Representation of national and ethnic minorities in the Hungarian parliament (iThenticate Plagiarism Report)

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Representation of national and ethnic minorities in the Hungarian parliament[1]

Reprezentacja mniejszości narodowych i etnicznych w parlamencie węgierskim

ABSTRACT

The paper focuses on the history of the national minority representation in the Hungarian parliament. The old Hungarian Kingdom was traditionally multicultural country. The half of population did not have Hungarian origin in the 19th century. The minority issue became the one of most sensitive problems in the period of nation-state building. The situation has changed after the first world war, when Hungary lost the two third of territory. The new Hungary in the interwar period was relatively ethnically homogenous country with nationalist political regime. Before 1918 the national minorities had parlamentarian representation on the base of general liberal electoral rules. The electoral legislation did not know the preferential system of minority representation. The situation was similar in the interwar period also. The leaders of official national minority associations under the communist influence represented the national minorities during the period of socialist regime. The issue of minority representation in parliament became played very important role after the democratic transition. Despite the original plans the new Hungarian electoral legislation did not guarentee the special parlamentarian representation for national and ethnic minorities. The system of preferential representation was born only in 2011 in the framework of the redisign of Hungarian electoral law. Currently the list standed by national self-goverment of concrete national or ethnic minority need for the achieving of parlamentarian mandate only the 25 % of ballots, which is necessary for achieving of normal mandate by regular (ideological) political parties. The German miority has achieved this mandate in 2018 and 2022. Other minorities have in parliaments the spokespersons with special consultative status. The Hungarian model is relatively original in the Central European region. It did not recognise the plural electoral law and it distinguish between the small and middle size minorities.

Keywords: constitution; elections; minorities; parliament; self-governments

INTRODUCTION

The question of national and ethnic minorities has accompanied Hungarian history throughout. Hungary, like the Polish-Lithuanian Commonwealth, has been a multi-ethnic country for most of its history. Before 1918, almost half of the population was non-Hungarian speaking, and this proportion was even worse for Hungarians in the 18th and 19th centuries. This fact, in an era of the politicisation of national and ethnic identity and birth of idea of nation-state, posed serious problems for the nascent national liberal Hungarian politics, which sought to reconcile the demands of liberal constitutional transformation with the aspirations of the nation-state.[2] The French types nation-state represented the main model for Hungarian national

[1] This paper was prepared xxx.
[2] T. Melkovics, *A reformkori liberális nacionalizmus Zay Károly gróf életpályájának tükrében*, [in] *Nemzetiségek és törvényhozás Magyarországon*. ed. K. Á. Kovács, Országház Könyvkiadó, Budapest 2019, p. 11.

liberals in the 19th century.[3] This of course had an impact on the history of the Hungarian parliament, which provided the main forum for public politics.

The situation did not change after 1918, when Hungary, with its radically reduced territory after the First World War, embarked on the bumpy road of ethnic homogenisation. In fact, the question of ethnicity in Hungary began to become intertwined with the question of the millions of ethnic Hungarian communities living across the border. After all, the Trianon peace treaty brought about one third of the Hungarian nation under the jurisdiction of neighbouring states. The foreign policy of the Hungarian political leadership of the time was characterised by revisionism, while its domestic policy was marked by strong nationalism. All this culminated in the tragedy of the Second World War, which brought with it a new wave of ethnic homogenisation as a result of the Holocaust, the expulsion of the Germans and the Czechoslovak-Hungarian population exchange.

Hungary fell into the Soviet sphere of interest also. Many important issues were frozen. National feelings and the minority question were among the sensitive issues. The interconnection of the two issues became particularly relevant after the democratic transition after 1989, when genuine parliamentarianism was reborn after decades of dictatorship by the radical right and left. And Hungary wanted to resolve its own minority issue while setting an example to its neighbours on how to deal with their own national and ethnic minorities. This attitude was both pragmatic and idealistic. The representation of national minorities in parliament and other public bodies was clearly subordinated to this issue.

The aim of the study is to show, through the method of historical analysis, how non-Hungarian national and ethnic minorities were able to represent their interests in the Hungarian parliaments of the modern era. The modern era is understood to be the period after the bourgeois transformation of the mid-19th century, since the old feudal Hungarian Parliament only became a parliament based on popular representation in 1848. The paper also aims to compare the models of each of the distinctive sub-periods. In total, it distinguishes five such subdivisions: the pre-1918 national liberal, the 1918-1945 nationalist, the 1945 transitional and then communist-dominated, and finally the post-1989 democratic era, which in turn had to be divided into two subdivisions because of the new constitution of 2011, which brought with it

[3] L. Szarka, *Szlovák nemzeti fejlődés – magyar nemzetiségi politika 1867-1918*, Pozsony 1995, pp.16-17.

many new solutions. Finally, the paper also aims to empirically examine how national minorities in Hungary have been able to take advantage of the opportunities offered by each era.

