

by a “certain elite”,³³⁴ this presupposition seems to make much less sense, if at all, for the “Romanians” in Romania.³³⁵

For these reasons the space of inter-community negotiation in Romania is in practice limited to all-important negotiations between the majority coalition and the political representatives of the Hungarian minority. It is very possible that the existence of a sole representative group of Hungarians in Romania represents a crucial advantage in sustaining the consociationist project. But what does the majority have to offer? Accepting, respecting and perhaps also participating in the development of a project of the Hungarian community, including Hungarian representation in country’s institutions.

The notion of a consociationist democracy presumes that the idea of a consensus between the majority and a minority has been accepted, while only the substance thereof remains still to be negotiated.³³⁶ A consensualist mentality, inseparable from the widespread acceptance of dialogue and compromise, is needed. Generally speaking, Romania seems to be still very far from such a thing. Paradoxically perhaps, one of the few domains where there is hope in this respect are Romanian-Hungarian relations. The UDMR’s participation in the government for the past five years has had a more important impact on public perceptions than we are perhaps ready to acknowledge.

The significant reduction in the population’s gullibility on national issues became very visible in the late 1990s.³³⁷ It is possible that the PDSR recognized this fact when it elaborated its pre- and post-electoral strategies with respect to minority issues. In ethnopolitical terms, the protocol concluded between the PDSR and the UDMR is the equivalent of participation in the government.³³⁸ Ensuring support for the

³³⁴ This assumption is in fact purely academic. It can be contested by pointing to a long list of internal fractures within Transylvanian society, among which a radical one was pointed by Ovidiu Pecican in the same issue of *Provincia*: the fracture between a majority “which still pays tribute to the tribal logic and rituals of ancestral clans” and a minority “which discovered bourgeois individualism and Cartesian rationality ... and is now trying to build a different model of solidarity”.

³³⁵ This is a further argument for the specific character of community relations in Transylvania.

³³⁶ In my view, this is the point on which Alina Mungiu was wrong.

³³⁷ Which is to say implicitly that the incredible increase in the popularity of the PRM during the 2000 elections was not due to its nationalist dimension.

³³⁸ Dan Pavel speaks of an “executive coalition” in the first case and a “legislative coalition” in the second (Dan Pavel, “Coaliția PSD-UDMR și relația româno-maghiară”, *Ziua*, September 3, 2001). In this context, the phrases have the advantage of emphasizing the fact of the coalition rather than its nature.

protocol until the 2004 elections³³⁹ is therefore almost a necessity. If this task is successfully accomplished the next government coalition might well involve a form of legislative or executive arrangement with the Hungarians. The term of Romanian-Hungarian consociationism would then become a certifiable reality. What started as the habit of involving Hungarians in decision-making where their community was concerned would evolve into a tradition.

This is not to say that such a path is free of obstacles. One possible hindrance concerns the ability of Romanian parties (or lack thereof) to preserve the feeble balance in this very delicate moment of Romanian political life. Should the PRM continue to grow there will be no room left for consociationism. But irrespective of what goes on on the stage of Romanian political life, except perhaps for extremist destabilization, the future victors will have many arguments for continuing the habit and turning it into a practice and little reason to renege on it.

Another serious obstacle has recently emerged out of the blue: Budapest's "Law on Hungarians in neighboring countries".³⁴⁰ In principle, the act provides assistance to Hungarians outside the borders of their kin-state. Persons willing to benefit must request a "Hungarian certificate" (or a "certificate of Hungarian kin") from the competent Hungarian agency on the basis of a recommendation issued by an organization "representing the national Hungarian community in the respective state". The latter must be officially acknowledged by the Hungarian government.

The mechanism of assistance promoted by the Hungarian government is extremely risky. Because of its ability to select one organization empowered to issue the requisite recommendations, Hungary will have the ability to directly arbitrate the relations among Hungarian associations in the neighboring countries. The law may therefore act as an instrument by which to control the options of the Hungarian minorities and thus transform loyalties to the community into loyalties to political groups.

³³⁹ Even in September 2001, as the crisis engendered by the law on the status of Hungarians in neighboring countries was at its peak, the talks about offering UDMR governmental positions persisted ("PSD tentează UDMR cu intrarea la guvernare", *Evenimentul zilei*, September 12, 2001).

³⁴⁰ The law concerns Hungarians who are citizens of Croatia, Yugoslavia, Romania, Slovenia, Slovakia, and Ukraine. Austria had been initially included in the bill as well.

