

# **Patterns of Minority and Majority Rhetoric in Post-Communist Romania**

**Compromises on Language and Education Rights (1996-2004)**

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## Abstract

*The present paper critically analyzes minority and majority rhetoric in post-communist Romania with the purpose of uncovering the key factors that have shaped and shifted majority and minority rhetoric on language and education rights toward relatively accommodating stances. The research identifies EU conditionality and domestic political alliances as two main determining factors: while the former has been an external pressure on the Romanian government, the latter may be translated in domestic political terms as a process of negotiation aimed at the institutionalization of minority rights. A second level of research examines the limits in the majority's willingness to compromise on the extension the legal-institutional minority rights framework beyond the "autonomy threshold".*

## List of Abbreviations

CDR	Convenția Democrată din România/ Democratic Convention in Romania
ECRML	European Charter for Regional and Minority Languages
FCNM	Framework Convention for the Protection of National Minorities
FSN	Frontul Salvării Naționale/ National Salvation Front
PC	Partidul Conservator/ Conservative Party
PD	Partidul Democrat/ Democratic Party
PNL	Partidul Național Liberal/ National Liberal Party
PDSR/PSD	Partidul Democrației Sociale din Romania/ Party of Social Democracy Partidul Social-Democrat/ Social-Democratic Party
PNȚCD	Partidul Național Țărănesc Creștin Democrat/ National Christian Democratic Peasant Party
PRM	Partidul România Mare/ Greater Romania Party
PUNR	Partidul Unității Naționale din România/ National Unity of the Romanians Party
UDMR	Uniunea Democrată a Maghiarilor din România Democratic Alliance of the Hungarians in Romania

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## INTRODUCTION

Across the previous two decades, academic research has devoted considerable space to discussions concerning the relationship between ethnic nationalism, democracy and minority rights. Theoretical and political debates have been targeted at identifying the appropriate legal-institutional channels to accommodate interethnic reconciliation and the principle of *equality*. Ethnic majorities and minorities have generally ascribed antagonistic meanings to *equality*: while majorities have argued for a *procedural (de jure)* understanding of this principle, minorities have contended for a *substantial (de facto)* one. Going by appearances, one could claim that the two are mutually exclusive. However, it is still a matter of debate whether formal equality (on an individual level) engenders equality of opportunities or whether dissimilar (and supposedly unequal) regulations targeted at national/ ethnic *groups* are needed to generate effective equality.

It is this *individual vs. collective* minority rights field this paper addresses. Contending approaches to these two forms that minority rights may take have structured the liberal-communitarian debate on minority rights. Will Kymlicka's writings are exponential to this debate: his philosophical-theoretical approach attempts to bridge the theoretical gap between the liberal and communitarian views by bringing together minority rights and liberal claims for equality.<sup>1</sup> One of Kymlicka's key arguments is that liberalism encloses a communitarian-type propelling force, which does not challenge the individualistic liberal outlook. Kymlicka, in fact, argues that liberal democratic theory needs to integrate "group-

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<sup>1</sup>Will Kymlicka, *Liberalism, Community and Culture* (Oxford, UK: Clarendon Press, 1991).

Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995).

Will Kymlicka and Ian Shapiro (eds.), *Ethnicity and Group Rights* (New York: New York University Press, 1996).

Will Kymlicka (ed.), *The Rights of Minority Cultures* (New York: New York University Press, 1996).

specific” rights, as they ensure a type of substantial equality that is a pre-requisite for the respect of individual human rights.

The form under which minority rights are institutionalized continues to pose challenging questions in terms of territorial-institutional arrangements in multiethnic states. Similar questions are also relevant at a supranational level, particularly so for the current political and economic processes unfolding at the EU level. Additionally, although international provisions do not acknowledge or regulate *collective* minority rights, it has often been emphasized that the standards that they set forth in international treaties and conventions are a mere minimum which the signatory states should recognize and promote.

Relevant scholarship in the field of minority rights has so far revealed that the immensely complex ethnic, cultural, religious and linguistic mosaic present in Europe (as well as elsewhere) precludes across-the-board solutions to accommodating diversity. Definitive theoretical or practical solutions to accommodating diversity have thus been problematic due to an underlying predicament: the hitherto irreconcilable stances of minority claims for autonomy and majority defense of state territorial integrity. Comprehensive overviews have been done on the evolution of these principles and on their theoretical and practical implications.<sup>2</sup>

On a more specific level, scholarship in the field has also debated whether the existing “Western models” of ethnocultural accommodation can serve as appropriate

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<sup>2</sup> See Hurst Hannum, *Autonomy, Sovereignty and Self-Determination: The Accommodation of Conflicting Rights* (Philadelphia: University of Pennsylvania Press, 1990).

See also Ruth Lapidot, *Autonomy: Flexible Solutions to Ethnic Conflicts* (Washington: Unites States Institute for Peace, 1997). Ruth Lapidot undertakes to deconstruct *autonomy* while implying that it is “a means for diffusion of powers in order to preserve the unity of a state while respecting the diversity of its population” (p. 3). The issues Lapidot addresses range from theoretical considerations on minority rights and on the institutional forms that most effectively implement the decentralization of power (federalism, self-government, self-administration) to empirical analyses of more or less successful cases of autonomy in Europe and elsewhere.

examples for similar processes in Central and Eastern Europe.<sup>3</sup> One of the case studies that may yield significant findings is the evolution of the process of interethnic accommodation in post-communist Romania. Notable studies have challenged arguments that call for new models of interethnic accommodation to fit circumstances specific to Central and Eastern Europe and have argued that the Hungarian minority in Romania has caused the Romanian state to face a challenge that is not unlike other situations in “the West”.<sup>4</sup>

Noteworthy studies have also explored the wide range of difficulties posed by the attempts at accommodation of diversity. They have extensively dealt with the status of national and religious minorities in Romania, the influence that the Hungarian party’s participation in government has had on Romania’s democratization process, and have outlined model of reconciliation between the Romanian majority and the Hungarian minority.<sup>5</sup> Additionally, extensive articles have also explored the form that minority claims for rights have taken in post-communist Romania.<sup>6</sup> Significant pieces have analyzed the evolution of interethnic reconciliation, the legal framework for minority rights, majority and

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<sup>3</sup> Will Kymlicka, Magda Opalski (eds.), *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe* (New York: Oxford University Press, 2001).

<sup>4</sup> Gabriel Andreescu, “Universal Thought, Eastern Facts: Scrutinizing National Minority Rights in Romania”, in Will Kymlicka and Magda Opalski (eds.), *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*, (New York: Oxford University Press, 2001).

<sup>5</sup> G. Bădescu, M. Kivu, M. Robotin (eds.), *Barometrul Relațiilor Etnice 1994-2002. O perspectivă asupra climatului interetic din România [Barometer of Ethnic Relations 1994-2002: A Perspective on the Interethnic Climate in Romania]* (Cluj: CRDE, 2005).

Marian Chiriac, *Provocările diversității. Politici publice privind minoritățile naționale și religioase în România [Challenges of Diversity: Public Policies Relating to National and Religious Minorities in Romania]* (Cluj: EDRC, 2005).

Monica Robotin, Levente Salat (eds.), *A New Balance: Democracy and Minorities in Post-Communist Europe* (Budapest: Open Society Institute, 2003).

Levente Salat, “Forme de autonomie și condițiile de realizabilitate ale acestora” [“Forms of Autonomy and the Conditions of their Fulfillment”], in *Alterra* No. 29, Year XII, 2006, pp. 37- 50.

<sup>6</sup> See Gabriel Andreescu and Renate Weber, “Evolutions in the UDMR Conception on Hungarian Minority Rights”, supplement of the *Romanian Review for Human Rights* (Bucharest: Center for Human Rights APADOR-CH, 1995).

See also Gabriel Andreescu, Valentin Stan, Renate Weber, *Study of the Conception of Democratic Alliance of Hungarians in Romania on the Rights of National Minorities: A Critical Analysis of UDMR Documents* (Bucharest: APADOR-CH, 1995).

minority identity politics, the nexus formed by Romania's policies towards its Hungarian minority and Hungary's kin-state policies; subsequently, possible solutions for ethnocultural accommodation have been advanced.<sup>7</sup>

### ***The Research Question***

Notwithstanding their valuable findings, these studies have neglected a structured and thorough analysis of the key factors that have shaped and shifted minority and majority political discourse on minority rights. It is this gap in existing research on state-minority groups relations in post-1989 Romania that this paper attempts to fill.

In the case study set forth in this paper, one of the most prominent minority claims has been for language and education rights. Throughout the ongoing process of ethnocultural accommodation, *language* has been one of the major bones of contention. It has epitomized the need for the cultural reproduction of minorities, which in certain instances the Romanian nationalizing state has seen as threatening. It is due to the political and symbolic significance of the 'politics of language' that I have chosen language and education rights as the main focus of study in this paper.

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<sup>7</sup> Zoltán Kántor, "Nationalizing Minorities and Homeland Politics: The Case of the Hungarians in Romania", in Balázs Trencsényi et al. (eds.), *Nation-Building and Contested Identities: Romanian & Hungarian Case Studies* (Budapest : Regio Books, 2001), pp. 249-275.

Zoltán Kántor, Nandor Bardi, "UDMR și coaliția guvernamentală (1996-2000)" ["DAHR and the Governmental Coalition"], in *Sfera Politicii*, No. 97-98/ 2001.

Dragoș Petrescu, "Can Democracy work in Southeastern Europe? Ethnic Nationalism vs. Democratic Consolidation in Post-Communist Romania", in Balázs Trencsényi et al. (eds.), *Nation-Building and Contested Identities: Romanian & Hungarian Case Studies* (Budapest: Regio Books, 2001).

Levente Salat, Smaranda Enache, *Romanian-Hungarian Relations and the French-German Reconciliation* (Cluj: EDRC, 2004).

Martin Brusis, "The European Union and Interethnic Power-sharing Arrangements in Accession Countries", in *Journal on Ethnopolitics and Minority Issues in Europe*, Issue 1/ 2003.



Only recently has comprehensive research addressing linguistic diversity began to emerge.<sup>8</sup> In Romania, theoretical or empirical studies of the impact of this form of diversity on interethnic accommodation have been little researched.<sup>9</sup> This appears to conflict with the importance that the ethnic Hungarian elites have persistently attached to language and education claims as a core identity-profiler for the Hungarian minority. Majority reactions to such claims have triggered intense debates throughout the post-communist period, which is indeed another argument that favors the study of Romania's language policies.

Minority and majority discourses on language and education rights have interlocked to form a nexus that has shaped the process of interethnic reconciliation in post-communist Romania. Contrary to its significant implications, surprisingly little research has been done into how minority and majority parties' discourses have interacted and shaped this negotiation process.

More precisely, the aim of this research is twofold: firstly, to identify the main *factors* that have positively shaped and shifted majority and minority rhetoric on minority rights (language and education rights in particular) in post-1996 Romania; and secondly, to detect the *limits* of the relatively accommodating majority stances on minority rights. I analyze these interlocking aspects by comparatively deconstructing majority and minority rhetoric

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<sup>8</sup> Will Kymlicka, Alan Patten (eds.), *Language Rights and Political Theory* (Oxford: Oxford University Press, 2003).

<sup>9</sup> Noteworthy exceptions are the following articles:

Zsuzsa Csergő, "Beyond Ethnic Division: Majority-Minority Debate About the Postcommunist State in Romania and Slovakia", in *East European Politics and Societies*, Vol. 16, No. 1, 2002, pp. 1-29.

Stephen Deets, "Reconsidering East European Minority Policy: Liberal Theory and European Norms", in *East European Politics and Societies*, Vol. 16, No. 1, 2002, pp. 30-49.

István Horváth, "Facilitating Conflict Transformation: Implementation of the Recommendations of the OSCE High Commissioner on National Minorities to Romania, 1993-2001", Working Paper 8, Institute for Peace Research and Security Policy at the University of Hamburg, 2002, at [http://www.core-hamburg.de/CORE\\_english/core.htm](http://www.core-hamburg.de/CORE_english/core.htm).

Stephen Deets, "Reconsidering East European Minority Policy: Liberal Theory and European Norms", in *East European Politics and Societies*, Vol. 16, No. 1, 2002, pp. 30-49.

into several key patterns, as I suggest that only when comparatively studied can the two discourses yield significant implications for both academic and policy-making purposes.

The main reason for conducting this research lies with the impact of ethnonational discourse on popular mobilization. Prior to 1989, the discourse of the *nation* was a major legitimating tool for the Romanian national communists. The first six post-communist years have displayed a clear line of continuity both in terms of nationalist discourse and the presence of recycled second-rank communists on the political arena: *ethnicity* thus continued to be a key identity-marker used for power-preservation purposes until the 1996 elections (and arguably after 1996). This paper only sketchily analyzes rhetoric patterns throughout this initial period, while focusing on the main questions: *why* the conversion toward more a accommodating stance on minority rights occurred, *how* they have reflected in majority and minority rhetoric, and *what* the limits of this process are to date.

Such an undertaking is relevant for the Romanian case (with potentially wide-ranging results) when attempting to assess why the initially conflictual interethnic relations between the Romanians and the ethnic Hungarians did not result in violent conflict, but has instead developed into a negotiated framework for minority rights.

Attempting to answer these questions, the present analysis reveals that EU conditionality and political alliances are two key factors that have been conducive to relatively accommodating stances on minority rights; a second level of analysis suggests that neither of these factors have positively impacted on the majority's will to accommodate minority demands for cultural or territorial autonomy. The paper does not claim these to be the only relevant factors, but minority and majority discourse have indeed most visibly reflected these rather than others.

To clearly define the terms that I work with, by “minority” rhetoric I mean that of the Democratic Alliance of the Hungarians in Romania (UDMR – the major representative party of the Hungarian minority).<sup>10</sup> My reason for singling out the Hungarian community is a result of the fact that – through its party – it has had the most articulated minority political voice.<sup>11</sup> UDMR has been the key minority party with whom Romanian majority parties have negotiated the granting of minority rights.

By “majority”, this paper refers to the main Romanian political parties, which it divides in three categories: the radical nationalistic parties - PRM (Greater Romania Party) and PUNR (National Unity of the Romanians Party); the “moderately” nationalistic parties - PDSR (Party of Social-Democracy); and the moderate supporters of minority rights - PNȚCD (National Christian Peasant Party), PNL (National Liberal Party), and PD (Democratic Party).

### ***Methodology and Conceptual Framework***

This research attempts to answer the aforementioned question by analyzing why and how minority and majority rhetoric on minority rights shifted to a more cooperative axis (1996-2004), followed by a retrenching of majority concessions to minority claims (2004 onwards). I analyze how political discourse is constructed after it goes beyond its target of convincing voters and focuses on that of transforming political demands into legal measures and political action. For these purposes, I use the following methodological tools.

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<sup>10</sup> UDMR was established in December 1989, immediately after the fall of the communist regime.

<sup>11</sup> According to the 2002 census, Romania’s two largest national minorities are the Hungarian (6.6%) and the Roma communities (2.5%). According to unofficial estimations, however, the Roma minority is considerably larger than the 2002 census reports. Also, the German and Ukrainian minority respectively amount to 0.3% of Romania’s total population; the remaining national minorities represent less than 0.2% of the total population.

Norman Fairclough has expanded the so-called “second generation” of discourse theory. Following Norman Fairclough’s contention, I examine how social transformations permeate discourse.<sup>12</sup> The method of analysis that I thereby propose (Critical Discourse Analysis) surpasses the traditional ways of interpreting a text only through a mere language analysis and recognizes that discourse is context-dependent. By extending this statement, one may perceive political discourse as the mirror image of the transformations that a society constantly undergoes.

I see political discourse as inherently interlinked with the political, social, cultural and context that it emerges in. As such, I treat discourse both as a catalyst and also as a reflection of politically relevant events. The discourses of the *nation* of the Romanian majority and the ethnic Hungarian minority have been mutually challenging; following an initial period of uncompromising stances, both discourses reacted to domestic and international factors and underwent a significant process of adjustment which resulted in Romania’s present constitutional, legal and institutional structure for minority protection. By tracing and critically analyzing the shifts in minority and majority rhetoric, the present analysis shows how the rhetorical patterns used by both majority and minority political parties have outlined ethnicity as a key identity-profiler in post-communist Romania.

The discourse of the nation in post-1989 Romania cannot be de-contextualized, as the post-communist political arena included many former second rank communists who – in search for a new legitimacy to coat their old political habits - appealed to a convenient

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<sup>12</sup> Norman Fairclough, *Discourse and Social Change* (Cambridge: Polity; Malden, MA: Blackwell, 1993).  
 Norman Fairclough, *Critical Discourse Analysis: The Critical Study of Language* (London: Longman, 1995).

manipulation tool of “reconstituting political legitimacies, of seeking to construct moral authority for one’s own party and undermine that of others”.<sup>13</sup>

My approach to the patterns and mechanisms of minority and majority rhetoric entails a perspective that views these ethnic groups through the lenses of their political representatives. Along these lines, the following two paragraphs will outline the second key tool of this paper’s conceptual framework.

The general structure of the paper is made more thorough owing to a conceptual framing proposed by Rogers Brubaker, which is relevant in the case of post-communist Romania.<sup>14</sup> Brubaker envisages the “triadic nexus” as the interlocking relation between the active stances of nationalizing states, national minorities and external national homelands. For the purposes of this paper, I acknowledge the significance of the third player (Hungary in the case under discussion), but I argue that there has been another external factor that has impacted on state-minority groups relations: the prospects for EU integration. I propose a framework of analysis that envisages the Hungarian minority and Romanian majority as having *nationalizing political representatives*, not as displaying homogeneous nationalizing stances themselves. It is not my main focus to show that the rhetoric stances of majority and minority political parties have nationalizing features. Rather, I intend to show that the active stances aimed at rhetorically upholding ethnicity as a major identity-profiler reflect such “nationalizing” drives for both minority and majority political actors. Brubaker defines the essential features of a *national minority* as follows: 1. “the public claim to membership of an

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<sup>13</sup> Katherine Verdery, “Nationalism and National Sentiment in Post-Socialist Romania”, In: *Slavic Review*, Vol. 52, No. 2, Summer 1993, pp. 179- 203, at <http://www.jstor.org/view/00376779/di000555/00p0088a/>, visited in March 2007.

