

## MINORITY RIGHTS AND THEIR IMPLEMENTATION IN TRIANON HUNGARY

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In articles 54-60 of the Trianon Peace Treaty, Hungary committed itself to protect national minorities. The effect of the commitments was only formal. Some minority laws adopted in the twenties were of general character and decided by Government orders, without sanctions and without parliamentary control. Such measures were not adopted on the basis of the necessity to change the state policy with respect to minorities or on the basis of the democratization of society, but they ensued from the new international situation after the war, from the international obligations of Hungary and they were engendered by the minority position of part of the Magyar ethnic group in the neighbouring countries. They did not improve the position of nationalities within the country at all. Quite the opposite, their situation deteriorated in inter-war Hungary. After the breakdown of the old Kingdom of Hungary, the Magyar society was against the other nationalities and supported their rapid assimilation with the majority nation.

The issue of national minorities in Hungary became acute immediately after the disintegration of the Austro-Hungarian Monarchy. From October 1918 until the signing of the Peace Treaty of Trianon, the minority issue was part of the strategy and political struggle of Magyar governments at home and abroad. In their efforts to keep the territory where non-Magyar nations and nationalities lived, Hungary released a statement and adopted laws trying to prove that the new Hungarian state had changed its attitude and reappraised its prewar nationality policy. For that purpose Magyar governments prepared declarations on nationalities, government orders and laws on autonomy for national minorities (declaration of Károlyi's government of November 1918 addressing all non-Magyar nations, government proposal on the formation of the Slovak region, a law on the Russian country of December 1918, the law No. 30 of the Berinkey's government of March 1919 on the self-government of the Slovak country, Friedrich's government order of August 1919 on equality of national minorities and adoption of the order of Huszár's government in January 1920 on the autonomy of Slovakia). At the same time, a Ministry for nationalities was established in Hungary, but its powers were gradually decreasing until 1922, when it was definitely abolished.

The postwar peace treaties and newly constituted League of Nations most significantly influenced the national minority issues of Central Europe. They imposed obligations related to nationalities on both victorious and defeated countries and the mechanism for the protection of minorities by the League of Nations was formed. The new postwar situation was thus accepted, that is the situation in which there was no possibility to create purely ethnic borders and a certain number of the members of other nations remained in all countries of that region. The protection of national minorities became an organic part of the peace treaties and international obligations of both new and old countries. While the Hungary's neighbouring countries – Czechoslovakia, Yugoslavia, Romania – pledged to recognize minority rights in the Saint-Germain Treaty signed in September 1919, minority obligations for Hungary were included in the Trianon Peace Treaty. Since the negotiations of the peace conference with Hungary were delayed and were held as late as in the first half of 1920 because of the domestic problems, the peace treaty was also delayed. The Magyar government had no objections to the minority obligations during negotiations about the conditions of the peace treaty and the answer of the Hungarian delegation presented at the Paris Peace Conference was in terms of the fact that minority obligations included in the peace treaty corresponded to the principles of Hungarian legislation and were compatible with the extant legal provisions of the country. It should be added here that the attitude of the Magyar government differed from that of Austria. While the Austrian government had objections to the acceptance of the international minority obligations, arguing, that there were no large linguistic minorities in the country any more, Hungary did not deny that fact.<sup>1</sup>

On June 4th 1920, Hungary signed the Peace Treaty in Trianon and it was ratified on November 13th by the Hungarian parliament. The section on the minority rights protection was included in the sixth part as articles 54-60. The articles generally speak about the guarantee of equal rights for all Hungarian citizens regardless of their origin, language, race and religion. Hungary committed itself to include minority rights in the basic laws of its legislation. Members of the minorities would be equal before law like other citizens and would enjoy the same civil and political rights, have equal access to public administration and equal opportunities to execute private business or a profession. There would be no restraint on the use of minority languages in private and commercial contacts and in the matters concerning religion, press, public speech and assembly. Non-Magyar nationalities would have adequate rights to use their mother tongue in both spoken and written form. They could also establish their religious and social institutions, schools, and other institutions where their language could be used and religious ceremonies performed. The Hungarian state pledged to found basic schools with the language of instruction of the particular minority in the localities where there was a larger minority, which, however, would not be detrimental to the Hungarian language. In the

