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Nationality Question and Policy Towards National Minorities in 1848–1849

In the last days of the war of independence, Prime Minister Bertalan Szemere said the following at the last session of the national assembly in Szeged on July 28, 1849: “Our revolution has three fundamental ideas... The first idea is the regulation of the form of government; the parliamentary form had to be introduced so that the people could govern themselves and the nation would arrange for its own fate. The second idea is the guaranteeing of personal rights; equality before the law and the equality of duties had to be proclaimed. The third principle is the *free development of nationalities and ethnicities*.” The first two ideas have been introduced, while “little has been done concerning the third one, the development of ethnicities, because of the wartime circumstances in the country.”

In the years that followed, many believed that this was one of the main reasons why the war of independence failed. According to the historian Mihály Horváth, minister of education of the Szemere cabinet in 1849, “our legislature and new government committed a great mistake” when, “content with the proclamation of equality before the law and freedom, they did not elaborate a clear and detailed act in support of the various ethnic groups living in the country.” The renowned liberal publicist, Móric Lukács wrote in 1860: “Our home is a multilingual country, which we have to acknowledge whether we like it or not... That we had not realised the true importance of this fact and had not hurried to take legal measures in connection it, turned out to be one of the main reasons why reaction could succeed in stirring up most of our compatriots of different tongue against us 12 years ago.”

Neglecting the nationality question was a grave mistake also because the data gathered by Elek Fényes revealed that only 37% of the population of the countries of the Hungarian Crown was of Hungarian tongue, and this proportion rose only to 45% when the population Hungary (without Transylvania, Croatia and the “Katonai Határőrvidek” [Military Border Guard Region]) was considered. Tension was increasing in connection to this issue during the twenty-five years preceding 1848, the so-called “language struggle”. This evolved as a result of the acts of the Diet and the resolutions of the counties that had made Hungarian the official language. Between 1790 and 1844, the legislatures adopted a series of acts “on the use of the Hungarian language” and “on the Hungarian language and ethnicity”, which introduced Hungarian as the official language of the Diet, the legislation, the public administration authorities and secular and ecclesiastic courts. Under these acts, only those could take up a public office who could speak Hungarian, law examinations could be taken in Hungarian only, what is more, even the ecclesiastic positions were made conditional upon Hungarian language knowledge at every denomination. This latter became necessary because the

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registers of birth had to be administered in Hungarian. At last, the Diet proclaimed in 1844 that “Hungarian should be the language of public education at the schools within the borders of the country.” In addition to this, the counties – among them even those where the majority of the population was not Hungarian – ordered one after another the exclusive use of Hungarian within their jurisdiction.

It can be seen that these acts took into account the Hungarian language only and sought to expand its use to fields of public life. Nobody thought about guaranteeing linguistic rights to the other peoples living in the country. At most, a few years of deference were granted to them for the acquisition of the official language. Many sought to relegate the use of minority languages into the sphere of private life and many thought it permissible – in the words of Kossuth – “that the Hungarian ethnicity would be promoted through all legal and reasonable means, especially through the encouragement of the schoolmasters.” The representatives of the non-Hungarian peoples of the country protested against the exaggerations of these acts with good reason and there were some among the Hungarian politicians as well (e.g. István Széchenyi or Gábor Kazinczy), who spoke up for the authorisation of the use of minority languages in public life.

The liberal generation of the Reform Era that formulated the civic transformation’s programme and then achieved it too, sincerely hoped that could the nationality question with the abolishment of serfdom and feudal privileges, the realisation of equality before the law and the equally carried burdens, moreover the introduction of civil legal relations and institutions. “The common freedom would surely balance national differences and dislikes,” said Kossuth at the Diet in March 1848. A few years earlier, Miklós Wesselényi was of a similar opinion: “what is properly knit in a civil sense, it usually melts together nationally as well.”

The opinion of the liberals, however, proved to be an illusion. The non-Hungarian inhabitants of the country welcomed the revolution but they were not willing to sacrifice their ethnicity in exchange of freedom. They also demanded that their ethnic existence and rights be recognised and legally guaranteed besides the equality before the law and freedom. Serb novelist Jakov Ignjatović, who had been a persistent supporter of the Hungarian cause throughout 1848, said at the national assembly of 1861: “I respect the legislation of 1848... However, this legislation of 1848 has a shortcoming. It is not that Serbs and Croats are against what is included in those laws; what they do not like is that the part, which should be included, is not there. The mentioned laws incorporate the most beautiful conditions of civil freedom but no recognised nationalities are included in them, there is no Croatia. The spirit of the laws is equality before the law, the *juris communio*. However, the *juris communio* of 1848 is far from providing for the nationalities.”