RESEARCH AND RESULTS

Historical background before 1989

Modern Hungarian constitutionalism was born in 1848, when in March the last feudal parliament (elected in 1847) passed the reform laws that replaced feudal representation with a representative parliament and its responsible government.[4] Since these liberal laws were not approved by the king until April, they have gone down in history as the April Laws or, more accurately, the April Constitution in Hungarian legal history. It is true that this was not a single, complex (chartal) constitution, but rather a package of laws passed by a simple majority and still considered constitutional. The April Laws were therefore an integral part of the construction of the so-called 'historical' - i.e. non-written and non-complex - charter constitution, which had been alive for some time in the Hungarian political and legal consciousness as an idea and partly as a reality. This solution was in keeping with traditional Hungarian public law thinking and with the liberal-minded nobility that was the main driving force behind the reforms.[5]

The changes in the Spring of Nations were peaceful, but in the summer the situation became more radical and by the autumn armed clashes were taking place between troops loyal to the Emperor together with Croats and the new army under the jurisdicton Hungarian government.[6] Indeed, the revolution soon turned into a war of independence, which in many areas with mixed populations degenerated into ethnic civil war (especially in Transylvania and ont he Southern borders).[7] The larger ethnic groups in Hungary (i.e. Romanians, Slovaks, Serbs and Transylvanian Germans) did not or could not want the old kingdom to be transformed into a Hungarian nation-state. Instead, they preferred to federalise the country and demanded at least

[4] G. Máthé (ed.), A választójog, Press Publica, Budapest, 2002, p. 16.
[5] B. Mezey (ed.), Magyar alkotmánytörténet, Osiris, Budapest 2003, pp. 244-246.
[6] R. Hermann, *Nemzetiségek az 1848-1849-es forradalomban és szabadságharcban,* [in] *Nemzetiségek és törvényhozás Magyarországon*. ed. K. Á. Kovács, Országház Könyvkiadó, Budapest 2019, pp. 106-*107*.
[7] See above pp. 108-111.

public territorial autonomy for themselves. Some of their leaders, incidentally, had previously sat in the pre-1848 reformist parlamentarian assemblies.[8]

In the new parliament elected in 1848, the nationalities were not given separate seats, but obviously their candidates were allowed to run for seats. Active suffrage, subject to a property census, was open to men of Hungarian nationality aged 20 or over. Those who had already had the right to vote could retain it regardless of whether or not they met the requirements of the wealth census.[9] In the end, 377 representatives elected in Royal Hungary and 69 elected in Transylvania were able to participate in the inaugural session. Although they may have been of different ethnic origins, the vast majority belonged to the liberal landed gentry. However, the main leaders of the nationalities who broke with the government in Pest were not included in this body, and some of them did not even stand for election.

After the defeat of the Revolution and the War of Independence in 1849, the Hungarian Parliament did not meet for some time. This could only take place after the revival of constitutional life in the early 1860s. The process that began then eventually led to the Austro-Hungarian Compromise of 1867, which laid the foundations for the Austro-Hungarian dualist state that existed between 1867 and 1918. Each part of the Monarchy had its own legislature. The bicameral parliament of the Kingdom of Hungary, united with the Kingdom of Transylvania, met in Budapest. Since one of the essential elements of the reconciliation was a return to the constitutional legal basis of 1848, the parliaments and governments after 1867 also operated according to the model that had been established in the spring of 1848. The only change was that Act No. XVII. in 1867 extended the right to vote to Israelite men with Hungarian citizenship.[10] The only major electoral reform took place only in 1874, when the then adopted Act No. XXXIII, which simplified the system of censuses somewhat. Tax censorship became the dominant element. In turn, the parliament reduced the number of eligible voters, which at the time represented 5,9% of the country's population. The electorate excluded members of the uniformed services, tax arrears and clergymen who were not employed as public officials.[11] In 1877, the boundaries of the electoral districts were changed to suit the ruling Liberal Party, and the Liberal Party, which had been able to channel various interests

[8] The most prominent leader of the Slovak nationalist movement of 1848/1849, Ľudovít Štúr, for example, was a deputy in the National Assembly convened in 1847 and as such participated in the adoption of the April Laws.
[9] G. Máthé (ed.), ibid., pp. 16-17.
[10] B. Mezey (ed.), ibid., p. 320.
[11] G. Máthé (ed.), ibid., pp. 22-23.

into itself, remained the dominant party in the system almost to the end of the period. Elections were accompanied by a high level of corruption, abuse of office and, not infrequently, violence. At the same time, triennial elections became a normal part of everyday life in Hungary.

