

GÉZA JESZENSZKY

Géza Jeszenszky*

HOW THE PROBLEM OF TRANSYLVANIA WAS BORN?

Transylvania¹ (in Hungarian Erdély, older form Erdőelve), in Romanian Ardealul or – more recently – Transilvania, in German Siebenbürgen) is the name of a historical province in Central Europe. It is in the eastern corner of the basin surrounded by the arc of the Carpathian Mountains. It used to be separated from the Great Hungarian Plains by dense forests; that is where the name, “the land beyond the forest,” comes from. Its many mountains are rich in minerals: gold, silver, and salt was already mined at least two thousand years ago, while iron and coal in the Southwest led to a boom in industries in the late 19th century. Transylvania was a province of the medieval Kingdom of Hungary, often assigned to the eldest son of the King as a dukedom.² Since the end of the First World War Transylvania has acquired a wider meaning: it comprises all the territories which Hungary had to cede to Romania: Transylvania proper plus much of the Banat of Temesvár, as well as most of the former Hungarian counties of Máramaros, Szatmár, Szilágy and Bihar.

When Hungary lost the decisive battle of Mohács (1526) to the Ottoman Turks, the kingdom was partitioned. Central Hungary became an Ottoman province with Buda as its seat; the West and the North was ruled by Habsburg kings (that was called royal Hungary), and Transylvania (together with several counties of the eastern plains lumped together by the name *Partium*) became an independent Hungarian principality, paying yearly tribute to the Sultan in Constantinople. Thus “It provided continuity for the awareness of the historical Hungarian kingdom.”³ When the Turks were finally expelled from Hungary at the end of the 17th century, Transylvania was not reunited with Hungary but was kept by the Habsburgs as a separate Grand Duchy, having its own Diet. In 1848 that very Diet unanimously voted for reunion with Hungary. The military intervention of Czarist Russia in 1849 dashed the hopes of the Hungarians for national independence, and Transylvania again became a Habsburg province. The Settlement concluded between Hungary and the Habsburgs in 1867 reaffirmed the union of Hungary and Transylvania. The Kingdom of Romania joined World War I only in 1916, explicitly in the hope of annexing Transylvania and much of eastern Hungary. Defeated, it signed peace with the Central Powers in May 1918, but after Austria-Hungary signed an armistice (November 3, 1918) the Romanian army invaded Hungary and occupied Transylvania. The Paris Peace Conference of the victorious *Entente* powers decided that Hungary must cede Transylvania, and three adjoining portions of Hungary to Romania. The area transferred in the Treaty of Trianon (signed on June 4, 1920) to Romania was 103,000 square kilometers, larger than what was left for Hungary. According to the census of 1910 it had a population of 5.2 million: 2.8 million Romanians (54 %), 1.6 million Hungarians (32 %), 556,000 Germans (11 %), and 4 % Serbs, Croats, Slovaks, Czechs, Rusyns and others. In the next twenty years Hungary never stopped demanding the peaceful revision of its borders. Finally, on August 30, 1940 Germany and Italy arbitrated (in the so-called Second Vienna Award) that the northern part of Transylvania (having a slight Hungarian majority over the Romanians) was to return to Hungary. Not for too long, the award was annulled at the end of the Second World War, in the Paris Peace Treaty of 1947. Thus Romania again had a close to two million strong Hungarian minority. Hungarians became victims of severe oppression and discrimination under the communist system. Today Romania is a member of NATO and the European Union, two institutions which insist on the full observation of the rights of national minorities, nevertheless the Hungarians of Romania are very far from being satisfied with their legal and political position, and demand autonomy. What is the background of this turbulent history and the controversial decisions about Transylvania?

The Roman Empire under the Emperor Traian in 105 A.D. conquered the land north of the Lower Danube and created the province called Dacia, named after the defeated *Dak* population. The Daks were most probably related to the Thracians. Dacia included present-day Transylvania, but was larger. In 271 A.D., under continuous attacks by the Germanic Goths, the province was finally evacuated and abandoned. A century later the Goths were pushed out of Transylvania by the Huns, they in turn by the Gepids and Avars. The Avars created a short-lived empire well over

© Géza Jeszenszky, 2018

* Géza Jeszenszky [pronounced as if were spelt Yesensky] is historian, politician and diplomat. He was involved in changing Hungary into a democracy in 1989, making him Foreign Minister (1990–94). He was Ambassador to the United States in 1998–2002, and Ambassador to Norway and Iceland (2011–2014). His latest book in English is *Post-Communist Europe and Its National/Ethnic Problems* (2009). His memoir and analysis on Hungary’s neighbourhood relations (in Hungarian) came out in 2016.

today's Hungary, but in the early 9th century were defeated by Charlemagne. By that time mainly Slavs populated Southeastern Europe, and Transylvania became part of the Bulgarian Empire. With those successive invasions in mind it is practically impossible that any Latin-speaking population survived in Transylvania, nevertheless the Romanian adherents of the so-called Daco-Romanian continuity theory believe so. The ancestors of the present-day Romanians, as Byzantine chroniclers, as well as linguistic evidence suggests, must have lived in the Balkans, between the Albanians and the Bulgarians (where their Kutzo-Wallach cousins still live). The neo-Latin character of their language must be the result primarily of the intensive "Romanization" of the eastern Balkans between the 1–6th centuries.

The Hungarians or Magyars (in their own language), in a later wave of the Great Migration, came from the steppe region of today's southern Russia at the very end of the 9th century, and settled in the Carpathian Basin in the 10th. Eventually they absorbed most of the sparse Avar and Slavic population, including those who lived in today's Transylvania. It is telling that most of the names of the rivers and the mountains in Transylvania are of Slavic (and not of Latin) origin. By the early 11th century the Hungarians created a powerful state and adopted Christianity, Saint Stephen (1000–1038, canonized in 1083) becoming the first King. He subdued all the tribal or regional leaders, including his father-in-law, Gyula, who had controlled Transylvania. The latter became an integral part of the kingdom, and shared all the ups and downs of Hungarian history.

The Hungarian-speaking population lived mainly on the plains and in the hills, from Transdanubia (western Hungary) to the eastern and southern Carpathians, in fact moving even beyond that powerful mountain range in the 11–13th centuries into *Magna Cumania*, a region later to become the principality of Wallachia and Moldavia. In those lands the Romanians gradually reached ascendancy over the various Turkic and Slavic groups. The Romanians (until the late 19th century usually called Wallachs, Vlachs, Blaks, in Hungarian *oláh*) were shepherds pushed northwards from their Balkans homeland by the raids of the Cumans, and later, from the 14th century on, by the Ottoman Turks. In Transylvania the Hungarians settled in the central lowland (called *Mezőség*) and in the valleys of the rivers Maros (Mures), Szamos (Somes) and Olt. The whole kingdom was divided administratively into counties. The majority of the population lived on agriculture and were serfs in the feudal system, but the nobility, exempt from taxation but obliged to fight for the King, was quite large, eventually comprising well over 5 per cent of the people. The nobles and the clergy constituted the *natio Hungarica*. A certain part of the population was given the task of guarding the frontier, of which the eastern was the most exposed. Those guards were called *Székely* (Siculi in Latin, Szekler in German), today they are concentrated in a compact bloc in the south-eastern corner of Transylvania. In recognition of this military role they remained exempt from serfdom. This class of freemen was recognized as a privileged *natio*. According to legends they are the descendents of the Huns of Attila. While they have colorful folk costumes and songs, their language is completely identical with Hungarian.

