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THE DYNAMICS OF SLOVAK-HUNGARIAN RELATIONS – THE SHIFT FROM LANGUAGE ISSUES TO LEGAL AND SYMBOLIC QUESTIONS

Jaroslav Mihálik

Assistant Professor; Researcher; Ph.D.
**University of Ss. Cyril and Methodius in Trnava, Faculty of Social Sciences
(Slovakia)**

Contact information

Address: 4/A Bucianska St., 917 01 Trnava, Slovakia

Phone: +421 904 453 443

E-mail address: jaroslav.mihalik@ucm.sk

Juraj Marušiak

Fellow Researcher; Ph.D.
Slovak Academy of Sciences, Institute of Political Sciences (Slovakia)

Contact information

Address: 9 Dubravska cesta, 841 01 Bratislava, Slovakia

Phone: +421 2 54789726

E-mail address: juraj.marusiak@savba.sk

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ABSTRACT

Language practice and its official recognition are considered crucial markers of national identities in the region of Central/Eastern Europe. The issue of language rights used to be a vital aspect of the agenda in national movements in the former Austrian (Austrian-Hungarian) Monarchy, together with the process of territorializing and constructing of national identities in the region since the nineteenth century. The protection, persistence, preservation and further development of the national language was introduced as part of the moral obligations and commitments of the members of a community to the constructed national community.

This article examines two discrete yet related research questions that address language. The first one is based on dependence theories and analyzes to what extent the contemporary language policy of the Slovak government and political elites as well as its institutional and legal framework are affected by the decisions adopted in the past which created certain institutional as well as mental frameworks of shaping of the language policy. The second research question is related to the place of the "language issue" in contemporary Slovak domestic political discourse and its role in bilateral relations between Slovak Republic and Hungary with regard to the EU accession in 2004.

KEYWORDS

Slovakia, Hungary, language policy, minority, nationalism

INTRODUCTION

Spoken language is considered an external aspect of ethnicity, as a distinctive mark in the relations with the members of other ethnic groups or communities.¹ However, the consolidation of the positions of the national languages became the key priority of the politics of nationalizing elites and its official recognition of the level of the state or official language in administration, education system and in the dominant culture. Also, its persistence has been introduced in the subjective knowledge and values shared by the members of the constructed national communities. Language became an internal aspect of identity as its role is the integration of the members of projected national community as well; therefore the importance of the language issue was peculiar in the multiethnic states, which had been transformed into multinational states in the modern period.

Slovakia belongs to the wide spectrum of nationalizing states according to the Brubaker's theory.² According to Brubaker, the state is ethnically heterogeneous and the political elites emphasize the role of language, culture, geographical area and economic prosperity to benefit the core nationals, ergo kin-state members. Deriving from this, our research is basically twofold: to what extent has the evolution, development and protection of the mother tongue influenced the bilateral relations between the two states and their mutual political agenda since the 19th century? We developed a path dependence trajectory to study the concepts of language issues during various historical periods. The other issue addressed is the continuous change and shift from the dominant language—i.e. its cultural aspects of nationalist theories—towards the legal, symbolic, and political incentives. This concept is tested through the synthesis of minority policy application in Slovakia and the analysis of socio-demographic factors advocated by the primary and secondary sources such as language and minority acts and minority position in Slovakia.

The article also discusses the influence of the Europeanization process and analyzes the policy-making at domestic and international levels within the language issues in Slovak-Hungarian relations.

¹ Ulrike Schmidt, "Language Loss and the Ethnic Identity of Minorities," *ECMI Issue Brief 18* (2008): 1–6.

² Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe*. (Cambridge: Cambridge University Press, 1996), p. 83–84.

1. THE HISTORICAL BACKGROUND

The language issue has played a crucial role in the Slovak national movement since the 19th and 20th centuries and has stood at the core of the demands both of its conservative and liberal wings. The program of the language equality was at the core of the requests of the Slovak national movement in the thirties and forties of nineteenth century.³ The movement was in response to the “magyarization” of the state and public administration, most specifically in the judiciary system (1835 – 36) and county self-government. The Hungarian language was approved as an official and only language in the Hungarian diet and the state authorities during 1843-1844. Apart from that it was also considered the only teaching and educative language, although the process of school hungarianization was not finalized until 1918.⁴

The official policy of the construction of the Hungarian political nation before 1918, called “magyarization”, had been based on the state promotion of official monolingualism in the state institutions, local and regional administration and municipal administration and particularly in the system of education. The knowledge of the Hungarian language became the requirement for career growth and has been *de facto* recognized as the key marker of ethnicity during the population census in 1910. This policy was essentially built on the concept of a single Hungarian political nation with the supreme position of the Hungarian language and culture. The non-Hungarian nations were granted the legal practice of their languages due to the Nationality law from 1868 on nationalities and language but only in the cases when it “helps to preserve the unity of the country and the practice is in the capacity of the government and administration.”⁵ The Law was practically ignored by elites and the space given for the use of non-Hungarian languages was very limited.