Amongst these circumstances, it was an unfortunate fact, which would also have serious consequences, that the acts of April 1848 that laid down the foundations of the new, civil Hungary, ignored the nationality question (although certain provisions of theirs concerned the rights of non-Hungarian inhabitants to use their languages). One such act was Act V on the election of the delegates to

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the national assembly that stipulated that only those could be elected representatives who spoke Hungarian, since Hungarian was the official language of the legislature. However, it did not specify that the eligibility to vote would be conditional upon one's Hungarian knowledge. Act XVI stipulated that exclusively Hungarian can be the language of the discussions in the county assemblies and commissions (the use of the mother tongue was allowed in the Croatian counties). The acts on cities and villages did not contain similar provisions.

In the other part of the Habsburg Empire, in Austria, the national rights of the various peoples – although not in details but only on a general, theoretical level – were on several occasions proclaimed officially and solemnly starting from April 1848. The constitution of the Austrian Empire of April 25, 1848 (the so-called Pillersdorf Constitution) ensured the inviolability of ethnicity and language for every "national tribe". Generally, the legislatures of the individual provinces amended this with the enactment of the equal rights of the nationalities among the other civil rights. In the spring and summer of 1848, a number of decrees were issued in order that the equal rights of the nationalities could be implemented in practice, with a special emphasis on education and the courts. The German and Austrian constitutions of 1848, their drafters, usually listed the right for the preservation and development of ethnicity and the national tongue among universal human rights guaranteed by the constitutions. This was how the commission in charge of the drafting of the constitution proceeded at the Austrian Constitutional Imperial Diet: in the draft prepared about general human rights, they specified the way of practising this basic human right only in so far as every citizen was granted the right to submit a petition to any authority in his own language and could receive an answer in the same language. This draft also declared that every language spoken in the given provinces would have to be considered at the elaboration of school curricula. Under Article 21 of the constitution adopted by the Imperial Diet on December 17, 1848: "Every national tribe of the Empire is equal before the law. It is an inviolable right of every national tribe to preserve and promote its ethnicity and language. The state guarantees the equality of every language used in the country in schools, offices and public life." The draft constitution went beyond the declaration of rights due the citizens in principle and – in a pioneering way in the international practice of constitutional law – entrusted the supervision of the observance of these rights to a supreme imperial court planned to be set up. The draft also stipulated that the borders of the smaller territorial units within the historically developed countries and provinces of the Empire had to be marked out possible in consideration of the nationalities. They did not deem it important to declare more than this in the constitution and left the detailed regulation to further legislation.

The national minorities of Hungary formulated their demands at their national assemblies and delivered them in their petitions and other statements to the Diet and the government already in the spring of 1848.

The Serbs declared at their assembly in Újvidék (Novi Sad) on March 27: "In the same way as the Serbs are cordially ready to recognise the primacy and

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power of the Hungarian nationality and nation in every state and common domestic relations in Hungary, they wish and demand that their own nationality be recognised and the free use of their language in all of their affairs and at their meetings be reinforced by way of law". They wanted moreover that the autonomy and the equal rights of their church be guaranteed, the Serb national assembly be convened, "the national schools and national public education be organised and administered freely and independently, moreover that Serb intellectuals be employed at high and supreme authorities and courts."

A delegation took the 16 points of demands of the Serbs to the Diet in Pozsony (Bratislava), where Kossuth himself recommended their request to the attention of his fellow representatives. He declared that they sought to grant "the blessings of common liberty to every inhabitant of the homeland without prejudice to language and religion. The Hungarian nation sincerely professes the principle that it respects the language all peoples and its free use in their internal and ecclesiastic affairs, moreover it extends Hungarian liberty to every fellow-citizen without prejudice... The Hungarian nation shares everything, liberty and justice, and respects the perfect free development of separate languages."

However, the promises of Kossuth did not satisfy the national demands neither of the Serbs nor the other peoples. The Slovaks drafted a petition presented at the assembly of Liptó county on March 28, in which they demanded that the county assembly could hold consultations in the Slovak language and "the language of courts, requests, trials, and official county and parliamentary notices could be the Slovak." The assembly of Brezova in Nyitra (Nitra) county expressed similar demands one month later, amended with the fact that they wanted schools, "national schools" to be established at every educational level, with the Slovak as the language of education. The petition of the intellectuals gathered in Liptószentmiklós (Liptovsky Svätý Mikuláš) on May 10 went a great step further: they wanted that "every nation could be represented as a nation" at the Diet and that the delegates could make their speeches in their own mother tongue. Besides the "universal assembly of the kin-nations", they demanded the establishment of "special national assemblies" and the marking out of ethnographic borders, that is, essentially territorial autonomy. They demanded that everybody could address the county assemblies in his mother tongue. They took a stand on the universal suffrage of men above the age 20. They completed the political demands with that of the national schools, in which Slovak would be the language of teaching from the level of primary schools to the universities. An interesting proposal of theirs suggested that Slovak-language departments should be established in counties with a Hungarian majority and Hungarian departments in counties with a Slovak majority, so that each other's language could be mutually learned.