In the 12th and 13th centuries German settlers (mainly from the Mosel-Rhine region) were invited by the kings to settle in various uninhabited regions of Transylvania. They called themselves Saxons (Sachsen), built fortresses and towns (hence the name *Siebenbürgen*), excelled in crafts and mining, were also traders, while the majority of them worked in the fields as diligent peasants. Their main settlement was in the south, along the foothills of the Transylvanian Alps (called Königsboden, with Hermannstadt and Kronstadt the two largest towns) and north of *Mezőség* around Bistritz. In 1224 King Andreas II granted them territorial and political autonomy in the golden charter *Andreanum*. Their privileges were extended in the 15th century. They, too, were recognized as a *natio*, their interests were represented by the *Universitas Saxonum*, *Sächsische Nationsuniversität*, headed by the *Comes Saxonum*, *Sachsengraf*.

The Romanians are first mentioned in Hungary in documents and chronicles in the early 13th century as living in the Transylvanian Alps near Fogaras. Most of them were shepherds grazing sheep on the lower pastures of the mountains. In the 15–16th centuries, with devastating three-cornered wars in Transylvania between the Habsburgs, the Ottoman Turks, and the Hungarian estates, many Hungarian villages were destroyed and large areas became depopulated; that enabled the Romanians to descend from the mountains and to become serfs on the land of the Hungarian landowners. By the early 18th century their number exceeded that of the Hungarians in Transylvania.⁴ Quite a few Romanians rose to the nobility, even to the richest stratum, and those soon integrated into the Hungarians. But on the whole the Romanians preserved their separate language and lifestyle, due to their Orthodox (Eastern Christian) religion and the use of the Cyrillic alphabet. In the 18th century Transylvania also "became the birthplace of a sense of Romanian identity in Uniate Catholic writings formulating the Roman roots of the Vlach peoples of Transylvania and the trans-Carpathian regions."⁵ The lower social position of the Romanians followed from their economic activity and was certainly not the result of deliberate ethnic discrimination: before the 19th century language and ethnicity mattered far less than wealth and legal status. In fact, it was mainly the Hungarian landlords who were responsible for inviting Romanians to cultivate their land as serfs.

From 1542 to 1688 Transylvania was practically an independent country, with an army and a financial system of its own, maintaining diplomatic relations, and showing impressive cultural achievements. The ruling Princes were elected by a Diet from various powerful Hungarian magnates, like the Báthory (István was also King of Poland and Lithuania), Bethlen and Rákóczy families. The regular yearly tribute ensured that the Turks did not occupy the country, but expected its ruler to act as a vassal in European politics. Those Hungarian leaders, however, played a delicate game between Constantinople and Vienna, their ultimate aim being the restoration of the unity and independence of Hungary. The Reformation spread quickly in Transylvania. The Saxons followed the teachings of Luther, while roughly half of the Hungarians became Calvinist, with a few adopting the radical Unitarian faith. Only a small number of the Romanians accepted the Reformation, but in the 17th century many followed their church leaders who rec-

ognized the Pope in Rome as their spiritual leader, and joined the Uniate or Greek Catholic Church. The Diet of Tor-da (Turda) in 1568 proclaimed tolerance and the legal equality of the Catholic, Calvinist, Lutheran and Unitarian religions.⁶ Two princes, Gábor Bethlen and György Rákóczy I, participated also in the Thirty Year War, on the Protestant side. But when the next prince, György Rákóczy II, overestimated his strength and tried to capture the Polish throne without authorization from the Porte (1658), the Tartar auxiliaries of the Ottomans ravaged the country, ending its “brief shining moment” in history. With the final defeat of the Ottomans in Hungary Transylvania came under Habsburg rule as a Grand Duchy. The Emperor-King was represented by a Governor (*Gubernator*), picked from Hungarian families loyal to the dynasty, but the seat of the administration (the Transylvanian Chancery) was in Vienna. The Diet (representing the nobility, the towns and the clergy) had little real authority.

The 18th century brought peace to the whole Carpathian basin, and the Habsburg rulers initiated large-scale immigration, *impopulatio*, in order to make up for the great demographic losses of the previous centuries. A large number of Germans, now called Schwabians, arrived as colonists, organized by the authorities in Vienna, the imperial capital. Many Serbs and Romanians escaped from the excessive taxation and general misrule in the Ottoman-controlled Balkans (Moldavia and Wallachia included), and were welcomed as settlers in Hungary and Transylvania. Slovaks and Hungarians moved southward from the densely populated northern counties. Jews sought refuge from the anti-Semitism of the Russian Empire. This migration further changed the national composition of southeastern Hungary, including Transylvania, making it an ethnic mosaic.

In the wake of the French Revolution and Napoleon’s campaigns traditional loyalty to the sovereign and the territory he held gave way to loyalty to the “nation,” not to the feudal *natio*, but to those speaking the same language. The new way of thinking, “nationalism” held the view that language, culture and traditions (and not existing borders) determine a nation. “National awakening” undermined the great multinational empires: the Ottoman, the Habsburg and the Russian, and in about a hundred years led to the complete redrawing of the political map of the eastern half of Europe. It was difficult to separate the various linguistic groups by international (or just by internal) borders, as many nationalities were overlapping. (Typical of that was the cohabitation of Poles and Lithuanians in Northeastern Europe, or that of Poles and Ukrainians in Galicia.) It was next to impossible to separate the three Transylvanian nationalities by any dividing line, but all over the principality the towns remained inhabited almost exclusively by Germans and Hungarians. Jews started to arrive in larger numbers only in the 19th century, they played a very useful role in the industrialization, and excelled themselves also in the intellectual fields; they considered themselves Hungarians who belonged to the Israelite faith. The peasants (serfs until their emancipation in 1848) were Romanian, Hungarian and German, in that order. The Hungarian nobles and burghers as well as the Saxons were better educated than the Romanians, and among the former national feeling rose earlier and was stronger than among the Romanians, who had only the priesthood and a few lawyers to voice the demand for national rights. The biggest problem was, however, that the national aims of the three ethnic groups were irreconcilable. The Hungarians wanted reunification with Hungary and to maintain the basically Hungarian character of Transylvania. The Saxons were satisfied with the Empire where German was the principal language and Vienna the only real center. The Romanian peasants were traditionally loyal to the Habsburgs, their educated class demanded autonomy, but many of them started to dream of unification with Moldova and Wallachia. Transylvania was ethnically more colorful than Switzerland, but its past, its traditions unquestionably linked it to the kingdom of Hungary.⁷ In some parts of the land one national group was predominant, in others there was a mixture. Like in chemistry, a mixture can easily explode, and that is what happened in 1848.

