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The Hungarian Status Law: political, cultural and sociological contexts

Universalism and particularism

The world that we live in can be interpreted in a variety of ways, with none of them claiming to be privileged. But all methods of interpretation have their own intellectual and possibly ideological baggage, so it is vital that as far as is feasible, one should detach oneself from the topic at issue. A key methodological approach in this context is to understand social processes as the outcome of a tension between two opposing polarities, which exist in reciprocal potentiation, each securing the other's continued existence. The Cold War was like this. The West, as the champion of liberal democracy, found its position much easier to legitimate as long as it could contrast democracy with the undemocratic practices of Marxism-Leninism. For the post-Cold War period, however, one of the central such polarities has been the problem of the role of identity in politics. How much political power, if any, should attach to culture and the bearers of that culture? In essence, the polarity has been between those who claim maximum emphasis on universalism (denying culture) and those who argue that particularism has an equal or greater role than universal ropositions. This universalist-particularist polarity is not new. It has its antecedents in the universalist claims of mediaeval Roman Catholicism and, more importantly for our era, in the legacy of Enlightenment rationality, which dismisses local practices as obscurantist.[1] The particularism that has unquestionably attracted the greatest attention, and disapprobation, is ethnicity and the ethnic dimension of the nation. Most universalists, maybe reluctantly, accept the reality of nations and nationhood, but insist that in democracy most nations are similar, and that the state - preferably the civic and not the nation-state - should have only a minimal connection with ethnicity or preferably none. Any attempt to argue in favour of ethnicity, they assert, undermines civic norms and is incompatible with citizenship and civil society.

In real terms, on the other hand - "real" here having to do with the sociological category that recognises that certain processes are immune to deconstruction or when deconstructed continue to be reproduced - ethnicity has a more complex and more subtle role in democracy. The deepest level foundations of consent to be ruled are culturally coded and this coding is articulated as ethnic norms. In this sense, French citizenship has a French colouring, Dutch norms permeate Netherlands citizenship and so on. If nothing else, language will always carry certain messages and memories hat include some and exclude others;[2] there is no such thing as neutral language, no state can be run without a language, so that every state has a certain set of tacit non-civic norms that are determined by language. The myth-symbol complex that every collectivity uses to sustain itself performs a similar function. Thus, in short, ethnicity lives on and the question should, logically, be, why? And why is it possible to combine citizenship with ethnicity? The answer to the former is that ethnicity plays a key role in sustaining coherence, securing consent and communication, while as far as citizenship is concerned, ethnicity is not the problem, but it is the absence or weakness of institutional, procedural and civic norms, notably of an impersonal public sphere, that create the conditions for the ethnicisation of the state.

The period immediately after 1945 very unfavourable to particularism, seeing that it was associated with nationalism, war and Nazism, the three coupled together as a logical chain of causation. Hence certain propositions were declared, in effect, universal - democracy, the unity of Europe, economic growth, state provision, welfare state, anti-colonialism. n reality, these were particularistic and reflected the dominant cultural norms of the French and English

Enlightenment. The European Union, notably, was based on well defined patterns of French categories and thinking.

In effect, this universalism was the culture of the successful modernisers in Europe and its success in the aftermath of wartime destruction guaranteed its continuing hegemony. Simultaneously the Cold War between West and East, or more properly "West" and "East", internalised the epic conflict of two modernist discourses as the universal norm; this had the effect of screening out others or having them dismissed as marginal and transient. That was the fate of the ethnic revival of the 1960s, which tended to be written off as protest movements that could be dealt with economic concessions.[3] Overall particularisms were declared enemies of progress, backward or reactionary. For four decades, this universalism had hegemonic status. From this perspective, Herderian ideas that all communities were value creating, were marginalised, and even after the ethnic revival of the 1960s, the dominant ethos remained paramount. This was the self-styled universal culture with which the West embarked on the post-Cold War era.

At a deeper level, the European political order and modernity always required a high degree of cultural cohesiveness and the success of the modern state was predicated on this, on the continuous input of consent which was culturally coded. This cultural coding can be described as ethnicity. It is quite clear from the evidence marshalled by Bauman[4] that one of the unintended consequences of the condensing cultural power by the state was also to condense ethnic power. This condensed ethnic power became the basis of ethnic identities and the state then acquired an interest in sustaining them in a reciprocal relationship.