At the time of its birth, this system was not considered special. The problem was that, around the turn of the century, most constitutional European states began to democratise the right to vote, but Hungary was left out. The political elite was afraid to touch the electoral system because of the discontent of the agrarian population and the demands of the nationalities, which could have meant the end of the power of the Liberal Party. After the democratisation of the Austrian electoral system, however, this conservatism became less and less tenable and was met with increasingly negative reactions at home and abroad. Under Act XIV of 1913, a cautious reform, the new parliament was no longer elected before the First World War. The law did not significantly expand the electorate because, to counterbalance the declining tax censorship, it introduced a literacy census, which consisted of a requirement that men who wished to stand for election had to have completed at least six grades of primary school. Even then, they could only vote at the polls if they were 30 years old. The latter amendment did not favour the ethnic minorities, as their education levels were lower than the Hungarian average. This was particularly true for Romanians and Ruthenians. True, the law did introduce secret ballots at least in the cities, which was an improvement.[12]

Until the end of the prewar period, the legislature was bicameral, but the political system was dominated by the Lower House of parliament (the House of Representatives), which was based on popular representation. Parliamentary terms were three years and the electoral system was based on the principle of relative majority. The exercise of the right to vote was subject to gender, wealth and education censorship. Voting was open. In keeping with the mood of the times, nationality candidates were not given a separate quota and were sized under the same system as other candidates.

During the period of Austro-Hungarian Monarchy, only the so-called „partner countries" with territorial autonomy, Croatia and Slavonia, were together given 40 seats in the Hungarian Parliament and three in the Hungarian Parliament in Budapest. The separate Croatian-Slavonian seats were provided for in the Hungarian-Croatian Compromise, which was

[12] B. Mezey (ed.), ibid., pp. 321-324.

enshrined in Article XXX of Act XXX of 1868. The Croats had 40 seats in the Lower House and 3 seats in the Upper House in Budapest.[13]

However, the National Minorities Act adopted in the same year did not provide for the representation of national minorities in parliament and mainly dealt with language and educational rights for individuals. It did not recognise the collective individuality of nationalities, because it did not want to open the way for their federalist aspirations. The majority of minority politicians were therefore dissatisfied with this legislation, although when, in an era of growing nationalism, state and county authorities were not very compliant with it either, they eventually began to demand its enforcement. This was an important demand of the nationalist movements in the late 19th century.

National and ethnic minorities (by mother languages) in Hungary between 1880 and 1910 (without autonom Croatia)[14]

	1880		1890		1900		1910	
	1000	%	1000	%	1000	%	1000	%
Hungarians	6 404	46,7	7 357	48,6	8 649	51,5	9 938	54,6
Romans	2 403	17,5	2589	17,1	2 798	16,7	2 948	16,2
Slovaks	1 855	13,5	1 897	12,5	2002	11,9	1 946	10,7
Germans	1870	13,6	1 989	13,1	1 997	11,9	1 901	10,4
Serbians and Croats	632	4,6	495	3,3	520	3,1	549	3,0
Slovenians	63	0,5	71	0,5	77	0,5	75	0,4
Roma	79	0,6	92	0,6	54	0,3	109	0,6
Others	69	0,5	91	0,5	92	0,6	103	0,6
Totally	13 729		15 133		16 799		18 215	

[13] I. Mezey (ed.), ibid., p. 266.
[14] L. Szarka: *Szlovák nemzeti fejlődés – magyar nemzetiségi politika*, Pozsony, 1995, p. 244.

Indeed, the situation for parties and politicians politicising on the basis of national minorities was not easy, not because of the provisions of the law per se, but rather because of pressure from state authorities, political and social pressure. This was particularly striking in the case of one of the largest national minorities in Hungary, the Slovaks, who make up around 10% of the population. Together with the Ruthenians, the authorities considered Slovaks, who were relatively urbanised and did not have a very strong identity, to be the easiest group to assimilate, and who were religiously little different from Hungarians (Catholics and Protestants). This was also reflected in the way elections were handled - official excesses were often more blatant in the Slovak countryside than elsewhere. As a result, the Slovak National Party performed rather badly for a long time. In 1869, only one explicitly Slovak (i.e. with a Slovak political programme)[15] deputy was elected to the House of Representatives. In 1871, the National Party failed to win a single seat, but its liberal Slovak opposition managed to get three MPs into the legislature. Due to electoral failures in the 1870s and the excesses of the authorities, the leaders of the Slovak National Party finally decided not to stand for election in 1878. Their electoral inactivity lasted for 17 years. Under the dualist system, Slovak politicians performed best in 1906, when they won a total of seven seats with the Slovak National Programme.[16] Admittedly, that was far less than the 10% of the population. Many Slovak voters voted for the governing party or for the Catholic People's Party candidates for various reasons.