The Hungarian language practice was distinctively different from the Austrian part of the Monarchy which was not conceived as a German ethnic state but national diversity was respected. There was a significant shift in applying the national language use in public life since the second half of the nineteenth century in the ethnically compound territories and lands in the non-German federal countries. The official recognition of the multi-ethnic character of the state is visible in the basic attribute of the Austrian statehood—the state anthem—which was officially translated into the all languages of the proportionally relevant nationalities, while the Hungarian anthem was only used in the dominant language.

³ Robert W. Seton-Watson, *Národnostná otázka v Uhorsku* (Bratislava: SKSI Slovakia, 1995), p. 79.

⁴ *Ibid.*, p. 58.

⁵ *Ibid.*, p. 159.

Despite the language disproportion which had been the most proclaimed action of the Hungarian elites in the “magyrozation” process, the important task was the question of identification with the Hungarian state. While the *Demands of the Slovak Nation* from May 1848 manifested the spirit of loyalty to the Hungarian state and did not require the territorial re-organization⁶ at that time, the demands of the Slovak political representation in March 1849 reflected the position of Slovak National Council which can be formulated as the “equality of all nations of the Austrian Monarchy”⁷, which implied the allocation of Slovakia from the Hungarian kingdom and support for the politics of Austrian federalism.⁸ The later *Memorandum of the Slovak Nation* from 1861 supposed the creation of the autonomous Slovak land.⁹ These demands as well as the later autonomist program of the Slovak national party (SNS) suggesting the approval of the Memorandum were considered to have destabilized state integrity. Such requirements of liberally oriented the *New School of Slovakia* toward language equality left hopes for a unitary Hungarian state unfulfilled.

2. LEGAL REGULATION OF LANGUAGE ISSUES AND THE SITUATION OF THE HUNGARIAN MINORITY IN CZECHOSLOVAKIA

One of the results of the peace arrangement of Europe after World War I was the emergence of new ethnic minorities in Central Europe. In the new, so-called “successor states” of the former Austro-Hungarian empire such as Czechoslovakia and Poland, legal norms regulating their situation were adopted. This was a concordance with the Saint-Germain treaties signed on 10 September 1919. However, the commitment of the Czechoslovak elites to the democratic values in the minority policy of Czechoslovak Republic played an important role. The aim of the political representation of the new state was to build an inclusive society based on the civic principles.

Minority rights were included in the Constitution of the Czechoslovak Republic (6th chapter), adopted in 1920. As the ethnic minorities represented the significant part of the population of Czechoslovakia, keeping a balance in the relations between them and the Czechoslovak majority was a matter of survival for the new

⁶ Vladimír Segeš and Ján Hučko, “Na ceste k modernému národu”: 306–310; in: Michal Barnovský and Ján Benko, eds., *Dokumenty slovenskej národnej identity a štátnosti, zv. 1* (Bratislava: Národné literárne centrum, 1998).

⁷ František Bokes, ed., *Dokumenty k slovenskému národnému hnutiu v rokoch 1848-1914* (Bratislava: Slovenská akadémia vied, 1962), p. 60.

⁸ Dušan Škyrna, “Lojalita v kontexte etnicity a nacionality a slovenská politika v roku 1848/49”: 64–65; in: Štefan Šutaj and László Szarka, eds., *Regionálna a národná identita v maďarskej a slovenskej histórii 18.-20.storočia* (Prešov: Universum, 2007).

⁹ Michal Barnovský and Ján Benko, eds., *Dokumenty slovenskej národnej identity a štátnosti* (Bratislava: Národné literárne centrum 1998), p. 336–337.

state. Initially the aim of the Czechoslovak ruling elites, clustered around the first president Tomáš Garrigue Masaryk, was to model Czechoslovakia on Switzerland, with the radical liberal model of the minority rights.¹⁰ The legal regulations of the language situation were based on the domestic legal norms, mainly on the Language Act adopted on 29 February 1920 as the Constitutional Act.¹¹ According to the Constitution citizens were allowed to use any language in the framework of the general laws – even in the public sphere; however the Language law legalized the supremacy of the Czechoslovak language which had been recognized as the official one. The minority languages were used at the courts, the citizens were allowed to address the courts as well as all other public institutions in their own language in the ethnically mixed municipalities with 20% or more of the inhabitants from the respected minority.¹²

Despite that Czechoslovakia had never introduced a state language, which assumes its recognition as the symbol of national statehood, the introduction of the official language was permitted by the Saint-Germain treaties. Thus, Czechoslovakia adopted the previous Austrian model in terms of legal regulations of the use of languages and the legal norms inherited from the Habsburg period. According to the applied terminology ethnic minorities were called “nationalities” (or “national minorities”) in contrast to the nation, which was applied only in the case of “Czechoslovaks”. The term “nationality” referred to the group whose members have their “kin state” abroad, whilst the term “nation” referred to the titular population, for which Czechoslovakia was the native state. Such terminology is still present in the legal and political discourse in Slovakia.