The liberal “Age of Reforms” in Hungary (1825–48) culminated in a “lawful revolution” obliterating all feudal dues and privileges, making the serfs free owners of the land they had lived on, introducing equality before the law, and a representative parliamentary system. Pressed by revolutions all over Europe the Habsburg Emperor-King conceded that Hungary would be a completely independent state, linked to Austria only in a personal union. The last feudal Diet of Transylvania voted unanimously for union with Hungary, and the King assented. But with the turn of the tide in the other Habsburg provinces, the dynasty defeating the revolutionaries, the concessions given to Hungary were rescinded and an Imperial Army invaded the country. Part of the scheme was to incite the Slavic and Romanian subjects against the Hungarians, spreading the (false) news that the Hungarian landlords were against allowing the peasants to become freeholders, and that the Hungarians were trying to impose their language on the non-Hungarian citizens of Hungary (partly true). The result was a kind of Romanian peasant rising in Transylvania (encouraged by the local units of the Imperial Army), and terrible atrocities were committed against several Hungarian towns and manors. The Hungarians fought back the Habsburgs on all fronts, and in the ensuing War of Independence they won remarkable victories, including a brilliant campaign in Transylvania under the leadership of the Polish General Bem. The Emperor-King resigned, and his young nephew, Francis Joseph felt compelled to seek the help of the Russian Czar, who was afraid that a Hungarian victory would lead to a rising by his Polish subjects. By August 1849 Hungary was crushed by the two Imperial Armies, with brutal reprisals ensuing. The Russian Army also occupied Moldavia and Wallachia, the two Romanian principalities, which were nominally still subjected to the sublime Porte in Constantinople.

The Romanians and other national groups in Hungary received as a reward what the Hungarians as punishment: a new era of Habsburg absolutism, with all liberal reforms annulled – with the exception of the emancipation of the serfs. Transylvania was detached from Hungary and ruled again from Vienna. In the early 1860s repression eased, and local parliaments were convened throughout the Habsburg Monarchy, Transylvania included. A Romanian majority was returned in the Transylvanian Diet of 1863. But when the Habsburgs lost their possessions in Italy

and were defeated by Bismarck's Prussia, they felt compelled to make a compromise with the strongest national movement, the Hungarian.

The 1867 Settlement or Compromise (*Ausgleich*) changed the Habsburg Empire into the dual Austro-Hungarian Monarchy, restoring the complete internal independence and constitution of the Kingdom of Hungary, maintaining only defense and foreign policy as common affairs. That enabled the Hungarian upper and middle class to dominate political life in the whole kingdom, including Transylvania. The liberal political philosophy of the political elite guaranteed all civic freedoms and full equality to the citizens, also allowing extensive linguistic rights to the non-Hungarians, but failed to recognize the latter as separate national communities, and turned down their demand for territorial autonomy. The Hungarians lived in a fool's paradise by believing that by teaching the Hungarian language to all the citizens they could turn them into Hungarian patriots. Transylvania was fully integrated into Hungary, overriding even the historic privileges of the Saxons. The Romanians (living in great number also west of historical Transylvania) became the largest national group of the Kingdom of Hungary after the Hungarians.

Fifty years of peace and rapid capitalistic growth transformed Hungary into a modern and prosperous country. The mineral assets of Transylvania (coal, iron, salt) contributed to this transformation, but rural Transylvania, including the Székely Region, was lagging behind. Many smaller Hungarian landowners went bankrupt, and their property was bought by banks owned by a growing Romanian middle class. Education spread among the Romanian masses, too, who had more schools than the far more numerous Kingdom of Romania had, a country whose sovereignty was internationally recognized at the Berlin Congress in 1878.

Romanian national consciousness originated in Transylvania in the 18th century, discovering, or rather inventing the alleged descent from the ancient Romans. The switch from the Cyrillic to the Latin alphabet was a logical concomitant, first in Transylvania, decades later in the two Romanian principalities. The idea to create a "Greater Romania" by uniting "the three Romanian lands", i.e. for Transylvania to be incorporated into the newly united Kingdom of Romania, also went back to Transylvania, to be taken up with great enthusiasm in 1848 in Bucharest, the capital of Wallachia. The Romanian press was responsible for this Romanian "irredenta", which penetrated the public on both sides of the Carpathians, gradually pushing aside those who advocated cooperation with the Hungarians, or who were loyal to the Habsburg dynastic idea. But as long as Austria-Hungary was one of the European Great Powers, allied to Germany (1879) and Italy (1882), no one could seriously challenge the territorial integrity of Hungary. The Pan-Romanian dream had a chance to be fulfilled only in case of a major war where Romania would be a member of an alliance defeating Austria-Hungary.

That opportunity came when a Serbian terrorist assassinated the Heir to the throne of Austria-Hungary in June, 1914, and the diplomatic conflict developed into the First World War. Although Romania was formally allied to Austria-Hungary (it was concluded in 1883 by King Carol, a German Hohenzollern proclaimed King of Romania in 1881), its government declared neutrality, waiting to see which side was more likely to win. With the Central Powers definitely weaker and a successful Russian offensive in July, 1916, Romania concluded the secret Treaty of Bucharest in August of the same year, which promised the cession of Transylvania and the eastern part of Hungary up to the Tisza River. Romania duly attacked Transylvania, but after initial successes was pushed back, and in December 1916 even the capital, Bucharest was occupied by a German army. When Russia was taken over by Lenin's Bolsheviks and left the war, Romania asked for an armistice and signed the peace in May, 1918. It stipulated the cession of only a small, uninhabited but strategically important territory in the Carpathian Mountains.

The war was decided, however, on the western front, with the entry of the United States. Although President Wilson spoke about "peace without victory," and his Fourteen Points called only for "autonomous development" for the national groups of the Austro-Hungarian Monarchy, by late spring, 1918, the United States, too, accepted "the principle of self-determination." It meant adopting the program advocated by a few political emigrants from the Monarchy (the Czech Masaryk and Benes being the best known), who advocated breaking up Austria-Hungary into its national components. That program promised victory and staving off forever the danger of German hegemony in Europe by eliminating Germany's ally. It was assumed that all the non-German and non-Hungarian elements of the Monarchy were keen on setting up their own national state. This may have been true in most cases, but it was impossible to carve up the Monarchy along ethnic lines without violating the very principle of self-determination. This was nowhere as much the case as between the Hungarians and the Romanians, whose area of settlement was so much overlapping that no border could separate them without leaving hundreds of thousands cut off from their nationals. [See map]