The smaller, but wealthier and better organised Germans and Serbs were in an easier position. The Romanians, who also had large numbers, were helped through the difficulties by their religious isolation and their own church institutions. Their position in the Parliament was better also. Between 1865 and 1878 the number of declared Romanian deputies oscilled between 9 and 14. Then the number of Romanian national MP-s decreased very radically and it again increased only after 1905. (8-14 mandates).[17] Prior to 1918, there was no special parliamentary representation for nationalities, but the religious characteristics of the country overshadowed this picture. For each Christian denomination had separate places in the upper house. This also applied to the Orthodox communities, the majority of whose followers were

[15] There were or could have been more Slovaks in parliament, but many did not claim their origin.
[16] D. Škvarna et kol., *A szlovák történelem lexikona*, SPN, Bratislava 2003, p. 140.
[17] D. Ballabás, J. Pap, J. Pál, *Képviselők és főrendek a dualizmus kori Magyarországon II. Az országgyűlés tagjainak archontológiája*. Líceum Kiadó, Eger 2020.

Romanian or Serbian. Their bishops could also perform certain ethnic representation functions through the upper house.

The larger nationalities in similar situations began to cooperate actively in the late 19th century. A big boost came from the Hungarian state foundation celebrations of 1895/1896, whose Hungarian national bias disturbed the leaders and publicists of the national minorities. At first, they only helped each other out with symbolic gestures, then they cooperated in court cases against national activists, and finally, at the beginning of the 20th century, Romanian, Serbian and Slovak deputies formed a joint national parliamentary party. The latter step was taken in 1905. Two of the ten deputies were Slovak, the others were Serbs or Romanians. From time to time, they also cooperated with Croatian deputies, but they were in an easier position because of their public autonomy. It has also happened that in mixed-population areas, nationalities sometimes agree to support each other's candidates. Before 1914, for example, such co-operation existed between Slovaks and Serbs in certain constituencies in southern Hungary. At that time, a Serbian candidate ran in one of the elections, and three years later he was replaced by Slovak candidate.

Situation in the interwar period

After 1918, the representation of national minorities in parliament was rarely discussed. Nationalism was strengthened in the Hungarian nation living in the trauma of Trianon, and many saw the reason for the country's territorial losses in the nationalist aspirations, alongside the defeat in the war. This is not to say that there were no members of national minority origin in parliament, but they were mostly members of other major parties - either the ruling national Christian conservative camp or the opposition Social Democrats.

2 The representation of national and ethnic minorities in the parliament was very limited. Only the German minority was active and it had the own representatives, but they was predominantly the members of big parties. Iosif Siegescu, the former comissioner of the Hungarian government for Romanian minority in the interwar period was also the representative of governmental party in parliament, but he did not represent the interest of minority.

Ethnicity played an important role in the publications of radical right-wing politicians who drew on German Nazi examples, but did not take the issue of ethnicity into account in

electoral reforms. When this political camp took power in 1944, there was no time left for parliamentary reform. The fascist system did not need a parliament anyway. It is a fact that during this period another revival of the Germans, who had already been Hungarianized, began.

The bigger national and ethnic minorities in the interwar Hungary[18]

Year	Population	Hungarians	Germans	Slovaks	Others
1920	7 990 202	7 156 727	551 624	141 918	139 933
		89,6 %	6,9 %	1,8 %	1,8 %
1930	8 688 319	8 001 112	478 630	104 819	103 758
		92,1 %	5,5 %	1,2 %	1,2 %

The period of state socialismus

During the period of state socialism (1949-1989), a particular kind of socialist corporativism prevailed in Hungary. For this reason, the communist party organisations were careful to ensure that workers, tractor drivers, miners or even loyal clergymen were adequately represented in the parliament. It had only one chamber. From the 1960s onwards, this principle also applied to the small number of remaining nationalities that the communist state allowed to form what the communist authorities called democratic national associations. For a long time, however, these could not have local or county bodies, and therefore operated mainly at the national level. In most cases, the general secretaries of these associations were elected to the pre-1989 National Assembly from the Patriotic People's Front's list of candidates.

