

THE HUNGARIAN NATIONALITIES ACT OF 1868 IN OPERATION (1868–1914)

Ágoston Berecz

Paper published in *Slavic Review*, vol. 81 (2022) pp. 994–1,015, available at <https://www.cambridge.org/core/journals/slavic-review/article/abs/hungarian-nationalities-act-of-1868-in-operation-18681914/998325E9CC2DD7987F459713C2AAC541>
DOI: <https://doi.org/10.1017/slr.2023.2>

Enacted in the second year of Austro-Hungarian Dualism, the Hungarian Nationalities Act of 1868 declared linguistic rights for Hungary’s national minorities¹ and defined the space for non-dominant languages in the official sphere. The law became a central reference point in ethnopolitical conflicts during the mature phase of the era, and it went on to play a role in the memory wars of the last hundred years in the Kingdom of Hungary’s successor states. One of its historians noted that “more has been written” on it “than on any other aspect of Dualist Hungary’s legislation”,² while a recent monograph on early Hungarian nationalism describes it, with some overstatement, as “one of the great controversies of Hungarian history.”³

Historians from outside the region tend to regard the provisions of the Nationalities Act as broad-minded for the age, but the consensus is that they remained on paper.⁴ A less

1 In the present paper, the term “minority” does not refer to numbers but stands for a politically and culturally non-dominant category.

2 László Péter, *Hungary’s Long Nineteenth Century: Constitutional and Democratic Traditions in a European Perspective* (Leiden, 2012), 343.

3 Alexander Maxwell, *Everyday Nationalism in Hungary: 1789–1867* (Berlin, 2019), 34.

4 A. J. P. Taylor, *The Habsburg Monarchy 1809–1918: A History of the Austrian Empire and Austria-Hungary* (London, 1948), 136–7; Arthur J. May, *The Hapsburg Monarchy 1867–1914* (New York, 1968), 83; Ludwig

favourable assessment is reserved for the notorious preamble, which declared all citizens of the freshly merged Kingdom of Hungary to be members of the “indivisible unitary Hungarian nation” “from a political point of view”.⁵ This denial of collective individuality from Dualist Hungary’s minorities looms the largest for the national historiographies that represent these former minorities. As far as they are concerned, the preamble overshadows the rest of the law. Hungarian historians apply different frames again, as I shall show presently.

The lack of primary source-based research, except on primary schools, has made it hard to gather the basic facts about its implementation. While language policies in Dualist Austria have received serious attention from historians, the Transleithanian side of the Monarchy has remained unexplored from that angle. The encyclopedic, multi-volume *Die Habsburgermonarchie 1848–1918* dedicates 350 pages to the enforcement of the linguistic provisions contained in the Cisleithanian fundamental law, but the implementation of the Hungarian Nationalities Act merely receives three. To be sure, the massive loss of ministerial archives in 1956 does not help reconstruct the linguistic practices of the official realm. But not even the relevant legislation of the subsequent fifty years has been sufficiently described. In consequence, judgments about the subject rely on received wisdom or, at best, circumstantial evidence.

In Western historiography, the opinion that the law was ignored goes back to Robert William Seton-Watson’s *Racial Problems in Hungary* from 1908, a book-length indictment of Dualist Hungary’s nationality policies.⁶ The later founder of the School of Slavonic and East

Gogolák, ‘Ungarns Nationalitätengesetze und das Problem des magyarischen National- und Zentralstaates’, in Adam Wandruszka and Peter Urbanitsch, eds, *Die Habsburgermonarchie 1848–1918*, vol. 3, *Die Völker des Reiches*, subvol. 2, 1,285–7 (Vienna, 2003); R. J. W. Evans, ‘Language and State Building: The Case of the Habsburg Monarchy’, *Austrian History Yearbook* 35 (2004): 16–17; Pieter M. Judson, *The Habsburg Empire: A New History* (Cambridge, Mass., 2016), 266–7.

5 I quote the Nationalities Act in the translation of Robert William Seton-Watson [pseud. Scotus Viator], *Racial Problems in Hungary* (London, 1908), 429–33.

6 *Ibid.*, particularly 149–59.

European Studies arrived in a Hungary where the electoral victory of nationalist ultras had ramped up expectations of forthcoming Magyarization. At his arrival, he still shared the pro-Magyar bias of contemporary British public opinion. His conversations with Magyar and minority public figures and his reading of Hungarian papers then completely reversed his sympathies, turning him into an advocate of Hungary's minorities and a federalization of the land.⁷ Seton-Watson's critical acumen may have filtered out the exaggerations and biases of his informants, but the facts he musters still reflect a narrow and mediated perspective on the language question in Hungary as of 1906. He sometimes mistakes the chauvinism of the Hungarian press for actual practices and fails to address most provisions. For today's reader, his overview appears the most indicative of the attitudes of Hungarian-speaking elites and the conflicts that typically caught attention. Most regrettably, it falls beyond his scope to examine how linguistic Magyarization had unfolded in the official sphere over the previous forty years.

My paper offers a more empirically grounded account. It is based on the surviving archives, the contemporary press, local histories and memoirs from the former Hungarian regions today belonging to Romania and Serbia, complemented with second-hand information on Slovaks. It does not seek to fundamentally alter the prevailing negative assessment, although it will qualify it in some respects. Instead, it aims at placing the (non-)implementation of the various provisions in their legislative and social contexts, singling out the underlying mechanisms. The inquiry thus opens up a broader theoretical perspective, applicable to other settings since the same mechanisms were also at work elsewhere. I cover most provisions of the law, but the available space does not allow me to be exhaustive. My

7 Hugh and Christopher Seton-Watson, *The Making of a New Europe: R. W. Seton-Watson and the last years of Austria-Hungary* (London, 1981), 31–55; Péter, *Hungary's Long Nineteenth Century*, 447–61. See also his notes in Cornelia Bodea and Hugh Seton-Watson, eds, *R. W. Seton-Watson and the Romanians 1906–1920* (Bucharest, 1988), vol. 1.

discussion of the judiciary and local governments recapitulate more detailed analyses published elsewhere.

