to respect the agreement with other Jewish organizations,³⁷ while maintaining its disagreement on this issue, the National Association of Hungarian Jews has postponed its intention to initiate the recognition of the Jewry as a minority.³⁸

³²The Preamble of the Constitution of Croatia establishes the Republic of Croatia as 'the nation state of the Croatian nation and the state of the members of its national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Rusyns, Bosniaks, Slovenians, Montenegrins, Macedonians, Russians, Bulgarians, Poles, Roma, Romanians, Turks, Vlachs, Albanians and others who are its citizens and who are guaranteed equality with citizens of Croatian nationality'.

³³Romania applies the Framework Convention to the twenty groups, namely Albanians, Armenians, Bulgarians, Croats, Czechs, Germans, Greeks, Hungarians, Italians, Jews, Lipovan Russians, Macedonians, Poles, Roma, Ruthenians, Serbs, Slovaks, Tatars, Turks, and Ukrainians.
[ACFC/OP/V\(2022\)5](#) Advisory Committee on the Framework Convention for the Protection of National Minorities: Fifth Opinion on Romania (3 April 2023) 30.

³⁴Serbia is a multicultural country, with a diversity of national minorities, represented by twenty three National Councils of National Minorities. National minorities are as follows: Albanian, Ashkali, Bulgarian, Bunjevci, Bosniak, Croat, Czech, Vlach, Egyptian, German, Greek, Hungarian, Macedonian, Montenegrin, Polish, Roma, Romanian, Russian, Rusyn, Slovak, Slovenian, Ukrainian and Jews.
[ACFC/OP/IV\(2019\)001](#) Advisory Committee on the Framework Convention for the Protection of National Minorities: Fourth Opinion on Serbia (26 June 2019) 4.

³⁵Slovakia applies the Framework Convention to the thirteen officially recognised national minorities: Bulgarians, Croats, Czechs, Germans, Hungarians, Jews, Moravians, Poles, Roma, Russians, Ruthenians, Serbs and Ukrainians.
[ACFC/OP/V\(2022\)8](#) Advisory Committee on the Framework Convention for the Protection of National Minorities: Fifth Opinion on the Slovak Republic (15 June 2022) 34.

³⁶Ukraine in its declaration contained in the instrument of ratification of the European Charter for Regional or Minority Languages declared that the provisions of the Charter shall apply to the languages of the following ethnic minorities of Ukraine: Belarusian, Bulgarian, Gagauz, Greek, Jewish, Crimean Tatar, Moldovan, German, Polish, Russian, Romanian, Slovak and Hungarian.
Reservations and Declarations for Treaty No.148 - European Charter for Regional or Minority Languages ([ETS No. 148](#)).

³⁷The agreement was originally adopted by the Federation of Hungarian Jewish Communities Assembly on 10 June 1992. See ([n.d.](#)) (1997).

³⁸Speech by Endre Rózsa T., President of National Association of Hungarian Jews in the 152nd session of the HRC (25 March 1993) 44–50.

It is important to point out that the Jewish community finally took the initiative for recognition as a minority in 2005. The initiative was unsuccessful due to a lack of sufficient signatures of support.

Finally, it is important to note that during the debates surrounding the listing of national and ethnic minorities, in addition to the communities listed, other communities sought be included in the scope of the future act.

According to the protocol of the Parliament and the minutes of its relevant committees, the Association of Italians in Hungary has repeatedly and regularly communicated its intention to be recognized as a minority,³⁹ and has written to the HRC.⁴⁰

In the work of the HRC, the issue of heterogeneity within the Slovenian community was also raised again. The SZDSZ MP drew attention to an association set up in Vas County, whose members identified themselves as Wends.⁴¹ However, the documents examined did not show any active lobbying activities of the association in question, similar to those of the Italian community, or any intention to be included in the group of taxed minority communities.