<sup>14</sup> Brubaker interprets the post-1989 virulent nationalist tensions as undergoing a restructuring stage and focuses on the triadic nexus linking dynamic political processes involving “national minorities”, “nationalizing states” and “external national homelands”; Brubaker interprets this “restructuring” as having been prompted by the discrepancy between cultural and political borders. See Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press, 1996), pp. 55- 79.

ethnocultural nation different from the numerically or politically dominant ethnocultural nation”; 2. the demand for state recognition of this distinct ethnocultural nationality”; and 3. “the assertion [...] of certain collective cultural and political rights”.<sup>15</sup>

For the purposes of this paper, I view the aforementioned three features as being shaped and articulated by minority ethnic parties (regardless of whether they represent minority group demands or not). I thus infer that only when politically voiced in an effective way can demands of national minorities result in the recognition and promotion of rights. In view of that, discourse becomes a prime tool that draws together three coordinates: national minority groups, their political representatives and the political representatives of the ethnic majority. The rhetorical devices of nationalizing political actors are thus critical for the discursive (re)construction of ethnic groups as thoroughly consistent units. It is as a result of these implications that this paper considers the stances of the Hungarian party as displaying *nationalizing* tendencies, aimed at the recognition and promotion of minority rights. Similar inferences are to be made about Brubaker’s concept of “nationalizing state”.<sup>16</sup> For the purposes of this paper, I extract from Brubaker’s definition the “party” variable, and I argue that the Romanian majority political parties (to different degrees) have swerved away from an overt nationalizing rhetoric to a relatively accommodating one. As this paper argues, the decline in minority and majority parties’ nationalizing politics has been wrought by both external and domestic factors.

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<sup>15</sup> Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press, 1996), p. 60.

<sup>16</sup> Brubaker defines a “nationalizing state” as being a “dynamically changing field of differentiated and competitive positions or stances adopted by different organizations, parties, movements, or individual figures within and around the state, competing to inflect state policy in a particular direction, and seeking [...] to make the state a ‘real’ nation-state, the state of and for a particular nation”. See Brubaker, *Nationalism Reframed*, p. 66.

The third conceptual tool that lies at the basis of my research: Kymlicka and Alan Patten have codified language rights/ policies under the following four general patterns: 1. “tolerance VS. promotion-oriented rights”; 2. “norm-and-accommodation VS. official-languages rights regimes”; 3. “personality VS. territoriality rights regimes”; and 4. “individual VS. collective rights.”<sup>17</sup> Drawing from this taxonomy, I argue that the Romanian state has aimed at institutionalizing an assorted type of language policy that can be classified as a “personality - individual rights regime”. Conversely, the Hungarian minority’s political representative has rhetorically argued for a “territoriality - collective rights regime”. Kymlicka and Patten identify as examples of language rights based on the territoriality principle countries such as Belgium and Switzerland. Ethnic Hungarian elites have occasionally mentioned Switzerland as a model of ethnocultural accommodation, which in their view may be fit for the Romanian case. Conversely, ethnic Romanian elites have resolutely rejected a federal type of institutional and territorial reorganization.

However, once the majority - minority negotiation process emerged (in 1996), the result was the gradual implementation of a regime that can best be defined as a “norm-and-accommodation rights regime”. As follows, in the Romanian framework, this ideal-type of

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<sup>17</sup> See Will Kymlicka, Alan Patten (eds.), *Language Rights and Political Theory*, p. 26. According to the authors:

1. “tolerance rights are protections individuals have against government interference with their private language choices”; “promotion-oriented rights involve the use of a particular language by public institutions”;
2. “norm-and-accommodation approach[...] could take a variety of forms” and it means that “special accommodations are [...] made for people who lack sufficient proficiency” in the official language; “the official language approach [...] is to designate certain selected languages as ‘official’ and then to accord a series of rights to speakers of those languages”;
3. “the personality principle is the principle that citizens should enjoy the same set of official language rights no matter where they are in the country; the “territoriality principle” means “that language rights should vary from region to region according to local conditions”;
4. “individual language rights is one that an individual can claim irrespective of the number of co-linguists residing in the state or jurisdiction that is relevant to the exercise of the right”; “a collective language right [...] is one that is triggered only when some threshold level of demand for the service or accommodation is reached”.

regime has taken the form of a single official language (Romanian) that is used predominantly in the public sphere. However, the official language is complemented under certain specific circumstances by the public use of minority languages. Such conditions are specified in the legal items that this paper will subsequently analyze: the Romanian Constitution (the 2003 revised version), by the Law on Education (pursuant to the 1997 and 1999 amendments) and by the Local Public Administration Law (2001).

The fourth conceptual tool that I use is the taxonomy set forth by Stephen Deets and Sherrill Stroschein, who argue that while language rights are “a means to integrate members of minorities more fully into the polity”, education rights “can be a way of separating minorities from the majority and to replicate minority culture”.<sup>18</sup> As this paper will subsequently show, a logical inference of this conceptual division – exemplified by the Romanian case – is that majority elites are considerably more reluctant in granting education rights (especially those that regard higher education in minority languages) than language rights<sup>19</sup>. However, I deem that in practical terms, a strict separation between language and education rights may not be as straightforward.

Finally, the empirical methodological part of the present paper is composed of a semi-structured interview with Béla Markó’s State Counselor.<sup>20</sup> Although the interview questions addressed a wider spectrum of issues, I have included in this analysis only the answers that are relevant for its purposes.

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<sup>18</sup> Stephen Deets and Sherrill Stroschein, “Dilemmas of Autonomy and Liberal Pluralism: Examples Involving Hungarians in Central Europe”, in *Nations and Nationalism*, Vol. 11, April 2005, pp. 290- 1.

<sup>19</sup> It is noteworthy to add that both language and education rights are labeled as “assistance rights”, which are “claimed to help in overcoming obstacles to engaging in common practices” (According to Jacob Levy, “Classifying Cultural Rights”, in Ian Shapiro and Will Kymlicka, *Ethnicity and Group Rights* (New York: New York University Press, 1996), p. 29).

<sup>20</sup> The interview unfolded in April 2007. Since 1993 Béla Markó has constantly been reelected as UDMR president, and since 2004, he has been the State Minister for Coordinating Activities Related to Culture, Education and European Integration.



### ***The Structure of the Paper***

To lend it a more structured make-up, my analysis interrelates the main shifting stages in the evolution of minority and majority rhetorical patterns with the governing or parliamentary coalitions that have formed throughout four distinct periods: 1990-1996; 1996-2000; 2000-2004; and 2004-2007. Across these four periods, I single out the events that I deem to have activated more or less significant rhetorical shifts in either the majority or the minority rhetoric concerning minority rights. Subsequent to submitting brief guidelines on why these events have served as the landmarks for the process of ethnocultural accommodation in Romania, I draft their reflections in majority and minority rhetoric while analyzing how and why discourse has occasionally shifted. The aforementioned stages represent the change of governing parties and are determining for the way both majority and minority parties have argued for or against minority rights.

The first chapter briefly analyzes the patterns of pre-1996 minority and majority rhetoric and outlines the markers of the most conflictual period of interethnic relations in post-communist Romania. The second and third chapters constitute the focus of this paper and analyze minority and majority discourse on language and education rights by looking at the relevant provisions in Romania's Constitution and legal framework. The fourth chapter focuses on the realignment of minority and majority rhetorical stances since 2004 onwards, while pointing to a retrenchment in the majority will to concede to minority demands for cultural and territorial autonomy. The concluding section summarizes the main findings, while pointing to their relevance for the broader research field of politicized ethnicity and its effects on state - minority groups relations.

## Chapter 1. CONFLICTING MINORITY AND MAJORITY RHETORIC: 1990-1996

This chapter intends to set forth a concise profile of majority and minority rhetoric on minority rights throughout the 1990-1996 interval, which was characterized by the sharpest divide between ethnic Romanian and ethnic Hungarian political elites. The main purpose of the present chapter is to sketch the background on which relatively accommodating rhetoric on linguistic and educational rights emerged.

One of the first post-communist documents was the Declaration on the Status of National Minorities.<sup>21</sup> Apart from displaying a tolerant discourse, the declaration openly avowed support for the “guarantee of individual and collective rights and liberties of all the national minorities”.<sup>22</sup> However, this apparent openness towards cultural and political pluralism implicitly identified an unflinching premise – the unity of the Romanian nation and of the national minorities in bringing down dictatorship. It is worth noting that the meaning of *unity* is rooted in national-communist rhetoric.<sup>23</sup>

A noteworthy statement was made in January 1990 by the first president of the Democratic Alliance of the Hungarians in Romania (UDMR).<sup>24</sup> The following statement is relevant for the type of minority rights demands that would later crystallize: the statement demanded for the rights of the Hungarians to be carried out “with due respect for the

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<sup>21</sup> The declaration was issued by FSN (the National Salvation Front being the self-constituted political organization that filled in the power vacuum that ensued after the fall of the Romanian communist regime in December 1989).

<sup>22</sup> Rompress, 6 January 1990, BBC World Service, Survey of World Broadcasts EE/0657 B/11 (9 January 1990), quoted in Tom Gallagher, *Romania after Ceaușescu* (Edinburgh: Edinburgh University Press, 1995), p. 76.

<sup>23</sup> “The revolution in Romania, an historic act of the entire people, of the Romanian nation and of the national minorities, attests to the unity and solidarity of all the homeland’s sons who have wished freedom and authentic democracy.” – FSN declaration, quoted in Tom Gallagher, *Romania after Ceaușescu*, p. 76.

<sup>24</sup> UDMR was established in December 1989.

territorial integrity and sovereignty of free and democratic Romania”.<sup>25</sup>

Regardless of these two balanced majority and minority statements, the upcoming months and years were to witness the increase in hostile rhetoric, as part of a chain of mutually determined actions and reactions. In fact, the FSN (National Salvation Front), PRM (Greater Romania Party) and PUNR (National Unity of Romanians Party) increase in anti-Hungarian rhetoric mirrored the escalation of UDMR rhetoric; the interplay between them led to the polarization of the Romanian political landscape.

### 1. 1. Minority Rhetorical Patterns

Following sharp internal debates, the “moderate wing” of UDMR took over the presidency of the party in 1993. The new president, Béla Markó (continuously reelected ever since), opted for a strategy of integration of the UDMR into the Romanian political framework, thus isolating more radical views. However, majority ethnonationalist rhetoric escalated and the main governing party (FSN) formed a governing alliance with the two radical nationalist parties (PRM and PUNR) during 1992-1995. As is shown below, UDMR proportionally increased its list of demands.

The Hungarian minority was represented as a “state constitutive factor”, “an equal partner of the Romanian nation”.<sup>26</sup> Alongside, one constant rhetorical pattern of the UDMR throughout the post-communist period has been the referral to international documents relevant for minority rights. A second one has been the demand for “individual and collective rights”<sup>27</sup> for Romania’s national minorities. These two persistent rhetorical themes of UDMR

<sup>25</sup> Rompress, 11 January 1990, Survey of World Broadcasts EE/006 B/13 (19 January 1990), quoted in Tom Gallagher, *Romania after Ceaușescu*, p. 78.

<sup>26</sup> 1993 UDMR Program, following the 3rd UDMR Congress (15-17 January 1993), in *UDMR Documents: 1989-1999* (Bucharest, 1999).

<sup>27</sup> 1993 UDMR Program, in *UDMR Documents: 1989-1999* (Bucharest, 1999).

have been incorporated into a more general structure: *internal self-determination*. Generally employing key words such as “tolerance”, “solidarity”, “national reconciliation”, UDMR codified its claims for linguistic and educational rights as configuring the “unconditional recognition”<sup>28</sup> of minority rights under a legal and institutional *autonomy*-granting framework.

The Hungarian party’s claim for “collective rights” has persistently stirred hostile rhetoric. This analogy frames UDMR claims for the administrative decentralization and the unrestricted use of minority languages at all levels of education. Demands for “collective rights” and “autonomy” were also prioritized in the UDMR 1996 Electoral Program as means of ethnic, linguistic and religious identity preservation. Ethnic Hungarian elites envisioned the institutional representation of their claims as being

Within the framework of international standards on individual human rights as well as within the framework of certain *collective rights* [my italics], [and of] functional and institutionalized forms of autonomy<sup>29</sup>.

However, this program’s provisions should be analyzed while looking at UDMR electoral politics, which aimed at vote maximization. In fact, during the 1996-2000 electoral cycle, *autonomy* has not been a prominent theme in the Hungarian party’s rhetoric. Rather, UDMR discourse throughout that period focused extensively on demands for minority linguistic and educational rights. However, UDMR claims for higher education in the Hungarian language assumes a form of (educational) autonomy.

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

## 1. 2. Majority Rhetorical Patterns

One of the key majority rhetoric themes in the early 1990s and intermittently later on warned against *external involvement* in Romania's internal affairs, allegations which were usually coupled with determinate support for Romania's *unity and territorial integrity*. A third interconnected rhetorical pattern of both the ultranationalist parties and the more moderately nationalist ones was that *Romania already offered extensive rights* to its minorities; this pattern readily projected an extremist outlook on UDMR demands, which was incriminated for asking for alleged "privileges" for the Hungarian community.

Benefiting from decades of national communist indoctrination concerning national sovereignty, Romania's early post-communist leaders continued to manipulate national identity as a primary political resource. It is striking that evaluating the foremost patterns displayed by Romanian communist discourse and those of the radical and moderately nationalistic parties (PRM, PUNR, FSN), one finds more similarities rather than differences.

The foremost national communist rhetorical patterns were the following: *full equality* between all Romania's nationalities; ancient *unity and solidarity* of the Romanian people (inclusive of nationalities); the perceived threat of *reactionary external interferences* for Romania's territorial integrity and sovereignty.<sup>30</sup> Placing these patterns next to the previously mentioned nationalist majority patterns during the early 1990s, one is struck at their likeness.

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<sup>30</sup> I have extracted these three major national communist rhetorical patterns concerning the Romanian nation and its "co-inhabiting nationalities" from the following collections of Nicolae Ceaușescu's discourses:

1. Nicolae Ceaușescu, *Romania on the Way of Completing Socialist Construction: Reports, Speeches, Articles*, Vol. I (Bucharest: Meridiane Publishing House, 1969).
2. Nicolae Ceaușescu, *Romania on the Way to Building Up the Multilaterally Developed Socialist Society*, Vol. IV& V (Bucharest: Meridiane Publishing House, 1971).
3. Nicolae Ceaușescu, *Solving the National Problem in Romania [Soluționarea problemei naționale în România]*, (Bucharest: Ed. Politica, 1979).
4. Nicolae Ceaușescu, *Națiunea și naționalitățile conlocuitoare în epoca contemporană [The Nation and the Co-inhabiting Nationalities in the Contemporary Age]* (Bucharest: Ed. Politica, 1983).

The conclusion that emerges is that “continuity as much as change was a hallmark of the Iliescu regime”.<sup>31</sup>

One of the first steps taken towards a marked nationalist slide in early post-communist Romania was the establishment of an ultranationalist organization – the Romanian Hearth Union (Uniunea Vatra Românească). This was a self-termed “cultural organization” which was “able to call upon formidable resources in order both to block Hungarian demands and to depict them as threatening the territorial survival of Romania”.<sup>32</sup> The Romanian Hearth was formed in February 1990 as a reaction to UDMR and played a significant role in the escalation of the violent interethnic clashes in Târgu Mureş (March 1990). PUNR was established as the political form the Romanian Hearth in March 1990.

Vague enough, and yet inflaming enough, the rhetoric prompting the re-awakening of insecurities within the Romanian collective psyche would come to represent one of the hallmarks of FSN, PRM and PUNR rhetoric concerning national minorities and their demands for rights. I single out just one telling example:

Many disquieting phenomena have been brought to our attention recently from certain Transylvanian counties in connection with separatist trends which cause tension between citizens of Romanian and Hungarian nationality.<sup>33</sup>

Despite the initial promising approach between the Romanian majority and the Hungarian minority, relations grew steadily apart, while rhetoric escalated in intensity and the Romanian side proved unwilling to implement its initially generous discourse of minority rights. It became obvious that the nationalist strategy for mobilizing support was irreconcilable with the promotion of minority rights, be they individual or collective. In

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<sup>31</sup> Tom Gallagher, *Romania after Ceauşescu*, p. 81.

<sup>32</sup> Tom Gallagher, *Romania after Ceauşescu*, p. 80.

<sup>33</sup> Rompress, 27 January 1990, Survey of World Broadcasts EE/ 0676 B/11 (31 January 1990), quoted in Tom Gallagher, *Romania after Ceauşescu*, p. 83.

majority nationalist rhetoric, granting rights to minorities was tantamount to taking rights from the majority.

Romania's historical democratic parties (PNȚCD, PNL) - revived in the early months of 1990 - were more rhetorically restrained and hesitated in taking a clear stand on the minority rights issue. As with the other majority parties, the priority in first post-communist years was that of consolidating a popular basis that would offer the party's political platform legitimacy. Minority rights did not rank high on either of the majority parties' lists of priorities, especially as years of communist indoctrination had left a significant mark on interethnic relations in Romania.