I will organize my survey around six main factors and one binary opposition. The language policy scholar Janny Leung convincingly interprets constitutional provisions about linguistic equality as symbolic jurisprudence typically drawn in broad strokes, adorned with vague and unenforceable declarations but lacking guarantees. Examples include the 1867 Canadian, the 1922 Irish and the 2009 Bolivian constitutions, the latter recognizing thirty-seven languages as official, several of them extinct. As a rule, they follow political changeovers and their implicit goal is to accord legitimacy to a new regime. Unless more specific regulation elaborates on the details, they translate poorly, if at all, into reality.⁸ In their case, Leung argues, the “classic gap (...) between law on paper and law in action (...) seems to be expected or even intended”.⁹ The Nationalities Act of 1868 contained some remarkably specific provisions but otherwise checks out all the marks. Far from an anomaly, it may be regarded as a typical early example of linguistic lawmaking.¹⁰

The symbolism of constitutional language legislation accounts for my first three factors: the legitimizing function of the Nationalities Act, its enactment on the eve of major reforms and the underspecification of some of its provisions. Next, I will apply the dichotomy between the symbolic and instrumental usages of language, well-established in the language planning and policy (LPP) scholarship, to the law and its enforcement. Finally, I will turn to three factors that did not stem from the symbolism of lawmaking but significantly shaped de facto policies: questions of agency, resource optimization and the visibility of local practices.

8 Janny H. C. Leung, *Shallow Equality and Symbolic Jurisprudence in Multilingual Legal Orders* (New York, 2019), 96–101, 105–12.

9 Leung, *Shallow Equality*, 150.

10 Maxwell, *Everyday Nationalism in Hungary*, 34.

Lending legitimacy

Linguistic legislation is better understood in its political context. In postcolonial settings, for example, political elites could take a symbolic stand by setting a formerly subordinate indigenous language alongside or even above the former colonizing idiom. This move confers the indigenous language prestige but does not guarantee its actual use for official purposes, partly because of path dependency – a legal code written in the colonizing language and a new elite educated in it. In polarized ethno-linguistic landscapes, pledges of respect for linguistic diversity should also be seen as gestures, signs of a willingness to create an inclusive polity. By implication, they are meant to appease potential ethnic opponents and defuse ethnically motivated resistance.¹¹

After the monarch Francis Joseph had experimented with several constitutional regimes since 1849, it was far from a foregone conclusion that the framework of 1867, which put the Magyar elite in command, was there to last. Although the new Ministry of Interior had already tried to roll back linguistic pluralism, the men at the helm of a freshly reunited Hungary still cared about the acquiescence of linguistic minorities, if not the national movements speaking on their behalf.¹² The Nationalities Act was meant to placate them with a set of concessions. With a few restrictions, it sanctioned the status quo in place since 1861, when the monarch had diversified the language regimes of his Hungarian provinces. Rank-and-file Magyar MPs swallowed this bitter pill in the sugar coating of the preamble and Section 1, which declared Hungarian the state language and affirmed it as the sole medium of national politics. On the other hand, the law failed at winning over non-Magyar national activists at the time, who rejected it partly for the same reasons and partly for its curtailment of a few de facto rights.

¹¹ Leung, *Shallow Equality*, 98–9, 106, 109–12.

¹² Hungarian National Archives (henceforth, MNL–OL) K150-1867-15131.

The pluralist provisions of the Nationalities Act could later overshadow the actual practices for the eyes of foreign public opinion as their mere existence shifted the burden of proof to those who claimed that they were ignored. This symbolic benefit was one of the reasons that government politicians did not seriously consider revoking the law, although it had become a stumbling block for triumphant Magyar nationalism and county leaderships launched several petitions for its repeal.¹³ Apologists of the status quo cited it to support the claim that Hungary pursued uniquely liberal linguistic and cultural policies. Such rhetoric only gained in importance after 1920, as Hungarian authors strained to show that erstwhile Hungary had treated its minorities more fairly and equitably than the successor states did their newly acquired ethnic Hungarian minorities.¹⁴ This hinged on implying that the pluralism of the Nationalities Act had translated into practice and pretending that it had granted rights that non-dominant languages had not previously enjoyed. This rhetorical strategy seldom occurs today in such a crude form.¹⁵ However, Hungarian scholarship tends to focus on the intellectual and legislative antecedents of the law or analyse its debate in parliament, sidestepping the questions of its relevance and institutional context in the period when it was in effect.

13 Gábor Kemény, ed., *Iratok a nemzetiségi kérdés történetéhez Magyarországon a dualizmus korában*, vol. 2 (Budapest, 1956), 207–17, vol. 3 (Budapest, 1964), 109–12, 590–1.

14 One prominent example is Sándor Biró, *The Nationalities Problem in Transylvania, 1867–1940: A Social History of the Romanian Minority under Hungarian Rule, 1867–1918 and the Hungarian Minority under Romanian Rule, 1918–1940*, trans. Mario D. Fenyo (Boulder, Colo.: Social Science Monographs, 1992), written in the immediate pre-WW2 years.

15 But see the writings of László Marác, especially ‘Minority Language Rights in Europe: from the Austro-Hungarian Monarchy to the Supranational Organizations’, in István Horváth et al., eds, *Minority Representation and Minority Language Rights* (Cluj-Napoca, 2014), 101–25, and, from the recent literature in Hungarian, György Andrassy, ‘Hány hivatalos nyelve volt Magyarországnak az 1868. évi XLIV. tc. szerint?’, *Jogtörténeti Szemle* 2017, no. 3, 4–12; András Bethlendi and Norbert Szeredai, ‘Az erdélyi románok kisebbségi jogállása 1918 előtt’, *Acta Universitatis Sapientiae, Legal Studies* 7 (2018): 129–63. For a mainstream historical work making the explicit argument that the law as a whole remained operational, László Katus, *Hungary in the Dual Monarchy* (Boulder, Colo., 2008), 100–1.