In the debates of the Parliament and its committees, although the provision of the bill defining the scope of national and ethnic minorities was criticized on several occasions, no motion was made to reject it or to amend the scope of national and ethnic minorities. Consequently, Jewry had not received official recognition.

3.2. Parliamentary debates on the definition of national and ethnic minorities

With regard to the definition of the concept of national and ethnic minorities, it can be stated that the definition of the personal scope of the future act was considered to be one of the most puzzling dilemmas and controversial issues in the preparation of the National and Ethnic Minorities Act.⁴²

In the course of the parliamentary and committee debates, it was unanimously agreed that the bill's concept tabled by the Government is essentially the same as the definition⁴³ put forward by Francesco Capotorti, the UN Special Rapporteur.⁴⁴

Undoubtedly, the requirement of a presence in the Republic of Hungary for at least a century had been the subject of the most criticism in the committee's work and parliamentary debates.

From the very beginning, the FIDESZ⁴⁵ parliamentary group had been a strong advocate of the abolition of this requirement.⁴⁶ In this regard, two members of the FIDESZ parliamentary group submitted a separate amendment to the bill, arguing that the term 'for at least a century' should be to be changed to the term 'historically native', because there are several national and ethnic minorities (Bulgarians, Greeks, Poles) living in the territory of the Republic of Hungary who settled in their current place of residence only a few decades ago and who meet the other

³⁹Speech by Vilmos Horváth (SZDSZ) in the 160th session of the HRC (15 April 1993) 56.

⁴⁰Speech by Gábor Fodor, President of HRC in the 160th session of the HRC (28th April 1993) 21.

It is important to point out that the Italian community finally took the initiative for recognition as a minority in 2008. The initiative was unsuccessful due to a lack of sufficient signatures of support.

⁴¹Speech by Vilmos Horváth (SZDSZ) in the 160th session of the HRC (15 April 1993) 56.

⁴²Speech by Ferenc József Nagy, Minister without portfolio on the 10th day of the autumn session of Parliament (29 September 1992) 720–21.

⁴³Speech by Gáspár Bíró, Expert, in the 105th session of the HRC (30 September 1992) 51.

⁴⁴Capotorti (1979) 96.

⁴⁵FIDESZ (Fiatal Demokraták Szövetsége [Alliance of Young Democrats]).

⁴⁶Speech by Gábor Fodor (FIDESZ) in the 134th session of the HRC (4 March 1993) 22.

criteria of the definition and have been integrated into the Hungarian state as national and ethnic minorities, enriching it.⁴⁷

During the debate, the MSZP⁴⁸ parliamentary group also pointed out that the criterion that links the recognition as a minority to at least a century of presence was unacceptable for its representatives. According to the MP who spoke in the debate, the fact that Hungary's borders of a hundred years ago are not identical to those of 1993 was an indication of the legal absurdity of the planned regulation. In his view, the 100-year criterion is in no way an acceptable requirement, and the period should be set at between 70 and 40 years.⁴⁹

Several suggestions were also made that it would be appropriate to link the presence-requirement of minorities in Hungary to a specific year or event. There was a proposal that would have linked the beginning of the presence of the minority to 1920,⁵⁰ but also one that would have linked it to the last great migration, i.e. settlement action, the Paris Peace Treaty in 1946.⁵¹ However, there have also been proposals that would have replaced the requirement with a less legally tangible criterion on a human scale. The proposed criteria was the requirement of three generations of presence in Hungary.⁵²

However, it must be emphasized that although the Hungarian Jewish community would have met all possible proposed conditions regarding the most controversial issue in the parliamentary debates, the involvement of the community was not mentioned at this point.

It is important to note, however, that despite numerous criticisms and amendment proposals, the definition of the bill was not amended during the parliamentary debate. Finally, it is also significant that despite the aforementioned concerns expressed in the debates about the recognition of the Jewish community as a minority, no proposals were made to amend the concept of the future act so as to extend its scope to religious minorities in addition to national and ethnic minorities.