Austria-Hungary asked for an armistice on October 4, 1918, on the basis of Wilson's Fourteen Points and other public statements on war aims. The armistice was signed on 3 November at Padova, Italy. Its terms allowed the troops of the victorious allies to occupy any territory, but left public administration in the hands of the Austro-Hungarian authorities. By that date the dual Monarchy ceased to exist: the Austrians, Czechs, Slovaks, Croats, Hungarians and Ukrainians, in that order, declared their independence. On November 8 Romania declared war on the non-existent Monarchy and its army crossed the eastern, Transylvanian border of Hungary. The new, revolutionary Hungarian government led by Count Mihály Károlyi pinned all its hopes on President Wilson and his principles, and did not put up any resistance, in the belief that the peace conference would not reward those who used force. His Minister for National Minorities, Oszkár Jászi, offered territorial autonomy for all the non-Hungarians, and hoped to preserve the integrity of the country by re-arranging it on the model of the Swiss system of *Kantons*. His negotiations with the Romanian politicians from Transylvania were of no avail, they demanded the immediate transfer of power for them in all the eastern counties of Hungary. In order to underline this demand, they convened a people's grand

rally for 1 December to Gyulafehérvár/Alba Iulia., with the Romanian Army already standing nearby. The meeting proclaimed Transylvania's unification with Romania, but at least promised "full national freedom for the coexisting peoples. All of the peoples have the right to public education, public administration, and the administration of justice in their own languages, provided by individuals chosen from among their own members. All peoples will receive rights of representation in the governing of the country and in the legislative organ, in accordance with their numbers."⁸ Unimpressed by those pledges a popular assembly of the Hungarians of Transylvania declared its determination to remain within the borders of Hungary on 22 December in Kolozsvár/Cluj. The Romanian government could not care less; its army marched into Kolozsvár on Christmas Day. The advance of the Romanian army was accompanied by beatings, intimidation and expulsions applied against the Hungarian population. This military takeover was in violation of the armistice, and also of the subsequent Military Convention signed in Belgrade, which established a line of demarcation in Transylvania along the Rivers Maros and Szamos, but the Romanians instinctively knew that "possession is nine tenths of the law." The Saxons read the situation correctly and on 8 January, 1919, by majority vote, adhered to the Romanian decision on the future of Transylvania.

The new borders for Central Europe were drawn up during the discussions of the Supreme Council (composed by the Heads of Delegations and the Foreign Ministers of the five Great Powers), and in practice by the junior diplomats who made up the territorial committees. The American position was prepared by a group of scholars called the Inquiry. Its expert for Austria-Hungary, Charles Seymour, was originally in favor of preserving the Austro-Hungarian Monarchy by transforming it into a federation of six units: Austria, Hungary, Jugo-Slavia (without Serbia), Transylvania, Bohemia and Poland-Ruthenia.⁹ When in May 1918 the U.S. –following France and Britain – adopted the plan for break-up of the Monarchy along ethnic lines, the brief prepared for the President pointed out that "the frontiers proposed are unsatisfactory as the international boundaries of sovereign states. It has been found impossible to discover such lines, which would be at the same time just and practical. An example of the injustice that would result may be instanced in the fact that a third of the area and population of the Czecho-Slovak state would be alien to that nationality. Another lies in placing a quarter of the Magyars under foreign domination. But any attempt to make the frontier conform more closely to the national line destroys their practicability as international boundaries. Obviously many of these difficulties would disappear if the boundaries were to be drawn with the purpose of separating not independent nations, but component portions of a federalized state. A reconsideration of the data from this aspect is desirable."¹⁰ Archibald Coolidge was a member of the American Commission to Negotiate Peace. He visited Budapest in January, 1919, and was shocked to see that the planned partition of Hungary was in contradiction to the pledges of President Wilson and was fuelling the forces of Bolshevism. In a number of reports sent to Paris he tried to warm the peacemakers to Károlyi's and Jászi's plan to federalize Hungary, or, that failing because of the opposition of the victors, arranging plebiscites in all disputed regions so as to find out the real mood of the inhabitants.¹¹

At the peace conference itself the pattern was typical: the American experts proposed frontiers as close to the ethnic lines as possible (where it was possible to draw such a line), the British were wavering between a sense of fairness and the drive to punish the vanquished and reward the smaller allies, the Italians generally inconsistent except where their "sacro egoismo" was involved, while the French gave all possible support to the often extravagant claims of the emerging successor states. The most important argument for the latter was military and economic strategy, particularly the existence of railway lines in the most disputed areas. Eventually that decided the fate of close to two million Hungarians, who found themselves on the wrong side of the new borders, separated from the compact bloc of their nation, despite their protests against the denial of the principle of self-determination.

Ionel Bratianu, the Prime Minister of Romania, provided extremely false data to the Supreme Council of the Peace Conference in Paris. According to him 72 per cent of the population of Transylvania was Romanian, the 15 percent Hungarians were mainly members of the public administration and soldiers. [sic!] But what mattered was not such misinformation but the *fait accompli*, the military occupation and takeover of all the territories claimed by Romania and the other neighbors of Hungary. That ensured that the Peace Conference assigned Transylvania, together with the adjoining areas of eastern Hungary, to Romania. The purely Hungarian Székely Region (about 700,000 people) was far away from the main body of the Hungarians, only a narrow corridor cutting Transylvania into two could have linked it to Hungary, but such a solution was not even considered. The fate of three major towns on the edge of the Hungarian Plain, with very few Romanian inhabitants (Szatmárnémeti/Satu Mare, Nagyvárad/Oradea and Arad), was determined by the fact that they were linked by a railway, providing important connection for the area, (The American and British border proposal would have left those towns with Hungary, but the French insisted on giving them to Romania.) The Hungarian villages along the railway line naturally had to go as well.¹² The transfer of all territories with a mixed (Hungarian and Romanian) population was never questioned. The request of the Hungarian negotiators for a plebiscite was turned down. That is how under the terms of the Peace Treaty of Trianon (signed on June 4, 1920) more than one and a half million Hungarians, with a strong Hungarian identity, and in defiance of the principle of self-determination, became citizens of Romania.

As a result of the peace treaty Romania's population grew from 7 to 11,5 million, but over 28 per cent of it was not Romanian. Hungarians comprised more than 9 per cent of the whole population, while in the territories ceded by Hungary (since then conveniently called Transylvania, an area much larger than the old principality) they represented one third of all the inhabitants. Voluntarily or under duress about 200,000 Hungarians left Transylvania before or immediately after peace was signed. Hopeless it appeared, nevertheless the governments in Bucharest set upon making the greatly enlarged country a truly national state of the Romanians by quickly absorbing and eliminating the non-Romanian elements. I. Zalatnay aptly summarizes the methods in an essay.