1868 as a moment of transition

Linguistic rights tend to be spelt out in constitutional acts and, as such, require subsequent statutory legislation to be implemented. The latter, however, often fails to take place.¹⁶ Such acts also usually follow on the heels of major political reshuffles, and the new political establishment often goes on to remake the texture of public institutions. This was the case of Dualist Hungary and other modernizing states that remodelled their official spheres on Western lines. The Nationalities Act was enacted on the cusp of a rapid expansion of the government sector and the proliferation of bureaucracy. This process created new institutions not mentioned in the Nationalities Act and redesigned others. Instead of tailoring the same rights to the new context, lawmakers bypassed them and acted as if the changes had provided a blank slate. The new laws either left language choice unmentioned or prescribed Hungarian. Thus, the provisions of the Nationalities Act fitted ever more loosely to the existing structure; no wonder that later officials viewed them as obsolete.

József Eötvös, the mastermind behind the Nationalities Act, meant it as a first step towards a state that, although centralized, guaranteed linguistic equality between citizens. From his perspective, the Nationalities Act only provided a legislative framework, in need of fine-tuning and permanent adjustment to the changing institutional environment.¹⁷ Other advocates of the bill stressed in its debate that linguistic equality could not be fully codified until the impending transformation of the court and county systems. However, breadth of intellect and even-handedness soon faded out from Hungarian governments and the governing party.

Before long, the judiciary and county administration were overhauled with little regard to the Nationalities Act. The multilingual regime enshrined in the law came to nought in the

¹⁶ Leung, *Shallow Equality*, 99.

¹⁷ István Schlett, ed., *A nemzetiségi törvényjavaslat országgyűlési vitája, 1868* (Budapest, 2002), 83.

former and was circumscribed in the latter. Sections 7 to 9 regulated the language of court trials, summonses and sentences in a pluralist spirit, based on the plaintiff's or defendant's preferences and the languages recognized by the given municipality. They contained the most concrete, detailed regulation of any sphere in the law. But they referred to the then-existing county and local courts, where elected judges imparted justice. Starting in 1871, these were replaced by a new, three-tier system of government-run courts. The reform reduced the scope of Sections 7 to 9 to small-claims courts operating in local governments, where magistrates continued to try petty disputes in the locally official languages, under increasing pressure to translate their records in appealed cases.¹⁸ To the new courts, Section 13 came to apply: "The official language of all Courts which are appointed by the Government, is exclusively the Magyar." A good deal of ambiguity remained about district courts, the bottom level of the new structure, since a law from 1869 affirmed that Section 13 applied to higher courts only.¹⁹ However, the new judges were career professionals who could be assigned to any corner of the state. From early on, this installed Hungarian as the language of court proceedings.²⁰ Among the provisions of the Nationalities Act, later laws only reasserted defendants' right to be interrogated in their mother tongue and have the indictment, the minutes and the sentence explained to them.

Two rulings from 1875 and 1896 directed the defence to speak and write Hungarian in the courtroom, while a ministerial decree from 1876 imposed Hungarian as the mandatory language of the records that lawyers kept about their clients.²¹ Several regional Bar associations banned their members in 1905 from displaying multilingual inscriptions on their

18 Ágoston Berecz, 'Linguistic diversity and the court system in Dualist Hungary', *Multilingua* 40 (2021): 402.

19 Section 6 of Act IV of 1869.

20 *Ibid.*, 400, 402.

21 Decree no. 32,710/1875 of the minister of justice, quoted in Aurèle C. Popovici *La question roumaine en Transylvanie et en Hongrie* (Lausanne, 1918), 136; §§ 48 and 523 of Act XXXIII of 1896; *Magyarországi rendeletek tára* 10 (1876): 45.

office signs, letterheads and seals, depriving them of an advantage in finding clients among co-ethnics.²² The new civil procedure code of 1911 prescribed Hungarian civil court applications and forbade the inclusion of long non-Hungarian passages in the minutes.²³

The gradual expansion of oral proceedings brought linguistic inequalities into the open. Civil lawsuits, consisting of paper communication between judges and lawyers at the dawn of the era, were increasingly tried in public hearings. Meanwhile in criminal cases, the 1890s saw the introduction of jury trials. To make sure that all juries deliberate in Hungarian, lawmakers made its knowledge a prerequisite at jury selection.²⁴ These reforms imposed an extension of translation facilities, and part-time interpreters had become a ubiquitous presence in higher courts.²⁵ Interpreting fees were high enough to deter lower-class people from going to court, especially that they were to be paid upfront and litigants had to foot the bill for translating any document that they presented in a minority language.²⁶ While some judges chose to talk to the parties without an interpreter, many lower courts continued to rely on auxiliary staff as makeshift interpreters in criminal trials, a practice fraught with the risk of wrongful convictions.²⁷

The redesign of county administration did not fall much behind the judiciary in its scope. A law in 1870 introduced the so-called “virilism”, the automatic membership of the biggest taxpayers in county and local assemblies. Combined with high voting qualifications and aggravated by clientelism, voter intimidation and electoral shenanigans, this mechanism entrenched the Magyar gentry and its allies in county leadership roles. Whereas sixteen

22 *Ügyvédi Kamarai Közlöny* 1 (1904): 68; *Ellenzék* 20 April 1905, 2; Cosmin F. Budeancă, ‘Protestul avocaților din 1905 împotriva maghiarizării firmelor de avocatură’, *Sargetia* 28–9/2 (1999–2000): 318–21.

23 §§ 134 and 229 of Act I of 1911.

24 Berecz, ‘Linguistic diversity’, 404–6. Cf. § 4 of Act XXXIII of 1897.

25 *Ibid.* 408–9. Cf. § 350 of Act XXXIII of 1896.

26 *Ibid.* 410. Cf. *Magyarországi rendeletek tára* 7 (1873): 616; *Budapesti Közlöny* 7 (1873): 2,044; § 19 of Act XVIII of 1893; §§ 204 and 332 of Act I of 1911.