3.3. Debates on the protection of the Hebrew language

The issue of extending the protection of the future law to the Hebrew language was put on the agenda of the Parliament and its committees at the initiative of a MP,⁵³ following the postponement of the recognition of the Jewish community as a minority.

⁴⁷Amendment motion No. 10098. [Gábor Fodor (FIDESZ) and Zsolt Németh (FIDESZ), 26 April 1993].

⁴⁸MSZP (Magyar Szocialista Párt [Hungarian Socialist Party]).

⁴⁹Speech by Csaba Tabajdi (MSZP) on the 10th day of the autumn session of Parliament (29 September 1992) 742.

⁵⁰Speech by János Varga (MDF) on the 12th day of the spring session of Parliament (9 March 1993) 869.

A reference to the Trianon Peace Treaty which ended the First World War between Hungary and the Entente powers and was signed on the 4th June 1920. The peace treaty defined Hungary's new borders and made the state ethnically a relatively homogeneous country.

⁵¹Speech by Ferenc Vona (MDF) on the 12th day of the spring session of Parliament (9 March 1993) 861.

A reference to the Paris Peace Treaty which ended the Second World War between Hungary and the Allied Entente powers and was signed in 1946. The Paris Peace Treaty essentially restored and strengthened the territorial provisions of the 1920 Trianon Peace Treaty.

⁵²Speech by Tamás Lukács (KDNP) on the 12th day of the autumn session of Parliament (6 October 1992) 859.

⁵³Amendment motion No. 9574. [Antónia Hága (SZDSZ), 22, March 1993].

The issue of the protection of the Hebrew language clearly divided the MPs who took part in the debate. There were those who from the outset supported the protection of Hebrew as an issue independent of the recognition of the Jewish community as a minority,⁵⁴ and argued for the protection of the use of this language, which they identified as a modern language in use in Hungary.⁵⁵ Others, like those who considered it necessary to seek the opinion of Jewish communities and organizations before deciding on the issue of minority recognition, did the same on this issue.⁵⁶

The representatives of the Office for National and Ethnic Minorities first categorically stated that there is no living Hebrew language in Hungary,⁵⁷ and then, somewhat self-contradictorily, admitted that they had not consulted the Jewish communities and organizations about the need to protect the language,⁵⁸ although in fact they had made no such request.⁵⁹

During the debates, a number of MPs argued that the protection of the Hebrew language would create an inconsistency in the future act if its scope extended to the protection of a language but did not officially recognize the community that uses it.⁶⁰

The need to protect the Yiddish language was not seriously raised in the debate, with one representative merely pointing out that Hebrew 'is not the same as Yiddish. Yiddish is something else'.⁶¹ A particularly interesting comment, given that some European countries, including Bosnia and Herzegovina, Finland, the Netherlands, Poland, Romania, Slovakia, Sweden and Ukraine protect Yiddish under the European Charter for Regional or Minority Languages.⁶²

The extension of the scope of the future act beyond the languages of the listed national and ethnic minorities to include Hebrew was ultimately rejected by both the HCR⁶³ and the CCA.⁶⁴

3.4. Debates on the regulation of the procedure for recognition as a new minority

It can be stated that the possibility of the initiative for the recognition as a new minority was certainly partly initiated by the MRT. At the beginning of the debate on the bill, the representative of the MRT explained at the meeting of the HRC that it could accept the listing of minorities in a future act, but could only agree with an open system, in which it is possible to initiate the recognition as a minority. According to the MRT, the institutionalization of the

⁵⁴Zsolt Németh (FIDESZ) HRC (11 March 1993) 212–213, and HCR (2. June 1993) 60.

⁵⁵Gábor Iványi (SZDSZ) HRC (2 June 1993) 66, and HRC (30 June 1993) 186.

⁵⁶Fábián Józsa (MDF) HCR (11 March 1993) 212.

⁵⁷János Bársony Office for National and Ethnic Minorities HCR (2 June 1993) 60, and János Bársony Office for National and Ethnic Minorities CCA (6 July 1993) 43.