The Serbs held a national assembly in Karlóca (Sremski Karlovci) on May 13–15, where they called for the establishment of Serb Voivodina, what is more, they even elected a voivode and started the preparations for an armed uprising. The national assembly of the Romanians held in Balázsfalva (Blaj) on May 15

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found the recognition of the union possible only after their national demands had been satisfied, while the Saxons took a clear stand against the union. The Romanians, too, wanted primary and secondary schools with Romanian as the language of teaching, moreover a Romanian university. The Romanian delegation appearing in front of Francis Joseph at the beginning of 1849 was not satisfied with the autonomy of Transylvania. They demanded that all of the Romanians of the Habsburg Empire be united in a single independent nation “under the government of Austria, as a complementary part of the entire empire.” The Romanians demanded “independent national administration”, moreover that the general congress of the whole nation be convened, a national leader, a head of the church and a Romanian senate – to control the national administration – be elected and that they could have proportional representation in the Imperial Diet. In essence, they wanted to establish a national political organisation independent of territory and realise the same kind of personal autonomy that Kossuth would also formulate in his draft constitution during his exile in Turkey two years later. At the same time, there were some Romanians who dreamed about a Romanian territorial self-government, including the territories of Transylvania, Bukovina and Hungary inhabited by Romanians, that is, a Romanian crown land within the Austrian Empire.

Thus, the most numerous national minorities expressed their demands plainly concerning their recognition as territorial self-governments and national communities and the establishment of their national political institutions. They formulated their demands in the name of the Slovak, Serb, and Romanian “nations”. As opposed to this, Kossuth declared at the Diet: “I will never ever recognise another nation and nationality under the Hungarian holy crown than the Hungarian. I know that there are people and nationalities that speak another language, but there is one nation here and not more.”

In the spring of 1848, two concepts of the nation, two national ideologies were opposing each other in Hungary and this duality was characteristic of the whole of Europe. French Enlightenment formulated one, which considered the nation a political category, tied it to a circumscribed territory, political institutional system, that is, to a state, and identified it with the entirety of its citizens. According to the French Encyclopaedia, nation “is a collective noun, used to indicate a significant population living in a certain territory, closed in-between certain borders and obedient to the very same government.” Under this idea, a nation can be formed by that people only, which have their own statehood evolved historically or have at least a territory-bound political autonomy. That is, the modern state is a nation state, in which only one nation lives. However, every citizen is its member without prejudice to language or ethnicity.

The other theory, ethno-linguistic nationalism, as opposed to political nationalism and the idea of the state-forming nation, considered the nation a primary natural formation – independent of the state – preceding political organisation. Its main features are common ethnicity, the language, folk tradition

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or, as Herder, from whom the classical formulation of this nation idea derives, called it: the “spirit of a/the people” (Volksgeist). Every ethnic and linguistic community that has become conscious of itself has the right to exist as a nation, to have its own national political institutions, national self-determination after all.

In the national ideology of most of the European nations – to the extent corresponding to their development –, the features of these nation concepts mingled. Ethno-linguistic nationalism – citing natural law in its arguments –, played a decisive role in the ideology of those ethnic minorities that did not have a complete social structure and their own political institutions. It was with reference to this that the Slovaks, Serbs and Romanians demanded their recognition as “nations”. The reformist Hungarian nobility, on the other hand, embraced the state-forming nation conception that cited historic rights, since this coincided with the traditional Hungarian noble and feudal nation concept. According to this, every nobleman counted as a member of the “*natio Hungarica*”, no matter what mother tongue he had. “The nation means state, which can be formed by history only,” wrote Kossuth. According to Gusztáv Szontagh: “Nation means the entirety of the citizens of the homeland and, therefore, there can be only one nation but several peoples (ethnicities, races) in the homeland.” However, not only liberal reformers believed in this, but also the Habsburg Archduke Joseph, count palatine of Hungary as well: “those who live in the Hungarian homeland are Hungarians, independent of the mother tongue, since they are granted the same rights and privileges: there is no other nation here – but the Hungarian only.” Wesselényi wrote in accordance with this: “The Slavs living in our homeland... do not exist as a nation... They do not and cannot have a separate national right... They can have the benefit of the constitution, the protection of the laws and, on account of this, they can demand a free legal civil life. These are their essential rights as of peoples, and undeniable rights as of citizens.”