27 Berecz, ‘Linguistic diversity’, 412–13.

counties (including “districts”) kept parallel Romanian minutes of their assembly meetings after the Compromise, their number tapered off to five by the end of the era.²⁸ Romanians also made up the majority of the enfranchised in five other counties and the largest linguistic category in a further five.²⁹ Where they managed to squeeze out a vote on the question, however, partisans of Romanian minute-taking did not achieve the twenty percent stipulated in Section 2 of the Nationalities Act. Slovak fared even worse, even though the ruling gentry was habitually bilingual in Upper Hungary. On the other hand, the same rules allowed the prosperous Transylvanian Saxon elite to keep control of the assemblies in four counties, embrace an emphatically displayed trilingualism and defend it against periodic assaults from government-appointed prefects.³⁰

-
- 28 Arad, Belső-Szolnok, Bihar, Felső-Fehér, Hunyad, Kis-Küküllő, Kolozs, Közép-Szolnok, Krassó, Máramaros, Temes, Torda and Zaránd Counties and the Districts of Chioar/Kővár, Fogaras/Făgăraș and Năsăud/Naszód after 1868 and four counties with Saxon leaderships (Beszterce-Naszód, Brassó, Nagy-Küküllő, Szeben) and Krassó-Szörény County in 1914. Judit Pál, ‘A hivatalos nyelv és a hivatali nyelvhasználat kérdése Erdélyben a 19. század közepén’, *Regio* 16 (2005), no. 1, 3–26; MNL–OL K150-1867-15,131; *ibid.* K150-1867-10,613; *ibid.* K150-1872-621; *ibid.* K150-1885-55,559; MNL–OL X4567, box 938; Romanian National Archives Cluj, Fond Districtul Chioar 338/1867, 2–18; *Telegrafulu Romanu* 24 March/5 April 1877, 96; *Magyar Polgár* 24 July 1867, 148; *Magyar Polgár* 31 July 1868, 366; *Budapesti Közlöny* 28 January 1869, 268; *Politikai Ujdonságok* 15 (1869): 176; *Néptanítók Lapja* 4 (1871): 675; *Patria* 6/18 October 1871, 1; *Magyar Polgár* 31 December 1871, 508; *Magyar Polgár* 5 March 1872, 2; *Az 1872. évi szeptember hó 1-jére hirdetett országgyűlés képviselőházának naplója*, vol. 15 (Buda, 1875), 33; Vasile Căpîlnean, Ioan Sabău and Valeriu Achim, eds, *Maramureșenii în lupta pentru libertate și unitate națională: documente 1848–1918* (Bucharest, 1981), 129, 130–1, 136–7; Kemény, ed., *Iratok*, vol. 2, 279; Ioan Pleșa, ‘Reactivarea la Blaj, în perioada postmemorandistă, a clubului politic central al românilor din Alba inferioară’, *Dacoromania* 48 (2009): 4; *Gazeta Transilvaniei* 12/25 April 1903, 1–2; *Gazeta Transilvaniei* 13/26 April 1903, 2; *Gazeta Transilvaniei* 20 September/3 October 1909, 2–3; Constantin Băjenaru, *Comitatul Făgăraș (1876–1918)* (Alba Iulia, 2016), 59.
- 29 The majority of the electorate consisted of Romanians in Fogaras (71%), Arad (64%), Hunyad (62%), Szolnok-Doboka (53%) and Szilágy Counties (52%); *Az 1910. évi június hó 21-ére hirdetett országgyűlés képviselőházának irományai*, vol. 23 (Budapest, 1914), 346–7. In addition, native Romanians were the largest category in Alsó-Fehér County (77%), Torda-Aranyos County (72%), Kolozs County (56%), Kis-Küküllő County (48%, alongside 30% Magyars and 18% Saxons) and Temes County (34%, alongside 33% Germans and 16% Magyars).
- 30 Romanian Național Archives, Bistrița-Năsăud (henceforth, ANBN), Fond Prefectura Județului Năsăud; ANBN, Fond Primăria orașului Năsăud; ANBN, Fond Primăria orașului Bistrița (inv. 619); ANBN, Inventory 867 (Pretura Plășii Rodna); Romanian National Archives, Brașov (henceforth, ANB), Fond Breasla Cizmarilor din Brașov; ANA, Fond Primăria orașului Sebeș (inv. 33); ANA, Fond Primăria orașului Mediaș; Romanian Național Archives, Mureș, Fond Prefectura Județului Târnava Mare, Organe reprezentative (inv. 414); ANA, Inventory 1401 (Primăria comunei Petrești); Valeriu Braniște, *Amintiri din închisoare* (Bucharest, 1972), 63; Adrian Onofreiu, ‘Contribuții documentare privind istoria comitatului Bistrița-Năsăud: 1876–1899’, *Arhiva Someșană*, 3rd series, 5 (2006): 291–2; 298–302; ANBN, Fond Prefectura Județului Năsăud 9/1887, 40–5, 62–3; *Gazeta Transilvaniei* 12/24 December 1895, 1.

The long-anticipated administrative reform of 1876 also curbed county autonomy by bestowing executive power on a new institution, the so-called administrative committee (*közigazgatási bizottság*), which half-elected county assemblies could not easily control. The government wanted administrative committees to keep their records in Hungarian, even if the deficient skills of delegated assembly members sometimes forced them to make pragmatic adjustments.³¹ Although county assemblies lost much of their muscle, the demise of plural minute-taking mattered because the minutes had accorded a language broader recognition under Sections 4, 16, 22 and 23 of the Nationalities Act. Romanian county assembly minutes had not been formally abolished, but the Ministry of Interior ruled that a language could forfeit its recognized status by disuse.³²

In local governments, the expanding tasks not only encumbered professional bureaucrats but also drove them towards putting transactions on a Hungarian track. In particular, the administration of the increasing taxes took up most of their time. In accordance with the contemporary ideal of a dual-track administration, taken from Austrian legal thought, most of the new tasks belonged to the government rather than the autonomous realm.³³ Government agencies enforced the use of Hungarian in government functions.

While semi-official propaganda seized on the Nationalities Act to present the Hungarian state as accommodating and generous towards its minorities, it is easy to quote contemporary Magyar nationalists asserting that several of its provisions could no longer be translated into

31 *Kelet* 5 October 1876; *Siebenbürgisch-Deutsches Tageblatt* 30 May 1879, 518; Dezső Bánffy to Kálmán Tisza on 5 January 1889, MNL–OL BM K148-1890-III-16; Ferencz Koós, *Életem és emlékeim* (Brassó, 1890), vol. 2, 449–50; Milan Zaka's letter accompanying the report of the Werschetz/Vršac administrative committee for 1902, MNL–OL K26-1,675.