The administration of the “Hungarian certificate” could also serve as an instrument whereby the officially acknowledged organization may influence the decisions of the members of the Hungarian community. Who could resist the former’s authority to issue the “certificate of Hungarian kin” according to a policy which encourages the Hungarian identity of children in mixed families?³⁴¹

But the most serious doubts pertain to the very spirit of the act, which represents a political project aimed at mobilizing the Hungarian nation. While international law does indeed promote a kin-state’s concern for the fate of minorities in other states, national sentiment is only relevant insofar as it ensures protection and not as a call for mobilization. International law is concerned with the interests of individuals, not with using the individuals to bolster up the nation.

The Hungarian law departs from this outlook. National loyalty is called upon to unify the interests of Hungarians in the whole of Central and Eastern Europe. The act introduces the “Hungarian nation” as an ethnic actor of international law and, as such, endangers the logic of constitutional patriotism in the neighboring countries.³⁴² The act on Hungarians in neighboring countries creates a new framework which is expected to govern the relations between a minority and the majority. The former will lose interest in working out its issues with the majority since some of its expectations are already met with the assistance of Budapest. Furthermore, the minority can no longer be regarded as a partner in and of itself in a consensual project because it is in fact a part of a larger community. This is Orban’s gift to the international community.

This moment has to be (and almost certainly will be) overcome. In view of the issues raised by the act adopted by Budapest, the Năstase government found nothing better to do than denounce the authoritarian measures and revitalize the base notion of a

³⁴¹ The law clearly comes to the assistance of the Hungarian community which is concerned by the prevalence of Romanian-language children in families with one Hungarian spouse (depending on the origin of the spouse).

³⁴² Certainly, there is little in the way of “constitutional patriotism” in our country or in the region. But putting “constitutional patriotism” at the foundation of the state is a principle of international law and is also reflected in the Romanian Constitution despite the latter’s limitation. It makes no sense to refer to international law and to constitutional patriotism and to simultaneously promote the ethnic nation.

pro-federalist danger. However, Romanian authorities cannot actually do anything about the law: the stage of mutual denunciation will be eventually overcome.³⁴³

After having walked the first miles on the road to consociationism we would be right in betting everything we have on it. The linguistic distance separating the two communities is considerable. In a world so transformed by communications, cultural ties will favor the most easily available means of communication. The high degree of separation or, to use a concept I prefer, the high level of community privacy enjoyed by the Hungarian community in this country and in many others in Central and Eastern Europe is best managed at political level by means of a consociationist formula.

In order to stabilize the progress made so far toward consociationism, Hungarians need to see future steps as part and parcel of their own project. Only such an attitude can lead to internal and external predictability. A consociationist perspective would strengthen the importance and the dignity of what the UDMR has achieved until now. It would enable the Hungarian community to openly identify with a goal which stands, in fact, quite close to the ideal it has been pursuing all along: “co-participation” in the Romanian state. Naturally, as an organization interested in the conservation of its unique status, the UDMR has a fundamental interest in preserving its representativeness and in managing this community project. There is nothing as assuring and as mobilizing as its status as a partner in a consociational relationship.

Should Romania gain membership in the EU, the Hungarian minority will still have to deal with the Romanian majority. It is true that such membership would make it possible to fully exploit the regional logic of integration, which would in turn imply a considerable expansion of the relations between the Hungarians in Romania and those in their kin-state. But even in a federal Europe Hungarians will remain bound by the

³⁴³ One suggestion was to prohibit the enforcement of the act on Romanian territory. But how? By withdrawing the passports of Hungarians so they should no longer be able to travel to Hungary? By blocking the financing of associations with money from Budapest? By prohibiting the Budapest authorities’ issuing of Hungarian certificates? Can anyone prevent the UDMR from issuing recommendations? All these measures would infringe domestic as well as international law and, practically speaking, would be unfeasible.

logic of nationhood and will be tied up in an unavoidable process of negotiation with the Romanian state.³⁴⁴

If the consociationist trend fully actualizes itself it will do so according to a logic that has become prevalent over the past years leading to what I have called “the end of the civic era”. The major ethnopolitical issues of the Hungarian community will find a resolution in the negotiations among political elites. The militant support of civil society, the force of example, the “power of the powerless” have played a role at a time when no true alternative to them existed. In the case of Romania, this period lasted between 1990 and 2000. Ten years might not be much in the life of a nation, but it is a lot in an individual life.

³⁴⁴ This is the very definitional logic of a federation: unlike local administration units, its components are not subject to territorial redefinition (see William Riker, “European federalism. The Lessons of Past Experience”, in Joachim Jense Hesse and Vincent Wright, eds., *Federalizing Europe? The Costs, Benefits, and Preconditions of Federal Political Systems*, Oxford University Press, 1996).