

# THE HEXAGONAL CAST, POST-IMPERIAL NATIONALITIES AND THE RISE OF ILLIBERAL DEMOCRACIES: A HUNGARIAN CASE STUDY

A L E X A N D E R O L T E A N U

## ABSTRACT

*This article explores the historical roots and theoretical foundations of the principles of nationality and autonomy in the European context, from the 1815 Congress of Vienna to today, by zeroing in on evolving conceptualizations of Hungarian national identity from an 'imperial' to a 'post-imperial' and finally to a 'pan-European' nation. It reviews and updates various authors' conceptual frameworks enframing their analyses of Europe's historical national minorities since 1989 and shows how these frameworks gradually expanded over the past three decades by means of an 'externalization process' whereby new relevant actors, arenas of action, influential allies, and activism resources were gradually incorporated into an evolving European relational socio-political ecosystem. This study proceeds to explore how the primarily state-centric paradigm structured by Sovereignty's foundational 'Inside/Outside' metaphor was originally instrumentalized to construct and essentialize competing and conflicting views of 'national identity' within and across state borders, but morphed over time into a complex Hexagonal Cast of actors interacting strategically across the various spatio-temporal levels of analysis of an emerging post-Westphalian European multi-level governance network. It then deploys the Hexagonal Cast perspective to both explain the evolution of the principles of territorial and non-territorial autonomy in the post-Communist Era comprised between 1989 and 1998 and to discuss their application in the EU pre-accession decade of 1998-2010, with particular reference to Hungary, Slovakia and Romania. Finally, it concludes by assessing these principles' current dynamics in Central and Eastern Europe in the post-2010 'Orbán Era' by focusing on the ongoing strategic juridico-political interactions between Brussels, Budapest, Bratislava and Bucharest.*

**KEYWORDS:** *Hexagonal Cast; National Minority; National Identity; Nation-State; Sovereignty; Autonomy; Multi-level governance; Illiberalism; European Union; Hungary; Slovakia; Romania*

*"Anyone seeking to build the Europe of the Future must be cognizant of the Europe of the past and the problems that have so significantly burdened a number of peoples and influenced their ability to live together in a single state" (Heinz Fischer, 'Foreword', in Bauer, 1907: xi).*

## THE 'HANNIBAL TRAP': VIKTOR ORBÁN'S 'DOUBLE ENVELOPMENT STRATEGY'

On April 25, 2020, Hungarian Prime Minister Viktor Orbán and his party, the Alliance of Young Democrats ('FIDESZ'), celebrated the tenth anniversary of the momentous "ballot box revolution" of 2010. FIDESZ, founded by Orbán in 1988 as an underground opposition movement to the then-ruling Hungarian Socialist Workers' Party, had won then, in coalition with the Christian Democratic People's Party, 263 out of the 386 seats to the Országgyűlés, the Hungarian National Assembly. This momentous victory provided him with the two-thirds majority he needed to modify the Fundamental Law of Hungary, the country's Constitution, so as to complete his long-standing objective of transforming his nation into the world's first 'global nation' and the most populous national community of the Carpathian Basin. He thus aimed to finally fulfil what he claimed to be his most sacred duty as Prime Minister – "the moral obligation to heal the spiritual Trianon" (Pytlas, 2013: 16).

Becoming the uncontested ruler of what he himself proudly called the EU's first 'illiberal democracy' (Moreh, 2019: 107) was only the most obvious element of his three-pronged envelopment strategy, quite possibly inspired by what has sometimes been described as history's most decisive victory, that of

Carthaginian General Hannibal at Cannae, southern Italy, over the legions of the Roman Republic, in 216 B.C. His plans to consolidate from both above (at the EU level) and from below (through the Hungarian communities living beyond Hungary's borders, across the Carpathian Basin) his ability to reign uncontested from his central hub, Budapest, over a network of 15 million ethnic Hungarians, were falling in place. His key objective was to bring together again all Hungarians spread out across the vast territory of what had once been dubbed 'The Kingdom of Hungary' before its dismemberment by what he so often publicly described as 'the infamous and unjust' Trianon Treaty of 1920 (Walker, 2020). In this, he was unwittingly assisted by two key allies, both members of the Hungarian community of Romania: Hunor Kelemen, President of the Democratic Alliance of Hungarians in Romania ('UDMR') and Loránt Vincze, President of the Federal Union of European Nationalities ('FUEN').

FUEN had recently won, on 24 September 2019, a critical case against the Government of Romania before the European Court of Justice (*Romania v. European Commission*, T-391/17 ECJ). The Court held that it was within the competence of the European Commission to proceed with drafting legislation based on FUEN's seven proposals contained in its 'Minority SafePack Initiative' (FUEN, 2013), which was designed to strengthen the protection of national minorities' rights in the EU. The Minority SafePack Initiative had gained the right to be considered by the Commission through the EU's novel transnational tool of direct democracy, the 'European Citizens' Initiative' (Longo, 2019). The UDMR had just scored, during the last week of April 2020, an unprecedented victory in Romania's Parliament, whose Chamber of Deputies had adopted the UDMR-sponsored draft law to create an autonomous Hungarian region in Székely Land, inhabited by approximately 600,000 ethnic Hungarians and situated at the geographic heart of Romania, in the strategic south-eastern bend of the Carpathian Mountains (Mutler, 2020).

The rejection of this draft law one day later, by the Romanian Senate, ensured that Romania's ethnic Hungarians would continue to depend for their cultural (and increasingly, economic) survival primarily on the generous assistance of their kin-state, Hungary. These developments fit perfectly into Orbán's grand strategy, seemingly unfolding as planned at the start of this brand-new decade, just as Hungary was preparing to observe, on June 4, its National Day of Cohesion, marking the one hundredth commemoration of the Trianon Treaty (Sarnyai, 2018).