A special situation emerged in the 1970s. The leaders of two ethnic associations sat there in parliament, and two federal leaders led the Patriotic People's Front. In the communist system, it was the organization that controlled the nomination of candidates. The last communist parliament (1985-1990), which was elected before the democratic elections, already had four representants of nationalities.[19] Incidentally, four nationalities had this opportunity: South

[18] Z. Paksy, *Nemzetiségek a trianoni Magyarországon*, [in:] *Az együttélés történelme. Nemzetiségi kérdés Magyarországon,* Budapest 2020, p. 211.
[19] S. Móré, *Nemzetiségek a mai Magyarországon. Gondolat,* Budapest 2020, p. 109.

Slavs, Germans, Romanians and Slovaks. The South Slavic Democratic Union of Hungary represented Croats, Serbs and Slovenes together. The extent to which they were active there depended mainly on their personal character. In the 1980s, for example, the representative of the Democratic Alliance of Slovaks in Hungary, Mrs Róbert Jakab, was quite active, but of course only within the framework of the existing system.

The Hungarian communist regime believed in an automatic solution to the issue of nationality.[20] The post-1956 regime did not want to and could not be a nationalist, but she was not really interested in the subject. Assimilation continued during this period, even in the absence of explicit pressure. The background was not only the industrial urbanization policy at the time, but also the decline in the number of ethnic schools. The treatment of the issue of nationality was largely determined by the *bridge theory*, according to which national minorities should have formed a bridge between individual socialist nations.[21]

National and ethnic minorities in Hungary between 1941 and 1990 (by tongue)[22]

Year	Totally	Hungarians	Slovaks	Romanians	Croats	Serbs	Slovenians	Germans	Roma	Others
1941	9 316 074	8 655 798	78 877	14 142	37 885	5442	4816	475 491	18 640	27 983
1949	9 204 799	9 076 041	25 988	14 713	20 423	5158	4473	22 455	18 640	14 161
1960	9 961 044	9 786 038	30 690	15 787	33 014	4583		50 765	25 633	14 534
1970	10 322 099	10 166 237	21 176	12 624	21 885	7989	4205	35 594	34 957	17 462
1980	10 709 463	10 579 898	16 054	10 141	20 484	3426	3142	31 231	27 915	17 172

[20] B. Dobos, *Magyarországi nemzetiségek a kommunista rendszer kiépülésétől a rendszerváltásig*, [in:] *Az együttélés történelme. Nemzetiségi kérdés Magyarországon*, Budapest 2020, p. 296.
[21] See above pp. 298-300.
[22] B. Dobos, *ibidem*, p. 301.

1990	10 374 823	10 222 529	12 745	8730	17 577	2953	2627	37 511	48 072	22 079

The situation of minority representation in Hungary between 1989 and 2011

The real democratic functioning of the parliament was only made possible by the regime change of 1989, which put the issue of Hungarian national minorities back on the agenda, as well as the issue of Hungarians living beyond the borders. Politics mostly linked these two different issues. The representation of national minorities in parliament was also discussed in this context during the debates of the time.

The issue of parliamentary representation of nationalities developed interestingly in the first free years of posttransitional period. The Act No. XVI. from 1990 expanded the text of the constitution and declared the representation of national and linguistic minorities in parliament and councils. Namely, the parliament had to elect members of national minorities independently of the parliamentary elections. The Act No. XVII. from 1990 established the rules for the election of members of nationalities. According to this, the new parliament should have co-opted the members of the parliament of the eight minorities. Despite being co-opted, they would have been full members of parliament. The law took into account the following nationalities: Croatian, German, Roma, Romanian, Serbian, Slovak, Slovene and Jews who define themselves on a national basis.[23] The latter fact was interesting because in Hungary until then (with the exception of the Holocaust) Jews were always considered a religion and not a nationality. This is still the case because neither the 1993 nor the 2011 Nationality Act listed them. The majority of the Jewish community in Hungary does not even demand it. The petition, which had previously demanded national recognition, could not collect the required number of signatures either.

However, this model contradicted the principles and logic of multi-party parliamentarism and was not in line with the Hungarian mixed electoral system. According to critical professional opinions, it would have generated conflicts later.[24] Finally, the parliament decided not to co-opt the representatives of the nationalities and soon amended the constitution

[23] S. Móré, *op. cit.*, p. 110.
[24] I. Kukorelli, *A nemzetiségek jogállása a rendszerváltás éveiben – kísérletek országgyűlési képviseletük szabályozására*. „Parlamenti Szemle" 2018, no. 1, pp. 5-26.

and the election law again. The relevant parts of the law have lapsed.[25]The search for a new solution has begun in the new democratic parliament elected in 1990. Representatives of nationalities were also involved. As a result, the 1993 legal construction was born.

The new legislative modell adopted in 1993[26] did not provide separate and special (privileged) parliamentary representation for national minorities in Hungary, partly due to their small number and the corporativist context of this solution. The representation of their interests, on the other hand, was provided by national, regional and local national minority self-governments organised at the national, regional and local levels. They were public in nature, financed by the state and elected in a manner regulated by law. The whole system was based on personal autonomy. Their main aim was to achieve cultural and educational self-government for each recognizes nationality in Hungary.