32 Kemény, ed., *Iratok*, vol. 4 (Budapest, 1966), 280; Florin Zamfir, *Școala și societatea românească din comitatul Timiș, între anii 1867-1900* (Timișoara, 2009), 391, 423–4; *Foaia Diecesană* (Caransebeș) 6/18 November 1894, 1.

33 John Deak, *Forging a Multinational State: State Making in Imperial Austria from the Enlightenment to the First World War* (Stanford, Calif., 2015), 86–92.

practice.³⁴ The relevant chapter of *Die Habsburgermonarchie 1848–1918* quotes Gusztáv Beksics and Gusztáv Gratz to this effect, two grey eminences of Hungarian political life thirty years apart, to conclude that Hungarian governments consciously violated the law.³⁵ Indeed, the institutional context became so different from 1868 that implementing some of its provisions would have implied legislative action.³⁶ At a minimum, it would have required the amendment of the laws on the civil and criminal procedures to reinstate minority language rights in the courts, and either a new system of linguistic qualifications or far higher expenditures, thanks to the expanded oral proceedings. The distance that the structures of the Hungarian state had travelled since 1868 was on full display in 1913 when prime minister István Tisza's offer to Romanian minority leaders fell short of what the Nationalities Act had granted, although he stuck to the existing laws during the negotiations.³⁷

Vague wording

On the whole, the Hungarian Nationalities Act was incomparably more specific than the linguistic provisions of the simultaneously enacted Austrian fundamental laws. It also compares favourably to the language legislation that followed in the twentieth century. But it did not remain free of the ubiquitous ambiguity besetting legal acts that extend recognition to non-dominant languages. Obligations on the government are especially likely to be formulated in elastic terms.³⁸ For a similarly flexible passage in the Nationalities Act, take, for example, § 17, proclaiming that “the State is (...) bound to ensure that citizens living together in considerable numbers (...) shall be able to obtain instruction in the neighbourhood in their mother-tongue” (§ 17). How can the phrase “bound to ensure” be interpreted in terms

34 Gábor Ugron's speech in the Chamber of Deputies, 6 November 1903; Kemény, ed., *Iratok*, vol. 4, 484.

35 Gogolák, ‘Ungarns Nationalitätengesetze’, 1, 285–7.

36 Kemény, ed., *Iratok*, vol. 5 (Budapest, 1971), 362.

37 *Ibid.*, vol. 6 (Budapest, 1985), 95–106, 109–14.

38 Leung, *Shallow Equality*, 97–9, 106–7, 112, 125.

of substantive rights? State-run schools operated in Hungarian while teaching in minority languages remained the domain of confessional schools. Even there, Roman Catholic and Lutheran church bodies and patrons gradually introduced Hungarian as the language of teaching, and the curriculum accompanying Lex Apponyi of 1907 effectively made the remaining non-Hungarian schools bilingual, with an emphasis on Hungarian. Did the government “ensure” the right to mother-tongue education to the extent that it did not close down minority schools?³⁹

Another, notoriously imprecise formulation occurs in § 27: “in the judicial and administrative offices of the country, especially in the office of High Sheriff, persons of the various nationalities shall so far as possible be employed, who possess the necessary linguistic knowledge to a full degree”. This paragraph eschewed nationality quotas, minority politicians’ favoured option. Instead, it shifted emphasis to officials’ knowledge of minority languages, which supposedly guaranteed equal access to public services. Magyar politicians preferred to avoid the implication that language knowledge meant facility with the authoritative linguistic norms, which would have bestowed an enormous advantage on minority intelligentsias. They rather implied fluency in the vernacular, resting on the premise that government officials needed no written skills in minority languages and no other linguistic standard should stand on a par with Hungarian. But Hungarian governments did less and less to appoint multilingual officials even in this loose sense.

They did appoint a few non-Magyar prefects (“High Sheriffs”, *főispán*); politicians of Serb birth in the South and Transylvanian Saxons – but no Romanians – in the East. The paragraph, however, clearly implied more. Language examinations – largely token – were

39 For more on the topic, Joachim von Puttkamer, *Schulalltag und nationale Integration in Ungarn: Slowaken, Rumänen und Siebenbürger Sachsen in der Auseinandersetzung mit der ungarischen Staatsidee, 1867–1914* (Munich, 2003); Ágoston Berecz, *The Politics of Early Language Teaching: Hungarian in the Primary Schools of the Dual Monarchy* (Budapest, 2013).

instituted only for village secretaries, and even there, they were terminated in 1900.⁴⁰ Not only was the knowledge of local languages not required from judges in the new, appointive system, but around 1875, the government even transferred a host of Romanian judges to Hungarian-speaking areas.⁴¹ Language requirements did turn up in job calls of government agencies in the early decades. In 1871, Hungarian appeared most often in this role, suggesting that the scarcity of proficient Hungarian-speakers in parts of the country constituted the biggest concern. In Romanian-speaking locales, Romanian was required or recommended of prospective treasury-estate managers and forestry officials (*Table 1*). Less commonly, it also appeared as a requirement in other branches. However, these figures only testify to expectations from the lower ranks, since senior positions were not typically filled by open competition.

Table 1. Job announcements to majority Romanian-speaking locations in the government sector, language requirements from candidates in 1871 and 1881⁴²

1871

<i>branch</i>	<i>job calls</i>	<i>Romanian required</i>	<i>German required</i>	<i>Romanian is an advantage</i>	<i>German is an advantage</i>
treasury estates	115	45	19	46	46
mines, furnaces	23	10	5	5	4
forests	78	33	9	35	35

40 Ágoston Berecz, ‘The Languages of Village Governments in the Eastern Stretches of Dualist Hungary: Rights and Practices’, *The Slavonic and East European Review* 99 (2021): 11–14.

41 *Albina* 5/17 August 1876; Felicia Mariana Adăscăliței, ‘Comitatul Zarand (1861–1876)’ (Ph.D. diss., Babeș-Bolyai University, 2012), 78; Braniște, *Amintiri din închisoare*, 34; Ioan Oros alias Rusu, *Memorii* (Bucharest, 1989), 180; *Az 1878. október 19-ére hirdetett országgyűlés képviselőházának naplója*, vol. 5 (Budapest, 1879), 363.