This article contends that the narrow, obstacle-laden pathways towards empowerment and autonomy that were tentatively beginning to open up to differing degrees for the Hungarian national minorities of Slovakia and Romania in the first decade of the 21st century, just as these communities began to assert themselves as key actors within Europe's emerging system of multi-level governance, have now been effectively cut off in the short- to medium-term. This is due to the partial co-optation of these minorities' elites by the Orbán regime in Budapest over the past decade (Waterbury, 2006: 1), as Hungary's Prime Minister resolutely proceeds on an increasingly authoritarian path and blatantly demonstrates his determination to continue pursuing an aggressively nationalising, anti-EU, illiberal, national-populist political project within and beyond his country's borders (Halmai, 2018: 4-5).

This article deploys a chronological process-tracing methodology that will both chart the emergence of a Hexagonal Cast of state and non-state actors in the Carpathian Basin, and analyse how its dynamics were affected by the consolidation of Orbán's authoritarian rule in Budapest. The first two sections set out the historical roots and theoretical foundations of the principles of nationality and autonomy in the European context from the 1815 Congress of Vienna to the 1993 Copenhagen Criteria. The third section examines their evolution

during the post-Communist Era, from 1989 to 1998, and discusses their application in the EU pre-accession decade of 1998-2010, with particular reference to Slovakia and Romania. Finally, the fourth section assesses their current dynamics in the on-going post-accession 'Orbán Era', from 2010 to the present, by focusing on the interactions between Brussels, Budapest, Bratislava and Bucharest.

### NATION, LANGUAGE, TERRITORY: 'WARMONGERING TRINITY' OR 'HISTORICAL NECESSITY'?

The concepts of 'nationality' and 'autonomy' have been deployed dialectically, both synergistically and antagonistically, by successive generations of European political actors since the 1815 Congress of Vienna, masterfully orchestrated by the Austrian Empire's Foreign Minister, Klemens von Metternich (1773-1859). The peace treaty he carefully crafted with the assistance of Viscount Castlereagh (1769-1822), the British Secretary of State for Foreign Affairs (Kissinger, 1957), ensured that the 'nationality principle' was protected within States by preserving their diverse nationalities under the roof of a single institutional structure of governance, thus preempting the cataclysmic "movement of borders across people" (Moreh, 2019: 114) that was to define 20th-century Europe. The two diplomats were therefore determined to prevent the emergence of the "warmongering Trinity of Nation, Language, and Territory" (Siemann, 2016: 491).

Barely three decades later, in 1848, this trinity would be hailed by a new generation of European 'democratic patriots' as a 'historical necessity' (Lache, 2017: 178ff), then co-opted into a national-conservative revolution by Prussian Chancellor Otto von Bismarck (1815-1898). By the 1878 Berlin Congress, Bismarck – now Chancellor of the German Empire – had institutionalised a particularly potent conceptualisation of political legitimacy combining Hegel's hegemonic 'State' with Herder's anthropomorphised 'Nation', thus enshrining deep into Europe's consciousness the idea that each State must be the bearer of only one Nation.

He thus elevated the notion of sovereign statehood to "the essential characteristic of what it means to be a nation" (Siemann, 2016: 521).

Bismarck, however, following Friedrich Engels and Theodor Mommsen, believed that only 'historical nations' were entitled to their own independent states, whilst the fate of lesser, 'unhistorical nations', would inevitably be that of subordination and eventual assimilation (Bauer, 1907: 344). This discriminatory social Darwinist perspective was contested in particular within the multi-ethnic Austrian Empire by a powerful alliance between the principles of nationality and democracy, rooted in the 1848 European 'Spring of Nations' revolution. The Austro-Hungarian Compromise of 1867 had two key consequences: first, it established the Dual Monarchy of Austria-Hungary, which granted territorial autonomy to the 'Kingdom of Hungary' within the imperial superstructure headed by Emperor Francis Joseph (1830-1916); second, it resulted in the adoption of Act 44 of the Law of 1868, 'On the Subject of the Equal Rights of the Nationalities' – in effect, "the first law on national minorities of the world" (Koksis, 2014: 93). Whilst the Hungarian Transleithanian Parliament "refused any ethnic based territorial autonomy requests initiated by its minorities, since these were viewed as a first step of their separation" (Ibid.), the Austrian Cisleithanian Parliament, the Reichsrat, entertained various constitutional reform projects on this basis, under pressure from national protest movements initiated by its non-German minorities.

Leading Austrian intellectuals and activists such as Karl Renner and Otto Bauer attempted, at the dawn of the 20th century, to devise a uniquely Austro-Marxist conceptualisation (Bowring, 2002) of non-territorial autonomy ideally suited to Austria-Hungary's socio-historical context (Bauer, 1907), defined by the cohabitation of intermixed nationalities that could not be separated into ethnically homogeneous states without untold human suffering and death – and of course, without the disaggregation of the Dual Monarchy itself.

A fateful tension thus arose at the heart of Europe, centred on opposite interpretations of the concept of autonomy. So-called 'historical nations' driven by nationalising policies, such as Hungary, equated it with self-determination (Salat, 2014: 125), eventually leading to outright independence, and categorically refused to grant it to any degree (even under the guise of local autonomy) to the allegedly 'unhistorical nations' living on their territories, such as Romanians, Slovaks, Serbs, or Ukrainians, together amounting to approximately 50 percent of Old Hungary's population (Bauer, 1907: 343). Conversely, these supposed 'unhistorical nations' demanded their rightful 'place in the Sun' based on principles of cultural recognition and democratic governance and began to increasingly press their claims for both territorial and non-territorial autonomy, if not outright independence.