Since, in the opinion of the Hungarians, the non-Hungarian peoples – with the exception of the Croats and the Transylvanian Saxons who had their territorial self-government – did not form a political nationality, could not lay claim to political institutions of national character and thus, to territorial autonomy either. According to Kossuth, “dividing a country by languages and giving a separate political nationality in a separate territory to all of them would mean the parcelling up and the dissolution of that country.” They also referred to the fact that the peoples were living in our homeland so mingled that it would be impossible to draw the ethnic boundaries fairly. Kossuth set this forth in a letter written in May 1849 addressed to General Mór Perczel, commander of the southern army, who promised Voivodina to the Serbs. “Let us say,” wrote Kossuth, “that Bács-Bánát would be declared a Serb Voivodina: what would happen then to the nationality rights of the Hungarians, Germans and Wallachians who live there and on what ground could the Serbs demand supremacy?” Indeed, according to the 1850–51 census carried out in the Austrian Empire among the inhabitants of Serb Voivodina created in 1849, only 24% of them were Serbs, 28% Romanians, 24% Germans and 17%

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Hungarians. "Therefore, continued Kossuth, a Serb Voivodina, a Serb provincial assembly and every similar daydream add up to complete absurdity in practice. Croatia can have a ban and a provincial assembly because there exists a Croatian territory. However, neither Serb Voivodina nor a Serb provincial assembly is possible. There is no Serbia in Hungary but there are inhabitants of Serb mother tongue living scattered in the one and indivisible territory of the country, who may demand that every right, law and freedom of theirs be common with that of the others in this country. However, as they do not have a separate province, they cannot demand that the country be divided up for the sake of their nationality and a separate province be formed for them."

Consequently, the Hungarian government rejected on principle both the recognition of ethnic minorities as "nations" and the authorisation of territorial autonomies.

In contrast to other national minorities in Hungary, the Hungarians recognised the Croats as a political nation because they had their own autonomous territory. The first council of ministers of the new Hungarian government decided on April 19 that "it would do everything required by law, justice and equity in order that the mutual trust between Hungary and Croatia would be reinforced." The acts and decrees were published in Croatian as well, resolutions were issued on the appointment of Croatian state secretaries and ministerial officials, and the council approved that the Croats could use their own language in their communication with the government.

However, the Croats did not recognise the jurisdiction of the Hungarian cabinet with respect to Croatian matters. The Croatian national program adopted at the national assembly in Zagreb on March 25 demanded that Croatia should be a state completely equal to Hungary and with its own responsible government. According to this, only the person of the sovereign and the common customs area would have connected Croatia to the other countries of the Habsburgs. The new ban, Jellačić, took no notice of the Batthyány cabinet. The Croatian Sabor, convened on June 5, declared every legislative and administrative relationship with Hungary terminated but expressed the wish that they would like to maintain friendly relations with the peoples of Hungary.

At the end of August, the Hungarian council of ministers adopted the bill of Ferenc Deák, which wanted to lay the new foundations of the relationship of the two countries. Under this, Croatia would be granted full internal autonomy, with only military, foreign, financial and commercial affairs being in the common jurisdiction of the two countries. Common ministries would administer these, with Croatian state secretaries. A Croatian minister would represent the interest of Croatia in the common council of ministers. The official language of Croatia would be the Croatian and both parties would conduct the correspondence between the two countries in their own language. The council also declared that "should no reconciliation be achieved on this basis, then the country would accept separation and mere allied relationship. However, it would maintain the possession of Fiume (Rijeka) and the Hungarian seacoast and demand the

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assurance of free travel and the commerce along that path.” However, at the last talks he had with Batthyány, Jellačić declared: “It is not an issue of particular offences that exists between us that could be reconciliated. You want Hungary to be a free and independent country, while I swore at the political unity of the Austrian Empire. If you do not consent to that, only the sword can decide between us.”

The congress of the Slavs of the Monarchy assembled in Prague on June 2, 1848. The Czechs and the Southern Slavs – basically in the spirit of the Austro-Slav conception formulated by František Palacký – wanted to transform the Monarchy into a federation of provinces delimited on the basis of ethnicity. The Slovaks, however, did not want to separate from Hungary and did not wish to form one state with the Czechs. Ľudevít Štúr openly declared that they were not strong enough to go counter to the Hungarians: “We have not succeeded on winning our nation... We have persons of national spirit, however, if we demonstrated our anti-Hungarian thinking, thousands would rise against us.” This happened indeed in the autumn, when only a few hundred joined the Slovak Legion of Štúr, while thousands of Slovaks fought in the Hungarian home defence forces. The Slovaks recognised the Hungarian ministry in the summer of 1848 and requested their national rights from that. “If the Hungarians give us what is our due, we will not draw the sword against them,” said that other Slovak leader, Jozef Miloslav Hurban. However, if they were not granted that, they would fight. In the end, the congress issued a proposal at the suggestion of the Polish, according to which the Alliance of Austrian Slavs would try to settle the conflict between the Hungarians and the Slavs and would use every means to achieve a consensus.