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<sup>1</sup> GALANTAI, J.: *Trianon és a kisebbségvédelem*. Budapest 1989, p. 118.

last article Hungary pledged to recognize the international character of the minority rights, which would be under the protection of the League of Nations. They could only be changed with the agreement of the majority of The League of Nations. At the same time, Hungary agreed that the Council of the League of Nations propose the remedy in case of the violation of these rights. In case of any controversy between Hungary and the allied powers or any other power, the problem should be solved by the International Court.<sup>2</sup>

Now let us go to the analysis of legal provisions and their application in minority politics as the Hungarian state pledged to implement them by signing the Trianon Peace Treaty.

To begin with, the laws and government orders adopted by Hungary in 1918-1920 did not mean any breakthrough in the nationality policy of the Magyar government. They were only part of the strategy of Hungary after 1918, as given particularly by the peace conference aimed at keeping non-Magyar nations and nationalities within the Hungarian state within the borders of the prewar Kingdom of Hungary. But when the non-Magyar nationalities refused to stay in Hungary after the war, the Hungarian state did not implement any pledges and ignored the declared minority rights of the nationalities which remained in the country.

Magyar governments returned in principle to the spirit and practices of the nationality law No. 44/1868, based on the policy of the unitary Hungarian (Magyar) state idea, not recognizing non-Magyar nations and nationalities in the Kingdom of Hungary as separate ethnic entities. The law did not contain any legal sanctions, it was not observed in practice, the nationalities rejected it, and even the Magyar government members had objections and admitted its serious defects and the fact that it did not prove useful in practice. In spite of those shortcomings, Magyar governments of the inter-war period accepted it, while the minority obligations anchored in the Trianon Treaty were merely understood as its supplement. The successive Teleki and Bethlen governments had to cope with great problems over how to make the two diametrically different minority conceptions compatible and how to incorporate them into Hungarian legislation. Since minority obligations following from the Peace Treaty could not be ignored by Hungary, the way out was found in their particular interpretation, in the mode of their incorporation into the legislature of the country and in their practical application.

The Magyar government satisfied articles 54-60 of the Trianon Treaty by editing the law No. 33 of July 31st 1921 concerning the application of the obligations ensuing from the Trianon Treaty followed by executive orders as late as after two years as No. 4800.<sup>3</sup> At variance with article 54 of the Treaty, these orders were not consti-

<sup>2</sup> Mírová smlouva mezi mocnostmi Spojenými a Sdruženými a Maďarskem. Protokol a deklarace ze dne 4. června 1920 (Trianon). Příloha k tisku č. 531. Poslanecká sněmovna N.S.R.Č. 1920.

<sup>3</sup> Order No 4800, see: Archives of the Czech Ministry for Foreign Affairs. Fund: PS III, box 614, fasc. 5, No. 100/23.

tutional or at the level of the constitutional laws but they were declared by a simple order, which – as was reported – had no definite legal form. This provisional status lasted throughout the inter-war period. In comparison with the Friedrich government's order on the equality of national minorities, the new amendment was a step backward; this was most marked in the region of minority language use.<sup>4</sup> In addition, the Bethlen government's order of 1923 cancelled the decision of the Friedrich government No. 4044 of 1919 on the one hand, but, on the other hand, the nationality law 44/1868 remained in effect: which led to a confused situation in solving the issue of nationalities. The nationality law 44/1868 was prepared in an entirely different political situation, it reflected a diametrically different philosophy and understanding of the nationality policy in prewar Hungary, while the obligations taken on by Hungary in the Peace Treaty required a new approach to the minority protection and rights within a state and approximation to the postwar trend applied throughout Europe under the auspices of the League of Nations. By accepting both concepts, which were mutually exclusive, Hungary showed that international obligations related to minority issues were formally accepted, but their application was not meant seriously, and that they would prefer the nationality law of 1868, which had concealed the policy of assimilation and denationalization of non-Magyar nationalities within the state by the Magyar government circles for many years. The Bethlen government's reasoning for keeping the law 44/1868 in effect was that minorities could fully enjoy their activities even in postwar Hungary thanks to the law in spite of the fact that there were no other nationalities in Hungary any more, and, if there were any, they were scattered and negligible, and thus they did not require any special attention. For that reason – it was argued – Teleki's government abolished Bleyer's Ministry for nationalities. On the basis of this argumentation, Hungary informed foreign countries that minority obligations as stated in the Peace Treaty were no problem for the Hungarian state and that the Magyar government could even grant still more extensive rights to minorities.<sup>5</sup>