The most important 'democratic opposition' party after the 1990 and 1992 elections was PNȚCD (National Christian Democratic Peasant Party). The opposition coalition that functioned between 1991-1996 in parliament (Democratic Convention in Romania - CDR) was shaped around PNȚCD. Despite it being a historical party, it gradually lost its standing on the Romanian political scene until virtually disappearing after the 2000 elections. The CDR coalition also included the UDMR, PAC (Party of the Civic Alliance) and PNL (National Liberal Party).

Due to the internal differences that gradually crystallized, the CDR members failed to have a united stance on many issues. One of these was the attitude towards the UDMR and its demands for minority rights. PNȚCD and PNL displayed ambiguous rhetorical patterns regarding the UDMR claims. This political line was not only determined by the interaction with UDMR, but also by the reaction to other majority parties. To exemplify, the rhetoric of the ultranationalist parties often argued that the historical parties were "anti-national".

PNȚCD and PNL often reacted to these rhetorical provocations and avoided taking a resolute stand regarding minority rights

The wavering duality of CDR's approach to minority rights and to its political partnership with UDMR continued until 1995, when the Convention took a more determinate stand by rejecting any collaboration with UDMR unless the ethnic Hungarian elites acknowledged to abide by Romania's Constitution. As a result of the CDR ultimatum, UDMR left the coalition in early months of 1995. PNȚCD also showed signs of resilience towards the incorporation of Recommendation 1201 in the Bilateral Treaty, as it considered it to open the door for Hungarian requests of local autonomy based on ethnic criteria and collective rights.<sup>34</sup>

### 1. 3. Landmarks of Irreconcilable Rhetoric Stances

The first marker of interethnic relations in post-communist Romania was the adoption of the 1991 Constitution. Some of its articles clearly set forth an ethnic definition of the Romanian nation, while others have been given different readings by the ethnic Hungarian and the Romanian nationalizing elites respectively. The definition of the Romanian nation that is constitutionally enshrined and the minority-relevant provisions (even after the 2003 revision) fall under the scope of what Robert M. Hayden has termed *constitutional nationalism*.<sup>35</sup> a constitutional and legal framework that offers more privileges to the members of the ethnic majority rather than placing all the state's citizens on an equal level. On this note, one of the constant UDMR rhetorical patterns has been to incriminate constitutional and other legal

<sup>34</sup> According to the press release of the party's spokesman, Radu Vasile (11 April 1995), quoted by Gabriel Andreescu, *Națiuni și minorități* [Nations and Minorities] (Iași: Polirom, 2004), p. 222.

<sup>35</sup> Robert M. Hayden, "Constitutional Nationalism in the Formerly Yugoslav Republics", in *Slavic Review*, Vol. 51, No. 4, Winter 1992, pp. 654-73, at <http://www.jstor.org/view/00376779/di000553/00p0005d/>, visited in May 2007.



provisions as codifying the members of Romania's national minorities as "second-rank citizens".

Both the 1991 and the 2003 versions of the Constitution define the state as being "national" (art. 1.1), while "National sovereignty belongs to the Romanian people" (art. 2.1). This represents the constitutionalized endorsement of the members of the Romanian ethnic majority being at the basis of the Romanian state. Bearing this in mind, sovereignty belongs to the *Romanian people*, a concept that is not indistinguishable from the *Romanian citizens*. Along these lines, Art. 58 stipulates that the Romanian Parliament is the supreme representative of the "Romanian people".<sup>36</sup> Still, an important difference is to be noted: while under the guiding lines of the 1991 Constitution "the state has at its basis the unity of the Romanian people" (art. 4.1), the 2003 Constitution adds that the state is also founded on "the solidarity of its citizens" (art. 4.1). UDMR has staunchly opposed the adoption of the aforementioned provisions: party elites argued that they constitutionalized the discriminatory ethnic definition of the Romanian nation.

The other two significant profilers of interethnic relations at the elite level (along with the Constitution) were the 1991 Local Public Administration Law (1991) and the 1995 Law on Education. Both were restrictive in what concerns minority linguistic and educational rights. UDMR took a public stance on both occasions, but their objections to the Education Law were more prominent from a rhetorical viewpoint. UDMR also persistently argued that linguistic and educational rights are the key channels through which the cultural specificity of the Hungarian community in Romania can be preserved. These claims have been an essential and constant UDMR discursive pattern, discernible throughout the post-communist period, irrespective of government changes and political alliances. UDMR fervently opposed the

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<sup>36</sup> <http://www.constitutia.ro/const1991.htm>, visited in May 2007.

passing of the draft bill that eventually became a law in 1995. Ethnic Hungarian elites claimed that

The dispositions of the draft, compared to the law on education of the Ceausescu regime (Law 28/1978), can be considered as a backward step in native-language education, as it indicates the forced assimilation of national minorities [...].<sup>37</sup>

A fourth defining moment for the shift in focus of minority and majority rhetoric was the signing of the Bilateral Treaty between Romania and Hungary (1996). The treaty was signed under the moderately nationalistic government of PDSR. One of the major bones of contention was Romania's resilience to incorporate "Recommendation 1201"<sup>38</sup> into the Treaty. In an agreement that unified the political spectrum, Romanian majority parties considered that Articles 11 and 12 of the Recommendation represented a threat directed at Romania's political stability and security. Articles 7 and 8 were also noteworthy for the Romanian case, as they refer to the practice of using minority languages in education, administration, and justice.

The Romanian and Hungarian parties agreed on an additional section to the Treaty, which stated that Recommendation 1201 did not refer to the granting of collective rights in the form of territorial autonomy based on ethnic criteria.

Bilateral relations between Romania and Hungary were subjected to strenuous periods during the first six years of post-communism. The main disagreement regarded the different views on the status of the Hungarian minority in Romania. However, Euro-Atlantic

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<sup>37</sup> "Restrictions and Discrimination in the Draft Law on Education Adopted by the Romanian Chamber of Deputies", in *UDMR Documents: 1989-1999* (Bucharest, 1999).

<sup>38</sup> Full text of 1993 Council of Europe Recommendation 1201 on an Additional Protocol on the Rights of National Minorities to the European Convention on Human Rights at <http://assembly.coe.int/Documents/AdoptedText/ta93/EREC1201.HTM>, accessed in May 2007.

integration started to become a key target for both Romania's and Hungary's foreign politics agenda, which also considerably impacted on the domestic politics concerning minorities.

UDMR rhetorically argued that the Bilateral Treaty would entail a mutual agreement that the rights of minorities are ensured in such a way that they can

[...] make decisions in an autonomous way and in adequate lawful forms in order to preserve, promote their identity, to implement these decisions through their own independent institutions and to cooperate in decisions taken by the government concerning their identity and to take an active part in the carrying out of these decisions.<sup>39</sup>

UDMR rhetoric on this occasion has been consistent with the patterns exhibited during 1990-1996, as it has re-emphasized one of the defining claims ethnic Hungarian elites have made throughout the post-communist period: the right to the use of minority languages at all levels of education, in administration, in the judiciary, and in the public media. "Collective rights" were explicitly emphasized by UDMR rhetoric, which contributed to the widening gap between its representatives and those of the majority parties. The political context reflected in UDMR rhetoric, which the party used to further advance its demands. UDMR rhetoric at the time increasingly antagonized majority rhetoric. The following example is just one such illustration:

The parties will ensure to persons belonging to the Hungarian minority in Romania and for their associations and organizations the possibility for a many-sided, free and direct contact with the citizens of the Hungarian Republic and public institutions of Hungary.<sup>40</sup>

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<sup>39</sup> "Position of the Democratic Alliance of Hungarians in Romania on the Romanian-Hungarian Bilateral Treaty", August 1994, in *UDMR Documents: 1989-1999* (Bucharest, 1999).

<sup>40</sup> Ibid.

A revealing example of how the Romanian political leaders then in power perceived the situation is a selection from one of President Ion Iliescu's<sup>41</sup> interventions on this topic. He clearly emphasized that the rights granted to the Hungarian minority were in agreement with the fundamental human rights stipulated by the Romanian Constitution and also upheld by a comprehensive legal framework and European standards. However, such provisions “were not to be negotiated with any state”, including Hungary.<sup>42</sup>

PRM rhetoric has been particularly vituperating. In several of his interventions in the plenum of the Senate meeting of 13 February 1995, Corneliu Vadim Tudor (PRM president since 1990) incriminated UDMR as threatening Romania's national security. Vadim Tudor incriminated alleged “Horthyst” policies as diabolical, menacing and astute strategies forcefully directed against the “Romanian national unitary state”. PRM has shown remarkable persistence in rhetorically claiming that “invisible foreign forces” contrived and used UDMR to finalize abstruse objectives.

By having briefly sketched the conflicting nature of minority and majority rhetoric during 1990-1996, I have aimed at outlining the starting point of interethnic relations in post-communist Romania. The next chapter will thoroughly tackle why and how the minority and majority political actors have reconsidered their political stances on minority rights and have relatively converged toward more accommodating stances after the 1996 elections.

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<sup>41</sup> Ion Iliescu has been a prime political figure of the post-communist arena. He was the FSN (which was later to become the Social-Democratic Party) leader and Romania's President during 1990-1992, 1992-1996, and 2000-2004.

<sup>42</sup> As quoted in Gabriel Andreescu, “Recomandarea 1201, drepturile minorităților naționale și dezbaterile publice din România”, II, in *Revista Română de Drepturile Omului*, No. 8/ 1995, p. 45.

## Chapter 2. THE POST-1996 RHETORIC SHIFT: The Hungarian Party's Claims For Language and Education Rights (1996 – 2004)

The aim of this chapter is twofold: firstly, it examines the legal provisions that are relevant for minority language and education rights in post-communist Romania; secondly - surveying the parliamentary debates concerning the Law on Education and the Local Public Administration Law - it analyzes the key minority rhetorical patterns on language and education rights. Chapter 3 analyzes discursive reactions of the majority.

There are also other significant provisions regarding minority language use in Romania, but they come to supplement the basis that has been created through the Constitution, the Education Law and the Local Public Administration Law: the Audiovisual Law,<sup>43</sup> the Law on the Status of Policemen,<sup>44</sup> the Law on the Status of the Public Service Employees,<sup>45</sup> and the Law for the Prevention and Sanctioning of All Forms of Discrimination.<sup>46</sup> Note must be made of the fact that the asymmetry that arises from analyzing the rhetoric of one minority party and of six majority parties is a reflection of the Romanian political spectrum.

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<sup>43</sup> Law No. 504/ 2002, at <http://www.srr.ro/despre/legi/audiovizual.htm>, visited in May 2007. Article 82. 4 stipulates that “[i]n the localities where a national minority is larger than 20%, the distributors will ensure the transmission in that minority’s language of the programs that are available for retransmission”.

<sup>44</sup> Law No. 360/ 2002, at [http://www.cnpromania.ro/mambo/index.php?option=com\\_content&task=view&id=90&Itemid=68](http://www.cnpromania.ro/mambo/index.php?option=com_content&task=view&id=90&Itemid=68), visited in May 2007. Article 79 ensures that “in the territorial-administrative units where the persons belonging to national minorities exceed 20%, policemen who also know the language of that minority will be employed”.

<sup>45</sup> Law No. 199/ 1998, republished in Romania’s *Official Journal*, 1st Part, No. 251/ 22 March 2004, at [http://www.cnpromania.ro/mambo/index.php?option=com\\_content&task=view&id=114&Itemid=39](http://www.cnpromania.ro/mambo/index.php?option=com_content&task=view&id=114&Itemid=39), visited in May 2007. Article 91 specifies that “in the territorial-administrative units where the persons belonging to national minorities exceed 20%, some of the members of the public service sector that have direct contact with the citizens shall also know the language of that specific national minority”.

<sup>46</sup> Law no. 48/2002 approving Government Decree No. 137/ 2000, published in the *Official Journal* No. 69 of 31 January 2002, at [http://legislatie.resurse-pentru-democratie.org/legi\\_drepturi.php](http://legislatie.resurse-pentru-democratie.org/legi_drepturi.php), visited in April 2007. Article 2.1 defines discrimination as any form of “exclusion, restriction or preference which is based on race, nationality, ethnic belonging, language, religion, social category, convictions, sex or sexual orientation, belonging to a disfavored category or any other criterion”.

Throughout the 1996-2000 electoral cycle, the Hungarian party formed a political partnership with the alliance that won the 1996 parliamentary and presidential elections: the Democratic Convention of Romania (hereafter CDR) was a coalition between PNȚCD (National Peasant Christian Democratic Party), PD (Democratic Party) and PNL (National Liberal Party). After an initial period when UDMR structured its rhetoric around the concept of *autonomy* (1990-1996), UDMR persistently and effectively prioritized the claims for minority linguistic and educational rights as the strategic means of integration of the Hungarian minority in the Romanian society (1996 onwards). This rhetoric shift signaled a change of perspective, which aimed at the *gradual* extension of Romania's minority rights framework (the so-called "small steps strategy"). UDMR shift in rhetoric on minority rights has been strongly interlinked with the change of government that occurred in Romania after the 1996 elections, which brought to power more accommodating majority elites.

The subsequent pages assess the progress of ethnocultural accommodation by outlining the major steps that have shaped this process. This analytic account does not follow theoretical guidelines, as interethnic reconciliation in post-communist Romania does not abide by fixed theoretical markers. Instead, this paper argues that internal (political coalitions) and external pressures (EU conditionality) were the main factors that structured the discourse of minority language and education rights.

There is much evidence to suggest that the Romanian case does not particularly follow a certain model, but rather than the "concessions" majority political actors have made epitomize a functional approach to minority rights rather than one which ascribes minorities "rights to self-government".<sup>47</sup> Although UDMR has demanded self-government rights for the

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<sup>47</sup> Ruth Rubio-Marin separates between non-instrumental and instrumental language rights, although the differences between these categories is not always self-evident; "the recognition of an official status to a

Hungarian minority, the negotiation process with the majority has resulted in a functional compromise.

Under the present Romanian legal framework, language and education rights have not been institutionalized so as to fit UDMR demands for separate public institutions. As the ensuing pages show, claims for higher education autonomy have ranked most prominent in UDMR rhetoric. Conversely, they have also triggered the most pronounced antagonistic reactions from majority political actors (including from UDMR's governing coalition partners).

Another key coordinate that has impacted on state-minority groups relations—additional to the political will of majority elites and UDMR bargaining power - has been the body of norms and standards issued by international organizations. UDMR rhetoric has profusely legitimized its claims by referrals to international treaties and conventions that have minority-relevant provisions. I draw attention only to the most often-quoted items, in chronological order: *International Covenant on Civil and Political Rights* (1966); *European Charter of Local Self-Government* (1985); *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE* (1990); *European Charter for Regional and Minority Languages* (ECRML - 1992); *Declaration on the Rights of Persons belonging to National or Ethnic, Religious or Linguistic Minorities* (1992); *Framework Convention for the Protection of National Minorities* (FCNM - 1995); *Hague Recommendations Regarding the Education Rights of National Minorities* (1996); *Oslo Recommendations Regarding the Linguistic Rights of National Minorities* (1998).

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language other than the majority language”, “powers of self-government” and “promotional” language rights are part of the former category; conversely, functional recognition of minority language rights fulfills purposes of a more functional nature, one which does not. See Ruth Rubio-Marin, “Language Rights: Exploring the Competing Rationales”, in Will Kymlicka, Alan Patten (eds.), *Language Rights and Political Theory*, pp. 52-80.

These documents provide more or less functional guidelines for the implementation of linguistic minority rights. However, they represent roughly articulated minimum standards, which nevertheless aim at ensuring a balance between minority demands for various levels of internal self-determination and majority claims for territorial integrity. Although this is an over-simplification, one may argue that the middle ground that these documents propose is that of integration of diversity: minority rights (language rights included) represent guarantees and practical tools for ethnic communities to preserve their specific identity while at the same time integrating in the society which they are part of.

In Romania's case, it is not these documents' provisions *per se* that have impacted on state-minority groups relations, but their correlation with EU conditionality. For these purposes, the Framework Convention on the Rights of National Minorities (FCNM) is the most significant set of international norms for minority protection. Simplistically rendered, the mutually reinforcing relationship between the EU and the FCNM can be depicted as follows: short of a normative framework of its own regarding minority rights, the EU monitors the observance of minority rights as expressed in the Framework Convention.

For purposes that regard structure and conciseness, I have drawn on a selective method of organizing the discourses that I critically analyze in the present chapter and in the next one.<sup>48</sup> The generalizations that emerge from the subsequent analysis portray the patterns of 'mainstream' minority and majority rhetoric. I acknowledge that intra-party contending voices have emerged, but since they have not significantly impacted on the decision-making

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<sup>48</sup>The paper is based on parliamentary discourses, published in Romania's *Official Journal*, 2<sup>nd</sup> Part (Bucharest: Regia Autonomă Monitorul Oficial). I use the following issues: No. 87/1997; No. 102/ 1997; No. 205/ 1997; No. 216/ 1997; No. 217/ 1997; No. 218/ 1997; No. 216/ 1997; No. 217/ 1997; No. 205/ 1997; No. 228/ 1998; No. 92/ 1999; No. 217/ 1999; No. 67/ 1999; No. 121/ 1999; No. 13/ 2001; No. 25/ 2001; No. 179/ 2001; No. 180/ 2001; No. 138/ 2005; No. 146/ 2005; No. 31/ 2006; No. 147/ 2006; No. 146/ 2006; No. 007/ 2007; No. 25/ 2007.



process, I do not focus on analyzing these “dissenting” opinions.