“A tough anti-minority policy was applied right from the start. Not only did the institutions of the State become Romanian. An attack was launched on Hungarian private and church and lay social possessions and institutions as well. The land reform of 1921 had scarcely concealed national aims, seeking – in spite of the ban on such efforts contained in the Treaty of Trianon – to alter the ethnic proportions, particularly in areas adjacent to Hungary with a majority Hungarian population, by settling Romanians in Hungarian villages or founding new villages altogether.”¹³

Zalatnay quotes Octavian Goga, an influential politician, later to become Prime Minister in an extremist government, who criticized the law which allowed self-government for the towns of Romania, as it made difficult to change their ethnic composition. “The most damaging principle on which this law rests is the principle of local autonomy... Its application may have catastrophic results in the annexed provinces... We provided broad municipal autonomy for the towns and so lost the chance of changing them... The towns, imbued with an alien spirit, yet remain the darkest islands in the Romanian sea... Should it not have been our duty to override all the moral scruples and at the start of our administration initiate a process that would atone for the injustices of several centuries?”¹⁴

Before World War I Romania was a poor agricultural country, with a tradition of intolerance and anti-Semitic pogroms (Jews were not entitled even to have citizenship), it was also characterized by all-embracing corruption. The primary victims of the transfer of Transylvania were the Hungarian and other minorities, but the Transylvanian Romanians were also disappointed when a host of carpetbaggers descended upon them from the *Regat*, the Old Kingdom. Zalatnay is right in stating that Transylvania “had come under the power of a state which had a culture (the Orthodox one), a legal system and institutions differing to a large extent from those in Central Europe.”¹⁵ Romania was economically more backward (or less developed) than Hungary, consequently the transfer of Transylvania affected all its population in a negative sense, but a very biased land reform and open discrimination in business life hit only the Hungarian population of the country. As the renowned British historian, Hugh Seton-Watson wrote, “In each of the new states there prevailed a narrow official nationalism,” and the repressive policies used against national, religious and political minorities led to perpetual internal and external divisions and conflicts. “This state of generalized and mutual hostility provided opportunities for any great power intent on disturbing the peace.”¹⁶ Instead of finding their common interests, the „small, unstable caricatures of modern states”¹⁷ were looking for great-power patrons for the maintenance or the overthrow of the new order.

Understandably Hungary considered the decisions of the Trianon Treaty as grossly unjust and the primary aim of its foreign policy was the revision of the territorial clauses, at minimum the return of those areas where the majority of the population was Hungarian. Britain and France were committed to uphold the *status quo*, the whole system of peace treaties, and did not show much interest in the situation of the roughly thirty million people, who became national minorities, usually mistreated by the majority nations. In the 1930s calls for treaty revision, i.e. for changing the new borders in a way that they better corresponded to ethnic realities became louder. More than 160 British MPs signed a call for changing the Hungarian borders. But the governments started to consider such an option only when there was powerful support for it, and that came from Nazi Germany. Hitler espoused the cause of the mistreated national minorities, not in order to bring about a more equitable arrangement, but for the sake of bringing Central Europe under the influence of Germany.

In the wake of the Munich Conference, in November 1938, Germany and Italy – with the tacit agreement of Britain and France – made the so-called First Vienna Award, ceding the overwhelmingly Hungarian regions of Czechoslovakia to Hungary, when in line with the Hitler-Stalin Pact of 1939 the Soviet Union re-annexed the Romanian province of Bessarabia in July 1940, Hungary demanded the settling of its claims against Romania. In order to prevent a war between two likely satellites, and already planning for the war against the Soviet Union, Hitler made another arbitration, together with Italy. The Second Vienna Award of 30 August, 1940, gave back the northern part of Transylvania (two fifth of the whole), together with the Székely Region, to Hungary. For 1,347,000 Hungarians (the number of Hungarians living on that territory – according to the Hungarian census of 1941) this was a great moment and they welcomed the Hungarian army with surreptitious joy. For 1,066,000 Romanians it was naturally cause for grief. There were a few incidents, shootings and deaths during the takeover, followed by a voluntary exchange of population between the two parts of Transylvania. Almost 200,000 people (Hungarians and Germans) moved (or were expelled) from Southern Transylvania to the North, and a similar number of Romanians left from the North to the South.

The partition of Transylvania created a more equitable balance between majorities and minorities, but its circumstances were clearly unacceptable for the anti-Hitler alliance. Winston Churchill’s commented that he was never happy about the treatment of Hungary following the First World War, but territorial changes are acceptable only when based on the free will and consent of the parties concerned.¹⁸

The Soviet Union at first supported the Hungarian claims against Romania, but when Hungary, too, joined the war on the side of Germany, Stalin changed his position. He was determined to include Romania in his planned empire, but was not completely sure how far Hungary, too, could be incorporated into his zone of influence. Also he wanted to offset the impact of annexing the Romanian province of Bessarabia (today’s Republic of Moldova) by giving back Transylvania to Romania. When on 23 August Romania changed sides and left the German alliance that settled the fate of Transylvania. The Soviet Red Army could overrun the flat country south of the Carpathians and entered Hungary from the South-East. Hungary had to evacuate Transylvania, which was taken over by the Soviet Red Army and Romania. In the armistice Romania concluded with the Allies it was stipulated that “Transylvania (or the greater part of it),” was to belong to Romania.¹⁹

The reoccupation of Northern Transylvania was accompanied by a number of serious incidents, atrocities committed against the Hungarian villagers, so the Soviets took over the administration of the area. But when King

Michael of Romania, under strong Soviet pressure, appointed a pro-Communist government in March 1945, the administration of the short-lived “North-Transylvanian Republic” was given back to Romania. That dashed the hopes of the Hungarians that an independent Transylvania, based on the equality of its three major ethnic groups, might be created as a solution of the dispute between Hungary and Romania. In order to impress the Peace Conference, again meeting in Paris, Romania promised a new, fair deal to its close to two million Hungarians. A special statute of minority rights was passed, bilingualism was maintained in regions with a substantial Hungarian population, and most of the schools where instruction was in Hungarian were maintained. The Hungarian-language university at Cluj/Kolozsvár was allowed to continue under a new name, Bolyai University, named after a great Hungarian scientist.

The United States (and to a smaller extent the United Kingdom) wanted to draw some lessons from the unfair borders and the ill-treatment of the national minorities. A few months before the end of World War II an *Inter-Divisional Committee on the Balkan-Danubian Region, Russia, Poland and Greece* was set up in the State Department in order to review the most urgent problems likely to arise when hostilities would stop and to make policy recommendations. The senior experts of the sections most closely concerned were to prepare a Policy Paper to be submitted to the Secretary of State, and which could be discussed by the two foreign affairs committees of Congress at a closed session. The paper, “The Problem of Minorities in Europe” (pp 31 + Appendix) became accessible for research and publication after 30 years. It shows that seventy years ago the U.S. administration was well aware of the necessity of making provisions for the protection of the national minorities that were created by the border changes of the 20th century. It is a great pity that political considerations led the U.S. Government not to insist upon the principles and practical suggestions of the paper being incorporated into the post-war arrangements.²⁰

The relatively “liberal” policy of Romania towards the Hungarian minority did not survive the signing of the new Paris Peace Treaty signed on February 10, 1947, which restored the pre-war border with Hungary.²¹ By 1948 the imposition of Communism was completed in both countries, and that ended the hopes for closer ties like a customs union between them. All private property was nationalized, that deprived the Hungarian urban middle class from their economic base, while the collectivization of agriculture made the Hungarian peasants, too, dependent on the hostile state. The abolition of all civil liberties deprived the Hungarians from their own political party and press, and the very restricted role allowed for the churches (most members of the higher clergy was imprisoned or under house arrest) took away even spiritual support. The *Székely* region of Transylvania was given nominal autonomy, but it was nothing like self-government: it provided only for the free use of the Hungarian language. In the other regions of Transylvania, however, the use of Hungarian and the participation of the Hungarians in public administration was increasingly restricted. The rapid and artificial drive for urbanization and industrialization soon changed the ethnic composition and thus the character of all the towns. The most striking change occurred in Cluj/Kolozsvár, the traditional capital and largest city of Transylvania, where the percentage of the Hungarians fell from 81.6 (1910) and 57.6 (1948) to 19 per cent by 2002.²² This was deliberate policy: communism in Romania soon acquired a nationalist character, and the totalitarian methods were extremely well suited for mistreating and suppressing the Hungarian and other minorities.