The First World War and the resulting collapse of Austria-Hungary resulted in Europe's reordering on the basis of US President Woodrow Wilson's (1856-1924) famous Fourteen Points endorsing the 'nationality principle' in accordance with which all nations were entitled to live in their individual nation-states (Smith, 2014: 16). Autonomy as 'self-determination' and 'independence' had won the day. This resulted in the establishment of numerous nation-states in Central and Eastern Europe, all hosting national minorities of their own, including a newly-created Czechoslovakia and a significantly expanded Romania – each incorporating significant numbers of territorially-concentrated ethnic Hungarians (Andreescu, 2007: 61). Hungary itself, considered as one of the defeated nations at the 1919 Versailles Conference, was compelled to sign the 1920 Treaty of Trianon, resulting in a loss of 70% of the territory once ruled by the so-called 'Kingdom of Hungary' under the Crown of the Double Monarchy as well as of up to a third of its ethnic Hungarian population (Koksis, 2014: 94).

The principle of national minorities' protection – and therefore any consideration of granting them territorial and non-territorial autonomy –

effectively disappeared with the outset of the Second World War and remained in abeyance in Europe during the subsequent Cold War. They were resuscitated, in practice, only seventy years later, under the triple aegis of the Council of Europe – focusing on democracy and human rights, the CSCE/OSCE – aiming to prevent or stop ethnic conflict, and the European Community/EU – designed to achieve European integration (Malloy, 2014: 23). However, this new iteration of these interconnected concepts developed into an entirely different socio-political ecosystem from that of pre-First World War Europe: it was defined by its unique dynamics and generated utterly unprecedented consequences that were to dramatically challenge the hitherto unquestioned dominance of the territorially-defined, centralised, sovereign state model (Moravcsik, 2000). It is to the 'what, why, and for whom' of these current dynamics of governance of this innovative ecosystem that we now turn (Smith, 2020: 1).

## FROM THE TRIADIC NEXUS TO THE HEXAGONAL CAST

Autonomy is generally perceived to imply, within the European national minorities' context, "legally-entrenched rights of self-government or self-rule rather than simply local self-administration". It is institutionalised by means of "an elected legislative body with competences in some basic domains, as well as an elected executive which implements this legislation". It is classified as either territorial autonomy, established in a distinctive sub-region of a state, or non-territorial (cultural autonomy), applicable to minorities living dispersed throughout the state's territory (Smith, 2014: 17). Authors such as Will Kymlicka justify such arrangements normatively, by asserting that, in liberal democratic societies, "[d]enying the right to institutionally guaranteed reproduction of non-dominant cultures would be equal to assumed discrimination" (Salat, 2014: 129).

Theories aiming to explain how autonomy claims arise and are ultimately resolved have evolved significantly in recent times. Mirroring Thomas Kuhn's (1970) explanation of the dynamics of paradigm shifts developed fifty years ago in his seminal work, *The Structure of Scientific Revolutions*, these theories attempted to account for the dissonances between on the one hand the hegemonic neorealist or liberal intergovernmentalist models of a state-centric international community (Moravcsik, 1998), and the dynamic realities of a European system of governance in perpetual flux on the other. In doing so, they seemed to progress, in cyclical fits and starts, beyond the dominant paradigm of the Westphalian nation-state (Linklater, 1998), towards what Derrida (1992) aptly called "another heading" – another border structure, another shore beyond our modern Western tradition. Thus, Moravcsik (2018: 1655) asserted that sovereign states remain firmly in charge of the populations living within their boundaries and, depending on their institutional structure, decide either unilaterally or, at best, in negotiations with their national minorities' elites, as to the type and extent of autonomy to be granted, if at all, to any of its constituent communities. Csergő (2001) agreed with him, but added that outside pressure in such negotiations, if at all relevant, has "to correspond to domestic interests in order to have an influence on institutional strategies". Brubaker (1995) famously expanded this dyadic relational field to a 'Triadic Nexus' including the national minority's 'kin-state', whilst Smith (2002) proposed a 'Quadratic Nexus' incorporating international organizations such as the EU, OSCE and Council of Europe. More recently, Germane (2013: 4) argued that an additional relational field focusing on the interaction between various national minorities constitutes a critical 'Fifth Element' "vital for the comprehensive analysis of interethnic relations in the cases where more than one sizeable ethnic minority is present in the same state".

Two critical insights complete what now clearly emerges as an on-going paradigm shift (Kuhn, 1970)

from an outdated state-centric model that is 'no longer' capable of explaining real-life processes in a satisfactory manner to a future model of governance that has 'not yet' fully coalesced but is perhaps still to 'come' (Derrida 1992: 766 ff.). Étienne Balibar insightfully describes the analytic construct described above as a 'vanishing mediator': "a figure that enables an imaginary of the new during the process of transformation of a society, as the old gradually fades away" (Isin, 2013: 17). First, it is clear that each previous construct seems to morph into the next, as the once state-centric analytical framework keeps expanding by means of an "externalization process" whereby new relevant actors, arenas of action, influential allies, and activism resources are incorporated into our latest relational ecosystem (Waterbury, 2017: 228ff). Second, as one becomes more familiar with such externalization processes, one comes to understand that ethnic cleavages, far from constituting the primary cause of contestations and struggles for autonomy between national majorities and minorities, are in fact instrumentalized as powerful tools of legitimation for various actors' ideologies and policies. These actors engage, across various territorial and non-territorial levels, into both collaborative and competitive iterative plays for power, prestige and status with other political actors, giving rise to interactions that can no longer easily be categorised as either 'internal' or 'external'. Pytlas (2013; 16-18) explains how, in this critical struggle over the "ownership of meaning"