Windischgrätz, however, scattered the Prague congress, after which the events led not toward reconciliation but armed conflict. In addition to that, the Hungarian government declared that the Slav demands could be considered “merely outlets of the Pan-Slavist direction” and tried to resolve the nationality question through the proclamation of martial law, the delegation of government commissioners and the force of arms. The Transylvanian union commission delegated by the Diet made the first important step of different character, which pointed in the direction of positive settlement. It prepared a bill in consideration of the opinion of the Romanian representatives in September 1848 “on guaranteeing the civil rights of the citizens of the Romanian nation on the basis of equality.”

The bill, made up of 16 points, stated that the “nationality and language of the Romanians was recognised and guaranteed.” Accordingly, it permitted the use of the Romanian language in primary and secondary schools and seminaries, moreover in church administration. In villages of Romanian tongue and in the parishes, it recommended that the records should be both in Romanian and Hungarian, while it stipulated only Hungarian correspondence with other authorities. In counties, seats and cities inhabited by Romanians it allowed speeches in Romanian at official councils, and assemblies. In the language of command of the national guard, Romanian would be also used besides the

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Hungarian. The acts and royal and ministerial decrees would be published in Romanian as well. Official documents, requests, petitions written in Romanian would have to be accepted everywhere. Even those Romanians could be elected in the county assemblies and commissions who could not speak the Hungarian language but only understood it. Administrators of Romanian tongue paid by the state would be employed at the royal courts of justice for the free representation of the poor people of Romanian tongue. The bill declared that the Romanians were to be employed in a "fair proportion" in every branch of public administration. It promised that Transylvanian acts and laws prejudicial to Romanians would be repealed. Concerning educational affairs, the bill promised that the Romanian-tongued population would be taken into account at the establishment of public schools. A department of Romanian philology and literature would be established at the university. However, secondary schools with Romanian as the language of teaching would have to teach Hungarian language and literature as an ordinary subject. This bill greatly expanded the rights the Romanians had concerning the use of their language as compared to the language acts adopted prior to 1848. In the end, the bill did not make it to the agenda of the Diet because of the outbreak of the war of independence. Similarly, no act was passed on the basis of the motion on public education submitted by József Eötvös. It declared that "those students, who did not speak the Hungarian language, would receive primary education in their own mother tongue" but it also stipulated the teaching of the Hungarian language as a subject in every school (as it is known, the 1868 Public Education Act of Eötvös renounced this demand).

Starting from September 1848, weapons prevailed for months: the members of various tongue of the "Hungarian political nation" fought a bloody battle against each other in the Southern Regions, Transylvania and Upper Hungary alike. Reconciliation and peace was put on the agenda in the spring of 1849 and all of the parties in opposition seemed willing to participate. On the one hand, this was due to the successes of the Hungarian forces and on the other to the general disappointment regarding the so-called "forced" imperial constitution issued in March 1849, which made many loose faith in the hopes associated with Vienna. The new sovereign, Francis Joseph, declared at the end of 1848 that he wanted to reconstruct the state "based on the equality and free self-determination of the peoples." Yet, the constitution of March mentioned neither the self-determination of the people nor territorial autonomy. Although the constitution stated that "all nationalities had equal rights, all were granted the inviolable right to preserve and promote their nationality and language" and promised that the equal rights of every nationality in Hungary and every language used in the country would be guaranteed in public and civil life through appropriate institutions, the document sought to realise all this in the framework of a unified and strongly centralised empire.

In these months, the delegates of the Polish emigration took great pains to conciliate the parties in opposition and establish the alliance of Danubian peoples. The ambassador of the Hungarian government to Paris, László Teleki, also got

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into contact will the leader of the Polish emigration, Prince Adam Czartoryski and it was through him that he got to know the Czech, Romanian and Southern Slav emigrants living in Paris. On the basis of the discussions he had with them, he suggested to Kossuth on March 7, 1849: "I believe, it is not so much with the Austrians but instead with the Serbs, Croatians and Romanians that we should form an alliance. In my opinion, this would not be so difficult, since I have had a chance to meet several people of these races and all of them would prefer to come to terms with us instead of Austria. For the sake of God, give them whatever you can!" The satisfying settlement of the nationality question is possible only if the "Hungarian homeland would be reconstructed on the basis of a confederation." He reiterated this on May 14: "There is one thing especially close to my heart, since the future of the Hungarian homeland, in my opinion, depends on that. We should be more generous in granting rights to the various nationalities. Not only the Hungary of Austria died but also that of Saint Stephen. Liberté, égalité, fraternité are not enough. The peoples wish to live a national life as well." He suggested that we should sacrifice something from the "corpus iuris" and the Serbs and the Romanians should be granted their territorial autonomy and national assembly. If we guaranteed them the free use of their language in the counties inhabited by nationalities, then "we would have laid the foundations of a most shining Hungarian future" and not only our own minorities but the neighbouring peoples would "accept Hungary, as the centre of a future Danubian confederation, with pleasure... The more we give to the nationalities, the less we would have to give to Austria and absolutism."