The 1956 Revolution in Hungary had far-reaching repercussions in Romania. The Hungarian communities naturally showed great sympathy for the fight for democracy and independence in the “mother country,” but many Romanians, especially the young and those living in the towns, were also elated; they hoped that Communism would soon come to an end in Romania, too. The communist authorities of Romania were indeed frightened, and reacted to the numerous demonstrations by extremely harsh repressive measures. Several trials were held, almost exclusively implicating Hungarians, ending in many death penalties or in long terms of imprisonment, often spent under inhuman conditions in the delta of the Danube. Romania was also keen to cooperate with Moscow in handling the crisis. They offered troops for overthrowing the revolutionary Nagy government, and after the second Soviet intervention collaborated in the kidnapping of Nagy and his associates by providing a place for keeping them under arrest. Resettlement policies, moving Romanians (often from “the Old Kingdom” beyond the Carpathians) to the towns in order to change their ethnic composition, speeded up. In 1959 the Hungarian-language Bolyai University in Cluj/Kolozsvár was “merged” with the Romanian Babes University, despite strong protests by the Hungarian professors and students, leading to several suicides. Education in the Hungarian language on the lower grades, too, was increasingly restricted, and the proportion of Hungarian students fell noticeably on all levels of education. The textbooks used in the schools showed a definite anti-Hungarian bias, falsifying history, generating intolerance among the Romanians towards the Hungarians, and humiliating the Hungarian minority. In 1961 the Hungarian Autonomous Region was abolished.

Discrimination against the Hungarians became more marked when in 1964 Nicolae Ceausescu became the head of the Romanian communist party, and soon developed a personality cult, which looks ridiculous by hindsight, but in some ways it surpassed even what Stalin had created about himself a few years earlier. While travel between Hungary and Romania became possible from the late 1960s on, in the 1980s more and more Hungarian citizens were banned from Romania for the crime of visiting its Hungarian regions too frequently and bringing books and newspapers into a country increasingly isolated from the outside world.²³ What went on in Romania against the Hungarian minority was becoming too much even for a “fraternal” communist neighbor to put up with. Hungary started to criticize Romania’s abuse of human rights at the Helsinki follow-up conferences. Critics started to speak of “cultural genocide” in Romania,²⁴ The situation became even worse when the Romanian dictator in the late 1980s introduced the plan what was euphemistically called “systematization”: eliminating smaller, “uneconomical” villages and mo-

ving their inhabitants into newly built but sub-standard large housing estates in selected towns. That was seen as an effort to destroy many Hungarian villages, dispersing those old communities, and thus speeding up the artificial assimilation of the Hungarian minority. Despite a large host of informers and the brutal measures of the dreaded political police, the *Securitate*, a clandestine Hungarian publication (Ellenpontok, Counterpoints), the only “samizdat” in Romania, showed that resistance was growing.

Ceausescu’s drive to spend an ever larger proportion of the GDP on very questionable investments (from industrial plants in unsuitable regions to a huge government quarter in Bucharest), and to pay back all the foreign debt in a few years, led to shortages in food, other basic commodities, and electricity. The pauperization of the whole population alienated from the dictator most of the Romanian population, too. Many Romanians escaped to the West (Paris was the traditional center of Romanian political exiles), and from 1989 Hungary, too, gave political asylum for Romanian citizens – whether Romanians or Hungarians. At the spectacular re-burial of the Hungarian martyrs of 1956 on 16 June, 1989, members of the Hungarian and Romanian political opposition met and came out with a Declaration. Among others it stated that: *“Our two nations, whose historic development is tied to the same geographic region, must now lay the groundwork for normal relations. Because of the unique (mixed) ethnic composition of Transylvania, the problem would in no way be solved by a revision of borders, but rather through a redefinition of their role: to facilitate, in the spirit of Helsinki, the free flow of people, information and ideas. [...] Transylvania, which was and remains the cradle of mutually complementary cultures, must become a model for cultural and religious pluralism. [...] Each nationality must be guaranteed the right of independent political representation and the right of cultural autonomy. The realization of these rights requires – among others – the introduction of Hungarian-language instruction at every level, including the re-establishment of the Hungarian University in Cluj/Kolozsvár.”* Sadly, the last two points of this declaration have remained demands unrealized so far.

The fall of the Berlin wall and of all the European communist dominoes in 1989 did not leave Ceausescu’s dictatorship in place. When in the western Transylvanian town of Timisoara/Temesvár an outspoken Hungarian Calvinist minister was removed from his parish, the protest of the local Hungarians was joined by the Romanians. Both the secret police and the army was called in, leading to a massacre, but when the dictator convened a mass rally in the capital to condemn the Timisoara rising, the crowd turned against him and demanded his resignation. Ceausescu, unaccustomed to any sign of opposition, fled in panic by a helicopter, but was soon captured by army units which joined a newly found National Salvation Front. An impromptu court-martial tried and condemned the “Conducator” (Nation-leader) and his wife, Elena, to death by firing squad. The sentences were immediately carried out.

Units loyal to the dictator were still fighting in the streets of the major towns when convoys of trucks started from Hungary to deliver aid – food, medicine and clothing – to Romania (mainly but not exclusively to Transylvania). There was a groundswell of mutual sympathy between Romanians and Hungarians on both sides of the border. The Hungarians of Transylvania immediately formed their own political party, the Democratic Alliance of the Hungarians of Romania (U.D.M.R. in Romanian). On January 5, 1990 the National Salvation Front pledged itself to a radical change in the policy towards the Hungarian minority. *“The common sacrifice of blood has proved that the policy of inciting inter-ethnic tensions based on a chauvinistic policy of forced assimilation and the campaign of calumny waged against neighbouring Hungary and the Hungarian national minority in Romania has not been able to destroy the trust, friendship and unity between the Romanian nation and the national minorities [...] The National Salvation Front will realize and guarantee individual and collective national rights and freedoms.”* Unfortunately, this spirit did not last very long and the accompanying pledges have remained unfulfilled to the present. Radical Romanian nationalism was also set free, the anti-Hungarian organization *Vatra Romaneasca* was founded on February 8, 1990, in the traditional Hungarian center Marosvásárhely/Tirgu Mures, where in mid-March violent villagers from the neighborhood attacked the Hungarians who peacefully demonstrated for the return of a 400-year old Calvinist College. The clash claimed several lives and put an end to the hopes for ethnic harmony in the new Romania. That was reinforced by the adoption of the new Constitution (1991), which states that Romania is a “unitary national state” and prohibits activities deemed “separatist.”