⁵⁸Bársony János Office for National and Ethnic Minorities, HCR (2 June 1993) 61.

⁵⁹Wolfart János Office for National and Ethnic Minorities, CCA (23 June 1993) 203.

⁶⁰Varga János (MDF) HRC (2 June 1993) 67, Bethlen István (MDF) HRC (30 June 1993) 191–192, Kutrucz Katalin (MDF) CCA (23 June 1993) 202.

⁶¹Gábor Iványi (SZDSZ) HRC (30 June 1993) 186, 201.

⁶²States Parties to the European Charter for Regional or Minority Languages and their regional or minority languages, [link1](#).

⁶³See the 169th session of the HRC (2 June 1993) 68.

⁶⁴See the 404th session of the HRC (6 July 1993) 44.

initiative in the future act would be a sufficient guarantee for the effective implementation of the principle of free self-identification.⁶⁵

However, it is also clear from the speeches made in the relevant parliamentary committees and during the parliamentary session that the institutionalization of the procedure was, at least in part, to enable the Jewish community to take the initiative to be recognized as a minority in the future.⁶⁶

At the meeting of the HRC, the president of National Association of Hungarian Jews pointed out that the procedure for recognition of Jewry as a minority, which is linked to the initiative of one thousand Hungarian citizens, would have been suitable for the National Association of Hungarian Jews, whose members already declared themselves in sufficient number as Jews in the 1990 census, to successfully initiate the recognition of the Jews as a minority in the future.⁶⁷

At the same time, in the context of the procedure for recognition as national and ethnic minority, a number of actors raised constitutional concerns in the Parliament and its committees.

According to the representative of the MRT, constitutional concerns may arise in connection with the initiative primarily if a community that has initiated the recognition as a minority is rejected by the Parliament, and its procedure will be characterized by a certain degree of selection.⁶⁸ At the same time, the danger of discriminatory selection in the parliamentary procedure, both in relation to communities already recognized as national and ethnic minorities, has also been highlighted by experts.⁶⁹

For a long time, however, there was a seemingly irresolvable debate and confrontation over which institution should decide on the recognition as a national and ethnic minority. The bill submitted by the Government to the Parliament originally provided that the Parliament would decide on the initiative for recognition as a national and ethnic minority. The most consistent critic of the exclusive role of the Parliament in this matter was a MSZP MP, who rejected the idea of the Parliament deciding on the existence or non-existence of national and ethnic minorities in Hungary.⁷⁰

After a lengthy debate, a six-party agreement was finally reached that the Budapest Municipal Court, which has exclusive jurisdiction, should decide on the issue of the recognition of national and ethnic minorities, and an amendment to the original text of the bill was initiated in accordance with this agreement.⁷¹

⁶⁵Speech by János Bársony, MRT in the 105th session of the HRC (30 September 1992) 20–21.

⁶⁶Speech by Csaba Tabajdi (MSZP) on the 21st day of the spring session of Parliament (14 April 1993) 1563.

⁶⁷Speech by Endre Rózsa T., President of National Association of Hungarian Jews in the 152nd session of the HRC (25 March 1993) 51.

⁶⁸Speech by János Bársony, MRT in the 105th session of the HRC (30 September 1992) 20–21.

⁶⁹Speech by Gáspár Bíró, Expert, in the 105th session of the HRC (30 September 1992) 48–49.

⁷⁰Speech by Csaba Tabajdi (MSZP) on the 10th day of the autumn session of Parliament (29 September 1992) 742.

⁷¹Amendment motion No. 10035. [Six-party agreement, 21 April 1993].