## **2. 1. The Legal Framework on Language and Education Rights**

This section briefly analyzes the three key legal items that include relevant provisions for minority rights: Romania’s Constitution, the Education Law and the Local Public Administration Law. In so doing, my purpose is to firstly present the end result of the minority-majority parliamentary debates on language and education rights, so as to subsequently analyze why and how these results were reached following negotiations.

### **2. 1. 1. Constitutional Provisions**

The first marker of interethnic relations in post-communist Romania was the adoption of the 1991 Constitution. Some of its articles unquestionably set forth an ethnic definition of the Romanian nation, while others have been given different readings by the ethnic Hungarian and the Romanian nationalizing elites respectively. The definition of the Romanian nation that is constitutionally enshrined and the minority-relevant provisions (even after the 2003 revision) fall under the scope of what Robert M. Hayden has termed *constitutional nationalism*.<sup>49</sup> a constitutional and legal framework that offers more privileges to the members of the ethnic nation rather than placing all the state’s citizens on an equal level.

Both the 1991 and the 2003 versions define the state as being a “national sovereign and independent, unitary and indivisible state”,<sup>50</sup> while “[n]ational sovereignty belongs to the

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<sup>49</sup> Robert M. Hayden, “Constitutional Nationalism in the Formerly Yugoslav Republics”, in *Slavic Review*, Vol. 51, No. 4, Winter 1992, pp. 654-73, at <http://www.jstor.org/view/00376779/di000553/00p0005d/>, visited in May 2007.

<sup>50</sup> Article 1.1, in Romania’s Constitution (revised in 2003) (Bucharest: Regia Autonomă Monitorul Oficial, 2003).

Romanian people”<sup>51</sup>. This represents the constitutionalized endorsement of the members of the Romanian ethnic majority being at the basis of the Romanian state. Also, “sovereignty belongs to the Romanian people” (Art. 2.1); the *Romanian people* is a category that does not overlap with the Romanian citizens. Along these lines, Art. 58 stipulates that the Romanian Parliament is the supreme representative of the “Romanian people”.<sup>52</sup> Still, an important difference is to be noted: while under the guiding lines of the 1991 Constitution “the state has at its basis the unity of the Romanian people” (art. 4.1), the 2003 Constitution adds that the state is also founded on “the solidarity of its citizens” (art. 4.1).

Also, Article 152 (148 before 2003 amendments) is noteworthy, as it stipulates that the aforementioned contentious provisions cannot be amended.<sup>53</sup> Article 13 adds that the official language is the Romanian language, while Article 32.3 certifies the “right of persons belonging to national minorities to study in their mother tongue [...] under the conditions of organic law”<sup>54</sup>. UDMR has staunchly opposed the adoption of the aforementioned provisions, which they argued to have constitutionalized the discriminatory ethnic definition of the Romanian nation.

Article 120 (Article 119 under the 1991 Constitution) was added a supplementary paragraph providing for the use of minority languages in dealings with public administration institutions.<sup>55</sup> However, paragraph 2 of the same article provided that “education at all level

<sup>51</sup> Article 2 paragraph 1, in Romania’s Constitution (revised in 2003) (Bucharest: Regia Autonomă Monitorul Oficial, 2003).

<sup>52</sup> <http://www.constitutia.ro/const1991.htm>, visited in May 2007.

<sup>53</sup> Article 152 paragraph 1, in Romania’s Constitution (revised in 2003) (Bucharest: Monitorul Oficial, 2003) states the following: “[p]rovisions of the Constitution regarding the national, independent, unitary and indivisible character of the Romanian state, its republican form of government, its territorial integrity, the independence of justice, political pluralism and the official language cannot be amended.”

<sup>54</sup> Article 32 paragraph 3, in Romania’s Constitution (revised in 2003) (Bucharest: Monitorul Oficial, 2003).

<sup>55</sup> Article 120 paragraph 2, in Romania’s Constitution (revised in 2003) (Bucharest: Monitorul Oficial, 2003) states that “In the territorial-administrative units where citizens belonging to national minorities reside in significant numbers, provisions shall be made for the oral and written use of that minority’s language in relation

shall be done in Romanian [...]”.<sup>56</sup> It is thus not clear if paragraph 3 is an exception to paragraph 2. Article 128.2 (Article 127 before the 2003 amendments) stipulates the use of minority languages in the juridical system. This article has been the subject of majority-minority debates in Parliament. The revised article ensures that “the Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue in Court, under the conditions of organic law”.<sup>57</sup> In its 1991 form, the article stipulated that the Romanian citizens belonging to national minorities had the right to address the court through an interpreter.

## 2. 1. 2. The Law on Education

The use of minority language has four levels of concretization and implementation in Romania – education, public administration, the judiciary and the media. Although UDMR rhetoric has argued for the granting of language rights in all these four areas of public life, education and public administration have been its two landmarks throughout the post-communist period. For this reason, these two dimensions are also the ones that this paper centers on.

One noteworthy legal item that is relevant for minority language and education rights is the *Law on Education*, which was initially passed in 1995 (Law No. 84/ 1995) and amended in 1997<sup>58</sup> and 1999<sup>59</sup>. The 1995 version of the law was restrictive of language and education rights for minorities. This shows that prior to the regime change in 1996 and

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with public administration authorities and the decentralized public services, under the terms ascribed under organic law”.

<sup>56</sup> Article 32 paragraph 2, in Romania’s Constitution (revised in 2003) (Bucharest: Monitorul Oficial, 2003).

<sup>57</sup> Article 128, 2003 Constitution (Bucharest: Monitorul Oficial, 2003).

<sup>58</sup> Government Decree No. 36/1997 for the Modification and Completion of the Law on Education No. 84/1995.

<sup>59</sup> Law No. 84/1995, republished in the *Official Journal* No. 606 of 10 December 1999, at [http://legislatie.resurse-pentru-democratie.org/84\\_1995.php](http://legislatie.resurse-pentru-democratie.org/84_1995.php), visited in March 2007.

Romania's shift toward Euro-Atlantic integration, the political parties in power precluded the adoption of inclusive standards for minority protection. Article 120.2 stipulated that the teaching of *Romanian* history and Romania's geography at the secondary and the highschool level is to be done in Romanian. This provision triggered heated debates in parliament, which will subsequently be analyzed. It also stirred opposing voices in the European fora, which called for its revision.<sup>60</sup> However, despite internal and external opposition, the governing parties (a coalition between radical and moderate nationalistic parties) did not change the law. Moreover, these parties contested the proposed amendments in 1997 and 1999.

Articles 119, 122, 123, 124 were the major bones of contention in minority-majority debates on language and education rights. Article 119 was ambiguous and potentially discriminatory: it stipulated that "on request", sections or schools with teaching in minority languages could be set up. It, however, failed to precisely define the criteria on which such requests could be made and also the conditions on which they could be overruled. Article 122 determined that vocational training was eliminated. Article 123 stipulated that higher education (university) in minority languages could only be done in pedagogical and artistic schooling. Article 124 stipulated that the entrance examinations to universities could only be passed in the Romanian language.

Articles 34, 37 and 120 encompass the relevant amendments to the Education Law adopted in 1997. While the proposed amendments made by the government were more inclusive, the form under which they were adopted by the Parliament decreased their impact on the use of minority languages in education. Article 34 is relevant because it stipulates that "persons belonging to national minorities have the right to study and be instructed in their

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<sup>60</sup> For more details on this debate, see István Horváth, "Facilitating Conflict Transformation: Implementation of the Recommendations of the OSCE High Commissioner on National Minorities to Romania, 1993-2001", p. 95.

mother tongue at all levels and forms of education, under the conditions stipulated by this law”. Article 37 is important because it provides for the possibility that at request and under the rules specified by the law, special tracks can be established in minority languages at the higher education level. Nevertheless, the law does not provide precise conditions. Article 120 has been one of the main burning questions, as it stipulates that history and geography are to be taught in Romanian.

In what concerns the amended 1999 Education Law, the following articles are relevant: Article 8 stipulates that education is done in Romanian, and that it can be done in minority languages “under the terms prescribed by the present law” (par. 1). Another noteworthy stipulation is part of Article 118, which provides that “members of national minorities have the right to study and to be instructed in their respective mother tongue at all levels and forms of education”. Article 123.1 regulates the prospect for tracks with courses taught in minority language to be set up on request, within state universities; paragraph 2 of the same article “recognizes the right of persons belonging to national minorities to set up and administer their own private higher education institutions, under the conditions of the law”.<sup>61</sup>

The adoption of the 1995 Education Law was sharply contested by the UDMR: “[...] the prescriptions of the draft Education Law, passed in the Chamber of Deputies, make possible the gradual elimination of native-language education”<sup>62</sup> To additionally legitimize its claims, UDMR rhetoric highlighted that language rights are a key identity marker for the preservation of Hungarian cultural identity.

<sup>61</sup> The Education Law, at [http://legislatie.resurse-pentru-democratie.org/84\\_1995.php](http://legislatie.resurse-pentru-democratie.org/84_1995.php), visited in March 2007.

<sup>62</sup> “Report on the situation of the Hungarian minority in Romania”, issued by UDMR – Executive Presidium, 1994, in *UDMR Documents: 1989-1999* (Bucharest: 1999), p. 2.

## 2. 1. 3. The Local Public Administration Law

The 1991 *Local Public Administration Law*<sup>63</sup> prompted stern criticism on the part of national minorities. The key dispute revolved around Article 54, whose provisions introduced the Romanian language as the sole official language in local administrative proceedings. The revised form of the law was passed in 2001 (Law No. 215/ 2001).<sup>64</sup> FCNM is a relevant international document to be considered at this point: UDMR leaders called upon Article 10.2 to support the adoption of a new law on public administration.<sup>65</sup>

Relevant for our purpose is Article 17 of the 2001 version of the law, which specifies that in the case of the administrative-territorial units in which the members of national minorities exceed 20% of the total population, they are entitled to use their own language in dealings with administrative authorities. Moreover, Article 90.2. is a clarification of the more general Article 17: it states that in such administrative units members of national minorities can use their language (orally and in writing) when addressing administrative authorities. Some of these civil servants are required (paragraph 3) to know the language of the minorities in question. Paragraph 4 stipulates that in such areas bilingual signs of public institutions and locality names are to be implemented, as are announcements of public interests. However, paragraph 5 stipulates that “official acts” are to be drafted in Romanian; this contradicts paragraph 2, which states that minority members be entitled to receive official responses both in Romanian and in their mother tongue.

<sup>23</sup> Law No. 69 of 26 November 1991 of Local Public Administration, at [http://www.apmbm.ro/Legislatie\\_meniu/acte/Legea%2069-1991.htm](http://www.apmbm.ro/Legislatie_meniu/acte/Legea%2069-1991.htm), visited in March 2007.

<sup>64</sup> Revised Local Public Administration Law No. 215/ 2001, Published in the *Official Journal* No. 204 of 23 April 2001, at [http://legislatie.resurse-pentru-democratie.org/215\\_2001.php](http://legislatie.resurse-pentru-democratie.org/215_2001.php), visited in March 2007.

<sup>65</sup> Art. 10 (2) of FCNM: “In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavor to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities”, at <http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>, visited in March 2007.

## 2. 2. Minority Rhetorical Patterns: Language and Education Claims

Following the parliamentary debates on the Education Law and the Local Public Administration Law, this section extracts the Hungarian party's rhetorical patterns on minority language and education rights. The analysis shows that intra-coalition negotiations - along with EU pressures for Romania's compliance with international norms and standards - have shaped UDMR's rhetoric on minority rights.

It is important to note that the Hungarian party has had a shifting position on the Romanian political spectrum since 1990 onwards, which was determined by political considerations, not ideological ones. UDMR has constantly been present in the Romanian Parliament throughout the post-communist period and has formed governmental and parliamentary alliances with both the center-left and center-right majority parties.

UDMR program centers on "internal self-determination" as a focal claim (4.a.),<sup>66</sup> which is regarded as "a right that a national community has and which serves to protect and develop its identity" (4.b.).<sup>67</sup> The program clearly states that the Hungarian minority considers itself a part of the community of Romanian citizens and deems Romania as its native country (2).<sup>68</sup> *Autonomy* is identified as the focal point of its claims and relates this concept to two major interrelated coordinates: *personal* and *cultural* autonomy (the creation of a analogous institutional system that promotes cultural and education issues); and *territorial* autonomy (that is to be achieved through the association of autonomous local public administration units) (4.b.).<sup>69</sup>

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<sup>66</sup> UDMR Political Program, at <http://www.rmdsz.ro/script/mainframe.php?lang=ro>, visited in March 2007.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

Note must be made of the fact that this paper analyzes the ‘mainstream’ UDMR discourse. There have been voices within UDMR that have argued against the “political compromises” the party has made, while supporting a more “radical” and less open for negotiations stance. The significance of a second discursive trend - of the “dissenting” UDMR elites – does not fall under the scope of this paper, since it has seldom been expressed within the parliamentary framework.

UDMR mainstream discourse has been concise, structured and consistent in its references to minority language rights. The party’s claims for language and education rights (cultural autonomy) have shown remarkable constancy throughout the post-communist period, although other key demands (e.g. territorial autonomy) have been selectively emphasized depending on short-term political aims and political alliances. Regardless of variations in tone and format, the core part of their assertions has been persistent. However, the present analysis uncovers that UDMR rhetoric increasingly integrated references to concepts and values that have informed the EU integration process (multiculturalism, integration, non-discrimination, solidarity etc.). Also, the analysis uncovers that domestic political alliances with majority parties and the will to remain in power temporarily curtailed maximalist demands (for higher education autonomy), while emphatically advancing more “moderate” demands for the public use of minority languages to the forefront of discourse.

The twofold focus of UDMR rhetoric on language rights in education and local public administration came under the duress of majority rhetoric, since minority claims were taken to interfere with major majority strongholds: firstly, the reluctance to set up a separate state education institution with Hungarian as its only teaching language; and secondly, the



aversion toward establishing structures that would enable a territorial restructuring of public administration.

Education is one of the most sensitive and significant areas of minority and majority nation-building, especially as minority demands for language and education rights are not self-contained, but interlock with requests for more comprehensive autonomy-granting institutional arrangements. The establishment of state education institutions with tuition exclusively in Hungarian (at all levels) has continuously been a key point on the political agenda of the Hungarian ethnic party. The UDMR aim to set up a state-financed Hungarian University is one of the means for cultural and elite reproduction, and for equal opportunities.<sup>70</sup> This aim – a recurrent theme of UDMR rhetoric – is therefore a mechanism that conveys the *nationalizing* stance of the Hungarian ethnic party. The claim for the establishment of an autonomous university is thus a “key institution of nation-building”.<sup>71</sup> As such, “the struggle for the university went far beyond educational issues”,<sup>72</sup> in that language and education rights became the showground from which initially antagonistic minority and majority rhetoric subsequently emerged as more cooperative.

The following four sub-sections analyze the key minority rhetorical patterns.

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<sup>70</sup> The Hungarian Bolyai University in Cluj was a separate institution until 1959, when following a decision of the Romanian Communist Party, the institution merged with the Romanian Babeş University. This was a landmark in the curtailment of the language and education rights of the Hungarian minority under communist rule. The prior existence of a state-financed separate Hungarian-language higher-education institution provides additional legitimation for UDMR claims for minority education rights.

<sup>71</sup> Zoltán Kántor, “Nationalizing Minorities and Homeland Politics: The Case of the Hungarians in Romania”, in Balázs Trencsényi et al. (eds.), *Nation-Building and Contested Identities: Romanian & Hungarian Case Studies*, p. 259.

<sup>72</sup> István Horváth, “Facilitating Conflict Transformation: Implementation of the Recommendations of the OSCE High Commissioner on National Minorities to Romania, 1993-2001”, p. 105.

### 2.2.1. Claims for Substantial Equality

UDMR discourse has constantly identified the values that the Hungarian ethnic party associates with the accommodation of ethnocultural diversity in Romania, as well as with Romania's integration in the EU: *equality, tolerance, multiculturalism, ethnic pluralism and solidarity*. This is the first key rhetorical pattern.

The rhetorical patterns of majority and minority political actors show a conflicting approach to *equality*. While the Hungarian ethnic party elites understand *equality* to mean equal *de facto* opportunities, majority political elites generally interpret this principle as *de jure* indiscriminative stipulations. This interpretation of *equality* is also constitutionally rooted.<sup>73</sup> As will be detailed Chapter 3, majority political actors have often translated minority definition of interethnic *equality* as *positive discrimination*, which in turn does not fit their own static definition of the principle of *equality*.

In the interpretation of Péter Eckstein-Kovács (UDMR president until 1993), *equality* means that national minority pupils

[h]ave the right to study [Romania's history and geography] in their own language and [...] a history that also reflects their past and which is not in an antagonistic stance with the majority [...].<sup>74</sup>

In Senator Béla Markó's reading, the preservation of Hungarian cultural and language identity is also inherently linked with the integration of the Hungarian community in the

<sup>73</sup> Art. 32 of Romania's 1991 Constitution stipulated that the preservation of minority identity should be conducted in agreement with the principles of equality and non-discrimination in relation to the other Romanian citizens. Note must be made of the fact that the 2003 revised form of the Constitution contained the same stipulation – Art. 6.

<sup>74</sup> Péter Eckstein-Kovacs (UDMR), transcript of discourse in Romania's *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year VIII, No. 216, 11 December 1997, p. 31.

Romanian society and also with their status as equal (not “second-rank”<sup>75</sup>) Romanian citizens. In other words, UDMR’s interpretation is that *equality* comes from state recognition, protection and promotion of the cultural heritage of national minorities.