42 Based on *Hivatalos Értesítő*, supplement to the central bulletin. Note that the figures in columns 3–6 may sum more than the number of job calls because the latter often included two or three languages.

finance	97	6	21	18	29
customs	7	4	5	-	1

1881

<i>branch</i>	<i>job calls</i>	<i>Romanian required</i>	<i>German required</i>	<i>second language is an advantage</i>
treasury estates	119	58	55	29
mines, furnaces	15	2	2	2
forests	96	56	53	21
finance	83	7	19	37
customs	13	-	9	4

By 1881, language requirements had become less frequent and the obligation of Hungarian proficiency was no longer spelt out. In some cases, applicants were simply requested to declare their linguistic competences. This and other language stipulations also petered out during the following decade. Private estates, for example, regularly set language requirements around the turn of the century when advertising for foresters, but state forestries hardly ever did.⁴³ Taken as a whole, later regulations in the administration did not reaffirm the principles of the Nationalities Act, as László Katus claims. He cites two provisions, but both were indebted to Minister of Interior Gyula Andrássy Jr, one year apart.⁴⁴ Andrássy first urged county officials in 1907 to learn the local languages to the extent that their contact with the people demanded.⁴⁵ The following year, the Public Health Act of 1908, enacted in conjunction with a major expansion of the network of general practitioners, explicitly

43 'A nyelvismeret', *Erdészeti-Ujság* 6 (1902): 169.

44 Katus, *Hungary in the Dual Monarchy*, 100–1.

45 152,635/II/1907, *Belügyi Közlöny* 12 (1907): 516–17. The circular is also mentioned by Seton-Watson 1908, 152.

required doctors to be conversant in the language “that the overwhelming majority of the people speak in their spheres of activity”.⁴⁶ This provision was unique in the legislation of the era and only passed in the parliament thanks to Andrassy’s firm intervention after the bill’s manager had backed out from behind it.⁴⁷ Thus, district and communal physicians joined the secretaries of communes with non-Hungarian minutes as public officials theoretically expected to speak another language besides Hungarian.⁴⁸

Table 2. Civil servants by mother tongues and the self-reported monolinguals among Magyars, 1910⁴⁹

A, in majority Romanian counties

<i>total Magyars</i>			<i>monolinguals among Magyars</i>		<i>Romanians</i>		<i>Germans</i>	
		%		%		%		%
2,763	2,541	92.0	668	26.3	101	3.7	98	3.5

B, in majority Slovak counties

<i>total Magyars</i>			<i>monolinguals among Magyars</i>		<i>Slovaks</i>	
		%		%		%
1,013	961	94.9	123	12.8	21	2.0

The 1910 census allows a slightly speculative glimpse into language knowledge among the more exclusive corps of civil servants (*állami tisztviselők*); neither village secretaries nor doctors belonged there (*Table 2*). The data were collected in the wake of Andrassy’s circular,

⁴⁶ § 7 of Act XXXVIII of 1908.

⁴⁷ *Az 1906. évi május hó 19-ére hirdetett országgyűlés képviselőházának naplója*, vol. 20 (Budapest, 1908), 68–73.

⁴⁸ Cf. MNL-OL K26, bundle 1,683; *Biharvármegye Hivatalos Lapja* 8 (1910): 338; *Budapesti Orvosi Újság* 5 (1907): 808; *Budapesti Orvosi Újság* 9 (1911): 750; *Magyar Közigazgatás* 13 February 1910, 8.

⁴⁹ *A magyar szent korona országainak 1910. évi népszámlálása*, vol. 4 (Budapest, 1915), 712–13.

making officials more likely to value their competencies in minority languages as an asset. The census publications do not break down the data by language, but large spatial variation in the declared knowledge of German and other languages of culture can be confidently ruled out. In the Slovak-speaking North, the rate of native Hungarian officials claiming to speak no other language was far lower than the 20.7% countrywide average. Many of these self-proclaimed Magyar officials likely came from bilingual or dominantly Slovak-speaking families. In counties with Romanian majorities, on the other hand, the same figure was 26.3% – i. e., worse than countrywide and especially bad in comparison with a professional group that needed good communication skills: farm estate managers. Only thirteen per cent of native Hungarian farm estate managers reported no second language in the same counties (thirty per cent countrywide).⁵⁰

Andrássy Jr's initiative did not crystallize into a consistent policy, but István Tisza's government kept the question of state officials' language knowledge on its agenda and opinions among writers on the "nationalities question" were changing in that direction.⁵¹ Early in 1914, when the replacement of county autonomy with an appointive system was already regarded a *fait accompli*, Tisza briefed the chamber of deputies on his negotiations with Romanian minority leaders. He projected a future in which officials' appointment and promotion depended on their familiarity with the local language and those preparing for an administrative career – primarily Magyars – learned the language of a minority in school.⁵² Since the outbreak of the war cut short the completion of the reform, it is hard to decide how serious these designs were.

⁵⁰ *Ibid.* 490–5.

⁵¹ Gusztáv Gratz, *A dualizmus kora: Magyarország története, 1867–1918*, vol. 2 (Budapest, 1934), 323–4; József Ajtay, *A nemzetiségi kérdés: A Magyar Társadalomtudományi Egyesület nemzetiségi értekezlete eredményeinek összefoglalása* (Budapest, 1914), 14, 20.

⁵² *Az 1910. évi június hó 21-ére hirdetett országgyűlés képviselőházának naplója*, vol. 22 (Budapest, 1914), 246–7.

Symbolic and instrumental dimensions

From the perspective of language rights, language should not be seen only as a tool of effective communication that enables political participation but also as a symbolic medium able to index social meaning. These two are sometimes called the instrumental and symbolic values of language.⁵³ The symbolism of granting recognition to minority languages pervaded the Nationalities Act as a whole, but some paragraphs foregrounded this aspect or invited the symbolic assertion of one's language. As Dualist Hungary took an increasingly Magyarizing turn, minority actors seized on these opportunities to take political stands through language choice, often protesting the violation of the rights granted under the Nationalities Act.