The legal regulations of minority rights and the language situation based on the primacy of Czechoslovak language and national idea shows that initially Czechoslovakia was framed as the nationalizing state, which, according to Rogers Brubaker, aimed to establish an autonomous national polity and subsequently to nationalize it.¹³ However, the consensus with the ethnic minorities and their recognition of respective statehood is for the survival of the “nationalizing states” the condition of crucial importance. As the indicator of the factual recognition of the statehood in the case of the political representation of the minority is its willingness to share the governmental responsibility with the representation of the majority. Whilst German minority and its elites were actively involved in the participation on the governments of the new state since 1926 when they joined the governmental

¹⁰ Eva Broklová, *Československá demokracie* (Praha: SLON, 1992), p. 69.

¹¹ *The Language Act in Czechoslovakia*, Collection of Laws (1920, no. 122).

¹² Eva Broklová, *supra* note 10, p. 69–72.

¹³ Rogers Brubaker, “Nationalizing states in the old ‘New Europe’ and the new,” *Ethnic and Racial Studies* 2 (1996): 411–412.

coalition, the political parties representing the Hungarian minority remained in the opposition until the end of the first Czechoslovakia in 1938.

3. LANGUAGE ISSUES IN COMMUNIST CZECHOSLOVAKIA

After the period of the suppression of non-Slavic ethnic minorities after the Second World War (1945 – 1948), when the principles of the collective fault and punishment were applied against the members of German and Hungarian minority, the establishment of the Communist rule brought improvement of conditions for the Hungarian minority. On the one hand the 9th May Constitution adopted in 1948 did not mention any presence of ethnic minorities within the country nor their particular rights. According to the constitution Czechoslovakia was declared a “national state, ousted of the hostile elements”, as a state of two fraternal nations – Czech and Slovak.¹⁴ On the other hand, after 1948 the assimilation policy of re-Slovakization was condemned, ethnic Hungarians received their civic rights back and Hungarian minority institutions, including the primary and secondary schools with the Hungarian language of instruction, were restored. In spite of the lack of the special regulations, however, the practices of the minority politics inherited from the first Czechoslovak Republic continued. After the expulsion of ethnic Germans the Hungarians became the most populous and the best organized minority in Czechoslovakia, therefore it was the main beneficiary of the relative moderate Czechoslovak minority policy at that time. Ethnic minorities were officially recognized only by the Constitution of the Czechoslovak Socialist Republic adopted in 1960. The constitution mentioned the presence of three minorities – Hungarian, Polish and Ukrainian. However, the national and minority policy in Czechoslovakia was developed in the framework of the “moral and political unity of the Czechoslovak socialist people”¹⁵ since the second half of 1950’s. It implies that the minority issues were reduced on the language ones, according to the official doctrine “the language distinctions mustn’t be an obstacle to the construction of Socialism”.¹⁶ The new Czechoslovak constitution was influenced by the Soviet idea of the convergence and confluence of the nations; Hungarian minorities as well as the other nationalities were considered by the Czechoslovak officials as a group different to the titular nations in the neighboring countries.

The first legal norm regulating the rights of the national minorities in Czechoslovakia after the World War II was adopted during the political thaw in 1968. The Constitutional law 144/1968 guaranteed the right of the citizen to solely

¹⁴ *The Constitution of the Czechoslovak Republic 1948*, Collection of Laws (1948, no. 150).

¹⁵ *The Constitution of the Czechoslovak Socialist Republic 1960*, Collection of Laws (1960, no. 100).

¹⁶ *Ibid.*

decide about his nationality, and discrimination on nationality principle as well as various forms of assimilation or de-nationalization were prohibited. In comparison with the Constitution of 1960 Germans were recognized as a national minority. The law enabled the representation of minorities in the legislatures; the most important was the Article III, which guaranteed rights to educate in native languages, the comprehensive cultural development and the right to use the minority language in the settlements inhabited by the respective minority. The rights of establishing consortiums in national cultural organizations and publishing of the press and information in the minority languages were also guaranteed.

After the adoption of a legal framework the problem was in implementation of such directives, since there were no lower norms designed to exercise such rights. The execution of the minority agenda was under the jurisdiction of the national republics within the federalization of Czechoslovakia while the government of the Slovak Socialist Republic had been trying in various unsuccessful attempts in the slovakianization of the schools where the teaching language was solely Hungarian. In response to these attempts a Committee to protect the rights of Hungarian minority in Socialist Czechoslovakia led by radical Miklós Duray was established.¹⁷

4. THE LANGUAGE ISSUE IN SLOVAK–HUNGARIAN RELATIONS AFTER 1989

To summarize the period after 1989 we need to focus on several trends in the development of the mutual relations of both countries. The political as well as economic transformation brought openness of never solved dilemmas related to the position of national minorities and legal framework of its rights and protection. As a part of the democratic discourse it became a factor of mobilization in the competition of the political parties that interact among the Hungarian minority and the dominant population in formulating the particular demands for various citizens. After 1989 we can witness the final period of national consolidation of Slovakia and the establishment of the nationalizing state. In the case of Hungary, Slovakia reformulated its position on the European political perspective and its role in the region of Central Europe on the other side. Nevertheless, the other major factor determining the position of the Hungarian minority in Slovakia was the European integration processes. Czechoslovakia, as well as Hungary almost immediately declared its interest in accessing the EU and NATO identifying with their value framework. As part of it, the approval and integration of the international agreements in relation to minorities was essential. Finally, the question of language

¹⁷ József Fazekas and Péter Hunčík, eds., *Maďari na Slovensku (1989 – 2004). Súhrnná správa. Od zmeny režimu po vstup do Európskej únie* (Šamorín: Fórum inštitút pre výskum menšín, 2008), p. 22.

rights of national minorities was considered as a component of the legal and value Europeanization of Slovakia.