To summarize, UDMR conception of *equality* is of a *substantial* kind: it deems that the appropriate means to prevent discrimination is to establish rights that – although to some extent different on paper - are targeted at creating *de facto* equal conditions. Conversely, the next chapter shows that the majority’s view on *equality* is of a *procedural* type: it aims at enforcing *de jure* equal conditions, while neglecting the asymmetrical practical outcomes. Looked at from the latter angle, different rights are tantamount to “additional” rights, or to “privileges”, while the former stance considers them compulsory for achieving equality of opportunities and preventing discrimination.

In what regards state language and education policies for minorities, it might be that a compromise solution is an accommodating approach “providing for the use of a non-official or regional language, whilst ensuring that the official language is also available for use”.<sup>76</sup> Such policies would neither isolate a numerous minority community, nor would it endanger the status of the official language. It would however be an effective means of dealing with ethnocultural diversity and also an operative administrative tool.

Repeated references to *multiculturalism* and *ethnic solidarity* are rhetorically used to reject the “ideal that a nation state ought to be ethnically homogeneous”.<sup>77</sup> As opposed to the defiant and instigative rhetorical style and language of radical majority parties such as PRM

<sup>75</sup> Béla Markó (UDMR), transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year VIII, No. 217, 12 December 1997, p. 11.

<sup>76</sup> Ferdinand de Varennes, *Language, Minorities and Human Rights* (Hague, Boston, London: Martinus Nijhoff Publishers, 1996), p. 92.

<sup>77</sup> Attila Verestóy (UDMR), transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year VIII, No. 217, 12 December 1997, p. 18.

or PUNR, those that UDMR discourse generally displays are expressive, have cooperative and amiable overtones, while their arguments are largely of a legal and/ or moral nature, and are poised at very specific demands.

Coupled with references to interethnic *tolerance* and *dialogue*, UDMR rhetoric has constantly referred to the gap between the legal framework and the actual implementation. A demand for *de facto* equality is thus recurrently made, an argument that strikes against the majority's will to formally comply with EU conditionality, but to defer the implementation level of its commitments.

Connected to this argument, Senator Becsek-Garda Dezideriu Coloman rejects majority (particularly PRM and PUNR) claims that accuse UDMR of separatist plots:

Theoretically, some of our rights have been recognized. Unfortunately, however, there exists a wide chasm that separates theory from practice [...] Is there a threat directed at the Romanian state or is it simply that some politicians are looking to accumulate electoral capital?<sup>78</sup>

## 2. 2. 2. Minority Claims for Integration

A second key rhetorical pattern has been the *integration* of the Hungarian community in the Romanian society. Ethnic Hungarian elites generally justify their allegations on the basis of two main elements: the minority-relevant articles in the Romania's Constitution and the provisions of international conventions and treaties that Romania has signed and/ or ratified. To offer just one example, Senator Eckstein-Kovács substantiates his claim to education in minority languages by referring to Article 16 in the Romanian 1991 Constitution, which

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<sup>78</sup> Becsek-Garda Dezideriu Coloman (UDMR), transcript of discourse in Romania's *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in Joint Session, Year XII, No. 180, 8 December 2001, p. 9.

prescribes *equality* of rights for all Romania's citizens.<sup>79</sup> This type of rhetoric reflects a will to integrate in the larger Romanian society, but also to preserve the language and cultural Hungarian specificity.

It is interesting to note that *integration* has generally been used as a term that challenges the assimilationist view argued by UDMR to shape the mainstream approach of majority parties:

Integration (as opposed to assimilation) cannot occur through the isolation that is apparent if the Romanian language isn't handled well by ethnic Hungarians.<sup>80</sup>

Moreover, indications of the will of the Hungarian community to integrate in the Romanian society is often coupled with references to the UDMR demand for the right to use the Hungarian language as a "factor of the right to preserve identity",<sup>81</sup> which "appears as a constitutional right and denotes a means against assimilation."<sup>82</sup> This line of argumentation is linear and enduring in UDMR rhetoric regardless of the context, as it generally leads to the

[t]he vital interest of the Hungarians in Romania is to have their own, independent education system in the end, which includes the entire network of higher education institutions.<sup>83</sup>

As for linguistic integration, UDMR has repeatedly argued that

[g]ranting rights to minorities, especially linguistic rights, can be beneficial not simply to that respective community, but on the society as a whole.<sup>84</sup>

UDMR discourse often draws attention to the idea of the party's involvement in issues other than those concerning the community it represents, which is depicted as a course

<sup>79</sup> Art. 16.1 (1991): "Citizens are equal in front of the law and public authorities, without privileges and discriminations". After the 2003 Constitutional revision, this article has identical provisions.

<sup>80</sup> József Kötö, Sándor Tonk (eds.), "Hungarian Higher Education in Romania: Past, Present, Future", in *UDMR Documents: 1989-1999*, p. 1.

<sup>81</sup> Ibid, p. 2.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid., p. 9.

<sup>84</sup> Author's interview with Markó Béla's State Counselor, April 2007.

of action that confirms the will of the Hungarian minority to integrate into the Romanian society.<sup>85</sup> Additional examples that back this interpretation are recurrent in the parliamentary speeches of the UDMR, where frequent references are made to the loyalty of the Hungarian minority and its political representative to the Romanians state and its interests, to the “completion of all the reforms from the [1996-2000] governing program [...]”.<sup>86</sup>

Recurrently, UDMR rhetoric has underlined that the members of the Hungarian community “are often treated as second-rank citizens, as under-leases in our common country [...]”.<sup>87</sup> What can be inferred from this example is that the different metaphors and symbols used in interpreting the same political situation and carefully selected words such as “us” and “them” play a different role in minority and majority rhetoric. While UDMR rhetoric attempts to bridge the gap between these two antagonistic categories, majority parties often increase the sense of difference between them. A telling example to illustrate this point is the argument often employed by the UDMR that

[I]t is high time that language, religious, cultural diversity bring us together, instead of driving us apart.<sup>88</sup>

Minority rhetoric has emphasized that the preservation of Hungarian cultural and language identity does not run counter to the community’s integration in the Romanian society, or to the due respect for the Romania’s official language. UDMR has repeatedly

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<sup>85</sup> This line of argument is also explored by Dan Chiribucă and Tivadar Magyari, “Impact of Minority Participation in Romanian Government”, in Monica Robotin, Levente Salat (eds.), *A New Balance: Democracy and Minorities in Post-Communist Europe* (Budapest: Open Society Institute, 2003), pp. 69- 91.

<sup>86</sup> Francisc Baranyi (UDMR), transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Joint Session of the Senate and the Chamber of Deputies, Year X, No. 217, 30 December 1999, p. 8.

<sup>87</sup> Ibid.

<sup>88</sup> Ráduly Róbert Kalman (UDMR), transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Chamber of Deputies, Year XII, No. 13, 31 January 2001, p. 11.

argued that the claims for Hungarian language education do not exclude the study of the Romanian language, whose “mandatory status”<sup>89</sup> the party sustains.

One of the reasons that have stirred heated parliamentary debates has been the UDMR representatives’ demand that *Romania’s* history and geography be taught in Hungarian within the Hungarian-language education institutions. A key UDMR argument has been that the study of the Romanian language should not be done through learning history and geography, but through the study of Romanian language and literature. UDMR has repeatedly quoted Article 120 of the Government Decree 36/1997, which relate precisely with the aforementioned contentious issue. The prevailing minority argument refers to the purpose of those two subject matters, which would be modified by being taught in the Romanian language. The purpose would no longer be that of teaching Romania’s history and geography, but that of teaching Romanian.<sup>90</sup>

UDMR ascribed significant weight to the need of redefining interethnic relations in a way that emphasized the “common interests”<sup>91</sup> and which served the common purpose of all political forces in Romania. UDMR rhetoric has advanced its claims for mother tongue education at all levels as *complementary* to the study of Romanian.

Senator Markó has also repeatedly underlined that UDMR’s demand for language rights is twofold: full rights for minorities to study in their mother tongue, coupled by the need for members of ethnic communities to acquire extensive knowledge of the Romanian

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<sup>89</sup> Béla Markó, transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in Senate, Year VIII, No. 218, 16 January 1997, p. 29.

<sup>90</sup> See Béla Markó, transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year VIII, No. 228, 12 January 1998, p. 31.

<sup>91</sup> Péter Eckstein-Kovács, transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year VIII, No. 216, 11 December 1997, p. 31.

language.<sup>92</sup> UDMR has constantly acknowledged that the isolation of the Hungarian community is not desirable, and that integration and full equality of rights are dependent on the knowledge of the Romanian language.

### 2. 2. 3. Minority Claims for Partnership with the Majority

As Romania drew closer to EU accession, UDMR rhetoric was shaped by new and significant discursive elements. Hence, the call for “cooperation” and “dialogue” began to be correlated with an appeal that all political forces in Romania ought to make a “common effort towards Romania’s integration in the European and Euro-Atlantic structures”.<sup>93</sup> The idea of *partnership* between minority and majority became recurrent starting with the change of regime in 1996. Also, UDMR leaders emphasized the necessity for EU integration:

We need to get to a united Europe, where there is no discrimination between majority and minority [...] where the existence of minorities is not a problem, but a chance, where equality of chances is real [...] where subsidiarity and different forms of autonomy find their natural place and strengthen democracy.<sup>94</sup>

Such an idealistic discourse does not usually characterize the general lines of the UDMR rhetoric, although it does contain its most specific elements (references to European values). It is thus surprising to see that the European Union is seen in a unified manner and countries with known contentious minority issues are entirely overlooked. Moreover, UDMR rhetoric has neglected the existence of double standards for minority rights. The EU does not have a common coherent legal framework for minority rights.<sup>95</sup>

<sup>92</sup> Béla Markó, transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year VIII, No. 217, 12 December 1997, p. 11.

<sup>93</sup> Béla Markó, transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year XII, No. 25, 2 March 2001, p. 6.

<sup>94</sup> István Antal, transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Chamber of Deputies, Year XII, No. 179, 7 December 2001, p. 9.

<sup>95</sup> For details, see Adam Burgess, “National Minority Rights and the ‘Civilizing’ of Eastern Europe”, *Contention*, Vol. 5, No. 2, Winter 1996, pp.17-35; see also Gwendolyn Sasse, “EU Conditionality and Minority



## 2. 2. 4. Minority Legal Arguments

A fourth major and recurrent theme of UDMR discourse is the reference to Romania's Constitution and to international norms and standards for minority protection as a legitimizing rhetorical device for the party's claims and as an indictment tool for Romania's non-compliance (or for a simple formal observance). The international documents that are most often mentioned by UDMR during parliamentary debates are the European Charter for Local Autonomy, the ECRML and the FCNM.

To choose just one example, Senator György Frunda has recurrently emphasized that the aforementioned conventions “ascribe ethnic communities and national minorities in Romania the right to education in their respective mother tongue at all levels”,<sup>96</sup> coupled with the right of minorities to the uninhibited use of their language in the administrative and judicial sectors. Most often, such allegations are connected with the analysis of the interlocking domestic legal framework for minority protection, which - until the 1999 and 2001 respective revisions – were incongruous with the aforementioned treaties that Romania had ratified or at least signed.

Senator Markó has also been one leading UDMR figure to point out the dual dimension of minority protection in Romania: formal compliance with international stipulations and endless protraction on the implementation level.<sup>97</sup> One of the underlying connotations of UDMR rhetoric has been the demand for the normalization of interethnic

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Rights: Translating the Copenhagen Criteria into Policy”, *EUI*, 2005/6, pp. 1-21. These scholars warn against minority rights rhetoric outweighing the concrete steps for legal principles to result in policy-implementation. They also emphasize that international actors (such as the EU) make up by upholding a high-flying minority rights discourse what they lack in operationalizing legal standards.

<sup>96</sup> György Frunda, transcript of discourse in Romania's *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in Joint Session, Year VIII, No. 102, 18 June 1997, p. 26.

<sup>97</sup> Béla Markó, transcript of discourse in Romania's *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in Joint Session, Year X, No. 67, 30 April 1999, p. 16.

relations and the implicit de-securitization of ‘minority politics’ in Romania, alongside a legal and political synchronization with international documents.

UDMR references to Romania’s constitutional provisions (Articles 6.1<sup>98</sup> and 32.3<sup>99</sup> are most often quoted) are indeed relevant: they assert the loyalty of the UDMR and the community it represents to Romania’s constitutional structure. Such a course of argument building is strategic, since claims based on legal grounds stand a better chance of being taken into consideration.

A similar argument was repeatedly brought forth during the parliamentary debates on the amendments to the Local Public Administration Law (2001). Article 120<sup>100</sup> of the Constitution has been invoked by UDMR as part of the main legal grounds to support the proposed amendments to the 1991 Local Public Administration Law. Article 17 of the same law strictly refers to minorities and their constitutional right to exercise their right in the public sector. References to this article are often linked by UDMR<sup>101</sup> with the provisions of FCNM Article 4.

Until 2001, the right of the minorities to use their respective mother tongue in judicial dealings and administration was disregarded from a legal point of view. This came into contradiction with the commitments that Romania had made when signing the FCNM,<sup>102</sup> the

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<sup>98</sup> Article 6.1 in the Romanian Constitution (2003): “The Romanian state recognizes and guarantees the right for persons belonging to national minorities to preserve, develop and express their ethnic, cultural, linguistic and religious identity”.

<sup>99</sup> Article 32.3 in the Romanian Constitution (2003): “The right of persons belonging to national minorities to study and to be taught in their mother tongue are guaranteed [...]”.

<sup>100</sup> Article 120 of Romania’s Constitution (2003): Paragraph 1 states that “Public administration in the territorial-administrative units are based on the principles of decentralization, local autonomy and the decentralization of public services.” Paragraph 2 certifies that “In the territorial-administrative units where citizens belonging to a national minorities represent a significant percentage, the oral and written use of that minority’s language in relation to the public administration authorities and with the decentralized public services is ensured, under the conditions stipulated by organic law.”

<sup>101</sup> See Iosif Csapó, transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in Senate, Year VIII, No. 228, 12 January 1998, p. 19.

<sup>102</sup> Art. 10, paragraph 2, at <http://conventions.coe.int/treaty/en/Treaties/Html/157.htm>, visited in March 2007.

European Charter for Regional and Minority Languages<sup>103</sup> and Recommendation 1201 issued by the Parliamentary Assembly of the Council of Europe.<sup>104</sup> In view of that, it is important to observe that Article 20 in Romania's Constitution (2003) stipulates that international law and treaties take precedence over Romanian legislation in human rights related issues.<sup>105</sup>

### 2. 3. Concluding Remarks:

This chapter has shown that minority claims during 1996-2004 were articulated by calling upon the principles of *equality* and *integration*. These findings describe UDMR demands for language and education rights as being of a *substantial* type (equality of chances). The analysis has also revealed that *integration* has been a core concept around which the Hungarian party has structured its rhetoric. This aim has had a twofold target: a national level – integration in the Romanian society – and an international level – Romania's integration in the EU. UDMR's option for a discourse that promotes the integration of minorities as well as claiming for rights that promote their cultural specificities has significantly contributed to the progress of ethnocultural accommodation in Romania. In 1996-2004, UDMR and majority political actors have engaged in "power-sharing" arrangements, which have significantly contributed to the extension of the minority rights framework.

The aim of the subsequent section is to analyze the majority rhetoric, while identifying the factors that have prompted discursive shifts and also the limits of the process.

<sup>103</sup> Art. 9 and 10, at <http://conventions.coe.int/treaty/en/Treaties/Html/148.htm>, visited in March 2007.

<sup>104</sup> Art. 7, paragraph 3, at <http://assembly.coe.int/Documents/AdoptedText/.HTM>, visited in March 2007.

<sup>105</sup> "Constitutional provisions concerning the citizens' rights and liberties shall be interpreted and enforced in conformity with the Universal Declaration of Human Rights, with the covenants and other treaties Romania is a party to" (para. 1). "Where inconsistencies exist between the covenants and treaties on fundamental human rights Romania is a party to and internal laws, the international regulations shall take precedence" (para. 2).

### Chapter 3. THE POST-1996 RHETORIC SHIFT: Majority “Concessions” on Minority Claims for Language and Education Rights (1996 – 2004)

Following the 1996 elections, Romania’s governing elites have opted for Euro-Atlantic integration. Since the 1993 Copenhagen Criteria established that the recognition and protection of minority rights would be a prerequisite for EU integration, Regular Monitoring Reports on Romania’s pre-accession progress have assessed Romania’s policies towards its minorities. Romania’s compliance with the existing international minority rights standards became one of the political criteria that conditioned Romania’s EU accession. The state’s compliance with the EU political criteria is to be explained by “the logic of consequentiality”.<sup>106</sup> While focusing primarily on the domestic political context, I do acknowledge the significance of EU conditionality as having a key factor that has shaped the ethnocultural accommodation process.

The present section outlines and analyzes the key rhetorical reactions of the main majority political parties to minority claims for language and education rights. The parliamentary debates on the proposed amendments to the 1995 Education Law (1997, 1999) and the Local Public Administration Law (2001) represent the framework for the ensuing categorization of rhetorical patterns.