On May 18, 1849, the Czech František Rieger and the delegates of the Hungarian government abroad – László Teleki, Ferenc Pulszky, Frigyes Szarvady – agreed in the Parisian house of Prince Czartoryski that they would promote the establishment of a confederate state in the place of Austria, in which the Croatians, the Serbs and the Romanians would have their territorial autonomy and would be connected to the federal state only with respect to common military affairs, traffic and commerce. The Slovaks and the Germans would not have a territorial autonomy but only the free use of their language and self-governments at the level of villages. The agreement was recorded in a protocol that the Polish delegates forwarded to the parties in concern. The emigrant revolutionaries of Bucharest considered this protocol "something like a commitment on the part of the Hungarian government toward the Romanian nation."

Here at home, the paper of the radicals, *Március Tizenötödike* [March the Fifteenth], formulated similar thoughts. "Time and circumstances evolve in a way that we cannot ignore the separate nationalities living in this country any more. We would have to strike a deal with them once... and when we would like to bargain, we would have to lay aside the corpus juris and its obsolete fiction... If we had a tabula rasa in front of us for the arrangement of the homeland, we could no doubt declare that Hungary, Transylvania, Croatia and, if they wanted it, the Slavs of the upper counties become allied republics from that day on." The

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abandonment of the spirit of the language acts of the Reform Era was indicated by the statement that “it is not our task any more to force every person who is born within the historic boundaries of this home to learn the Hungarian language – even if we mean the qualification to fill a position under this constraint only. Instead, we have to promote that the currently existing nationalities that cannot be ignored any more would hold together in peace, fraternity and liberty forever.”

Mór Perczel, who occupied much of Voivodina in March and April 1849, practised wide-ranging amnesty and introduced administration and jurisdiction in the Serb language. In the course of the negotiations with Serb leaders, he promised to grant them a territorial autonomy, Voivodina. Kossuth consistently rejected the proposals suggesting the authorisation of territorial autonomy (as he would act in his exile as well). “There is no Serb territory within the Hungarian state,” he answered to Perczel. The nation would never agree to have the territory of the country divided according to ethnicities, since this would mean the death of the Hungarian state. However, he was willing to make specific linguistic concessions beyond the share everyone had “in common liberty and common law”. “I guarantee the free use of the language of the Romanian people in their schools, churches and at their religious ceremonies, as well as in their community life,” he sent the message to the Romanians through representative Ion Dragoş. He promised that anybody could submit a request to the government in his mother tongue and the acts and decrees would be published in the languages of the nationalities, moreover everybody could use his mother tongue at court as well. He held out the prospect of guaranteeing the use of the language of the Serbs in public administration at the level of villages, in courts with oral proceedings, at schools and in the church.

The council of ministers brought a decision in this sense on June 6, 1849: “every kind of people is free to promote, administer and guarantee its own religion, language and the education of the children in its church, village, schools and families.” The circular of Foreign Minister Kázmér Batthyány dated on June 10, 1849, gave authorisation to the diplomats, generals and political delegates negotiating with the representatives of the nationalities to make similar pledges: “the Hungarian government guarantees the equality before the law to the nationalities... and it is ready to entrust the administration of ecclesiastic matters exclusively to the believers of the given denomination – without the superintendence of the state – and there, as well as in every personal matter that are connected to their schools, families, the life of their villages, in their trials at lower-level courts and in those that could be orally declared, they can use their own language.” However, Batthyány made this conditional upon three principles: the unity of the state and its territorial wholeness, moreover the primacy of the Hungarians “that it acquired with arms a thousand years ago, with which it established its independent state” and which “becomes manifest in the diplomatic (that is, official language) character of the Hungarian language”. He considered the language acts of the Reform Era authoritative concerning the use of the Hungarian official language.

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These promises were far from the demands that the nationalities had formulated in the previous spring and far even from the Roman bill of the union commission. Essentially, the use of the minority languages was guaranteed only in the village-level administration, in churches, at lower courts and in schools.