The process of Slovak national emancipation apart from the state-legal frame was also visible in cultural-symbolic sense. Nationally oriented forces defined the language issue as part of the emancipation process and adoption of full attributes to Slovak statehood. The legal solution of the language question was the dimension of nationalization in the sense of autonomy and later independent polity. At the same time, the first conflict related to state language in October and November 1990 reflected a challenge of consolidating opposition against the democratic elites that came into power after November 1989. There were two concepts of language policy. The opposing Slovak national party supported by nongovernmental structure of *Matica slovenská* claimed the recognition of the Slovak language as the only official state language while limiting the use of the minority languages. On the other side, the coalition of civic - liberal and Christian - democratic political formations submitted the law proposal declaring the official language and suggested wider possibility of practicing the minority languages.¹⁸ The final law 428/1990 on official language in Slovakia was an output of the coalition government.¹⁹ Following the Slovak fear of secession of the southern parts of Slovakia where the dominant minority population settlements are situated, the Hungarian political groups called for declarations that would emphasize the increased autonomy of the southern regions. Subsequently, the Slovak government with Mečiar as prime minister reacted in creation of eight regional units with very limited powers. The government denied the attempts of Hungarians for regional autonomy since the regional boundaries were divided in the way that Hungarians raised complaints about diluting the minority party power.²⁰

This conflict determined the character of the cleavages in the Slovak political scene. The coalition of the centrist right parties was dependent on the liberal Hungarian civic party which had its candidates' list within the movement Public against violence in the parliamentary elections of 1990. After the dissolution of this movement and the removal of Vladimír Mečiar from the prime minister post in spring 1991, the dependence of the minority government strengthened its functionality based on support of the Hungarian political parties (The Coalition of Coexistence Movement and Hungarian Christian Democratic Movement). The centrist right parties enjoyed moderate program toward the national minorities in contrast to nationally oriented Slovak national party and Movement for democratic

¹⁸ Zoltán Pástor, *Slováci a Maďari* (Martin: Matica slovenská, 2011), p. 130–131.

¹⁹ Jan Rychlík, *Rozpad Československa. Česko-slovenské vztahy 1989-1992* (Bratislava: Academic Electronic Press, 2002), p. 139–146.

²⁰ Stephen Deets and Sherrill Stroschein, "Dilemmas of Autonomy and Liberal Pluralism: Examples Involving Hungarians in Central Europe," *Nations and Nationalism* 2 (2005): 296.

Slovakia (HZDS) or the later partner, left populist Association of the workers in Slovakia. The weakness of the parties of the centrist left was influential for the Hungarian parties which then integrated into Party of Hungarian coalition (SMK). Hungarian parties supported a wide coalition with the dominance of the right centrist parties in the periods of 1994, while in 1998-2002 and 2002-2006 it created the government coalition. On the other hand they opposed the nationally populist coalition in 1994-1998 as well as the coalition of social democratic party Smer-SD with nationally oriented SNS and HZDS in 2006. The process of state building in the nineties can also be observed from the approach of peripheral nationalism against Hungarians. Some patterns of this nationalism became evident already in 1992. Most of the major issues of that time, such as fear of Hungarianization, position of Hungarian minority, irredentism and secession, minority language use, outlined the strong antagonism between the supporters of the Slovak nationalists (SNS) and the wing of Slovak Hungarian parties.²¹

The shifting cycles of the coalitions affected the legal frame of the language relations of the southern territories of Slovakia. The Slovak constitution of 1992 guaranteed the members of national minorities the right of education in their mother tongue and the right to use the minority language in public affairs, although the Slovak language was claimed as the state language. During the wide coalition of the centre right and centre left powers led by Jozef Moravčík there was major legislation adopted that mostly enabled the writing of names and surnames in the languages of minorities²² and the bilingual labelling of the cities where the minority population exceeded 20% of the population.²³ The adoption of such norms was performed on the democratic conditionality of the membership of Slovakia in the Council of Europe.²⁴ Then, the former legislation on language law from 1990 was substituted in 1995 with its stricter version that claimed the position of the Slovak state language as supreme. To use the rhetoric of the radical wing of the Hungarian party around Miklós Duray, the 1995 language law "is linked with the cultural fascism and the position of the Hungarians in Slovakia is similar to those Nazi death camps."²⁵ In comparison to the past, the law outlined the sanctions for abolishment of the legal norm to citizens and companies under the jurisdiction of the Ministry of culture. We can confirm the relatively detailed outline of the law that specified the use of languages, while the finding of the Constitutional court of Slovakia claimed

²¹ Kevin Deegan-Krause, "Uniting the Enemy: Politics and the Convergence of Nationalisms in Slovakia," *East European Politics & Societies* 4 (2004): 679.

²² *The Law on Registry Office in Slovakia*, Collection of Laws (1994, no. 154).