In this connection a question arises about the number of the members of national minorities in Trianon Hungary. According to the official Hungarian statistics from 1920, Hungary had 7,980,143 inhabitants. Of them, 830,896 (10.4%) declared their nationality according to their mother tongue to be as follows: German 551,211, Slovak 141,882, Romanian 23,760, Croatian 36,858, Serbian 17,131, Ruthenian 1,500, others 60,748.<sup>6</sup> With regard to the common practice of the manipulation with national statistics, the limited possibilities and neglect of the cultivation of national identity, the anti-minority attitudes of the Magyar society, after

<sup>4</sup> Archives of the Czech Ministry for Foreign Affairs. Fund: PS, box 614, fasc. 5, No 113 141. Report of the envoy from Budapest June 26, 1923.

<sup>5</sup> PALKOVIČ, J.: *Postavenie slovenskej menšiny v Maďarsku*. In: Prúdy XV, 1931, pp. 348-349.

<sup>6</sup> BALOGH-GERGELY-IZSÁK-JAKAB-PRITZ-ROMSICS: *Magyarország a XX. században*. Budapest 1985, p. 449.

the breakdown of the old Kingdom of Hungary in particular, as well as in regard to the overall tendency towards the artificial reduction of nationalities in postwar Hungary, the above official number did not correspond to the real status but was higher. Unofficial estimates reported the number of the members of minorities to be 15 per cent of the inhabitants of Hungary.

Without doubt, Magyar governments adopted minority provisions also to show foreign countries its efforts to remedy the bad reputation of the national policy from the period of dualism and to show that the Hungarian state had no problems with solving nationality issues after 1918. Hungary formally declared the national minority rights in the country since they expected reaction abroad, mainly in the form of securing rights for Hungarian minorities in the neighbouring countries, to which they also referred at all forums.

In 1924, the Magyar government issued another order (No. 7500) about securing the knowledge of minority languages in public: it contained two articles. They amended the use of minority languages: if the number of its members reached 20 per cent of the inhabitants of the particular town/village, knowledge of the minority language on the part of the local administration was required. The order also presumed other amendments in all areas of state administration and in central offices, but no executive orders followed.<sup>7</sup>

By virtue of the government order No. 4800/1923 an amendment was published concerning the minority language instruction in basic schools, where a minority was the majority and where at least 40 children were enrolled, on the assumption that local school and administrative bodies or parents would wish it. This general right was specified by the order of the Ministry of Cult and Religion in 1925, according to which minority schools should have been of three types: the instruction in schools of type A should be, except for the official language and physical education, in the minority language, in type B, the instruction of some subjects (national history and geography, religion) should be in the minority language, others in Hungarian and in type C, the language of instruction should be Hungarian but the minority language would be compulsory. In 1936, pursuant to the order of the Ministry of Cult and Religion of December 1935, minority schools of type A were abolished and only type B and C schools were preserved.<sup>8</sup> That was all that the Hungarian legislation adopted for solving the minority issues between the two world wars reflecting the obligations included in the Trianon Peace Treaty.

The adoption of minority orders in Hungary after 1920 did not follow from the need to change the state policy with respect to national minorities or from the democratization of postwar Magyar society, but were a consequence of the new inter-

<sup>7</sup> Slovak National Archives. Fund: A. Granatier's Inheritance. Minority laws and orders issued in Hungary after 1918, pp. 22-23.