Ever since the overthrowing of the dictatorship the Hungarians of Romania have proved exemplary democrats: although they have been the objects of much abuse and discrimination ever since, they have never resorted to violence let alone terrorism, they fought for their rights only by peaceful, political methods. In the apt words of a young Romanian scholar, “The political demands of minorities are based on one fundamental concern: *the desire to preserve their identity and protection against discrimination.* In addition, *access to resources managed or controlled by the state is a great concern to many ethnic minorities.* [...] UDMR [the Hungarian Party] is an organisation with two-objectives, ethnic and national ones. The main ethnic objective refers to the elimination of discrimination and changing the anti-Hungarian feeling in Romania. It also supports the requests for ‘cultural and regional autonomy’, including separate educational institutions and autonomous churches. It demands that Hungarian civil servants be appointed in the counties with a majority Hungarian population, but it conceives these moves in the context of the local government reform, rather than in terms of specific minority issues. [...] UDMR continues to argue that the laws adopted by the Parliament should serve the democratisation of the entire society and be fashioned after the modern European principles and standards.”²⁵ Another crucial demand of the Hungarians is the return of property “nationalized,” that is confiscated during Communism, to the original owners, whether individuals or institutions. In the last few years much land and forest was given back to the previous legal owners or their descendents, but only a fraction of the buildings were returned to the various denominations. Upon the initiative of U.S. Congress Representatives Lantos and Tancredo the United States House of Representatives recently passed H. Res. 191 on May 23,

2005, urging the “Government of Romania to recognize its responsibilities to provide equitable, prompt and fair restitution to all religious communities for property confiscated by the former Communist government...” In the last years there has been some, but only incremental progress in that issue.

Given the fact that the proportion of the Hungarians in Transylvania has fallen from 31.7 (1910) to less than 20 per cent (2001), it should be understood that the fight of the Hungarians of Transylvania for their survival as a community is a life and death struggle.

¹ There is a vast literature dealing with the history of Transylvania. The most up-to-date is the three-volume *Erdély története* (Budapest: Akadémiai, Kiadó, 1986), translated into English: *History of Transylvania* / gen. ed. Béla Köpeczi. Boulder, Colo.: Social Science Monographs; Highland Lakes, N.J.: Atlantic Research and Publ., 2001-2002, and available in a shortened English and German version, too. The detailed Romanian account (Ștefan. Pascu, *A history of Transylvania* (Detroit 1982) is heavily slanted as it was published under the communist dictatorship of N. Ceausescu. Unfortunately the most up-to-date history of Romania (*History of Romania. Compendium*. Edited by Ioan-Aurel Pop, Ioan Bolovan. Cluj-Napoca: Romanian Cultural Institute, Center for Transylvanian Studies. 2006, is also distorting the history of Transylvania, denigrating the role and contribution of the Hungarians. The most crucial – and most debated – period is covered by Sándor Biró: *Kisebbségben és többségben. Románok és magyarok (1867-1940)* [In Minority and in Majority. Romanians and Hungarians]. Bern: Európai Protestáns Magyar Szabadegyetem, 1989. A richly illustrated historical essay from 1934, Károly Kós: *Transylvania* was republished in Budapest 1989. An invaluable analysis is offered by Cadzow, John F., Ludanyi, A. and Elteto, L.J. (eds.): *Transylvania. The Roots of Ethnic Conflict*. Kent, OH: Kent State University Press, 1983.

² In Latin, which was the official language of Hungary until 1844 [!], the institution was called *ducatu*. Such an arrangement used to be quite common: the heir to the throne of England is the Prince of Wales, that of Italy (was) the Duke of Aosta etc.

³ Andrew Ludanyi's review of Rogers Brubaker, Margit Feischmidt, Jon Fox, Liana Grancea, *Nationalist Politics and Everyday Ethnicity in a Transylvanian Town*. Princeton and Oxford: Princeton University Press, 2006.

⁴ In the 16th century the population of Transylvania comprised 255,000 Hungarians, 100,000 Romanians and 70,000 Germans (Saxons). In 1730, according to Austrian statistics, out of 725,000 people 420,000 were Romanian, 190,000 Hungarian, and 120,680 Saxon. See Elemér Illyés, *National Minorities in Romania. Change in Transylvania*. Boulder, Colo.: Distributed by Columbia University Press, New York, 1982. East European Monographs, No. CXII. pp. 16–18.

⁵ Ludányi, *op.cit.*, Cf. Sorin Mitu. *National Identity of Romanians in Transylvania*. Budapest and New York: Central European University Press. 2001., and Keith Hitchins, *The Romanians, 1774–1866*. Oxford: Clarendon Press, 1996.

⁶ The denominational distribution of the population of Transylvania in 1850 (figures for 1910 in brackets): Greek Catholic 664,154 (749,404); Greek Orthodox 621,852 (792,864) Roman Catholic 219,536 (375,325); Protestant 196,356 (229,028); Unitarian 45,112 (67,749); Jewish 15,606 (64,074). Ildikó Lipcsey: *Romania and Transylvania in the 20th Century*. Budapest, 2004. p. 5. <http://www.hungarianhistory.com/lib/lipcsey/lipcsey.pdf>

⁷ A masterful and authentic description of political and social conditions in the early 19th century: John Paget: *Hungary and Transylvania: With Remarks on Their Social, Political, and Economical Condition*. London, 1839, 1849, 1850, 1855; Philadelphia, 1850, New York, 1871.

⁸ Illyés, *op.cit.* 87.

⁹ Charles Seymour, “Austria-Hungary Federalized Within Existing Boundaries,” May 25, 1918. National Archives, Rg 256, Inquiry Document 509.

¹⁰ Charles Seymour, “Epitome of Reports on Just and Practical Boundaries Within Austria-Hungary for Czecho-Slovaks, Jugoslavs, Rumanians, Poles, Ruthenians, Magyars,” undated [around the end of 1918]. NA RG 256. Inquiry Doc. 514.

¹¹ Francis Deák, Hungary at the Paris Peace Conference. New York, 1942. 15–21. and Peter Pastor, *Hungary Between Wilson and Lenin: the Hungarian Revolution of 1918-1919 and the Big Three*. New York: East European Quarterly, 1976. 100–104.

¹² Sándor Taraszovics, „American Peace Preparations During World War I,” in Ignác Romsics (ed.), *20th Century Hungary and the Great Powers*. Boulder, Colorado: Social Science Monographs, 1995. pp. 86–87, 90–91.