Indeed, two concessions contained in the law only convey honour and make no sense from the instrumental point of view. Sections 4 and 16 instructed counties and higher church authorities to address the government in Hungarian but admitted other languages in parallel columns. Transylvanian Saxon-led counties and ethnic churches made use of this right to display their preferred languages. But it also entailed a disadvantage. "We, Romanians, can parade our language adding a Romanian version to the authentic Hungarian if we have time and willingness to double our work", Ioan Slavici complained.⁵⁴

Section 1 committed the government to translate new laws into minority languages. This was, of course, not a purely symbolic provision, but later regulation somewhat hollowed out its practical content. By and large, German, Croatian, Romanian, Slovak, Ruthenian and Italian editions came out yearly. There were some gaps in publication, and even long hiatuses in the case of Ruthenian and Slovak, as it came to light when prime minister Dezső Bánffy

⁵³ John Edwards, 'Contextualizing language rights', *Journal of Human Rights* 2 (2003): 551–71; Susan Gal, 'Polyglot Nationalism: Alternative Perspective on Language in 19th Century Hungary', *Langage et Société* 136 (2011): 34.

⁵⁴ *Tribuna* 17/29 May 1884, 105.

procured a complete series for his office.⁵⁵ Save for the German and the Croatian ones, however, there was little demand for these translations, and decades' worth of them mouldered in storage. Contemporaries decried the perceived flaws of their language, and they cost fifty per-cent more than the already expensive Hungarian version.⁵⁶ But the main reason for their low sales was § 3 of Act LIII of 1880, which compelled local governments to subscribe to the Hungarian original. This measure condemned the translations to a white elephant status. Lawyers were required to use Hungarian, and the Hungarian version carried authoritative weight, but local governments would have otherwise created a market for the translations.

Inadvertently, the Nationalities Act marked off future battlefields for struggles over linguistic rights, most notably with the status assigned to the language of assembly minutes and by permitting mother-tongue speeches in county assemblies (§ 3). The latter served an instrumental function for those assembly members who did not know enough Hungarian to give a powerful speech in it. However, the new guard of minority politicians that entered the fray around 1900 drew on symbolic resources when bringing Romanian speeches back to the floor in four counties.⁵⁷ Apart from asserting linguistic rights, the choice of Romanian was also meant to identify them with the powerless and silenced majority. The symbolic intent could not possibly get lost since the young rebels were lawyers and, as such, proficient Hungarian speakers. In all four county assemblies, majorities showered insults on them and shouted them down, until the senior official in attendance complied with the unequivocal Section 3 and affirmed their right to speak Romanian. Once majorities had got used to

⁵⁵ MNL–OL K26-1900-1,049.

⁵⁶ József Szlávay's notes from January 1873, MNL–OL K26-1873-195; *Az 1872. évi szeptember 1-re hirdetett országgyűlés képviselőházának naplója*, vol. 8 (Buda, 1873), 321–3; Dezső Márkus, 'Törvényeink és rendeleteink hivatalos kiadása', *Jogtudományi Közlöny* 46 (1911): 201; National Archives of Romania, Alba (henceforth, ANA), Fond Primăria oraşului Sebeş (inv. 33), 39/1889, 488; *Beamten-Zeitung* (Sibiu) 20 January 1885.

⁵⁷ Alsó-Fehér, Arad, Hunyad, Szolnok-Doboka.

Romanian speeches, activists would sometimes switch to Hungarian after making their point with the first sentence.⁵⁸ Meanwhile, in 1903, the assembly of Liptó County in Upper Hungary forbade the use of Slovak for members who knew Hungarian, giving further proof that the symbolic connotations of mother-tongue use hit a nerve.⁵⁹

The boisterous scenes at county assemblies demonstrate the emotional charge of language assertion. Although little is known about the reactions of the masses, the symbolism behind such scenes could not elude them and was unlikely to leave them indifferent. Most citizens may have been unaware that the laws were published in minority languages, but Romanian journals regularly mentioned when assembly members spoke Romanian and covered such incidents at length. They suggested that Romanian leaders were in the right both morally and legally and their Magyar opponents trampled on the legal order they had created. At the same time, the maverick speakers were able to deploy these meanings precisely thanks to their proficient bilingualism, a resource they did not share with most readers.

On the instrumental side, the onslaught of Hungarian bureaucracy set a communication barrier for millions of citizens, rendering their access to justice and public services more difficult. Primary schools were reasonably successful at teaching mother-tongue literacy but too fragile to live up to higher expectations, notably the teaching of Hungarian in areas with few native speakers.⁶⁰ In 1900, 41.8% of the non-Magyar minorities were literate, but only

58 *Budapesti Napló* 1 May 1900, 8; *Budapesti Hirlap* 28 September 1900, 18; *Tribuna Poporului* 12/25 April 1903, 4; *Libertatea* 9/22 January 1904; *Magyar Polgár* 1 February 1904, 5; *Libertatea* 18/31 December 1904; *Libertatea* 24 January/6 February 1904; *Libertatea* 18/31 December 1904; *Az Ujság* 31 May 1911, 4; *Românul* (Arad) 6/19 May 1911; *Libertatea* 19 May/1 June 1911, 2; *Libertatea* Easter (22 March) 1912, 2; Kemény, ed., *Iratok*, vol. 4, 120; Ion I. Lapedatu, *Memorii și amintiri* (Iași, 1998), 119; Petru Oaldea, *Lupta pentru limbă românească în Banat: apărarea și afirmarea limbii române, la sfârșitul secolului al XIX-lea și începutul secolului al XX-lea* (Timișoara, 1983), 28; Lucian Petraș, *Mihai Veliciu (1846-1921): Studiu și documente* (Arad, 2011), 47.

59 Lajos Steier, *A tót nemzetiségi mozgalom fejlődésének története* (Liptószentmiklós 1912), 198–9.

60 Berecz, *Politics of Early Language Teaching*.

16.9% spoke Hungarian.⁶¹ This gap mattered all the more as the exchange between authorities and citizens – what administrative law called “outer administration” in Austria-Hungary – intensified. The bureaucracy expanded its reach and regulated an increasing range of everyday life, while out of the provisions of the Nationalities Act, those designed to smooth communication with the public fared the worst.⁶² Interpreting the legalese of official notices was no easy task for any lay person, to be sure, but the minorities depended on the help of others just to submit a request or lodge a complaint. I touch upon only a few aspects here, which cannot represent the true scope of the problem.