After the legislature did not create preferential parliamentary representation for national minorities, the political parties themselves eventually stepped in. Around the turn of the millennium, the prevailing practice among conservatives, socialists, and liberals was to secure candidates for certain minorities (mostly the Roma and Germans) on their party lists. This practice was later extended to the lists of candidates for the European Parliament. In this way, the parties also wanted to address the large and relatively apolitical Roma community in Hungary. Fidesz later formed a formalized alliance with the Lungo Drom Roma Association, which then became a permanent partner and merged into the Fidesz-KDNP party alliance, which includes the remains of various civil and right-wing parties. This cooperation guaranteed Lungo Drom a continuous parliamentary presence until 2022. Although this model developed by the parties did not mean minority parliamentary representation in its own right, it did help to integrate and channel ethnic minority interests into national party politics.

The modern Hungarian democratic public law, established in 1989, recognised a dual conception of nationhood: the political and the cultural conception of nationhood. The latter, however, was for a long time only of an outward-oriented nature, directed mainly outwards, towards Hungarians living beyond the borders and in the diaspors. It was also partly inward-

[25]S. Móré, *op. cit.*,110-111.
[26] See in English: I. Halász, *The Legal Status of National Minorities in Hungary after 1989*, [in:] Z. Poláčková et al. *Minority Policies in Central and Eastern Europe in Comparative Perspective*, Veda, Bratislava 2017, pp. 49-67.

oriented, but this was only relevant in relation to national and ethnic minorities. The Hungarian state, however, did not undertake any other internal "cultural nation-building" tasks.[27]

The changes after 2011

trend with regard to the nationalities of Hungary, which he gave a prominent place in the text of the National Creed (Preamble) and later in the normative part of the Fundamental Law. The new Fundamental Law from 2011 declared national minorities (nationalities) to be a state-creating factor twice: firstly, in the Preamble, in a modified form, and secondly, in Article XXIX of the Freedom and Solidarity section,[28] which began paragraph 1 with the following sentence: „The nationalities living in Hungary are state-creating factors." The Preamble of Fundamental Law also undertook to cherish and protect the language of the national minorities in Hungary. They have to right to freely assume and preserve one's own identity, and the right to use one's mother tongue, to use one's own and community names, to cultivate one's own culture, to education in one's mother tongue and to establish local and national self-government. And the law on the rights of nationalities has been described by the Constitutionalist as a cornerstone.

Discussion of the public law implications of the state-building character of national minorities it is useful to clarify how the current Hungarian public law defines national minorities. The terminology has changed radically in 2011. Legislation between 1993 and 2011 spoke of national and ethnic minorities. The legal norms adopted in 2011, on the other hand, returned to the old (pre-1989 and 1918) terminology that used the term nationalities. The present study uses both terms alternately.

As is clear from the above text, the task of defining the national minorities is not the task of the Fundamental Law itself. The most important rules concerning national minority rights and the election of national minority self-governments - within the framework of the international treaties on minority rights that Hungary has undertaken and adopted under the

[27] About this topic see H. Hornburg, *The Concept of nation int he Hungarian Legal Order 1985-2005 with a Special Focus on Hungarians in Neighbouring States*, [in:] *The Transformation of the ungarian Legal Order 1985-2005*, eds. A. Jakab, P. Takács, A. F. Tathan, Wolters Kluwer, The Netherlands 2007, pp. 507-520 and I. Halász, *The Concept of nation int he Hungarian Constitutional System at the Beginning of the 21st Century*, [in:] *The Transformation of the ungarian Legal Order 1985-2005*, eds. A. Jakab – P. Takács – A. F. Tathan Wolters Kluwer, The Netherlands 2007, pp. 521-525.

[28] This part of Fundamental Law deals with the basic human rights, freedoms and obligations.

international conventions on the rights of national minorities, namely Act CLXXIX of 2011 on the Rights of National Minorities (Nationalities).

The law defines the concept of minority right at the beginning. According to it *„Nationality means any ethnic group which has been resident in the territory of Hungary for at least one century, which is a numerical minority among the population of the state, and which is distinct from the rest of the population its own language, culture and traditions, but also bears witness to a sense of belonging which is committed to the preservation of these, to the development of their historically established communities and to express and protect the interests of their communities."*

A further condition - although this is not in the definition, but in another section of the law - is that the scope of the Act extends only to Hungarian citizens. In addition, Annex 1 to the Act lists those which the legislator has defined ex lege in accordance with the above definition as corresponding to the above definition. The new law considers the same thirteen communities - listed in a taxative manner - as those defined in the Law on the Rights of National and Ethnic Minorities (Act No. LXXVII of 1993). The recognized communities are therefore Armenian, Bulgarian, Croatian, Greek, German, Polish, Roma (Romani), Romanian, Ruthenian, Serbian, Slovak, Slovenian and Ukrainian. The only change in this area is that the word Gypsy has been replaced by the word Roma.