*"...the impact of nation-building legacies is fostered by mechanisms of mythic overlay. This mechanism draws a cognition recurrence between historical identity-shaping myths (such as the nation-building struggle) and applies them in contemporary debates to legitimise political activities, policies or issues. The resonance of these frames is moreover fostered by their applicability to both external and internal adversaries."*

One can now add to the series of vanishing mediators previously discussed by building on Myra Waterbury's disaggregation of national minority



politics into areas for political action, allies or challengers, and activities driven by resources and capabilities. This can be done by further developing these categories as well as by adding two new ones implicit in her model but left under-analysed: those of actors and of their aims. It is beyond the scope of this article to fully elaborate this multi-level governance ecosystem that enables us to better visualise the intricate causes, connections, claims and consequences of minority rights politics in 21st century Europe. It will therefore limit itself to briefly outline in theory its main vectors in as far as they differ from those put forward by Waterbury and then apply them in practice, in subsequent sections, to the national minority rights connective network anchored by the key hubs of Brussels, Budapest, Bratislava, and Bucharest.

We must envisage the first three relational fields corresponding to Brubaker's Triadic Nexus discussed above, namely the host state, the kin-state and the national minority, not as monolithic entities with perennial interests but as bundles of power actors (Malloy, 2014: 17-18). These actors experience both internal competition between candidates striving to represent their respective electorates and external relations of competition and cooperation with other actors across relational levels, aiming to consolidate their power and avoid being displaced or marginalised. This observation regarding actors' interest vectors also applies to international organizations such as the EU in particular, where both intra- and inter-institutional competition takes place between the Commission, the European Parliament, and European Court of Justice (Smith, 2020: 6). Here, interventions by other actors such as FUEN can be exploited instrumentally by these international organizations so as to reinforce a certain perspective on the nature and functions of the EU as a whole or of one or more of its individual bodies. Germane's Fifth Element – referring to the significance of other national minorities within the same host state – obeys the same rules as the main national minority addressed above (Fig. 1 below).

This approach fills an important gap in national minorities rights' literature, where little attention has been focused on minorities as individual group actors. As Malloy (2014: 17) has best explained, "a theory that brings members of minorities into the equation as actors, subjects of their own lives" is urgently needed today.

Finally, the sixth key actor of the Hexagonal Cast refers to transnational activist movements such as FUEN that are beginning to emerge out of the slowly coalescing pan-European public sphere and its incipient European level of political interaction, whose development is facilitated by creative new instruments such as the European Citizens' Initiative (Smith, Germane and Housden, 2019: 523, 538). These six actors are not entirely autonomous but are embedded into a Hexagonal knowledge connexity nexus formed by a dynamic European minority rights epistemic community (Galbreath and McEvoy, 2009) that shapes and in turn interpenetrates each of them, moulds them, is moulded by them, and provides normative and substantive content and direction to the entire system.

This Hexagonal Cast of actors interacts strategically across seven territorial and non-territorial levels: infra-national (local non-territorial), intra-national (national non-territorial), infra-state (local territorial), intra-state (state territorial), inter-state (multilateral territorial), regional (European territorial) and global by means of various activist modalities in order to accomplish their aims. These aims have two key dimensions: their scope, referring to the breadth and volume of their objectives, and their span, pertaining to the particular time-frame under consideration - that is, short-, medium-, or long-term. This article expands in its next two sections on the practical dynamics of this strategic matrix of multi-level governance as it examines the evolution of autonomy claims of national minorities for its two case-study countries, Slovakia and Romania, as well as their interactions with their principal national minority's kin-state, Hungary, within the European context.



Fig.1: The Hexagonal Cast: Power, Interests, Knowledge in the European Multi-Level Governance System

## BACK TO THE FUTURE – THE REBIRTH OF THE ‘SECURITY VS. DEMOCRACY DILEMMA’

Hungary, Romania and Slovakia exhibited very different relationships between their national majorities and minorities both during and after the Communist era; one must therefore be mindful as to whose perspective should be considered when attempting to describe them in brief (Djolai, 2019). Whilst Hungary was now one of the most homogenous European nation-states, Romania retained significant national minorities. The Slovaks were part of a multi-national federation and were treated as junior partners within Czechoslovakia. Soon after the end of World War II and the imposition of Soviet rule in Eastern Europe, Hungary and Czechoslovakia engaged in significant national minority population transfers. This was not the case in Romania, where the Hungarian Autonomous Region was established and endured between 1952 and 1968 due to pressure to this effect from the Soviet Union. This region was abolished by Nicolae Ceaușescu’s increasingly nationalist regime, which charted an ostensibly independent foreign policy stance from that of the USSR after the 1968 Soviet invasion of Czechoslovakia.

In practice, President Ceaușescu used this projection of Romania’s independence from the USSR in the international arena instrumentally, as a cover for implementing an increasingly authoritarian rule at home coupled with an aggressive policy of cultural assimilation of Romania’s national minorities – Transylvanian Hungarians in particular – over the next two decades. After the fall of the Iron Curtain, nationalizing governments took power both in Romania, headed by President Ion Iliescu and in Hungary, led by Prime Minister József Antall. Whilst Antall made symbolic concessions to Hungary’s small national minorities, from which he excluded the Roma, by far the country’s largest minority, Iliescu took a firm stand both rhetorically and by means of legislation against any self-government demands of Romania’s national minorities – especially those of its large ethnic Hungarian community. Slovakia attained independence in 1993 and followed Romania’s example by electing a nationalist Prime Minister with authoritarian tendencies, Vladimír Mečiar.