²³ *The Law on Labeling in Minority Languages*, Collection of Laws (1994, no. 191).

²⁴ Marcela Gbúrová, *Politika v jazyku, jazyk v politike. Politologicko - historická analýza novely jazykového zákona* (Bratislava: Kubko Goral, 2009), p. 75.

²⁵ Mihaela Mihailescu, "The Politics of Minimal 'Consensus'. Interethnic Opposition Coalitions in Post-Communist Romania (1990-96) and Slovakia (1990-98)," *East European Politics & Societies* 3 (2008): 557.

the request for written submissions to public institutions to be in the state language as unconstitutional action. Conflicting was the interpretation of the law which caused the abolition of the bilingual certificates in schools with bilingual traditions. In terms of Slovak accession to the EU the relation between the ruling coalition and minorities was the subject of criticism due to the Copenhagen agreements.

The parliamentary elections in 1998 and subsequent wide coalition of right and left political parties with the representation of SMK brought some changes to the language legislation that allowed the reconciliation of the bilingual certificates and documentation in schools where the national minority language is performed. Then, the Slovak Republic adopted Law 184/1999 on use of minority languages that enabled their usage during the meetings of municipal assemblies and widened the possibilities for the minority language use in other public affairs. Similarly, the adoption of this law was under the mechanism of democratic consolidation in respect to the accession period to the EU.²⁶ In 2001, Slovakia proceeded with the European charter on regional and minority languages. In contrast, the coalition led by Smer-SD brought the repealed amendment of the Law on state language.²⁷ The crucial part of this reverse was again the list of sanctions due to improper use of the minority language. The new law toughened the conditions for bilingual document evidence at minority schools and imposed the necessity of bilingual labelling in case of memorable and other places, but the condition to prove the knowledge of state language when applying for the job in public administration has been removed.²⁸ Overall, the adoption of the law and the political discourse evolved the conflict in mutual Slovak–Hungarian relations. It was interpreted as a reason for cancellation of the visit of Slovak Prime minister, Robert Fico to Budapest in April 2009. As outlined by *The Economist*:

It (the law) imposes fines of up to EUR 5,000 on those who break rules promoting the use of Slovak in public. Hungarian-speakers, who account for around 10% of the population, mainly in the south of the country, saw this as a direct attack on their rights to speak their mother tongue. So did the politicians in neighbouring Hungary. A long-running dispute between two of Europe's most prickly neighbours is turning nasty.²⁹

This law was imposed for companies and entities; therefore we consider that the media was spreading disappointing and half-truth statements. In comparison to the nineties, the shift in the language law was not a reason for international

²⁶ Marcela Gbúrová, *supra* note 24, p. 80–88.

²⁷ *The Update of Law on Use of the Minority Languages*, Collection of Laws (2009, no. 318).

²⁸ Zoltán Pástor, *supra* note 18, p. 217.

²⁹ No author named, "Language rows between Slovakia and Hungary: Hovorte po slovensky! Slovakia criminalises the use of Hungarian," *The Economist* (July 2009) // <http://www.economist.com/node/14140437?zid=307&ah=5e80419d1bc9821ebe173f4f0f060a07> (accessed April 2012).

intervention and critics, even though the OECD High Commissioner Knut Vollebaek put forth some arguments about the compatibility of the law with the international norms and standards related to its practical performance. He pointed on the need to cover the balance between the protection and support of the state language and protection of the language rights of the people belonging to national minorities and he suggested reforming the law on use of the languages of national minorities. At the same time, the High Commissioner suggested the approval of a complex law on people belonging to national minorities.³⁰ There was also a warning finger raised related to the possibility of the unreasonable restriction of minority languages and of sanctions for not abiding with the official language law. Despite the approval and adoption of the decisions, the national policy on minorities was still an object of criticism by SMK which described the documents as useless.³¹ Considering the other action, the language law was not a subject of discussion from the EU perspective.

The Slovak government change in 2010 and the coalition of centre right parties together with the new subject Most-Híd based as a platform of cooperation between ethnic Slovaks and Hungarians brought another amendment to the Language law.³² The practical point of this revision was the reduced rate of the sanctions and fines if the law was abolished. Further amendments were made also in the Law on use of the minority languages.³³ The adoption of such substantive changes can be observed as an attempt to improve the bilateral relations between two countries that worsened after 2006 elections. Among the slight change in the category of legal use of the minority language from 20% to 15% of the minority population areas in the regions, the law introduced the obligation to create facilities offering health care and social services using the minority languages according to their capacities.³⁴

Whether in 1990 or during the adoption of the Slovak constitution in 1993 the codification of the position of Slovak language as the official language presented the symbolic part of the final stage of national statehood and nation building process. The following years showed the political struggle between political parties that represent ethnically distinctive populations and, at the same time, the disproportion between the subjects of majority population. The parties of centre right were often

³⁰ *Opinion of the OSCE High Commissioner on National Minorities on amendments to the Law on the State Language of the Slovak Republic, Organization for Security and Co-operation in Europe. High Commissioner on National Minorities* (July 2009) // <http://www.osce.org/hcnm/51194> (accessed May 2012).