By opting for staunch opposition and endless protraction in granting education rights that reach the higher education level, the *nationalizing* standpoint of the majority has

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<sup>106</sup> Frank Schimmelfennig, “Introduction”, in Ronald H. Linden (ed.), *Norms and Nannies: The Impact of International Organizations on the Central and East European States* (Boulder, New York & Oxford: Rowman & Littlefield Publishers, 2002), pp. 1-29. Schimmelfennig articulates “the logic of consequentiality” as concept reflecting the “ulterior motives” states have for complying with international pressures as emerging from a rational cost – benefit analysis of incentives and expected losses.

challenged that of the minority. Ethnicity has thus been used as a “legitimizing discourse”<sup>107</sup> of both the Romanian majority’s and the Hungarian minority’s political representatives. Consequently, this chapter shows that the Romanian majority’s rhetoric fits within the wider “nation-building approach to language policy [that] is frequently hostile towards the preservation of minority languages and the maintenance of language diversity”.<sup>108</sup>

Language and education rights are the markers of cultural autonomy. As previously stated, the “concessions” that majority parties made in relatively accommodating the minority’s demands depended on the domestic political will to integrate in Euro-Atlantic structures and on political alliances. This is most evident in the changes that the Social-Democratic Party’s rhetoric has undergone: while in opposition (1996-2000), PSD had a restrictive approach to minority rights; however, during its governing period (2000-2004) a significant shift in the party’s rhetoric occurred. The radical nationalist parties (PRM and PUNR) have been in opposition since 1996 onwards. Although with a limited influence on public opinion after 1996, they have displayed the most unyielding anti-minority rhetoric; however, they have regularly connected anti-UDMR discourse with criticisms addressed as the governing/ parliamentary coalitions the Hungarian ethnic party has been a part of.

The model that ensues is the following: when majority parties are conditioned by UDMR’s support in parliament, then their rhetoric is more accommodating. However, when they are in opposition, one can find examples of quite significant changes of rhetoric strategy in what concerns the UDMR demands for extensive minority rights. On the whole, one of the crosscutting features of the majority’s pro and/or anti-minority rhetoric has largely interlocked with power politics, vested interests and preservation of power.

<sup>107</sup> George Schöpflin, *Nations, Identity, Power: The New Politics of Europe* (London: Hurst, 2000), p. 64.

<sup>108</sup> Will Kymlicka, Alan Patten (eds.), *Language Rights and Political Theory*, p. 42.

### **3. 1. Radical Opposition to Language and Education Minority Rights: PRM and PUNR Rhetorical Patterns**

The two majority parties that have exhibited fairly homogenous and constant rhetorical patterns across 1990-2007 are PRM (Greater Romania Party) and PUNR (National Unity of the Romanians Party). Periods of escalation in their anti-Hungarian nationalism did exist, usually coupled with major events that have determined the evolution of interethnic relations (e.g.: the violent interethnic clashes in Târgu Mureş in March 1990, the signing of the Bilateral Treaty between Romania and Hungary in 1996, the debates concerning language rights at all levels of education and public administration, the 2001 Hungarian Status Law, the debates around the Draft Law for the Status of National Minorities etc.).

The gap between reality and these parties' rhetoric is remarkable; what also strikes one is the salience with which certain anti-Hungarian (not necessarily anti-minority) rhetorical patterns have kept their salience throughout the post-communist period (differences in tone, style and form are easily detectable, but there is no genuine shift in substance).

Shifts in PRM and PUNR rhetoric have been triggered by the political coalitions that these parties have formed, not by a re-interpretation of UDMR claims. PRM and PUNR rhetoric has generally been wrought by existent political alliances and electoral politics. It is worth noting that PUNR and PRM have had the most constant, visible and frequent interventions during the debates concerning minority rights. Their statements often make use of stereotypical chauvinistic invectives targeted mainly at the Hungarian and the Roma communities. Their unruly and offensive tone has often been a tool for obscuring their lack of rational argumentation and for provoking irrational and emotional reactions instead of devising a logical counter-arguing scheme. This has been one of the political and electoral tools most often employed by PUNR and PRM. Many of the members of these two parties

were/ are recycled second-rank communists who have continued to play the chauvinist-nationalistic card as a way of preserving legitimacy and gaining political power.

### **3. 1. 1. PRM and PUNR Historicization of Arguments against Minority Rights**

The first PRM and PUNR rhetorical pattern that can be extracted from the debates on the amendments to the Law on Education and the Local Public Administration Law is the historicization of UDMR's claims for language and education rights. Past events or perceived threats are persistently brought into play and are framed in a line of continuity with present events. The intended purpose has been to divert the focus to contentious historical topics and to increase popular support for their parties. The critical analysis of PRM and PUNR speeches reveals a constant abuse of confrontational stereotypical anti-Hungarian and anti-UDMR references. PRM and PUNR representatives project a negative image of minorities and heed the attention from the actual topic of debate to prejudices and unfounded conspiracy theories. They digress and mechanically go back to the same themes that they claim as justifying their opposition. In this outlook,

[a]n ethnically differentiated opposition can easily be depicted as consisting of particularly dangerous enemies: historical enemies, enemies who do not accept the current identity of the state, enemies who are plotting to break up the state or to steal it for their own group [...].<sup>109</sup>

Historicist arguments are habitually associated with anti-UDMR accusations that claim the lack of loyalty of the UDMR to the Romanian state; it is also associated with the alleged grave consequences of granting minority rights to a community whose kin-state has purportedly held revisionist claims on Romania: "Transylvania has been Romanian land for

<sup>109</sup> Donald L. Horowitz, "Democracy in Divided Societies", in Larry Diamond and Marc F. Plattner (eds.), *Nationalism, Ethnic Conflict and Democracy* (Baltimore & London: Johns Hopkins University Press, 1994), p. 36.

2000 years [...] and the Romanian people has had a multi-millennial existence on this land”.<sup>110</sup> Such arguments did prove their effectiveness in gaining popular legitimacy during communism, but it is indeed striking that years after the communist fall such arguments have not worn out their usefulness.

### 3. 1. 2. The Alleged “External Interference” in Romania’s Internal Affairs

The second key rhetorical theme expounded by PRM and PUNR - in the early 1990s and intermittently later on - warned against the alleged irredentist claims of Hungary over Transylvania. Such calamitous warnings were usually coupled with suspected conspiracy theories concerning “external interference” in Romania’s domestic affairs. These actions were supposedly endorsed through the support of the UDMR, whose allegedly “unconstitutional” claims pose threats to Romania’s territorial integrity and national unity.

Minority rights were transformed into a matter of state security. PRM and PUNR rhetoric acquired defensive and duplicitous tendencies when justifying that the party did not oppose or reject minority rights *per se*. Language rights as those claimed by UDMR were, however, represented by PRM rhetoric as structuring “university education on ethnic criteria” and respectively as promoting “segregation on racial criteria [...]”.<sup>111</sup> It is noteworthy that the radical nationalists have often accused ethnic Hungarian elites of using language claims as a means to promote Romania’s “federalization”; such arguments are structured illogically, since there is no immediate connection between separate higher education institutions for national minorities and the reorganization of Romania’s institutional-territorial structure.

<sup>110</sup> Florea Preda (PRM), transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year VIII, No. 217, 12 December 1997, p. 17.

<sup>111</sup> Anghel Stanciu (PRM), transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Chamber of Deputies, Year, No. 121, 24 June 1999, p. 31.



Admittedly, this represents one of the tiers of autonomy that UDMR has pressed for, but although there are interlocking factors with an ensuing territorial autonomy, the relationship between these two levels is not causal.

Principles such as *equality* and *discrimination* are part of the general majority and minority rhetoric armory, but are used for different purposes. They are also often employed by PRM, in concurrence with references to the unconstitutional nature UDMR claims that a separate state Hungarian university be established. Article 6 of Romania's Constitution is cited to back PRM contentions that "the setting up of a university with exclusive teaching in Hungarian, or in any other minority language, is in disagreement with this article [6] and is therefore unconstitutional".<sup>112</sup>

As previously stated, referrals to alleged conspiracy theories have been a constant facet of PUNR and PRM rhetoric. They were generally closely associated with remarks that are aimed at discrediting governmental actions and often display a pronounced personalized tone. The alleged purpose was that of "establishing a parallel state education system and the *de jure* federalization of Romania on ethno-language criteria."<sup>113</sup>

The debates on language and education rights have not only centered on the right to use minority languages in public, but also for the status of the majority language. PRM and PUNR rhetoric has always projected a negative image on UDMR claims of territorial and language autonomy and depicts them as immediate threats for Romanian identity and state integrity. There have been constant references to the "obscure interests"<sup>114</sup> of "external" actors that aim at breaking Romania's national unity and territorial integrity; there have also

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<sup>112</sup> Ibid.

<sup>113</sup> Costică Ciurtin (PUNR), transcript of discourse in Romania's *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year VIII, No. 216, 11 December 1997, p. 27.

<sup>114</sup> Ibid, p. 7.

been concerted attacks against the political establishment, which is accused of having granted “privileges” to minorities as a consequence of yielding to UDMR “blackmail” and “aberrant demands”.<sup>115</sup>

### **3. 2. Moderate Opposition against Language and Education Rights: PDSR Rhetorical Patterns**

This section proposes an analysis of PDSR rhetoric (PDSR became the Social-Democratic Party - PSD - in 2001). I argue that throughout 1996-2004, PDSR’s discursive patterns can be split into two stages, which overlap with the party’s time in opposition and in governance respectively.

#### **3. 2. 1. Non-Accommodating Rhetoric on Language and Education Rights**

During the 1996-2000 period, its anti-Hungarian rhetoric was strongly interlocked with its status as a party in opposition and was marked by anti-governing coalition overtones. The 2000-2004 period saw PDSR’s comeback in power, when due to the positive shift in the approach to Euro-Atlantic integration, the party’s rhetoric (under a new name – PSD - and slightly reformed leadership, but a similar political doctrine) displayed a significant change in what regards minority rights.

In opposition, PDSR has often combined tirades against the UDMR with outbursts against the “political transactions”<sup>116</sup> of the governing coalition. Party representatives rhetorically created a frame that depicted the Romanian parties as accomplices with UDMR, with the final purpose of creating “parallel structures of education and culture, as a

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<sup>115</sup> Ibid.

<sup>116</sup> Sergiu Chiriacescu (PDSR), transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year VIII, No. 87, 29 May 1997, p. 8.

component part of territorial autonomy”. Concerted political attacks were frequent: the governing coalition allegedly “takes on a great historical responsibility by systematically conceding to the autonomist claims of the UDMR”, which are “irredeemable mistakes, whose future consequences could threaten the spiritual identity of the Romanian people”.<sup>117</sup>

When comparing PDSR rhetoric during 1996-2000 with that of PRM or PUNR, the differences that strike the eye are not those of substance, but of tone and style; these were not as instigative as the flare-ups PRM or PUNR usually display. However, although softer, rhetoric devices coat very similar themes. To offer just one example, Adrian Năstase’s<sup>118</sup> discourse had overtones that attracted attention to the “discrimination”<sup>119</sup> the Romanian minority in Harghita and Covasna, (counties where the majority population is ethnic Hungarian) thus deflecting the attention from the rights of the Hungarians to those of the Romanians.

During 1996-2000, concerted rhetoric attacks against the governmental coalition (including the UDMR) warned against the dangers posed by extensive minority rights; the discourse had as its main target Romania’s President Emil Constantinescu, whose actions supporting “collective rights” resulting in “territorial autonomy on ethnic grounds” were allegedly perilous for the “unity and territorial integrity of the state”.<sup>120</sup>

PDSR member Radu Liviu Bara claimed that the Government has “taken a wrong course”, that has helped “remove even the last chances of the Romanians living in these areas

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<sup>117</sup> Ibid.

<sup>118</sup> Adrian Năstase has been a leading PDSR/ PSD member and Romania’s Prime Minister during 2000-2004.

<sup>119</sup> Adrian Năstase (PDSR), transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Chamber of Deputies, Year VIII, No. 205, 27 November 1997, p. 20.

<sup>120</sup> Viorel Ștefan (PDSR), transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year X, No. 92, 27 May 1999, p. 4.

to enjoy the rights and liberties chartered by Romania's Constitution".<sup>121</sup> Such allegations have been unavoidably linked – in PDSR rhetoric – with “the unconstitutional privileges” that are granted to the minorities (namely the Hungarians) by allowing the usage of minority languages at all levels of education and in public administration.

PDSR has constantly tried to juggle with its discursive trends depending on the context. As opposed to PRM and PUNR, the fact that its rhetoric has been more restrained regarding minorities has allowed it to afford a balancing act between its political alliances with ultranationalist parties and its coalitions with the UDMR (2000-2004), as well as boding well to EU monitoring eyes.

### **3. 2. 2. 2000-2004: Rhetorical Shift Toward More Accommodating Stances**

A significant shift in PDSR rhetoric is detectable during the parliamentary debates surrounding the 2001 Local Public Administration Law. One of the major bones of contention was Chapter XII and especially Article 17, which contained relevant provisions for the use of minority languages in public administration. The specific context that I single out concerns the debates stirred by a motion drafted and submitted by PRM, which proposed the adoption of the Local Public Administration Law to be deferred until the ratification by Romania's Parliament of the European Charter for Regional and Minority Languages.<sup>122</sup>

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<sup>121</sup> Radu Liviu Bara (PDSR), transcript of discourse in Romania's *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Chamber of Deputies, Year VIII, No. 205, 27 November 1997, p. 29.

<sup>122</sup> The *European Charter for Regional and Minority Languages* stipulates under Article 7.f. for “the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages”, at <http://conventions.coe.int/Treaty/en/Treaties/Html/148.htm>, visited in March 2007. This is a relevant provision for minority education frameworks. It must be noted that although Romania signed the Charter (1995), and the government adopted the draft bill concerning its ratification on 2 March 2006, the Parliament has not ratified it to date.

During 2000-2004, PDSR discourse adopted a discourse that favored language minority rights. Adrian Năstase (Romania's PM at the time) emphasized the structural and mentality-wise reform process undergone by the Romanian society, while identifying interethnic accommodation as a significant component part. Năstase's speech illustrates the shift PDSR rhetoric took from warning against the dangers posed by minority rights to acknowledging that "multiculturalism and cultural pluralism are not attempts to dynamite national states".<sup>123</sup> Romania's Constitution is invoked, but for opposite purposes than was before the PDSR 2000 mandate in governance: "We must respect the rights of minorities to express themselves in their mother tongue".<sup>124</sup> The justification for such a statement was immediately provided: if Romania did not respect the rights of its national minorities, then its claims to other countries in which Romanian minorities reside would be null and void, since "double standards" ought to be unacceptable.

Whereas PDSR often argued that "additional" minority rights are "privileges", the shift in argument marks a 180 degree turn: Năstase argued that if language rights were granted, then the Romanian state would gain considerable leverage in "requiring that the Romanian language be learnt by all its citizens".<sup>125</sup> The newly acquired Euro-conformity of PDSR rhetoric is evident also from the international legal regulations that Năstase appealed to in justifying the government's support for the Local Public Administration draft bill (the European Charter for Local Autonomy and the FCNM). It is worth noting that the adoption of the Local Public Administration law was a key point on the governing program of the Năstase government. It also had a strategic importance for Romania's EU accession process.

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<sup>123</sup> Adrian Năstase (PSD), transcript of discourse in Romania's *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year XII, No. 25, 2 March 2001, p. 22.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

PDSR's change of rhetorical tactics finds its explanation in a context that was markedly different in 2001 than in 1991. The pay-off of employing the theme of EU integration for political and electoral purposes became considerably higher than that of using overt anti-Hungarian nationalistic slogans. Nationalism increasingly came to be a discredited artifact and was taken off PDSR's list of priorities. Seeing that significant numbers of Romania's population has favored Euro-Atlantic integration more than chauvinistic catchphrases against the Hungarian minority, formerly overt nationalizing political parties such as PDSR swerved away from such stances and employed other - more fashionable – legitimacy gaining tools.

The fine-tuning of PDSR discourse occurred in such a way that “group rights” were no longer overtly disavowed as threats for Romania's national security. Key words such as “equality” or “non-discrimination” were included to indicate that the party supported such values. However, it was argued that that “special rights” could not be granted to minorities precisely because they would interfere with the principle of non-discrimination between a country's citizens. Through a skillful interweaving of arguments - in a legal analysis of the international legal framework for minority protection – Adrian Năstase contended that minority rights were not be regarded as “additional rights”, but as rights that are the same with those of the majority, and which simply have a distinct form of implementation. While the logic behind this reasoning is easily comprehensible and levelheaded, the underlying political implications cannot be overlooked:

The rights related to the use of the mother tongue are equal for minority and majority. They are not special rights, but their exercise is ensured by specific means. [...] An effective protection of the rights of persons belonging to

national minorities means [...] the recognition of equal rights for everyone, notwithstanding their ethnic origin.<sup>126</sup>

However, one can detect rhetorical overtones that are reminiscent of earlier PDSR rhetoric, one that is fearful of segregation and separatist tendencies:

The right to education in the mother tongue and the right to their own mass media involve the creation and maintenance of a separate forum for minorities for functional reasons [...] and should not develop into segregation.<sup>127</sup>

To conclude, PDSR has had twofold rhetoric: a first declarative level has been instantiated by the avowed support for policies that recognize and protect the cultural specificity and identity of minorities; the subsequent level has been marked by a retrenchment of the previous generic declarations, since the word “but” is frequently used to draw the limits within which such politics of recognition can develop:

A pluralistic attitude, through which [the minorities] preserve their identity, *but* [my italics] without sustained policies of separation from the majority population [...].<sup>128</sup>

As an overall statement, majority discourse has also abounded in tirades against minority claims for rights by counter-arguing that Romania exceeds European standards for minority protection. The underlying rhetoric strategies were aimed at leaving the audience with the impression that the UDMR claims are over-inflated and lack justifiability. In this interpretation, minority rights (but especially Hungarian “collective” rights) become “privileges”.

<sup>126</sup> Adrian Năstase, R. Miga-Beșteliu, Bogdan Aurescu, Irina Donciu, *Protecting Minorities in the Future Europe: Between Political Interest and International Law* (Bucharest: Regia Autonomă Monitorul Oficial, 2002), p. 80.

<sup>127</sup> Ibid., p. 79.