As in the previous legislation, it is also possible for other communities not listed in the Annex to the Act, or their members, to declare themselves national, provided that they meet the requirements of the above definition and the provisions of the Act. The new nationality (national minority) must therefore 1,000 voters who declare themselves to belong to another nationality not listed in Annex 1 to the Act, in accordance with the rules on popular initiative (this is a specific case of popular initiative to amend Annex 1 of the law). The initiative is first examined by the National Electoral Commission, which, in its procedure In the course of its procedure, it is obliged to request the opinion of the President of the Hungarian Academy of Sciences as to whether the legal conditions are met. There is still a requirement that only a community living in Hungary for at least a hundred years may request official recognition. In the last quarter of a century, the following real or imagined ethnic communities have been trying to gain official minority status: the Bunevacs (group inside the Croation community), the Russians, the Macedonians, the Jews, and the Huns. The latter petition was more in the joke category.

One of the main novelties of the post-2011 development of public law in this area is the possibility of preferential parliamentary representation of nationalities. The new parlamentarian electoral law (Organic Act CCIII of 2011) made it possible for national minority representatives to obtain a parliamentary seat even if a candidate from the list of candidates standed by the national „minority" self-government even if he only received a quarter of the number of votes that would otherwise have been required to enter parliament from the national party list (candidate list) under the non-preferential system. For example, if 60,000 votes were required to obtain a seat on the national party list, a regular and full parliamentary mandate could have been obtained with 15,000 votes on the minority list. According to this legislation national minority self-governments may draw up their own list of candidates, on which Hungarian citizens who are entered in the register of nationality voters may vote for their nationality list national voters. If these citizens have decided to stand on the national they cannot vote for a party list. The adopted Hungarian solution - unlike the Slovenian solution, which has been in use for years - does not recognise plural voting rights. The general rules also apply to national minority voters - in practice, they have two votes. (Unlike them, Hungarian citizens who do not have a residence in Hungary have only one vote and can only vote on party lists on the state level.)

The national minority self-government may therefore draw up a national minority list. The establishment of a national minority list requires the recommendation of at least one per cent of the voters entered in the electoral roll as national minority voters, but not more than 1,500 recommendations. The nationality list shall be drawn up by the voters of the given nationality who are entered in the register as voters of that nationality. may be a candidate. The national list must include at least three candidates. A restrictive rule, however, is that two or more national minority self-governments may not set up a joint national list. A nationality list may be used as a parliamentary list at a reduced rate seats in parliament - although only one in this form, so the preferential man- Any additional seats beyond the attainment of the concessionary date require a five per cent threshold of five seats. The electoral law recognises the concept of a preferential quota.

This quota can be calculated by dividing the total national list votes by ninety-three and dividing the result by four; the whole of the quotient is the preferential quota. If the number of votes for a given national list is greater than or equal to

the preferential quota, that national list shall be allocated a preferential mandate. In practice, this means that the nationalities in the general (i.e. non-preferential) the votes normally required to obtain a seat, a quarter of the votes required to obtain a of the total number of seats available. As already mentioned - understandably - a nationality list can only can only obtain one preferential mandate. In this case, the number of seats that can be obtained on the national list must be reduced by the number of preferential seats allocated the number of preferential seats. The point is therefore that the total number of seats obtained in parliament should not exceed the number of seats available, i.e. 199. Nor are the nationalities (or more precisely their national self-governments) completely unrepresented, which are not able to obtain a seat by preferential means. because they can send a national minority representative to the Parliament. The national minority will be the first candidate on the nationality list. The Nationality Committee is made up of members who have obtained a mandate from the nationality list.[29]

If fails to do so, the national minority self-government may send a national minority spokesperson to the Parliament, who can be the first candidate on the national list. Spokespersons, as opposed to national minority representatives elected under the preferential quota system, can be elected by the national minority representatives do not have the status of ordinary parlamentarian representatives (MPs), and therefore have a very wide margin of manoeuvre in parliament. Their role is ultimately best described by their title.[30]

The spokersperson do not have the status of ordinary representatives (MPs), so their scope for manoeuvre very limited and their duties are ultimately is best expressed by their title. For example, they cannot vote or to be elected for function inside the parliament. They cannot form political groups, nor can they participate in the nomination of the President of the Republic, in a motion of no confidence in the government, nor can they interpellate or ask a direct question. They can only ask questions on matters affecting national interests and rights.