³¹ Juraj Marušiak, "Slovak - Hungarian relations: continuity or change?": 88; in: Peter Brezáni, ed., *Yearbook of Slovakia's Foreign Policy* (Bratislava: Research Center of the Slovak Foreign Policy Association, 2011).

³² *The Update of Law on Use of the Minority Languages*, Collection of Laws (2011, no. 35).

³³ *The Update of Law on Use of the Minority Languages*, Collection of Laws (2011, no. 204).

³⁴ No author named, "Novela zákona o používaní jazykov národnostných menšín," *Ustredný portál verejnej správy Slovenskej Republiky* (July 2011) // <http://www.portal.gov.sk/Portal/sk/Default.aspx?CatID=42&NewsID=2323> (accessed May 2012).

the target of criticism by the opposition in the sense of state interest betrayal or the tendencies in supporting the rumoured hungarianisation of the southern part of Slovakia. This legislative dilemma in changing the language relations was in fact the argument of voters' mobilization mostly visible in the nationally oriented parties and in less extent bound with Smer-SD in 2006 and 2010.

But the question of the rights of ethnic Hungarians living outside Hungary is an effective mobilizing tool, especially in a climate of escalating confrontation between the opposition represented by nationally-conservative Fidesz and the governing Hungarian Socialist Party. Apparently, the Hungarian national policy under Gyurcsany government (2002-2004) was significantly fuelled by the question on dual citizenship for all the Hungarians living outside the mother land as well as from the visa conditions for Hungarians living in Serbia or Ukraine. The socialists refused the dual citizenship option and the referendum initiated by Fidesz in 2004 was claimed invalid. Then, the ideology of unifying the Hungarian nation comes from the concept of transnational unity of Hungarians that can be institutionalized by fading the borders of the national states through the European integration mechanism.³⁵ Most specifically, the Hungarian media brought some misinterpretations; Slovak government officials emphasized only one part of the response from OSCE High Commissioner that "the amendment of the official language pursues a legitimate aim, and overall is in line with international standards".³⁶ The discussion preceding the adoption of the amendment in 2009, engaged representatives of national minorities only marginally, mostly because the political representation of the Hungarian minority was in opposition at that time. Discussion of the so-called Language Act was therefore ultimately far away from the reality of ethnic and linguistic backgrounds in ethnically mixed areas and has become a matter of prestige of government representation both in Slovakia and Hungary.

Changes in laws determining the language situation in Slovakia *de facto* meant that the language issues disappeared from the political discourse on the status of minorities in Slovakia. This does not mean that a number of negative moments in the implementation of language rights of ethnic Hungarians in southern Slovakia were solved. Implementation of the law on minority languages remains problematic even after more than ten years since its adoption, as state authorities and local governments do not always have sufficient capacity. Therefore, as

³⁵ Nándor Bárdi, "Národná politika Maďarska po roku 1989":169-170; in: Csaba Záhorán, István Kollai, and Slávka Otčenášová, eds., *Neznámy sused. Dvadsať rokov Maďarska (1990 – 2010)* (Budapest, Bratislava: Talentum, 2011).

³⁶ *Opinion of the OSCE High Commissioner on National Minorities on amendments to the Law on the State Language of the Slovak Republic, Organization for Security and Co-operation in Europe. High Commissioner on National Minorities (July 2009)* // <http://www.osce.org/hcnm/51194> (accessed May 2012).

confirmed by non-state Forum Institute survey based in Šamorín, only a small part of the administrative agenda of ethnically mixed areas is carried out in Hungarian.³⁷

The so-called Hungarian card ceased to play a relevant role during the electoral campaign on the eve of early parliamentary elections in March 2012, which occurred primarily due to changes in rhetoric of SMER-SD as the strongest opposition party. Its leader, Robert Fico admitted publicly in January 2011 that his party underestimated the loyalty of the Slovak Hungarians to Slovakia. Also, a new government from 2012 elections led by Fico abolished the post of Deputy Prime minister for minority issues and replaced it with the Representative Office that may lead to a weakening of attention of the ruling elites toward the minority agenda. This may ultimately become a source of additional stress on issues of the Hungarian minority in Slovakia.

5. NEW CHALLENGES IN THE SLOVAK–HUNGARIAN PERSPECTIVE

In addition to the language issues, which declined in importance after 2011, the position of the Hungarian minority entered into a new dimension. The Hungarian government of Viktor Orban, who emerged from the parliamentary elections in 2010, intensified the wave of institutional ties between Hungary and ethnic Hungarians living abroad who are citizens of neighbouring states. This course has been initiated after the onset of the first freely elected Hungarian Prime Minister Jozsef Antal in 1990, which stated that he feels the Prime Minister of 15 million Hungarians. Prior to joining the EU these trends were significantly weaker as one of the conditions for membership was the absence of open conflict with neighbouring states.

