I. Introduction

The Hungarian Minority Act (LXXVII) was adopted by the parliament on 7 July 1993. The extensive parliamentary consensus of that time is evidenced by the fact that the Act was adopted with an overwhelming majority of 96.5%, a legislative feat resembling the voting consistencies common in the former state-socialist regime. The legislature considered Article 68 of the Constitution, which stated that minorities living in Hungary are constituent parts of the state. After the adoption of the Act, the Parliament of the

1 The fourth minority self-government elections took place in Hungary after this manuscript had been completed. The elections brought a further increase in the number of local minority self-governments. Compared to the 1,843 local minority self-governments established in 2002, their number grew to 2,049 in 2006, despite the fact that fewer votes were cast than before. As expected, minority self-governments were established based on a minimum number of votes. In some cases, the results were more surprising than the author had anticipated: sometimes even the very candidates themselves failed to vote. For example, in the Ruthenian minority elections in Pomáz, altogether four persons cast their vote, thereby electing five members into the minority self-government. In all likelihood, few places in the world allow the possibility that the number of voters be smaller than the number of representatives elected.

2 Art. 68(1):

The national and ethnic minorities living in the Republic of Hungary participate in the sovereign power of the people: they represent a constituent part of the state.

(2) The Republic of Hungary shall provide for the protection of national and ethnic minorities and ensure their collective participation in public affairs, the fostering of their cultures, the use of their native languages, education in their native languages and the use of names in their native languages.
Hungarian Republic modified the Acts on Local Governments and on the Election of Mayors and Self-Government Representatives accordingly.

The reference in the Hungarian Constitution to minorities as constituent parts of the state and the Minority Act based on the Constitution theoretically lead to the construction of a multicultural political community. If an answer to the question of why the legislature is committed to the idea of a multicultural political community is to be found—which is of some interest in Central Eastern European state politics—it can be reasonably argued that such a commitment is not necessarily based on an attraction to multiculturalism per se. More likely, as those contemplating the obvious defects of the minority self-government structure have often pointed out, the Act was established with an eye towards politics regarding ethnic Hungarians living in the neighbouring states rather than a concern with the interests of national minorities within Hungary itself. According to this perspective, with which I agree, Hungarian minority politics has been the captive or servant of politics concerning ethnic Hungarians living abroad. Despite all attempts, the legislature has failed to convincingly refute this theory. In fact, acts adopted since the 1990s contain aspects that support such an interpretation. To provide just one example, Governmental Decree 1120 of 1995 (XII.7.), establishing a Coordinating Council on Roma Issues (which is only of historical interest today as it is now defunct), appointed the chairman of the Government Office for Hungarian Minorities Abroad to be a member of the nationwide council. It is also revealing that in the course of the parliamentary debate on the Minority Act, politicians often referred to the assumed or real problems of Hungarians living abroad. In fact, the Act was intended to be a kind of ‘model child’, setting an example for politicians in neighbouring countries who were ‘enthusiastically’ searching for an acceptable minority-political framework.

Yet, this model child was problematic from the outset. It is highly questionable, for instance, whether a more or less homogenous society like Hungary’s is an adequate model for the creation of an essentially multicultural political community. According to Joseph Raz, the model of multiculturalism cannot be applied to minorities that have lost their ability to sustain themselves, nor to minorities that have already largely assimilated but have managed to preserve some of their traditions in a limited capacity. By the time

---

(3) The laws of the Republic of Hungary shall ensure representation for the national and ethnic minorities living within the country.

(4) National and ethnic minorities shall have the right to form local and national bodies for self-government.

(5) A majority of two-thirds of the votes of the members of parliament present is required to pass the law on the rights of national and ethnic minorities.

Act XX of 1949 on The Constitution of the Republic of Hungary. After the change of systems in Hungary, the foundations of the democratic system were laid by Act XXXI of 1989 which, although only a law amending the constitution in form, in fact meant the adoption of a substantively new constitution.

3 Act LXV of 1990 on Local Governments.