The first years after the end of Communism were critical for all three countries. Openings existed for each of them to create new social contracts including all their respective citizens rather than to deepen existing ethnic cleavages. However, none of them ended up pursuing such a path (Csörgő, 2007). Hungary chose an outward-looking model of minority-rights protection that included institutions based on the principle of non-territorial autonomy for all its national minorities. Its ‘indirect strategy’ was to legislate into being a standard-setting model of national minorities’ protection within the country so as to both impress the Euro-Atlantic community and to pressure its neighbours with significant ethnic Hungarian minorities to follow suit (Sansum and Dobos, 2019: 2), whilst simultaneously diluting in practice at home such laws’ substantive content and actual implementation. Conversely, Slovakia and Romania adopted the French model of a centralised, unitary nation-state (Csörgő, 2001: 8) and remained unwilling to officially recognize any public collective role for their national minorities. For these two countries, ‘autonomy’ became the “central metaphor of division” (Ibid: 11), fragmentation, and even

secession. Yet the primary underlying political conflict in all three countries was quite similar: it was driven by profound disagreements about the legitimate institutional design of the newly-democratic countries and the advantages these would confer to various political actors (Ibid). The 'nationalist card' was therefore deployed instrumentally in Budapest, Bratislava and Bucharest by nationalizing parties, primarily to generate political legitimacy for their projects and to discredit their liberal adversaries (Jackson-Preece, 2014: 10).

By 1998, however, the situation had dramatically changed in all three Carpathian Basin capitals. Hungary had by then signed bilateral treaties with both Slovakia and Romania, lowering the socio-political tensions between them, due in large measure to their determination to join both the EU and NATO and the consequent pressure put on them by these supranational institutions to move beyond the democracy v security dilemma that had characterised the two countries' first post-Communist decade (Smith, Germane and Housden, 2019: 523). In both Romania and Slovakia, liberal parties took power and entered into formal coalitions with parties representing their ethnic Hungarian populations. The path towards Euro-Atlantic integration thus seemed to also entail the lowering of both intra-state and inter-state tensions along ethnic lines in Romania and Slovakia, and a more cooperative Hungarian attitude, willing to at least somewhat take into account its neighbours' concerns regarding the claims to autonomy of their respective substantial Hungarian minorities – approximately 1,3 million individuals in Romania and some 460,000 people in Slovakia (Waterbury, 2018: 4).

The election of the first Viktor Orbán-led FIDESZ government in Hungary, in 1998, represented a critical inflection point on this path of increasing inter-state cooperation and intra-state accommodation that was emerging in Central Europe towards the end of the 20th century. FIDESZ had adopted since 1993 a radically nationalist,

right-wing ideology in order to legitimize its claim to power and at the same time to discredit Hungary's governing parties as 'anti-national' and 'foreigner-friendly' (Pogonyi, 2017: 188-9; Rydliński, 2018: 100-1). Most importantly, it promoted an ethnic view of the Hungarian nation, including its 'post-imperial minorities' (Galbreath and McEvoy 2012: 144) located on the territories of its neighbours, and promised to overcome the presumed injustice of the Trianon Treaty by reuniting all Hungarians into a transborder nation capable of erasing in practice the physical borders supposedly imposed on Hungary against its own sovereign will.

Whilst Orbán's Hungary now saw Europe as a community of nations, where Hungarians effectively could unite across borders, as exactly what "Europe was all about" (Fowler 2004: 220), Slovakia and Romania understood the EU to be a community of states, where each member state would retain its full sovereignty and territorial integrity (Ibid.: 222). The demands for self-government or autonomy of the Slovak and Romanian national minorities were subsumed in this clash of narratives, and the interests of these groups were subordinated to the political objectives of the parties jockeying for power in Budapest, Bucharest, and Bratislava.

The EU, Council of Europe and OSCE all adopted a semi-conflicted, double-track approach to this emerging clash between two diametrically opposed views of Europe in general and of national minorities protection in general. All three combined their efforts to simultaneously promote national minorities' rights whilst also strongly supporting the safety, security and sovereignty of all Central and East European states lining up to join the EU (Csergő, 2007).

## PANACEA OR PANDEMIC – THE STRUGGLE FOR AUTONOMY AND THE HEXAGONAL CAST

On the eve of the accession of Central and East European states to the EU, the number of actors, arenas, alliances, activism pathways, and aims



Arenas	Timeframes	Short Term	Medium Term	Long Term
	Actors			
<b>Global</b> (empowering: non-territorial)	Human Rights World System: UN	Creating new norms	Setting universal standards	Achieving global resilience
<b>Regional</b> (integrative: new crystallization)	Minority Rights Regime vs. Intergovernmental Institutions: EU, OSCE, Council of Europe	Embedding shared values	Elaborating effective procedures	Implementing a common European standard ( <i>acquis européen</i> )
<b>Inter-state</b> (classical diplomacy: territorial)	Relations between states (Nationalising and Kin-States)	Maintaining structural and systemic legitimacy	Resistance to encroachment of sovereign prerogatives by other actors	Safeguarding securitised State-Centric Sovereignty System
<b>Intra-state</b> (networks of power, non-territorial)	Relations between various national minorities within a State	Cooperation for common aims between various group elites	Achieving recognition as legitimate actors	Empowerment beyond 'Minority Rights' model
<b>Infra-state</b> (local, urban: territorial)	Civil society movements	Civic mobilisation and action	Civic institutionalisation	New model of civic governance beyond unitary state
<b>Intra-national</b> (national non-territorial)	Relations between national minority elites and kin States	Securing resources and survival	Emerging as viable actors: reconceptualising the meaning of 'nation' beyond fixed borders	<b>Clashing State-centric (kin States) vs. System-centric (national minorities) strategies</b>
<b>Infra-national</b> (non-territorial)	Grassroots national minority movements	Voicing claims at higher governance levels	Achieving various forms of territorial and non-territorial autonomy	Knowledge, presence, access at higher governance levels ('accountable autonomy')