As compared with this, the “peace project” (project de pacification) elaborated as a result of the negotiations with Transylvanian and Hungarian Romanian representatives and the revolutionaries emigrated from the Romanian principalities, was a major step ahead. It was signed by Foreign Minister Kázmér Batthyány and Nicolae Bălcescu on July 14, 1849. While Kossuth and the Hungarian government was willing to grant a village-level self-government to the nationalities, the most important point of the document promised that the language of county administration would be the language spoken by the majority everywhere. In counties with a Romanian majority, both Romanian and Hungarian languages could be used at negotiations and the records would have to be prepared in both languages. This was valid for lower-level courts as well. The counties would correspond with the government in Hungarian but the county courts could communicate with each other in Romanian. Requests could be submitted everywhere in Romanian. In schools, where Romanians studied (in public schools as well), Romanian would be the language of teaching. In counties with a Romanian majority, Romanian would be the command language of the national guard. Every state office would be open in front of Romanians. The document recognised the autonomy of the Romanian Orthodox Church in the field of religion and school. It also stipulated that the “Wallachians, forming a separate nationality, would be mentioned as Romanians in the official documents in the future.”

The national assembly extended the points of the agreement with the Romanians to every nationality as it adopted a resolution on the nationality question at its last session held on July 28, 1849. “Let every people be free to develop their nation... And this development should not be hindered in any other respect than that of the conservation of the status quo and the possibility of an effective, quick, precise administration. This was how Prime Minister Bertalan Szemere, who submitted the bill, formulated the principle that would be a stable element of bills on nationalities elaborated by the Hungarians in the following decades. According to Szemere, “the ultimate time has come for the national assembly to declare its principles.” For this reason, he submitted the motion: “With respect to the various languages and the Orthodox Church; before detailed measures would be taken by the legislature in harmony to the structure of the constitution to be elaborated; in part to reassure the non-Hungarian language population of the homeland; in part as a directive for the government in its settlement measures, the following resolve is declared hereby: The free national development of every ethnic group living in the territory of the Hungarian empire is hereby assured.” The diplomatic language of the country, that is, the official language, remained the Hungarian but the use of other “prevalent languages of the country” would be possible in the following fields: everybody could address

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the village and county assemblies in those languages; the language of the record would always be determined by the majority. Similarly, anybody could use his mother tongue in lower courts. The command language of the national guard, the language of teaching at schools, birth registers and ecclesiastic affairs would always be the language of the given village or parish. The counties correspond with the government and other authorities in Hungarian but the individual citizens have the right to submit a petition to any authority in any language. Appointments to all offices would happen exclusively according to merit and abilities, without prejudice to ethnicity or religion. The motion granted the complete equality and internal autonomy of the Orthodox Church both in ecclesiastic and school matters in separate points. At last, the motion authorised the government to remedy the offences of the nationalities through decrees or acts and do justice to "their lawful demands to be presented".

It was characteristic of the thinking of the contemporary leading Hungarian political elite that the national assembly was reluctant to agree to these concessions even in the last days of the war of independence. This can be found out from the report of Prime Minister Szemere written to Kossuth: "My Friend! There was a discussion for the reconciliation of the nationalities today... The short-sightedness of the assembly, the political blindness is horrible! The champions of the radical party declared the same as in 1832, when Hungarian was every Serb, Wallachian and Czech people. [Kázmér] Batthyány spoke well and I was constrained to give an almost one-hour-long tart reply in which I stated that the continued aristocrat-Hungarian conception of those generalities regarding the demands of other nationalities in a democracy would lose the Nation and I washed my hands with respect to these politics. I hope my speech did not lack success and turned the opinions a great deal. This house is to be put under guardianship." Szemere emphasised that "not the rules were important but the spirit, which pointed toward the flag of peace even amongst the fights. We give not only freedom to the citizens but grant their own nationalities to the peoples." He deservedly felt that these principles "would lift Hungarian politics out of the old prejudices." If the Hungarian government and the Diet would have reached this position in the spring of 1848 instead of July 1849, events might have taken a different turn.

This motion had no practical role, since the Hungarian war of independence was in its final days. All the greater is, however, its importance of principle, since this was the first official act of the legislature in Hungary that regulated the rights of minorities and languages. It regulated them by marking out the path to be followed by the legislation of the future.