The intensity of this politics escalated in approval of the Status law (the law on Hungarians living abroad) and in connection with it the European Commission for Democracy through Law at the Council of Europe (the Venice Commission) stated that "the state can legitimately issue laws or regulations relating to citizens of foreign states without having previously tried to obtain the consent of the state as if the effects of these laws or regulations will occur only within its borders."³⁸

In this perspective the interpretation of the law and practical implementation of the minority policy is a part of the political process. From this assumption the national states are prompted to enact language policies and sponsor institutions for minority education and culture only in response to articulated claims by minority

³⁷ Marianna Mrva and Tímea Szilvássy, "Dvojjazyčnosť v obciach južného Slovenska," *FORUM spoločenskovedná revue* (2011): 35–58.

³⁸ *Report on the preferential treatment of national minorities by their kin-state adopted by the Venice Commission at its 48th Plenary Meeting (Venice, 19-20 October 2001)*, Strasbourg, Council of Europe, 168/2001, CDL-INF (2001) 19 (October 2001) // [www.venice.coe.int/docs/2001/CDL-INF\(2001\)019-e.pdf](http://www.venice.coe.int/docs/2001/CDL-INF(2001)019-e.pdf) (accessed May 2012).

groups, rather than to proactively create state-sponsored consortiums and institutions for minority education and culture. Nevertheless, Slovakia is part of the countries of Hungary's neighbours and we can deny the principle of requirement for individuals to have fixed legal ethnic or national identities; the policy making shall not be planned automatically but based on relevant census data, representative surveys and other sources of aggregate data.³⁹

In the period after the EU enlargement in 2004, the territorial limits of the Hungarian nation, no longer understood as an ethno-cultural but political community beyond the borders of Hungary intensified; for example by the establishment of Forum of the deputies of the Carpathian Basin whose members are MPs of ethnic Hungarian political parties in the parliaments of neighbouring countries with a high representation of ethnic Hungarians, conceived as an advisory body of the Hungarian National Assembly in 2008.

Ultimately, this policy resulted in the winning coalition created by Fidesz after parliamentary elections with the adoption of the amendment to the citizenship law of Hungary on May 26, 2010, which granted Hungarian citizenship to ethnic Hungarians, even without the condition of residence in Hungary. Similarly, destabilizing factors in bilateral relations are the new provisions of the Basic Law of Hungary, giving the right to vote also to Hungarian citizens abroad. The symbolic dimension of such a confrontational element, implying question of the legitimacy of the arrangement of Europe after World War II confirmed by the Paris Peace Treaty in 1946, was the decision of the Hungarian National Assembly to declare the 4 June—the anniversary of signing the Trianon Peace Treaty—to be National Unity Day.

With regard to the tense situation between the two states which was caused primarily by the adoption of these legislative norms in Hungary, we observe very limited attention of the European institutions. Despite the efforts of Smer-SD and SDKÚ-DS parties, the question of law on dual citizenship has not become the subject of negotiations even within the most powerful European political parties—the Party of European Socialists and the European Peoples' Party. From the declarations of Hungarian officials it is obviously showing the wider, regional and European dimension. In the words of Deputy Minister for Foreign Affairs of Hungary Zsolt Nemeth "dual citizenship is part of efforts to build a new Central Europe."⁴⁰ The ethnocentric course in foreign policy of Hungary, but also partial modification of its foreign policy priorities, has confirmed another important representative of the

³⁹ Stephen Deets and Sherrill Stroschein, *supra* note 20: 290.

⁴⁰ Discussion on the citizenship law in the National Assembly of Hungary (May, 2010), Translation provided by the Embassy of the Slovak Republic in Hungary, Budapest. See also: Juraj Marušiak, "Stredoeurópska vlna nacionalizmu," *www.jetotak.sk* (April 2011) // <http://www.jetotak.sk/europa/stredoeurupska-vlna-nacionalizmu> (accessed May 2012).

Hungarian government, holding the post of deputy prime minister responsible for the national policy,⁴¹ Zsolt Semjén. In his words, delivered in the National Assembly during debate on the law on dual citizenship, "we do not need to pay attention to the opinion of the EU and neighbors, because the Hungarian Parliament is responsible for the Magyar world."⁴² As reflected by Zuzana Poláčková, in the mutual relations between Hungary and Slovakia there are negative and dangerous stereotypes related to the position of Hungarian minority in Slovakia. The relevant issues, such as regional development and the democratization of civil society, go beyond the ethnic conflicts, language issues and antagonisms.⁴³

CONCLUSIONS

Addressing minority rights contained in the legislation of the first Czechoslovak Republic enabling the citizens the use of minority languages in the ethnically mixed area in the public affairs, as well in the educational sphere, is characterized by a high degree of continuity after the World War II period. The post war years (1945–1948) were infamously known for applying the principle of collective guilt toward Hungarian citizens. The continuity with the First Czechoslovak Republic was maintained in the years 1948–1990, when the language situation in the ethnically mixed areas was not regulated by legislative standards; it was more likely framed only in general terms. The later efforts to reduce the fundamental system of education in Hungarian language during the 1970s and 80s, and in the period of 1993–1998, ended in failure due to the opposition of a substantial part of the Hungarian minority, but also for the lack of consensus between the political representations of the majority population. There are some remarkable junctions visible: while the Slovak minority protection policy-making followed the European norms from the formal point of view, the later Mečiar's policy of isolationism was seen as signal of a failure to take minority rights seriously.⁴⁴

In Slovakia, the advancement of minorities was part of a democratic conditionality during accession to the EU. The Europeanization in Slovak minority legislation relied primarily on documents and recommendations from Council of Europe, while the EU did not have analogous legislation. The status of ethnic

⁴¹ The national policy aims on policy making toward ethnic Hungarians living in neighboring countries which is therefore excluded from the resort of foreign policy.