Fig. 2: Strategic dynamics of key actors embedded in Europe's emerging National Minorities' Rights Regime

pursued over different time-frames that together constitute the complex virtual map of the still-fledgling European national minorities rights regime increased dramatically. Categorising all actors in accordance with the ideal types set out in the Hexagonal Cast and embedding them in a dynamic ecosystem composed of the seven arenas and three time-frames detailed previously in this article enables us to systematise our analysis by better grasping these actors' multiple strategies, their underlying reasons for action and their ever-changing network of competitive and cooperative interactions (Fig 2).

Whilst this article cannot present here a detailed and comprehensive analysis of the current state of play in the European national minorities' rights protection regime between all participating actors, it will focus below on the evolution of national minorities' demands for autonomy in Slovakia and Romania and on the relevant dynamics connecting the actors gravitating between the four most important hubs of this European system for our purposes: Brussels, Budapest, Bratislava and Bucharest.

## BRUSSELS: STRATEGIC DYNAMICS OF MULTI-LEVEL GOVERNANCE

The European institutional actors worked in close collaboration in the EU pre-enlargement stage, combining their respective strengths. Their two key objectives were, first, the development of national minorities' rights norms at the European level and second, the diffusion and implementation of these norms in the domestic arenas of future EU member states. The European Union lacked a definition of as well as standards for national minority rights; therefore, it relied on the expertise of the OSCE and of the Council of Europe, both much more experienced in this field than the EU. Conversely, the accession pressure exercised by the EU on its enlargement candidates, including Hungary, Romania and Slovakia, ensured that the national minority rights norms championed by the OSCE and by the Council of Europe would be accepted by the EU's prospective members and implemented via legislation in their domestic legal systems (Skovgaard, 2009: 1-5). In brief, the EU did not demand that its enlargement candidates offer outright autonomy to their national minorities, but only a version of 'consociationalism light' - that is,

a mix of protection of national minority members' universal rights as embodied in the Framework Convention for the Protection of National Minorities, as well as some form of contextual power-sharing (*Ibid.*: 15-16).

## BUDAPEST: TRANS-SOVEREIGN NATIONALISM IN PRACTICE

After Hungary's EU accession and the election of the second FIDESZ government in 2010, Viktor Orbán set out to complete his strategic plan of entrenching his party's hegemony over Hungarians both within and beyond Hungary's borders (Rydliński, 2018: 96). As Anton Shekhovtsov clearly points out in his important 2016 study entitled "Is Transition Reversible? The Case of Central Europe",

*"[f]rom the beginning, Orbán's attack on Hungarian democracy was explicitly designed not to attract too much attention abroad. His tactic was to push the boundaries, wait for the response from EU structures, take a step back - and then push the boundaries again. This tactic of "strategic retreat" allowed him to change the fabric of the country in a gradual, yet ultimately dramatic manner. He thus managed to stay within the EU and to continue receiving EU subsidies and benefits, even while adopting legislation that put him well outside European norms" (Shekhovtsov 2016: 4).*

By successfully deploying this strategy, Viktor Orbán succeeded in achieving his ultimate aim - namely, to retain power indefinitely by means of a profound ideological restructuring of the concept of Hungarian nationalism and citizenship (Moreh, 2019: 107). He accomplished his objective in practice with the 2010 Citizenship Act, which awarded non-residential citizenship to all ethnic Hungarians living outside Hungary's borders. This implementation of trans-state nationalism via a novel sort of "fuzzy citizenship" (Fowler, 2004: 205-6) benefitted most the interests of his own party since these new extra-territorial Hungarian citizens considered their citizenship to be a gift from Orbán himself and therefore overwhelmingly voted for FIDESZ in Hungarian legislative elections, providing it with an inbuilt ruling majority (Pogonyi, 2017: 1).

Orbán's project of trans-border nation-building was immediately criticised as a blatant display of crypto-revisionism of the Trianon Treaty by Hungary's neighbouring countries with Hungarian national minorities (Fowler, 2002: 13). It also raised significant concerns in the EU and at the Council of Venice (Fowler, 2004: 231), as both organisations were displeased that a European kin-state was deploying its power instrumentally, not as a means to improve the lives of its minorities living beyond Hungary's boundaries but rather to reinforce the position of its core national group at home and thereby to entrench FIDESZ and its avowed anti-EU illiberal populist nationalist project in power for the foreseeable future (Pogonyi, 2017: 4). The dramatic consequences of the institutionalization of 'illiberal democracy' in Hungary went far beyond the borders of this country; they were spelled out in detail by Anton Shekhovtsov, who merits being quoted at length here:

*"Hungary's descent into what its own leader calls "illiberal" politics is a striking sign of the weakness of Europe's post-1991 order. Not only did the "transition" from one-party communist rule fail to put down roots or gain momentum to withstand the challenge from Orbán's (in effect) anti-systemic policies, but external monitors and constraints proved powerless to intervene effectively. The big winner in this is Vladimir Putin and his regime in Russia. They now have a bridgehead in Central Europe which, although not explicitly pro-Russian in every respect, does—like the Kremlin—disdain both Western values and European institutions. Even if Orbán's approach towards Russia is, as his diplomats and officials claim, one of mere pragmatism, Russia is already a major beneficiary. If "Orbánisation" spreads further, not only the European Union but NATO stand to be severely weakened" (Shekhovtsov, 2016: 8).*

## BUCHAREST: 'ONE STEP FORWARD, TWO STEPS BACK'

Post-Communist Romania represents a case of 'one-step forward, two steps back' (Decker, 2007: 438) for minority rights in Europe. Although Bucharest has ratified all major international legal instruments

focusing on the rights of minorities, including the Framework Convention for the Protection of National Minorities, former Communist Dictator Nicolae Ceaușescu's 25-year-long nationalist-authoritarian rule left Romanian society deeply scarred, averse to Western principles of diversity and multiculturalism (Andreescu, 2007: 74) and fearful of mythical foreign plots allegedly designed to undermine its sovereignty and territorial integrity (Decker, 2007: 439). Therefore, although Romania has adopted some of the most progressive minority language laws in Eastern Europe, has reserved parliamentary seats for members of its smaller national minorities, and has accepted the party representing ethnic Hungarians, the UDMR, as a legitimate political force entitled to join national governing coalitions, its governing and intellectual elites remain very conflicted when addressing issues of territorial or non-territorial autonomy for the country's Hungarian minority. No less than sixteen autonomy projects have been put forward as a solution for the Hungarian minority's demands for self-government over the past three decades; yet none were enacted by the Romanian Parliament (Salat, 2014: 136). However, the very fact that such a dialogue continues, with all its limitations and despite all its failures, demonstrates that there is at least some willingness in Romania to consider autonomy projects proposed by its Hungarian minority in the right circumstances and with the right partners. This guarded optimist outlook is however negated by the fact that the already existing tensions between the Hungarian minority's expectations for autonomy and the Romanian majority's fear of foreign interference in its internal affairs and even of territorial 'amputation' (Wiener and Schwelbnuss, 2004: 17) have been stoked to a high point by the actions of the Orbán regime over the past decade.

The grave consequences of this increasing political polarization between competing Romanian and Hungarian conceptualisations of citizenship and nationality have crystallised in the recent Romanian parliamentary elections held on 6. December 2020. The most dramatic and unexpected result of these

elections with the extremely low participation rate of only 31.84% of eligible Romanian voters – the lowest such rate in the last four elections – was the spectacular emergence on the political scene of an extreme-nationalist conservative party founded only in 2019, the 'Alliance for the Unity of Romanians', bearing the acronym AUR (signifying 'gold' in Romanian). AUR's ideology and strategy are centred around its illiberal, regressive and authoritarian interpretation of the concepts of 'Family', 'Nation', 'Faith' and 'Freedom' and are clearly modelled on those of Hungarian Prime Minister Viktor Orbán's ruling FIDESZ party. AUR obtained over half a million votes representing more than 9 percent of the total bulletins cast in the December 2020 Romanian parliamentary elections – a staggering result for a recently-formed party. This allowed it to comfortably pass the bar of a minimum 5% of votes required for a party to enter Romania's bicameral Parliament. AUR thus becomes Romania's fourth largest party and a significant political force both in the Chamber of Deputies, where it now counts on 33 representatives out of a total of 329, as well as in the Senate, where it numbers 14 senators out of a total of 136. It remains to be seen whether Romania's new centre-right government – a coalition including the National Liberal Party, the pro-European USR-Plus party, and the UDMR that took the reins of power in Bucharest just before Christmas 2020 – will be capable to successfully implement the long-awaited structural reforms necessary to transform Romania's political and administrative institutions into a modern and professional state and thus to forestall further AUR electoral gains. If, however, a coalition in which the UDMR plays such a critical role will end up failing to bring about tangible improvements to Romanians' daily lives over the next few years, AUR's populist appeal with increasingly disaffected and angry voters will certainly increase significantly by the time of the next Romanian parliamentary and presidential elections, due to be held in 2024.

Ironically, both these opposite political outcomes – liberal democratic and illiberal hyper-nationalist electoral victories – most likely mean that Romania's ongoing conflict with Viktor Orbán's Hungary over fundamental norms of statehood, nationality, citizenship, and kin-state influence in host-state internal affairs (Fowler, 2004: 226) will not only continue unabated but will actually intensify at infra-national, inter-national and supranational levels of governance. Such a development will render highly unlikely any possible agreement regarding the autonomy demands of Romania's increasingly disillusioned Hungarian minority – whose members could therefore end up gravitating away from the relatively moderate UDMR and towards more radical, populist political parties directly supported by the Budapest regime and fully aligned with its long-term objective of expanding into and dominating Europe's Carpathian Basin region (Shekhovtsov, 2016). This is a further illustration of the fact that Viktor Orbán's deft strategy of double envelopment, deployed at both EU and national levels, constitutes a winning formula for the Hungarian leader irrespective of the vagaries of Romania's electoral results.

## BRATISLAVA: JOINING THE VISEGRÁD GROUP

Slovakia's initial circumstances after gaining independence were rather different from Romania. As a new nation-state with a Hungarian minority of 8.5 % of its total population territorially concentrated on the border with Hungary (Tokar, 2014: 143), Slovakia pursued immediately after independence a radical nationalising project (Mihalik and Marusiak, 2014: 135). It adopted extremely restrictive language laws discriminating against the use of the Hungarian language (Ibid: 138) and feared that its Hungarian minority's demands for autonomy marked a critical first step towards eventual secession and ultimate unification with Hungary (Tokar, 2014: 142). In fact, most ethnic Slovaks considered their country's conflict over the rights to be granted to its Hungarian national minority to constitute in reality not only an internal Slovak matter, but primarily an inter-state conflict between Slovakia and Hungary (Ibid: 143).