<sup>8</sup> Archives of the Czech Ministry for Foreign Affairs. Fund PS III, box 1254. Notes on Hungarian minority policy, pp. 2-3.

national situation, the international obligations of Hungary and last but not least they were extorted by the minority position of part of the Magyar ethnic groups in the neighbouring countries. Therefore the orders did not improve the position of the non-Magyar nationalities. On the contrary, in comparison with the prewar position of the minorities, the situation even deteriorated in Trianon Hungary. The alleged liberalism during dualism and the political chaos in 1918-1920 led to the breakdown of the state, and the national minorities were to blame in the first place. For that reason the Magyar society's feelings were anti-minority and against the nationalities that remained within the Hungarian state. Minorities were regarded as traitors to the 1000-year homeland and the plotters of the fall of the old Kingdom of Hungary.<sup>9</sup> Moreover, Magyar society showed no understanding for minority rights, did not agree with the international obligations related to national minorities and rejected them. The reverse minority trend was applied in postwar Hungary directed to the restriction of the minority rights and to the strengthening of the assimilation process with Magyar society. Supporters of that policy were also in government and in the public administration in particular and they impeded the application of the minority rights even at the lowest level.

The legal provisions adopted corresponded to the overall understanding of minority rights and their position in Hungary, which were half-done, had no effect, remained beyond parliamentary control and the Magyar public opinion and the lower administrative bodies ignored them. The provisions remained merely on paper, they were understood rather as propaganda in order to create an impression that Hungary takes care of its national minorities and fulfils its international obligations.

Generally speaking, the postwar Magyar nationality policy was a follow-up to that from the period of dualism, recognizing, in addition to the Magyars, only the non-Magyar-speaking citizens. In April 1934 the Hungarian Interior Minister Keresztes-Fischer declared in Parliament that "in Hungary everyone has to be regarded as a Magyar regardless of his mother tongue and his name. This is the stance of the Government."<sup>10</sup> It practically meant the denial of the existence and the identity of non-Magyar nationalities in the country and of their right to own cultural and minority life. I. Bethlen, the Magyar Prime Minister, who participated in the shaping of the government minority policy, wrote in 1933 that due to the lesson from the past, Magyar policy would not permit the minorities to have their organizations beyond Magyar society since it had led to irredentism and separatism in the past. He also said that "the aim of the minority policy is to conserve the love of the

<sup>9</sup> TILKOVSKY, L.: *Polityka narodowościowa na Węgrzech w okresie kontrrewolucji (1919-1945)*. In: *Studia z dziejów ZSRR i Europy Środkowej*, XI, 1975, p. 73.

<sup>10</sup> Archives of the Czech Ministry for Foreign Affairs. Fund PS III, box 1208. A survey of the Hungarian press of 1934.

minorities for their country and to deepen it further"; this can be reached so that the Hungarian state would defend itself against any interventions from the outside, which might lead to the shaping of nationally oriented intelligentsias. That is the only way to avoid the isolation of the minorities from the Magyar society and to prevent the implementation of the minority interests to the detriment of Magyar society.<sup>11</sup> On the basis of these principles of nationality policy, all Hungarian governments between the two world wars hindered minorities from organizing their religious, cultural or political life. Consequently, there were no minority political parties, unions, press, cultural organizations, or schools in postwar Hungary based on the ethnic principle. In no case were particular nationality feelings or any manifestations of minority culture tolerated. The whole nationality life in Hungary was under the control of the government bodies and any activities of national minorities had to be approved in advance and had to correspond to the official government principles.<sup>12</sup>

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<sup>11</sup> BETHLEN, I.: *Magyarország kisebbségi politikája*. In: Magyar Szemle 1933, június, pp. 92-94.

<sup>12</sup> DEÁK, L.: *Postavenie slovenskej menšiny v Maďarsku medzi dvoma svetovými vojnami*. In: *Slováci v Maďarsku. Zborník z konferencie*. Compiled by E. Balážová and G. Grácová. Martin 1994, p. 15.