¹³ István Zalatnay: “The Hungarian Minority in Transylvania.” *The Hungarian Observer*. May 1994, 8–18. Quotation on P. 9.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ H. and C. Seton-Watson, *The Making of a New Europe: R.W. Seton-Watson and the Last Years of Austria-Hungary*. London: Methuen, 1981), P. 435.

¹⁷ F.H. Hinsley, *Power and the Pursuit of Peace. Theory and Practice in the History of Relations between States* Cambridge, 1963. P. 282.

¹⁸ C.A. Macartney: *October fifteenth. A History of Modern Hungary. 1929-1945*. 2 vols. Edinburgh: the University Press, 1956–1957. Vol. I. P. 426.

¹⁹ N.F. Dreisziger: „Stalin's Wartime Plans for Transylvania, 1939–1945. In Hupchick, Dennis P. and Weisberger, R. William: *Hungary's Historical Legacies. Studies in Honor of Steven Béla Várdy*. Boulder, Colo., Distributed by Columbia University Press, New York, 2000. East European Monographs, No. DLIV, pp. 146-154. Cf. Ignác Romsics (ed): *Wartime American Plans for a New Hungary*. Boulder, Colo., Distributed by Columbia University Press, New York, 1992. East European Monographs, No CCCLIV.

²⁰ Stephen D Kertész: *Between Russia and the West. Hungary and the Illusions of Peacemaking, 1945-1947*. Notre Dame, 1984. P. 194.

²¹ A very thorough documentary account of this transitional period is Mihály Fülöp and Gábor Vincze (eds): *Revízió vagy autonómia? Iratok a magyar-román kapcsolatok történetéről (1945-1947)* [Revision or Autonomy. Papers Relating to the History of Hungarian-Romanian Relations], Budapest, 1998.

²² Kocsis, Karoly and Hodosi-Kocsis, Eszter: *Ethnic Geography of the Hungarian Minorities in the Carpathian Basin*. Hungarian Academy of Sciences: Budapest, 1998. pp. 117-125. For the latest figures: <http://hu.wikipedia.org/wiki/Kolozsv%C3%A1r#Lakoss%C3%A1ga>

²³ All those violations of human rights did not go unnoticed in the West. After a few articles in newspapers more substantial works gave documentary evidence for Ceausescu's anti-Hungarian policies. Two outstanding summaries stand out: Elemér Illyés's account

and a compilation drawn up at the end of the 1980s by the Hungarian opposition party Hungarian Democratic Forum: *Report on the Situation of the Hungarian Minority in Rumania*, Budapest, 1988. Later it was published in a revised version: Rudolf Joó and Andrew Ludanyi (eds.), *The Hungarian Minority's Situation in Ceausescu's Romania*. New York, 1994.

²⁴ Expatriate Hungarians in the United States formed a Committee for Human Rights in Rumania in the 1970s Their advertisement placed in the May 7, 1976 issue of *The New York Times* "Will the U.S. Endorse Cultural Genocide in Rumania?" was noticed beyond the interested parties, and the U.S. policy of granting "Most Favored Nation" treatment to Romania came under attack in the U.S. Congress. Cf. *Witnesses to Cultural Genocide: Firsthand Reports on Rumania's Minority Policies*. New York, 1979.

²⁵ Oana-Valentina Suci: *Ethnic Minorities in Romania in the Light of EU Integration*. CRCE Paper. London, 2006. <http://www.crce.org.uk/briefings/brief9.shtml>

УДК 340.11; 340.12; 340.15; 347.1

В.А. ВИТУШКО

Владимир Александрович Витушко, доктор юридических наук, профессор, профессор УО ФПБ «Международный университет «МИТСО», г. Минск (Республика Беларусь)

КОНТИНУАЛЬНОЕ ПРАВОПОНИМАНИЕ В ПРОШЛОМ, НАСТОЯЩЕМ И БУДУЩЕМ ЦИВИЛИЗАЦИИ

После распада СССР и догматизма правовой идеологии в юридических науках вновь образовавшихся суверенных государств постсоветского пространства оживился интерес к фундаментальным вопросам права. В последние десятилетия одно из обсуждаемых тем стало правопонимание. Появился ряд публикаций, посвященных этим вопросам, в том числе монографического характера, проводятся специализированные научно-практические конференции¹. Особое внимание уделяется синтетическим (интегральным) подходам к пониманию права, его сущности. Но на постсоветском пространстве еще не выработаны основные начала, компоненты и методология нового правопонимания.

В статье предпринята попытка систематизировать и обобщить основные авторские положения правопонимания, разработавшиеся в течение последних десятилетий. Данное правопонимание названо континуальным в силу ряда излагаемых ниже обстоятельств понятийного характера.

Термины «континуум», «континуальное» являются общенаучными терминами, используемыми в философии, математике, физике и ином естествознании. Происходят от латинского *continuum*, означающего непрерывность. Понятие континуума имеет важное методологическое значение, устраняющее негативизм скачкообразных, прерывных представлений о развитии природы, используется для анализа проблем причинности, соотношения части и целого и т.д.² В юриспруденции этот термин до сих пор не получил должного применения. Впервые мы его использовали в 1994 г., выступая на международной конференции по проблемам разработки новых гражданских кодексов на постсоветском пространстве, где с точки зрения теории систем обосновывали положение, что все субъекты гражданского оборота являются составными частями общества. «Поэтому в гражданском правоотношении следует выделять как его элементы горизонтальные отношения, основанные на свободе между независимыми друг от друга субъектами гражданского оборота, и вертикальные отношения, основанные на зависимости между этими субъектами, с одной стороны, и общественным интересом или интересом третьих лиц, с другой стороны. Горизонтальные и вертикальные гражданско-правовые отношения образуют крестообразный юридический континуум этого правоотношения»³. Идея крестообразной неразрывной связи горизонтальных и вертикальных отношений в обществе была выработана еще ранее⁴. В дальнейшем вопросы континуальности в праве исследовались в рамках других правовых понятий и институтов⁵.

Имеются и другие определения понятия континуальности в праве. Так, термин «континуитет» может использоваться для описания преемственности в развитии права, правосубъектности государств, непрерывности заседаний парламента и происходит от латинского *continuitas* и английского *continuity*⁶.

Понятие правопонимания хотя и используется в литературе, однако сам термин «правопонимание» не стал традиционным в юриспруденции, не упоминается в некоторых крупных энциклопедических юридических словарях⁷.

В 2016 г. в УО ФПБ «Международный университет «МИТСО» (Минск) была проведена специальная международная научно-практическая конференция на тему «Проблемы правопонимания и правоприменения в прошлом, настоящем и будущем цивилизации». Здесь был приведен ряд точек зрения о правопонимании⁸. Так, правопонимание рассматривалось не только как правовая, но и как философско-правовая категория, «... и как элемент правосознания, состоящего из двух взаимосвязанных компонентов: правового сознания и правовой ментальности»⁹.