[29] About the concrete electoral rules see A. Horváth, *Közvetett demokrácia és a választási rendszer. A választások és a pártok jogállása,* [in] *Bevezetés az alkotmányjogba*, eds. F. Gárdos-Orosz, I. Halász, Budapest 2019, pp. 286-290.

[30] About practice see Á. Molnárné Balázs, *A kisebbségek szervezetei döntéshozatalba való bevonásának modelljei a nemzetiségi szószólói és a nemzetiségi képviselői intézmény tükrében* „Jogelméleti Szemle," 2018, no. 3, pp. 79-90.

They may, however, speak in their own language at meetings and take the oath of office in that language. Their legal status therefore differs from that of MPs in the most essential respects.[31]

In the post-2010 parliamentary elections, only the German minority has so far been able to win a preferential seat in the regular parliament. The first time in 2018 and the second time this year, in 2022. Both elections were contested by the same candidate, who was previously a Fidesz-KDNP local councillor. Therefore, in the previous term, he was actually part of the governing alliance's two-thirds parliamentary majority. The other national communities have so far only been able to send their spokespersons to parliament. Only Roma minority with several hundred thousends members is representing the exception, but this community is very heterogenous. In 2022, due to internal divisions and conflicts within the national Roma self-government, not even a parliamentary spokesperson was able to get into parliament.

Activities of German minority voters after 2011[32]

Year	Number of registered voters	Number of valid votes	Mandates
2014	15 209	11 415	0
2018	33 168	26 477	1
2022	31 856	24 630	1

The number of registered minority voters and valid votes in 2022 (without Roma minority)[33]

Minority	Number of registered voters	Votes	Mandates
Germans	31 856	24 630	1
Croats	2268	1760	0

[31] S. Móré, *op. cit.*, pp. 67-70.
[32] www.valasztas.hu and www.nvi.hu
[33] www.nvi.hu

Slovaks	1563	1208	0
Rusyns	1044	645	0
Romanians	966	526	0
Ukrainians	732	396	0
Serbians	641	418	0
Polish	369	281	0
Greeks	355	232	0
Slovenians	280	219	0
Armenians	278	163	0
Bulgars	218	157	0

SUMMARY AND CONCLUSIONS

The Hungarian model guaranteeing the parliamentary representation of nationalities does not resemble any of the existing Eastern and Central European models. Contrary to the Slovenian solution, it does not guarantee indigenous minorities a pluralistic right to vote and thus full parliamentary representation. Unlike the Croatian model, it does not allow the grouping of smaller nationalities and the assignment of individual seats to them. While delegates of small national and ethnic minorities in the Romanian parliament have the rights of ordinary representatives, the legal status (and responsibilities) of the representatives of smaller communities in the Hungarian parliamentary system are rather limited. In other countries in the region, there is no similar relationship between the national ethnic self-governments and the compilation of the national candidate lists.[34]

It is no coincidence that only the relatively large and well-organized German minority in the preferential electoral system outlined above has been able to obtain a regular mandate.

[34] See about the models of neighboring countries A. L. Pap, *Identitás és reprezentáció*, Gondolata, Budapest 2007, pp. 202-211.

Slovaks, Serbs, Croats and others would really only have a chance to do so if the law allowed them to work together. The fact that the German MEP, who won parliamentary seats in 2018 and 2022, strengthens the Fidesz-KDNP coalition is more a coincidence. It is a fact, however, that in recent decades, in areas inhabited by a relatively affluent German minority, voters have tended to support civic and right-wing candidates. But it is also true that in some regions in the 1990s, the liberal candidates with German descent were also able to address the electorate with German origin. Otherwise, little information is available on the lasting political preferences of specific nationalities. Their political behavior seems to follow national trends, so the Fidesz-KDNP has been stronger in recent parliamentary terms.

A more interesting question is whether the model born in 2011 is functional and able to fulfill the role intended for it. Although the legislature made a serious gesture towards the mostly small national minorities, none of the forms of parliamentary representation (i.e. neither the regular mandate nor the position of spokesperson) dramatically changed the situation of minorities. The special local, regional and national self-government system is more important for the financing of daily minority lives and realisation of their cultural and educational autonomy, together with supporting of their other various activities. Born in 1993, the system of ethnic self-government has really helped revitalize several smaller ethnic communities. For this reason, this institution is still the main means of representing minority interests. The potentially obtainable parliamentary mandate should not be underestimated, as should the opportunities for spokespersons, but it is more of a complementary forum.

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