Therefore, unlike in Romania, no discussion of potential autonomy for its national minorities was tolerated; instead, a vicious circle developed between nationalist politicians, an intolerant Slovak majority, and the supposed threat that Hungarian autonomy posed to the very survival of the Slovak state (Ibid.: 148). To minimise such a supposed threat, Slovakia enacted local administrative reorganization plans breaking up the contiguous Hungarian minority population massed along the Hungarian frontier and minimised the number of districts where it would retain a majority. Slovakia's reaction to Hungary's 2010 Citizenship Act was swift: it adopted legislation banning double citizenship (Pogonyi, 2017: 187) and accused the Orbán government of attempting to undermine the Slovak state from within. This explains why, in Slovakia, "autonomy became a symbol rather than a serious discussion topic" (Tokar, 2014: 149) and why any prospect for even local administrative autonomy for the country's Hungarian minority has become unthinkable for the foreseeable future (Koksis, 2014: 121).

Slovakia's ongoing pursuit of its nationalising project was explicitly spelled out in public by its Prime Minister, Robert Fico, who declared in 2013 that "[w]e did not primarily establish our independent state for minorities (...) but especially for the Slovak state-building nation" (Marušiak, 2021: 41). Ironically, it is exactly this explicit political marginalization and othering of Slovakia's Hungarian minority by successive Slovak governments, and in particular by Fico's party, Direction - Social Democracy (SMER-SD), in power from 2006 to 2010 and again from 2012 to 2018, that has been playing a critical role in strengthening even further the political ties binding Slovakia's ethnic Hungarian community to Viktor Orbán's FIDESZ. The Hungarian Prime Minister's double-pronged long-term strategy of both increasing the dependence of Hungarian national minority groups across the Carpathian Basin on Budapest and of encouraging by example the rise to power across Central Europe of other FIDESZ-like illiberal parties defined by the hyper-nationalist,



anti-Brussels rhetoric and policies seems therefore to be increasingly effective. Slovakia under Robert Fico's SMER-SD thus joined Hungary, Poland and the Czech Republic in the Visegrád Group so as to consolidate the emerging illiberal movement currently expanding at the geographical and political heart of the European Union. As Juraj Marušiak (2021: 52) recently explained, this development dangerously destabilizes the EU's democratic and cohesive foundations by combining an increasing de-Europeanization of these four states' normative public values as embodied in their constitutions and legislations, with their opportunistic and cynical ongoing reliance on the EU's solidarity mechanisms, by continuing to draw on Brussels' critically important stabilizing financial, social and security contributions:

*"After 2016, Smer-SD approached two other important political parties – Fidesz in Hungary and Law and Justice in Poland – in terms of its rhetoric, although it continues to declare itself social democratic. With these two parties in neighbouring states, Smer-SD shares an anti-liberal orientation, efforts to strengthen the influence of the nation state in society, anti-minority attitudes, and the central position of the party leader".*

This increasingly illiberal ideological orientation of Slovak political parties and governments has continued largely unabated even after SMER-SD's electoral defeat in 2018, under Fico's two populist successors, Peter Pellegrini, founder and leader of the Voice - Social Democracy Party and Slovak Prime Minister from 2018 to 2020, and Igor Matovic, founder and leader of the Ordinary People Party and current Slovak Prime Minister. Equally concerning is the fact that the recently formed extreme right Kotleba - People's Party of Our Slovakia ran in the 2016 Slovak general election on a hyper-nationalist "One God, One Nation" slogan and succeeded in winning over 8 percent of the popular vote despite openly advocating anti-EU and anti-NATO positions and even denying the value of representative democracy. This unexpected political breakthrough of a movement rooted in wartime Slovak authoritarianism and declaring its three founding

principles to be "national, Christian, and social" culminated in its entrance in the Slovak parliament with a count of 14 deputies out of a total of 150. Its unexpected electoral breakthrough amply "demonstrated that the cautiously declared success of Slovakia's post-communist transition to consolidated democracy remains fragile" indeed (Harris, 2019: 2).

## TRIANON'S GHOST – LEGITIMATION OF POWER OR POWER OF LEGITIMACY?

On 4 June 2020, most Eastern Europeans remembered the Treaty of Trianon, signed a century ago in France. The fact that such an event can still trigger so many contradictory emotions and passions across the region – ranging from a feeling of elation and vindication in Romania for finally achieving what is described by its historians as its centuries' long dream and natural destiny, to a deep sentiment of injustice and betrayal in Hungary, where it is perceived as nothing less than the utter mutilation of their nation in violation of every international right and norm – speaks volumes about the continued political struggle over national minorities' rights taking place across the Carpathian Basin. By proposing a new analytical matrix animated by a Hexagonal Cast of actors for the study of minority rights in Europe, this article contributes to the effort of shifting current debates in this important field away from analyses of national identities defined deterministically and deployed instrumentally, whose ultimate purpose is to opportunistically legitimate the blatant attempts of increasingly illiberal political actors to hold on indefinitely to state power. Instead, it aims to encourage future investigations to focus on the normative power of legitimate political action for the purposes of integrating intersubjectively-moulded national identities sharing overlapping homelands within and across state boundaries via transformative conceptualisations and applications of notions of both territorial and non-territorial autonomy within the larger context of the European socio-political ecosystem.



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