⁴² Discussion on the citizenship law in the National Assembly of Hungary (May, 2010), Translation provided by the Embassy of the Slovak Republic in Hungary, Budapest. See also: Juraj Marušiak, *supra* note 40.

⁴³ Zuzana Poláčková, "Nebezpečné stereotypy o postavení maďarskej menšiny v Slovenskej republike": 59-76; in: Jana Šutajová and Mária Ďurkiovská, eds., *Maďarská menšina na Slovensku v procesoch transformácie po roku 1989 (Identita a politika II)* (Prešov: Universum, 2008).

⁴⁴ Lynn M. Tesser, "The Geopolitics of Tolerance: Minority Rights Under EU Expansion in East-Central Europe," *East European Politics & Societies* 3 (2003): 513.

minorities, however, was seen as part of the performance of Copenhagen criteria for EU membership in 1993. The status of national minorities is concentrated mainly on issues related to the use of minority languages. In the period after the EU accession, despite the dispute concerning the Law on State Language from 2009, the issue of language rights gradually began to lose relevance in the context of creating the institutional ties between Hungary and the Hungarian minority living in neighbouring countries. In the official discourse of the Hungarian political elite the role of cultural and symbolic dimensions of national and state identity also increased, for example in terms of establishing the tradition as a source of confrontation with neighbouring countries (e.g. anniversary of the Treaty of Trianon declaration as a National day of unity, official commemoration of Janos Eszterhazy, etc.). The political representation of Slovakia believes that this agenda is in conflict with the principles of good neighbour relations.

As anticipated by the conclusions of a cross-dimensional research project of European Commission ENRI–East conducted in 2009, the citizens of Slovakia with the Hungarian ethnicity, feel the nationality as important (17%) but not the only relevant aspect of their complex social identity. The national identity has its own structure. Most citizens belonging to the Hungarian minority claim to be Hungarians living in Slovakia; the lesser group feel confident as members of Hungarian nation. The knowledge of Slovak language is not considered the first step toward assimilation but as a tool of effective social interaction in the host country. According to around 60% of respondents in the survey in 2009, it is not necessary to be Hungarian with Hungarian citizenship. The most vivid asset is the mother tongue and affiliation to be a member of the nation. The generational aspect gives further opportunity to study the phenomena of identity of Hungarian national minority in the context of historical–cultural changes. Quantitative distribution of the age groups claims the significant homogeneity. Thus, within the horizon of 20 years (the generational aspect) the dominant Hungarian minority will be that one which accepts and recognizes the Slovak Republic as the state of their existence which guarantees their social and cultural needs. As related to the assessment of the position of the Hungarian minority after the accession of Slovakia to the EU there is a strong support for the theory that the cultural development in the area of minorities has not been changed nor it has changed positively.⁴⁵ In addition to external factors, the situation is positively affected by various elements of civil (open) society established in the nation states.⁴⁶

⁴⁵ Ladislav Macháček, *Ako sa máte Maďari na Slovensku?* (Trnava: Inštitút sociálnych vied UCM, 2011), p. 73–74.

⁴⁶ Peter Horváth and Jaroslav Mihálik, "SMER-SD and FIDESZ: The National Interests and Populism in the 2010 Parliamentary Elections," *Inovative Issues and Approaches in Social Sciences 2* (2011): 57.

It might also be taken as a paradox that Slovakia lacks the academic opportunity of Hungarian studies at universities although the both countries created the common state for more than thousand years. The only perspective is in studying the Hungarian language which is by far limited for those candidates willing to teach in schools with Hungarian as teaching language and oriented mostly in philological studies. The Slovak citizens have very few possibilities to learn Hungarian language or complex studies about Hungarian history and culture.⁴⁷

However, in the post-integration period the issues of minority rights in EU Member States as well as issues of bilateral neighbour relations between the Member States slowly disappear from the attention of representatives of the European institutions and other international organizations. Addressing this issue has shifted to the institutions of nation states, although some steps in the development of institutional links between Hungary as "kin state" and members of the Hungarian minorities abroad are questioning interest in maintaining good neighbourhood relations. While the pre-accession period in Slovakia can be understood as Europeanization of the domestic minority and foreign policy in relation to Hungary, in the case of Hungary after 2010 in relation to its policy towards neighbouring states and also views on addressing the status of Hungarian minorities abroad, the need to discuss the elements of de-Europeanization is obvious.

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⁴⁷ Juraj Marušiak, "Osudové susedstvo alebo potreba nového pohľadu na Maďarsko": 215–216; in: Csaba Záhórán, István Kollai, and Slávka Otčenášová, eds., *Neznámy sused. Dvadsať rokov Maďarska (1990 – 2010)* (Budapest, Bratislava: Talentum, 2011).

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