Thus, when analysed at a deeper level, the modern European state order proves to be simultaneously civic and ethnic. The civic norms of democracy and citizenship acquire an ethnic colouring and to some degree rely on the cohesiveness that ethnicity provides. It is, in reality, difficult to envisage the acceptance of the invasive activities of the modern state, its constant regulation and reordering in its permanent endeavour to make people "legible",[5] without the consent generated by ethnic norms. On the other hand, these ethnic elements are screened out and are regarded as unnecessary and irrelevant, precisely because of the claim to universalism made necessary by the Cold War and its antecedents. Democracy was understood as dependent on universalism and, once this assumption is made, it was logical to wage war intellectually on particularism. This anti-particularist hegemony was imposed with greater or lesser success on the societies of Western Europe.

Overall, the success of Western modernisation secured this model of thinking, it established a particular way of thinking - a thought-style - as universal.[6] Marxism-Leninism, which should be seen as a deformed offshoot of Enlightenment thinking, sought to impose an even more tightly policed variant of universalism and corresponding thought-style. Whereas in Western Europe, the link between universalism and particularism was banished underground, under communism it was formally declared illegal ("socialist internationalism") and the thought-style of the Soviet Union, heavily affected by its Russian origins, was enforced as universal communism. This particular legacy of Stalinism was never overcome.

The events of 1989, however, began to expose the relative, reflexive uality of European universalism and to demonstrate that it was, in fact, very European. This is not in itself in any way reprehensible; what is questionable is the claim to universality. But as the hard political constraints of the Cold War began to disappear, the discursive strategies that it had sustained likewise become clearer.

Since then, Europe has lived in a complex struggle that is best interpreted as a contest between universalistic discourses and the> policies based on them (human rights normativity, the acquis, multi-culturalism, minority rights) and particularistic ones (diversity, localism, particularistic forms of knowledge). This has given rise to an uneasy equilibrium, one that is further threatened by globalisation. Globalisation should be understood as a set of multi-level processes (money, finances, information, technology, leisure activities etc) that seek to establish a single criterion of measurement, essentially that of profit for all activities and to make everything legible by this criterion. That necessarily downgrades local norms as marginal or as an irritant.

As argued, every state in Europe possesses something of an ethnic base (visible only in explicitly multi-ethnic states), involving ethnic solidarity, discourses, myth-symbol complex, but counter-balanced by civic norms and rules (process, regulation, rule of law). Both are needed, but the emphasis currently is strongly on citizenship and civic norms.

> Indeed, globalisation is having an unexpected consequence - it is eroding the universalistic claims of the large cultures and the denial of their own ethnicity, even while it is practised. France with its reiterated resistance to globalisation is the clearest instance; the discursive strategies of the British Conservative party, which has for all practical purposes become the party of English nationalism, are not that different in their quest for identity by self-definition against "Europe". In Central and South-Eastern Europe, after the collapse of communism, the post-communist states adopted democratic systems, but had inadequate civic resources given the destruction wrought by communism, with the result that they relied more overtly on their ethnic norms than the West liked. The entire issue was exacerbated by the tragedy in Jugoslavia.[7] While the disintegration and subsequent war in Jugoslavia had some causes other than ethnic nationalism, many in West looked for simple, though reductionist, explanations and made a simplistic attribution of cause, not least because attributing destructiveness to nationalism reinforced the cognitive models received after 1945. A fear of contagion, that democracy in the West would also be undermined may have been exaggerated, but it all helped to fuel the unease in the West about what ethnicity and nationalism were. All of this meant that Western leaders and public opinion had to acquire all sorts of new knowledge, new ways of understanding their own discourses and those of others; the acquisition of new forms of knowledge is seldom straightforward.

The Hungarian Status Law

This is the background against which the status law in Hungary should be seen. In fact, Europe has a spectrum of policies and corresponding legislation reflecting the underlying ethnic base of the state, but this tends to be screened out in the determined drive for being seen as civic.[8] This helps to explain the contradictions in responses to the status law - acceptance coupled with reluctance.
In broader terms, the status law can be said to have two dimensions. One of these is the aim to regulate Hungary's relations with the Hungarian communities in the neighbouring states, a problem that was not created by Hungary but by the victorious powers after 1918. The hard reality is that the very existence of the Hungarian state generates tension between Hungary and the minorities living in the neighbouring states, given the intimacies of the shared culture.[9] These intimacies exist between all kin states and neighbouring minorities, even when these are thoroughly
screened, as between Swiss and Belgian Francophones and France. By virtue of speaking the same philological language, all Francophones have more in common than not and thus necessarily means defining a relationship with France. Much the same applies to Hungary and the Hungarian speakers. The status law aims to achieve this objective. At the end of the day, it is not

possible to decouple culture from political power and political power is, at some level, necessarily vested in the state.