Later in the debate on the issue, it was pointed out that a six-party agreement was not supported by either the Office for National and Ethnic Minorities⁷² or the Government,⁷³ on the advice of the Ministry of Justice. In support of the position, it was argued that the Budapest Municipal Court has no competence to decide on recognition as a national and ethnic minority, and therefore the debate and decision on the issue could only be conducted in the Parliament.⁷⁴

The CCA, taking into account the Government's position, unanimously decided to ignore the six-party agreement and initiated the amendment of the bill back to the original version.⁷⁵

Although there were those who accepted the Government's position on the lack of competence of the Budapest Municipal Court in this matter,⁷⁶ many questioned its correctness and objected to the fact that the Parliament as a political forum should be involved in the issue of recognition as national and ethnic minority,⁷⁷ and that the legislator should participate in the implementation of the future act as a law enforcer.⁷⁸

The HRC finally rejected the amendment of the CCA by a large majority and continued to insist that the issue of the recognition of new national and ethnic minorities be decided by the Budapest Municipal Court.⁷⁹ After this vote in the committee, a MSZP MP asked the proposer to take this decision into account, stressing that if the Government's position on this key issue prevailed in the Parliament, the MSZP parliamentary group would not vote for the bill in the final vote.⁸⁰

The protracted debate on this issue is demonstrated by the fact that the rapporteur of the CCA also discussed the issue at length during the last day of debate on the bill before the final vote. He explained that, despite the six-party agreement and the position of the HRC, the CCA had proposed, in the interests of the integrity of the legal system, that the initiative for recognition as a national and ethnic minority should be decided by the Parliament on an exclusive basis. At the same time, he asked the MSZP parliamentary group, which was abstaining from the vote, to reconsider its previous position.⁸¹

Finally, based on the Government's position, the amendment proposed by the CCA was adopted in the final vote, but the MSZP parliamentary group's organized and unanimous abstention did not take place.

⁷²Speech by János Wolfart, President of the Office for National and Ethnic Minorities in the 395th session of the CCA (16 June 1993) 141.

⁷³Speech by Péter Hack, Vice-President of the CCA in the 395th session of the CCA (16 June 1993) 155.

⁷⁴Speech by János Wolfart, President of the Office for National and Ethnic Minorities in the 395th session of the CCA (16 June 1993) 164.

⁷⁵See the 395th session of the CCA (16 June 1993) 181.

⁷⁶Speech by István Mészáros (SZDSZ) in the 176th session of the HRC (30 June 1993) 104.

⁷⁷Speech by Csaba Tabajdi (MSZP) in the 178th session of the HRC (5 July 1993) 14.

⁷⁸Speech by Tamás Lukács (KDNP) in the 178th session of the HRC (5 July 1993) 21–22.

⁷⁹See the 178th session of the HRC (5 July 1993) 23.

⁸⁰Speech by Csaba Tabajdi (MSZP) in the 178th session of the HRC (5 July 1993) 23.

⁸¹Speech by Péter Hack, Vice-President of the CCA on the 8th day of the extra summer session of Parliament (7 July 1993) 638–39.

4. CLOSING REMARKS

In 1993, the political decision-makers firmly rejected the recognition of the Jewish community in Hungary as a minority and the protection of the Hebrew language, an issue on which the community was sharply divided. Remarkably, the protection of the Yiddish language was not seriously raised in the debate. However, it is surprising that in the course of the debate, the extension of the concept of the future act beyond national and ethnic minorities to religious communities was not even considered, especially in view of the special status of the Jewish community, which, as mentioned above, considered itself essentially as a religious community. It is positive, however, that the possibility of minority recognition has been partly institutionalized by the legislator with the Jewish community in mind.

The political decision-makers of the time argued strongly that no community should be recognized as a minority, despite the objections of the community concerned. However, this decision imposed a very harmful requirement on the internal relations of minority communities. It requires the homogeneity of the community, whereas it is natural for minority communities to be at least as plural as the majority society. This requirement sealed the issue of the future recognition of the Jewish community in Hungary as a minority, and the legal regulation created an arbitrary decision-making possibility for Parliament, which created a real danger that the legislator would treat the scope of minorities as a closed enumeration and discriminately select initiatives for recognition as a minority in Hungary in the future.

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