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Literature

- 1848–1849. évi iratok a nemzetiségi megbékélésről [Documents of 1848–1849 on the Reconciliation of Nationalities]. Budapest, 1948.
- Az 1848/49. évi népképviselői országgyűlés [The 1848/49 National Assembly of Popular Representation] Ed. Beér, János. Budapest, 1954.
- Aktenstücke zur Geschichte des kroatisch-slavonischen Landtages und der nationalen Bewegung vom Jahre 1848.* Herg. von Stephan Pejaković. Wien, 1861.
- Bernatzik, Edmund. *Die österreichischen Verfassungsgesetze.* 2. Aufl. Wien, 1911.
- Deák, Ágnes. “Nemzeti egyenjogúsítás”. *Kormányzati nemzetiségpolitika Magyarországon 1849–1860.* [“National Emancipation. Governmental Nationality Policy in Hungary in 1849–1860] Budapest, 2000.
- Erdély története* [The History of Transylvania]. Vol. 3. 1830-tól napjainkig [From 1830 up to the Present]. Ed. Szász, Zoltán. Budapest, 1986.
- Gergely, András. Az 1849. évi magyar nemzetiségi törvény [The Hungarian Nationality Act of 1849]. In: *A pesti polgár. Tanulmányok Vörös Károly emlékére.* Ed. Gyáni, Gábor and Pajkossy, Gábor. Debrecen, 1999. 77–90.
- Hantsch, Hugo. *Die Nationalitätenfrage im alten Österreich.* Wien, 1953. (*Wiener historische Studien* 1.)
- Hitchins, Keith. *The Rumanian National Movement in Transilvania, 1780–1849.* Cambridge, Mass. 1969.
- Hugelmann, Karl Gottfried. *Das Nationalitätenrecht des alten Österreich.* Wien-Leipzig, 1934.
- I. Tóth, Zoltán. *Magyarok és románok. Történelmi tanulmányok* [Hungarians and Romanians. Historical Studies]. Budapest, 1966.
- Kann, Robert A. *Das Nationalitätenproblem der Habsburgermonarchie. Geschichte und Ideengehalt der nationalen Bestrebungen vom Vormärz bis zur Auflösung des Reiches im Jahre 1918.* 2 köt. Graz–Köln, 1964.
- Katus, László. Egy kisebbségi törvény születése. Az 1868. évi nemzetiségi törvény évfordulójára [The Birth of a Minority Act. At the Anniversary of the Nationality Act of 1868]. *Regio*, 1993, No. 4. 99–128.
- Kemény, G. Gábor. *A magyar nemzetiségi kérdés története. I. A nemzetiségi kérdés a törvények és tervezetek tükrében 1790–1918* [The History of the Hungarian Nationality Question. I. The Nationality Question as Reflected by Acts and Bills, 1790–1918]. Budapest, 1947.
- Kossuth Lajos kormányzóelnöki iratai [The Documents of Governor-President Lajos Kossuth]. Ed. Barta, István. Budapest, 1955. (*Kossuth Lajos összes munkái* XV. [Complete Works of Lajos Kossuth. XV.]
- Kovács, Endre. *Magyar-délszláv megbékélési törekvések 1848/49-ben* [Hungarian – Southern Slav Peace Endeavours in 1848/49]. Budapest, 1958.
- Mikó, Imre. *Nemzetiségi jog és nemzetiségi politika* [Nationality Code of Laws and Nationality Policy]. Kolozsvár 1944. Reprint, 1989.

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- Sárközi, Zoltán. *Az erdélyi szászok 1848–1849-ben* [The Transylvanian Saxons in 1848–1849]. Budapest, 1963.
- Spira, György. *A nemzetiségi kérdés a negyvennyolcas forradalom Magyarországon* [Nationality Issue in the Hungary of the 1848 Revolution]. Budapest, 1980.
- Steier, Lajos. *A tót nemzetiségi kérdés 1848–49-ben* [The Slovak Nationality Question in 1848–49]. Vols. 1–2. Budapest, 1937.
- Stourzh, Gerald. Die Gleichberechtigung der Volksstämme als Verfassungsprinzip 1848–1918. In: *Die Habsburgermonarchie 1848–1918. Band III. Die Völker des Reiches*. Hrsg. von Adam Wandruszka und Peter Urbanitsch. Wien, 1980. 975–1206.
- Szekfű, Gyula. *Iratok a magyar államnyelv kérdésének történetéhez 1790–1848* [Documents on the History of the Issue of the Hungarian Official Language, 1790–1848]. Budapest, 1926.
- Szerbek és magyarok a Duna mentén 1848–49-ben. *Tanulmányok a szerb–magyar kapcsolatok köréből*. [Serbs and Hungarians along the Danube in 1848–49. Studies on the Serb–Hungarian Relations] Budapest, 1983.
- Szerbek és magyarok a Duna mentén. II. *Tanulmányok a szerb–magyar kapcsolatok köréből (1848–1867)* [Serbs and Hungarians along the Danube. II. Studies on the Serb–Hungarian Relations (1848–1867)]. Budapest, 1987.
- Thim József. *A magyarországi 1848–49-iki szerb fölkelés története* [History of the 1848–49 Serb Revolution in Hungary]. Vols. 1–3. Budapest, 1930–1940.