Second, the broader context of the law is the historic drive to establish a new narrative for the Hungarian nation in its cultural dimension as a modern community. The loss of empire in 1918 was a catastrophe for the Hungarian model of modernity and ever since, Hungary has been struggling to find a new narrative that would reestablish the model in the new context. Indeed, this model is essential for Hungary's return to Europe and for Hungary's membership of the European Union. The law, therefore, is intended to reflect the requirements of democracy, of the European environment and the needs of the Hungarian state.

However, matters are never as simple as they might appear at first sight and while prima facie, one might have expected a general approval for Hungary that it should seek to make its relationship with the Hungarians of the neighbouring states explicit and legible, the response has been different. By and large, the majority of European states has equivalent legislation for regulating their relationship with their co-ethnics, but given the de-emphasis on ethnicity sketched above, this is mostly screened out. (The Council of Europe's Venice Commission report on states and ethnic kin contains no information on UK and Irish legislation; one can only wonder at the reason why this information did not appear to be supplied.) What the status law has done is to make this state of affairs transparent and this has caused a degree of embarrassment. In any case, the committed universalists were bound to attack it and they have done so, unable to see the ethnic basis of their own assumptions.

Hungary as a small state is not all that significant in Europe. It has only limited voice and its ability to make itself heard is nothing like as substantial as, say, that of France. Hence it is likely that - even while the law is under attack in certain quarters - the Hungarian law will be screened out and in a relatively short period of time it will be accepted s a standard part of the European order, just as elsewhere ethnicity and the ethnic basis of the state is screened out.

At the end of the day, every state makes provision for the protection of both individual rights and for the reproduction of the collectivity - the cultural context within which the individual exercises those right. Collective norms constitute a vital aspect of human agency, the capacity to act, precisely because these norms ensure that the individual is notculturally naked but is operating in a context in which action will be> understood.[10] The status law, by offering options for the cultural reproduction of all Hungarians, is a significant contribution towards that strategy and can take its place in other, similar attempts to regulate ethnicity within a civic and etatic framework. In effect, by separating citizenship from ethnic identity and constructing a clear definition of citizen of the Hungarian state and citizens of other states but ethnically Hungarian individuals, the Hungarian status law is enhancing and enriching the concept of citizenship. The criticics of the law may well not understand their own underlying, implicit assumptions, which are themselves ethnically coded, and, therefore, believe sincerely that they are articulating universalist presumptions. The foregoing analysis is about trying to make these hidden motives visible and thus open to discussion.

NOTES

[1] Bauman, Zygmunt Legislators and Interpreters (Cambridge: Polity, 1987).

[2] Lotman, Yuri M. Universe of the Mind: a Semiotic Theory of Culture, trans. Anne Shukman, (London: I.B. Tauris, 2001).

[3] Rothschild, Joseph Ethnopolitics: a Conceptual Framework (New York: Columbia University Press, 1981).

[4] Bauman, op.cit.

[5] Scott, James C., Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed (New Haven: Yale University Press, 1998).

[6] Douglas, Mary How Institutions Think (Syracuse NY: Syracuse University Press, 1986).

[7] Judah, Tim, The Serbs: History, Myth and the Destruction of Yugoslavia (London: Yale University Press, 1997); Sekelj, Laslo Yugoslavia: the Process of Disintegration (New York: Columbia University Press, 1993).

[8] For details, see Károly Grúber, 'Pozitív, nemzeti alapú intézkedések a kisebbségek és határon túli nemzetpolgárok identitásának megorzése Europában' Pro Minoritate, Autumn 2001, pp.52-65.

[9] Herzfeld, Michael Cultural intimacy: Social Poetics in the Nation-State (London: Routledge, 1997).

[10] Douglas, Mary and Steven Ney, Missing Persons: A Critique of Personhood in the Social Sciences (Berkeley: University of California Press, 1998).