<sup>128</sup> Ecaterina Andronescu (PDSR), transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Chamber of Deputies, Year VIII, No. 205, 27 November 1997, p. 27.

### 3. 3. Moderate Supporters of Language and Education Rights: Rhetorical Patterns of PNȚCD, PD and PNL

The interventions of other majority parties in the debates concerning minority language use in education and public administration have been considerably more reduced in numbers when compared to those of PUNR and PRM (the most vocal anti-minority majority parties) and even to those of PDSR. The following paragraphs analyze the rhetorical patterns of PNȚCD (National Christian Peasant Party), PD (Democratic Party) and PNL (National Liberal Party); these have been the main political parties making up the Democratic Convention (CDR) coalition that governed Romania between 1996-2000. CDR enlisted UDMR as a governing coalition partner. As outlined in the introductory section of this paper, although these parties have had a fairly constant rhetoric on minority rights both during their time in power and in opposition, they illustrate the argument that irrespective of external political pressures or political alliances, majority parties have shown remarkable reluctance in going beyond the autonomy “ceiling” in granting minority rights.

#### 3. 3. 1. The National Christian Democratic Peasant Party’s Rhetoric

PNȚCD rhetoric generally exhibits a reconciliatory tone, by arguing for the need to establish a permanent dialogue between majority and minority that enables the “preservation of culture and of the mother tongue”<sup>129</sup>. PNȚCD has argued for the need to overhaul interethnic relations based on mutual “suspicion” and “mistrust”, in what on the whole represented a multiculturalism-prone discourse. PNȚCD supports the need to recognize that minority languages are part of the specific cultural traditions of minority communities.

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<sup>129</sup> Sorin Lepșa (PNȚCD), transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Chamber of Deputies, Year VIII, No. 205, 27 November 1997, p. 20.



The party displayed a balanced type of rhetoric, which sets minority languages in the same framework as the majority official state language, while being considered as complementary, not mutually exclusive.

It is important to note that due to the geographical boundedness of the Hungarian minority in the center of Romania, it is reasonable that – for functional as well as symbolic reasons – the members of this community are less fluent in the official language than in their mother tongue. Despite what some of the key majority political actors have argued across time, there is no causal relationship between studying (in) the mother tongue and discarding the official language as a key tool of communication. As integration has been one of the key UDMR rhetorical themes, it follows that social mobility is among the essential reasons that prompt minorities to learn the official language, although their social interactions (at least in the first stages of their life) are habitually carried out in the minority language.

This stance offered a response to inflaming PUNR, PRM and PDSR rhetoric claiming that more extensive minority language rights would imperil the use of the Romanian language. PNȚCD rhetorical arguments were also motivated by its political alliance with the UDMR and were meant to show the political support for the political measures mutually agreed on as part of the 1996-2000 Governing Program.

The revision of the Education Law and the issue of a Hungarian state separate university ranked high among the governing program's avowed priorities. "Multiculturalism is the technical solution that we need and is recommended by our history".<sup>130</sup> This phrase is consequential in that it epitomizes the PNȚCD (and generally the CDR'S) response to the UDMR claims for the (re)establishment of the separate state Hungarian University:

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<sup>130</sup> Sorin Lepșa (PNȚCD), transcript of discourse in Romania's *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Chamber of Deputies, Year VIII, No. 205, 27 November 1997, p. 21.

*multiculturalism* instead of *biculturalism* has been the preferred option for CDR regarding education rights for minorities. It needs to be emphasized that the coalition partners' rhetoric did not favor the establishment of a separate Hungarian university. After a political crisis emerged, UDMR demands were eventually met halfway, in a political "compromise" that led to the establishment of the multicultural Petöfi-Schiller University, with two language tracks: German and Hungarian. It is also noteworthy to add that teaching is done in Hungarian in the Hungarian-language track in the Babeş-Bolyai University in Cluj, the Faculty of Medicine and the Faculty of Dramatic Arts in Târgu Mureş and in the Reformat Theology Institute in Cluj.

The parliamentary debates are not relevant for the debate that went on inside the ranks of the coalition on repeated occasions in 1997 and 1998. Most of the significant statements were made outside the parliament. It is for this reason that I do not provide a detailed analysis of minority and majority rhetoric on this issue. What CDR's stance proves, however, is that the Romanian political spectrum has largely been unified in the reluctance to grant extensive education rights in the mother tongue at all levels. The establishment of a state-financed Hungarian university has been the epitome of UDMR claims of cultural autonomy and, as such, has been continuously rejected by majority parties, regardless of the domestic or international context.

### **3. 3. 2. The Democratic Party's Rhetoric**

PD rhetoric has had different characteristics and strikes one as less minority accommodating than that of PNȚCD. To offer a telling example, PD Deputy Ileana Filipescu argued that "democracy is inconceivable outside the state identity of the nation, while democratic life has

at its basis national cohesion”.<sup>131</sup> The right of minorities to preserve their cultural, ethnic and language identity is rhetorically acknowledged by PD, as are political pluralism and cultural diversity. However, PD rhetoric also exhibits a retrenching from these general statements on a subsequent level of rhetoric, one that strongly emphasizes the “unitary and national character of the Romanian state”.<sup>132</sup> This dimension limits the previous statement and draws clear boundaries within which minority rights can be exercised – namely below the cultural or territorial autonomy threshold.

Moreover, what is arresting is that PD regards local autonomy as “outside the legal international standards, and can lead to the serious undermining of state sovereignty”.<sup>133</sup> These statements point to obvious contradictions between these two political statements of parties that were part of the same governing coalition together with the UDMR, contradictions which substantiate the disagreements that matured into a chronic stage by the end of 1999. The issue of “collective rights” was very contentious for PD and was rhetorically transposed by arguments which have emphasized that “human rights, among which minority rights, address individuals, not collectivities”.<sup>134</sup> PD continuously rejected the granting of “privileges” to minorities as harmful for Romania’s democratic consolidation.

PD rhetoric integrated direct references to minority language issues. The party’s arguments were also generally based on the principle of *equality*. PD interpretation of this concept is that it disallows any type of discriminations (including the positive type). PD rhetoric supports the knowledge of the Romanian language by minorities as part of their societal integration, but the party’s statements also implicitly emphasize that the Romanian

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<sup>131</sup> Ileana Filipescu (PD), transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Chamber of Deputies, Year VIII, No. 205, 27 November 1997, p. 21.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

language is to remain the sole official state language. PD rhetoric showed support for “private” education institutions for minorities, thereby implicitly rejecting the establishment of a state Hungarian higher education institution that would result in education autonomy for the Hungarian minority.

### 3. 3. 3. The National Liberal Party’s Rhetoric

PNL rhetoric during the debates on the amendments to the Education Law supported the amendments as a whole and those relevant for minorities in particular. PNL also attempted to reduce the influence of claims that advocated the alleged danger that the extensive use of minority languages would pose for the integrity of Romanian as the official state language.

“Institutional, structural and mentality reform”<sup>135</sup> were deemed as necessary by PNL rhetoric, a stand that had implicit pro-EU undertones. PNL justified the proposed amendments to the Education Law and the Local Public Administration Law through references to relevant articles in Romania’s Constitution and the provisions of the Romania-Hungary Bilateral Treaty. The party rejected the claims that the underlying connotation of Art. 17 of the Local Public Administration Law is that of introducing another official language.

There is no element that questions the sacred duty of every Romanian citizen to learn the Romanian language, in the spirit of Article 13 of the Constitution.<sup>136</sup>

Although not directly related to the debates on language and education rights, another landmark of interethnic relations in post-communist Romania was the *Law on the Hungarians living in the neighboring countries* (hereafter the *Status Law* - initially passed on

<sup>135</sup> Paul Păcuraru (PNL), transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year VIII, No. 216, 11 December 1997, p. 30.

<sup>136</sup> Radu Alexandru Feldman, transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year XII, No. 25, 2 March 2001, p. 30.

19 June 2001, and revised in 2003). The Law stirred criticism from Romania's majority parties, which interpreted the law as defining the Hungarian nation in ethnic terms. While the Status Law was generally seen by minority elites as a symbolic unification of the Hungarian nation, Romanian political elites and the media interpreted the law as contradictory with international and domestic legislation. Several months after the Hungarian Parliament amended the Status Law, Romania and Hungary signed a Memorandum regarding the implementation of the law on Romanian territory (December 2001).

For the purposes of this paper, the connection between the Status Law and UDMR recurrent claims for language use and the development of the Hungarian language educational system is significant since they came into accordance with the Status Law: one of the main avowed objectives of Hungary's active policies was the preservation of the linguistic identity of the Hungarian minority. What is thus consequential is the outlook assumed by Romanian majority political actors toward the initial variant of the Status Law. Adrian Năstase repeatedly called attention to the need for the Status Law's compliance with "European principles" and to the removal of "discrimination on ethnic bases", and of "its extra-territorial effects".<sup>137</sup>

The Liberals addressed this issue by emphasizing the dangers posed by the Status Law on account of its in disagreement with the liberal doctrine and contemporary European values.<sup>138</sup> PNL expressed its staunch disappointment with the attitude of UDMR, whom it deemed as having taken sides with the Hungarian government instead of attempting to

<sup>137</sup> Quoted in Marian Chiriac, *Provocările diversității: Politici publice privind minoritățile naționale și religioase în România* [Challenges of Diversity: Public Policies regarding National and Religious Minorities in Romania] (Cluj: EDRC, 2005), p. 84.

<sup>138</sup> "Guvernul Năstase nu poate gestiona problema statutului maghiarilor", ["The Năstase Government Cannot Handle the Issue of the Hungarians' Status"] PNL Press Release, 22 August 2001, at <http://www.pnl.ro/index.php?id=cp175>, visited in February 2007.

mediate relations. The alleged biased position of the the Hungarian party was consequently viewed as being “illegitimate and immoral”.<sup>139</sup> Overall, PNL press releases blamed UDMR elites for their allegedly disloyal attitude towards Romania: PNL argued that UDMR support for the Status Law was “extremely detrimental for the relations between the two states”, while discounting “European values and Romania’s interests”<sup>140</sup>. Moreover, PNL condemned UDMR of upholding an “ethnic, discriminatory posture, that stands opposite to the democratic values of the European Union space”.<sup>141</sup>

PNL’s general use of language is not aggressive - a feature which certainly distinguishes the liberal stance from the radical attitudes of PRM and PUNR. However, several considerations ought to be expressed about PNL rhetoric. Firstly, throughout its time in opposition (2000-2004), the Liberals (in coalition with the Democrats) reacted against UDMR claims and political stances (e.g. the Status Law debates, the 2004 Draft Bill for the Autonomy of the Szeklar Land submitted by the Szeklar National Council). These reactions have generally interlocked with negative assessments of the PSD – UDMR parliamentary coalition. As follows, Călin Popescu-Tăriceanu<sup>142</sup> argued that UDMR had been pursuing for political “transactions”<sup>143</sup> with PSD. As a result – Tăriceanu argued - ethnic Hungarian elites displayed dual tactics: while formally supporting the principle of decentralization, they also “sustain the policies of a government that disavows all form of local autonomy”.<sup>144</sup> Notwithstanding, PNL and PD won the 2004 presidential and parliamentary elections and enlisted UDMR as a governing partner.

<sup>139</sup> PNL Press Release, 18 October 2001, at <http://pnl.ro/?id=cp195>, visited in February 2007.

<sup>140</sup> Ibid.

<sup>141</sup> “PNL își exprimă dezacordul față de declarațiile domnului Marko Bela“, Biroul de Presa al PNL, 18 October 2001, at <http://pnl.ro/?id=cp195&offset=0>, visited in February 2007.

<sup>142</sup> Călin Popescu-Tăriceanu has been the PNL’s president and Romania’s PM (since 2004).

<sup>143</sup> PNL Press Release, Călin Popescu-Tăriceanu, *The PSD-UDMR Cooperation*, 29 January 2002, at <http://pnl.ro/?id=print&PageID=dp258>, visited in February 2007.

<sup>144</sup> Ibid.

Secondly, the Liberals have argued that the institutional mechanisms meant to protect the rights of minorities should safeguard the “cultural, political and juridical layer of identity”<sup>145</sup> of the *individual* members of an ethnic community (thereby protecting the minority’s group identity). PNL has brought forward legal arguments, which have rightly argued that since minority groups are not subjects of either domestic or international law (as are states and individuals), it is difficult to imagine the procedural aspects of a minority group bringing a claim for the infringement of its rights. Consequently, the implicit connotations are that not only that a domestic restructuring of legal-institutional mechanisms is required to recognize group rights, but also one at the international level.

On the whole, PNL rhetoric has been balanced and quite consistent during 1996-2004 with respect to language and education rights. However, the party has supported the recognition and promotion of such rights only up to a certain level. Despite the fact that between 1996-2000, it was part of the governing coalition together with UDMR, its support for UDMR’s claims narrowed during the debates on the establishment of the state-financed Hungarian university. PNL has viewed the Romanian nation in civic terms and disavowed group rights as obstructing the voluntary adhesion of individuals to several identity groups. Hence, *citizenship* rather than ethnic belonging inform the Liberals’ standpoint. PNL rhetoric has also promoted administrative decentralization, while emphasizing the significance of EU integration. The resulting arguments contend that in a prospective EU federalized structure, all ethnic groups would benefit from rights protecting their identity (regardless of whether they presently represent a majority or a minority in numerical terms).<sup>146</sup> As a final point, the

<sup>145</sup> Valeriu Stoica (leading PNL member and Romania’s former Minister of Justice), *National Identity and Ethnic Identity*, at <http://pnl.ro/?id=print&PageID=art003>, visited in February 2007.

<sup>146</sup> Valeriu Stoica voices these arguments in *National Identity and Ethnic Identity*, at <http://pnl.ro/?id=print&PageID=art003>, visited in February 2007.

preceding analysis has shown that majority parties with more accommodating stances have also opposed the institutionalization of minority autonomy at the level of higher education, irrespective of internal (political coalitions) or external factors (the adoption of minority rights as a prerequisite of EU integration).

### 3. 4. Concluding Remarks:

This chapter has shown that majority rhetoric concerning minority rights has been framed by two key variables during the 1996-2000 and 2000-2004 electoral cycles: the common will to integrate in Euro-Atlantic structures and domestic electoral politics aimed at preservation of political power. My analysis has also shown that there have been limits to the shift from conflictual to accommodating rhetoric on minority rights. Neither the external nor the internal factors have decreased the majority elites' staunch opposition to granting rights that would result in various forms of autonomy for minority communities: the extension of minority language and education rights to the level of cultural autonomy has been rejected by all key majority political actors.

Although both minority and majority political actors have articulated their stances while appealing to the principles of *equality* and *integration*, their views have often been on contending paths. As the analysis of minority rhetorical patterns has shown, the Hungarian party has argued for a *substantial* type of equality. Conversely, this chapter suggests that majority rhetoric has opted for a *procedural* type of equality, which disallows state affirmative action precisely on the grounds of *equality*. Majority parties have interpreted *equality* as identical *de jure* provisions for the rights of citizens belonging to the majority ethnic group and to those of minority communities.

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## Chapter 4. REALIGNMENT OF MINORITY AND MAJORITY RHETORICAL STANCES: 2004-2007

This chapter identifies the interplay between an increase in minority demands for cultural and territorial autonomy and a concurrent retrenchment of majority conceding will. The analysis extracts key majority and minority rhetorical patterns by following the parliamentary debates concerning the Draft Bill on the Status of National Minorities, with the purpose of identifying *why* majority parties have retrenched in their willingness to relatively accommodate minority demands for rights.

The previous chapters have shown that having reached a common denominator – EU integration - the *nationalizing* minority and majority political parties influenced each other's rhetoric, to the point where a relatively accommodating political stance has prevailed. However, ethnocultural accommodation is an ongoing process in Romania. The 2004-2008 electoral cycle represents another significant period for the Hungarian minority's participation in government, as UDMR members have been elected or nominated in important decision-making positions, both at a local and central level. Notwithstanding the minority-majority process of relative accommodation, the reluctance of the majority parties towards different forms of autonomy is still remarkable; such opposition is unlikely to decrease in the near future.

### 4. 1. Increasing Minority Demands for Autonomy

During the present electoral cycle, due to various internal and external factors, UDMR rhetoric has taken a swerve toward claims of internal self-determination of the Hungarian

community.<sup>147</sup> The epitome of UDMR view of minority rights is their proposed *Draft Bill on the Status of National Minorities and Autonomous Communities* (hereafter the Draft Bill on Minorities). The first version of this Draft Bill was submitted to the Parliament by UDMR in November 1993. There have been several other draft bills,<sup>148</sup> but the adoption of a framework law on Minorities has been subjected to considerable protraction.

The most contentious issues were UDMR demands for various levels of autonomy. The Draft Bill on Minorities basically summarized the already existent provisions for minority rights within the Romanian domestic legal framework, but also profiled *autonomy* as a key principle for the status of the Hungarian community. UDMR has repeatedly argued that the Law on Minorities was aimed at regulating the status of national minorities in Romania and also the setting up of an appropriate legal framework for the institutionalization of the system of minority rights protection. Ethnic Hungarian leaders have argued that the essence of the Draft Bill was “minority participation to the decision-making process in what regards their own institutions”.<sup>149</sup> *Autonomy* was singled out as a key UDMR demand, and was placed in a multi-layered nexus that involved decentralization, regionalization, subsidiarity and self-government.

The requested rights are justified by the “qualification of a minority as a political entity and entity under public law”.<sup>150</sup> However, the UDMR demands for the Hungarian minority (along with other minorities) to be recognized as a “constituent part of the state” –

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<sup>147</sup> Various tiers of autonomy are prioritized by the eighth UDMR Party Congress from March 2007, at [www.rmdsz.ro](http://www.rmdsz.ro).

<sup>148</sup> Draft bills on a framework law for national minorities were also submitted by the minorities parliamentary group and by the Department for the Protection of National Minorities.

<sup>149</sup> Markó Belá, transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year XVI, No. 138, 6 October 2005, p. 41.

<sup>150</sup> Gabriel Andreescu, Valentin Stan, Renate Weber, *Study of the Conception of Democratic Alliance of Hungarians in Romania on the Rights of National Minorities: A Critical Analysis of UDMR Documents* (Bucharest: APADOR-CH, 1995), p. 7.

apart from stirring sharp rhetorical reactions from the majority parties – also points to challenging theoretical connotations. Although it is not this paper’s main aim to engage in a legal or theoretical analysis of UDMR’s conception on *autonomy*, a few notional considerations are set forth below.

What is the challenging inference of UDMR reasoning is that although it has recurrently criticized the ethnic approach to the *nation* of the majority, the subtext of its major claims can be placed under a similar ethnicizing label, where the ensuing state would have representatives of ethnic communities at its basis, rather than de-ethnicized ethnic institutions. At present, the state is defined as an “institutional relationship existing only between a state and its citizens”.<sup>151</sup> It follows that national minorities are not legal subjects. The comprehensive restructuring of procedural aspects relating to the dealings between a state and its national minorities (on a collective, not individual basis) thus goes beyond a domestic institutional reorganization: it also involves inclusive streamlining of present international mechanisms.

Claims for the territorial autonomy of the Szeklar Land (the region in Romania where ethnic Hungarians form the local majority) were also voiced by two other organizations: the National Szeklar Council (CNS) and the National Council of the Hungarians in Transylvania (CNMT - formed in 2003, following a internal crisis in UDMR). Both organizations drafted bills for territorial autonomy, but only the CNS variant was submitted to the Parliament in 2004, only to be rejected by the Chamber of Deputies a month later. Although the draft bill was submitted by ethnic Hungarian elites that have contended UDMR’s leadership, the ethnic Hungarian party did not outrightly reject it. Hence, such a course of action presented majority rhetoric with a new reason to argue against the allegedly separatist UDMR tendencies.

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<sup>151</sup> Ibid., p. 14.

While UDMR discourse has featured constant and unitary claims concerning language and education rights, hesitant rhetorical stances have been the marker of UDMR discourse in what regards various tiers of minority autonomy. By their stances, the party's leaders have implicitly acknowledged that, as it stands, majority willingness to compromise on minority rights considerably narrows when challenged with claims for autonomy. *Autonomy* has been a back burner on UDMR agenda during 1996-2004. Nevertheless, due to the party's decrease in popular support and increase in opposition from ethnic Hungarian elites voicing more radical demands, it has made a comeback since 2004. UDMR has used its bargaining potential (as one of the governing coalition members), but not very successfully, since the Draft Bill was voted down after extended debates in Parliament.

The UDMR discourses that the ethnic Romanian elites have considered as the most inflaming were held outside the parliamentary framework. One such instance was Markó's 15 October 2006 speech. The supremacy of UDMR as the only political representative of the Hungarian minority had been recently contested through the actions of the Szekler National Council, as was the leadership of UDMR by Markó's bloc. This was one of the reasons why the UDMR president used strategic rhetorical devices to highlight two increasingly prominent themes: *unity* (of the Hungarian minority's representatives) and *autonomy* (as the form for institutionalizing minority rights).

An escalation in demands concerning language rights became evident when Markó argued that the framework of territorial autonomy that is supported by the Hungarian ethnic party implies the recognition of the official status of the Hungarian language within those autonomous areas ("along with the Romanian language").<sup>152</sup> The cooperative dimension of autonomy was thus re-emphasized, but allegations of that entailing the isolation of the

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<sup>152</sup> Markó Belá, speech in Lutița, 15 October 2006.

Hungarian community and possible discriminations against the ethnic Romanian population were rejected. The existent territorial arrangements with an autonomous character in several European countries offer UDMR a significant leverage point, especially in the context of Romania's EU integration.

As previously stated, the two key coordinates of UDMR rhetoric on autonomy are stratified on a personal (cultural) level and a territorial one. Notably, the 2007 modified UDMR Party Program (following the party's 8<sup>th</sup> Congress) highlights "the necessity of creating and implementing the legislative framework for the cultural and territorial autonomy"<sup>153</sup> of the Hungarian minority. Moreover, UDMR has resumed the "constitutionally-corresponding [...] collective rights" theme by arguing that EU integration will allow the "materialization of individual and collective rights",<sup>154</sup> a claim that is substantiated through the principles of "subsidiarity" and "self-government". Precisely due to its manifold implications, the term "collective rights" has often been used as an umbrella term. It is, therefore, important to specify that UDMR has argued that

In the case of a national minority, the preservation of ethnic, linguistic and cultural identity is an interest that cannot be (exclusively) protected on an individual basis.<sup>155</sup>

Nevertheless, UDMR political program and rhetoric lack a precise description of the design according to which cultural or territorial autonomy would be institutionalized. Theoretical considerations have shown that the first tier has a more symbolic underpinning – as it "applies to all the members of a certain group within the state, regardless of the place of

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<sup>153</sup> See UDMR Program at [www.rmmsz.ro](http://www.rmmsz.ro), page visited in April 2007.

<sup>154</sup> Ibid.

<sup>155</sup> Author's interview with Markó Béla's State Counselor, April 2007.

their residence”.<sup>156</sup> The second is said to be more functional in scope – as it “may apply to all the inhabitants of a certain region, thus including those who are not members of the group for whose benefit the regime is established and who may even resent it”.<sup>157</sup> These concise definitions make clear the underlying difference between the two forms of autonomy and the multifarious implications triggered by their implementation: while personal autonomy is based on volition, territorial autonomy implies a certain degree of compulsion as part of its completion.

#### **4. 2. Retrenching Majority Rhetoric: Reactions to Minority Claims for Autonomy**

Majority rhetoric on the provisions of the Draft Bill on Minorities developed especially antagonistic overtones in 2006, when contingent events served as a catalyst for the renewal of the rhetorical theme that was a landmark of 1990-1996: the alleged secessionist intent of the Hungarian minority and its consequences for Romania’s territorial integrity and unity. The context was again a determining factor for rhetorical shifts: the alleged ‘referendum’ for the territorial autonomy of the three counties in Romania where the ethnic Hungarians are in the majority: Harghita, Covasna and Mureş. Organized by the Szeklar National Council (CNS)<sup>158</sup> at the end of 2006, the ‘referendum’ aggravated what was already a tense debate on the provisions of the Draft Bill on Minorities.

The shift in majority rhetoric is easily discernible, as most parties displayed increasingly hostile nationalistic overtones. PRM and PSD reinforced their stern criticism of UDMR demands while linking it to their negative assessment of the PNL-PD governing

<sup>156</sup> Ruth Lapidoth, *Autonomy: Flexible Solutions to Ethnic Conflicts* (Washington: Unites States Institute for Peace, 1997), p. 37.

<sup>157</sup> Ibid., p. 39.

<sup>158</sup> An organization that claims to represent the demands of the ethnic Hungarians living in the three aforementioned counties

coalition. PRM has preserved a rhetorical line that warns against UDMR actions as part of a plan aimed at Romania's "territorial dismemberment",<sup>159</sup> implemented through the "recurrent blackmail" of the coalition members allegedly oblivious to the imminent threat UDMR poses. Moreover, PRM discourse has warned against both the Hungarian and Romanian governments, in an overtly populist-tinged attempt to discredit the governing coalition.

At times, PSD rhetoric has concealed more subtle arguments against some of the most contentious provisions of the Draft Bill on Minorities;<sup>160</sup> periodically, however, one observes unveiled incriminations of allegedly restored irredentist claims of UDMR, presented as defiant of state sovereignty and as an "attack against the Constitution".<sup>161</sup> These claims are often interlinked with upfront implications for the "irredeemable [...] lack of reaction",<sup>162</sup> from Romania's government, which allows for "separatist patterns specific for the 1990s to be rehashed just a few months prior to EU accession".<sup>163</sup>

I analyze the Liberals' and the Democrats' rhetoric jointly, as these two parties have formed the majority parliamentary group in the Romanian Parliament since 2004 onwards and they have had a similar discourse during the debates on the Draft Bill for Minorities. PNL-PD rhetoric illustrates a more restrained disapproval of some of the Draft Bill provisions and the Szeklar National Council's actions. Their line of rhetorical strategy signals

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<sup>159</sup> PRM representative discourse, transcript in Romania's *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year XVI, No. 138, 6 October 2005, p. 35.

<sup>160</sup> One such example is Romania's former President Ion Iliescu's intervention in the Senate, when "unity in diversity" is advocated as the foremost principle for the integration of Romania's national minorities as "constitutive factors of the *society* [my italics]" – and not of the state, as UDMR has repeatedly demanded. Therefore, even if coated differently, the reservations concerning the implications of UDMR demands for the integrity of the state are still high-ranking in PSD rhetoric. See Ion Iliescu (PSD), transcript of discourse in Romania's *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year XVI, No. 138, 6 October 2005, p. 33.

<sup>161</sup> Antonie Iorgovan (PSD) – one of the drafters of the 1991 Constitution - transcript of discourse in Romania's *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year XVI, No. 146, 19 October 2005, p. 43.

<sup>162</sup> Sorin Oprescu (PSD), transcript of discourse in Romania's *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year XVII, No. 146, 19 October 2006, p. 3.

<sup>163</sup> Radu Cristian Georgescu (PSD), transcript of discourse in Romania's *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year XVII, No. 31, 23 March 2006, p. 11.

that majority-minority political coalitions tend to mitigate anti-minority discourse (UDMR being the governing partner of PNL and PD).

For instance, representatives of the PNL-PD parliamentary group have argued against a possible autonomous region as being “an entity that would establish its own working rules”, while “the Hungarian government would become the official protector of the Szeklar counties”.<sup>164</sup> On the whole, PNL rhetoric has signaled that requests for territorial autonomy are regarded as threats to Romania’s integrity and constitutional provisions,<sup>165</sup> thus displaying similar rhetorical patterns with those of the opposition parties.

The fourth member of the governing coalition (Conservative Party – PC) has engaged in a considerably more overt rhetorical criticism, by qualifying UDMR discourse as being “anti-Romanian and anti-state” that aim at securing privileges, federalizing Romania and therefore allegedly “creating a state within a state”.<sup>166</sup> It is essential to note that PC has often manipulated its rhetorical targeting of UDMR claims as a strategic underpinning of its continuous intra-coalition political feuds with Romania’s President (Traian Băsescu – formerly the President of PD).

The debates on the Draft Bill on Minorities have marked another milestone of minority-majority relations in post-communist Romania. This is why this chapter has focused on the debates relating to this proposed bill, while showing that there is an *action-and-reaction* pattern between minority and majority rhetoric: the increase in the Hungarian party’s demands for cultural and territorial autonomy has triggered a decrease in the

<sup>164</sup> Grigore Crăciunescu, transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year XVII, No. 147, 20 October 2006, p.16.

<sup>165</sup> Puiu Hașotti, transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year XVIII, No. 007, 22 February 2007, p. 5.

<sup>166</sup> Nicolae Popa, transcript of discourse in Romania’s *Official Journal*, 2<sup>nd</sup> Part, Parliamentary Debates in the Senate, Year XVIII, No. 25, 16 March 2007, p. 8.



majority's willingness to compromise on the extension of the legal-institutional framework for minority rights.

This chapter has thus shown that a key reason that prompted majority parties to retrench in their willingness to relatively accommodate minority demands lies with the different standards by which majority and minority political actors measure the present state of the minority rights' framework in Romania. By minority standards, although the accomplishments are significant, there is a subsequent level of rights that the Hungarian party aims at. Conversely, majority standards measure the institutionalization of minority rights as having reached a threshold that is unlikely to be passed in the short or medium term. The extension of the minority rights framework has thus been brought to a standstill after 2004. Regardless of the setbacks, the minority-majority negotiation process has yielded commendable results.

## CONCLUSIONS

This paper has identified the key majority and minority rhetorical patterns on minority rights in a way that illustrates the interlocking nexus they have formed and the key factors that have shaped and shifted them. More precisely, there is a *minority action and majority reaction* blueprint that has been constant all throughout the post-communist period. Majority parties did not react equally to every rhetorical theme or demand of the Hungarian party. Instead, majority counter-alignment to minority rhetoric has constantly occurred when the demands of ethnic Hungarians elites for minority rights overtook the “minimum standards” and attempted to cross the autonomy threshold.

The aim of this research has been threefold: firstly, to identify the main *factors* that have determined positive shifts in minority and majority rhetoric on minority rights in post-1996 Romania; secondly, to analyze *how* these factors were reflected in and shaped minority and majority discourse; and thirdly, to reveal the *limits* that have characterized the relatively accommodating majority views on minority rights.

My analysis has shown that the shifts in both minority and majority rhetoric have been *context-dependent*: EU conditionality and majority-minority political alliances (aimed at preservation of political power) have triggered significant fluctuations in rhetoric. Minority and majority discourses have internalized the aforementioned factors and have structured their arguments in accordance with them.

More precisely, when EU integration became the foremost priority on Romania’s foreign policy agenda (from 1996 onwards), minority rhetoric has persistently used this factor as one of the major arguments for the extension of minority rights. Furthermore, the

Hungarian party has sidelined its avowed aims (cultural and territorial autonomy) with the purpose of preserving political power.

Similarly, the prospects of EU integration curtailed the use of nationalist rhetorical devices for power legitimization purposes (as had often been the case with majority rhetoric prior to 1996). With the public opinion's explicit support for EU integration, majority rhetoric shifted. Following negotiations with the Hungarian party, majority political actors have also compromised on the extension of minority rights' legal-institutional framework. My analysis has revealed that there have been considerable differences between the degrees to which the rhetoric of different majority parties did veer. However, since the agreement on the necessity of Romania's EU integration has been general, important concessions were made. However, since Romania has acceded to the EU,<sup>167</sup> an ensuing research phase should analyze what other factors will be prominent indicators of shifting discourse (especially as post-accession monitoring of minority rights has been a back burner on the EU agenda). Moreover, since such an undertaking (together with the one the present paper has carried out) would constitute valuable findings, they ought to be translated into tools for developing policy-making strategies aimed at encouraging the progress of ethnocultural accommodation in Romania.

By comparatively analyzing minority and majority patterns of rhetoric on minority rights, my analysis has distinguished a discursive cycle that can simplistically be rendered as having had three main stages. Firstly, during 1990-1996, minority and majority rhetoric interlocked in a conflictual nexus that polarized the Romanian political spectrum in what concerns minority rights. The rhetorical patterns analyzed in the first chapter have set the background onto which the post-1996 shift towards relatively accommodating stances

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<sup>167</sup> 1 January 2007.

emerged. The first six post-communist years witnessed a struggle for power between majority parties that employed ethnonationalist discourse as a key legitimating tool. In a pattern of action-and-reaction, the Hungarian party's discourse also displayed significant ethnicizing connotations, while demands for cultural and territorial autonomy were prioritized. This interlocking nexus resulted in the polarization of the Romanian political spectrum and to the isolation of the Hungarian party on the political arena prior to 1996.

The second and third chapters have revealed that the 1996-2000 and 2000-2004 electoral cycles were framed by two key variables: majority and minority common will to integrate in Euro-Atlantic structures and domestic electoral politics aimed at preservation of political power. While equally reacting to these factors, as well as to each other's rhetoric, minority and majority political parties have engaged in what can be termed as a "power-sharing" arrangement. Rhetorical stances on both sides have been more accommodating and the minority-majority political partnership resulted in the adoption of several laws that have led to a certain level of institutionalization of national minority protection in Romania. By minority standards, this level is still quite moderate, but by majority standards, it has reached a significant peak.

The third chapter has also shown that from 2004 onwards, majority rhetoric has again shifted as a reaction to increased minority claims for internal self-determination: most majority parties' rhetoric has displayed increasingly hostile nationalistic overtones. The third chapter's findings point to the fact that the Romanian political spectrum has largely been unified in the rejection of any extension of the minority rights' framework that may result in forms of cultural or territorial autonomy. Therefore, opposition towards the institutionalization of minority autonomy has persisted throughout the post-communist

period, irrespective of internal or external factors. Although shaped differently, the key majority political actors have displayed similar rhetoric devices rejecting the extension of minority language and education rights to the level of cultural autonomy.

By way of concluding, this paper's findings suggest that political elites have targeted the rhetoric manipulation of national, ethnic, religious or linguistic layers of identity as a foremost political resource. Considering that the overtly nationalistic features of Romanian communism (persistently expressed through a political discourse aimed at the forceful assimilation of Romania's minorities) have considerably impacted on both the elite's and the society's political culture, analyzing post-communist discourse on minority rights is essential. As rhetoric epitomizes the political actors' stances as marked by certain contextual factors, it is useful for both academic and policy-making purposes to analyze the role of discourse in the political compromises that have led to the institutionalization of minority rights in Romania. In this paper's understanding, *compromise* has a positive connotation, since it points to the maturing of majority and minority stances. One may argue that it was precisely on account of such political compromises between majority and minority political actors that the negotiation process aimed at interethnic accommodation proved to be a beneficial one.

Regardless of the form interethnic accommodation will take in Romania, the only constructive way forward is for minority and majority political actors to engage in continuous negotiations. A prerequisite for a mutually beneficial outcome is the departure from rigid and conflictual positions towards flexible stances resulting in political stability and institutional efficiency. Minority participation in government (at both a local and central level) stands a great chance of successfully integrating a specific minority in the larger society, while also weighing down majority fears of minority segregation.

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