Sections 6 and 21 mandated counties and local governments to accommodate their languages to citizens, communes and associations. They remained on paper wherever clerks only kept Hungarian minutes and nobody was charged with translation. In Krassó-Szörény County, where Romanian minute-taking remained continuous, county organs accepted Romanian claims at the turn of the century – but even there, outgoing documents were in Hungarian.⁶³ On the other hand, Transylvanian Saxon towns demonstrated that a linguistically plural outer administration was possible. They introduced bi- and trilingual blank forms and addressed each citizen in their presumed language of preference.⁶⁴

The law granted private institutions and associations the right to choose their language. Subsequent governments made it more difficult to found new associations on ethnolinguistic grounds and, from the mid-1870s onwards, also required draft statutes to be sent for approval in Hungarian. The Ministry of Commerce still accepted statutes in Slovak, German and

61 *A magyar szent korona országainak 1900. évi népszámlálása*, vol. 3 (Budapest, 1907), 221, 240, 389.

62 Andrew C. Janos, *The Politics of Backwardness in Hungary 1825-1945* (Princeton, NJ, 1982), 94.

63 Romanian National Archives, Caraş-Severin (henceforth, ANCS), Fond Prefectura Judeţului Caraş 1/1880–1, 68–9; *ibid.* 37/1898; *ibid.* 29/1907; Romanian National Archives, Timiş, Fond Prefectura Judeţului Severin 30/1906, 13–14; *ibid.* 79/1906, 58–64, 126–7, 132–7, 152–5; *ibid.* 81/1906, 45–9.

64 Ágoston Berecz, ‘German and Romanian in Town Governments of Dualist Transylvania and the Banat’, in Carl Bethke, Markian Prokopovych and Tamara Scheer, eds, *Language Diversity in the Late Habsburg Empire* (Leiden, 2019), 135–59. Cf. János Vársárhelyi, *Emlékeim...: Önéletrajz* (Kolozsvar, 1937), 4; available at <http://vladar.eu/download/vasarhelyi.pdf>.

Romanian in 1875; but around the same time, it was already engaged in a tug of war with the Brassó-based Levantine Guild, unwilling to translate its Romanian foundation deeds.⁶⁵ To improve the chances of acceptance or overcome the linguistic difficulties, founders usually copied existing statutes to the point that the statutes of similar associations were often identical in most paragraphs.⁶⁶ Another option was to operate unlicensed, risking harassment from county authorities. Out of a lively Romanian amateur theatre scene in the 1900s, for instance, just one drama club had approved statutes.⁶⁷

For the Magyar elite, the freedom of enterprise lent Dualist Hungary a respectable liberal cachet. As a result, businesses enjoyed greater latitude in linguistic matters. Companies and banks submitted their statutes to the competent higher court, a mere rubber stamp process. Many of them registered themselves under parallel names and with bilingual statutes.⁶⁸ Indeed, only in 1908 did a court rule that corporate registrations must contain a Hungarian version.⁶⁹ Companies drew up their financial statements in Hungarian, and after the 1890s, courts demanded translations of the minutes of general meetings.⁷⁰ On the other hand, there was great latitude as to the language of seals, internal accounting, invoices, contracts, stationery, business correspondence and the minutes of executive sessions.⁷¹

65 MNL–OL K26, 91; *ibid.* 79/1,844 IA 12/1340; Eugen Pavlescu, *Meșteșug și negoț la românii din sudul Transilvaniei (sec. XVII–XIX)* (Bucharest, 1970), 382–4.

66 Tibor Lesfalvi, ‘Szlovák társasélet a dualizmus korában, különös tekintettel az olvasóegyletekre’ (Ph.D. diss., Eötvös Loránd University, 2016), 90; Huszár and Diamandi, *A magyarországi románok*, 285, 292, 296, 322.

67 *Ibid.* 256–8. On amateur Romanian theatre playing in Dualist Hungary, see Ion Breazu, *Literatura Transilvaniei: studii, articole, conferințe* (Bucharest, 1944), 54; Lizica Mihuț, *Transilvania și teatrul arădean până la Marea Unire* (Bucharest, 2005), 178–79, 321–2.

68 Romanian Național Archives, Hunedoara (henceforth ANH), Personal Fond Toma Ienciu, folders 4, 5; *ibid.*, Fond Tribunalul Hunedoara, 4/1909.

69 *Közgazdasági Értesítő* 4 (1909): 108–9.

70 György Tóth, ‘A bíróságok nyelvéről a polgári perrendtartás vonatkozó intézkedéseivel kapcsolatban’, *A Jog* 21 (1902): 257; ANCS, Fond Tribunalul Caransebeș, Firms Sociale, 2/1876.

71 E.g., ANBN, Fond Societatea Acționară Hebe Sângeorș-Băi, folders 1, 4, 7; ANB, Fond Breasla cizmarilor din Brașov, bundle 24.

In places where the hegemony of Hungarian did not impose itself, craftspeople and shopkeepers regularly did their paperwork in a local language. Aiding this was the government-issued curriculum for minority schools, which included the composition of mother-tongue requests, contracts, receipts, invoices and simple accounting entries.⁷² Notaries public authorized by the ministry notarized in non-dominant languages, and German and Romanian documents were commonplace in some regions.⁷³ County officials, on the other hand, drew up testaments in Hungarian on behalf of illiterate people. Courts invalidated several such testaments after it turned out that neither testator nor witnesses knew Hungarian.⁷⁴

Agency

Recent scholarship has reinterpreted language policy as a multi-actor game, which acts through capillary forms of power and includes unplanned action and implicit ideas. Focussing on top-down policies, as this article does, privileges a one-directional angle. But the agency behind the (non-)implementation of the Nationalities Act was nevertheless dispersed, on multiple levels. To start with, almost half of its sections imposed duties on entities other than the central government – counties, local governments and even churches. Not that the government was eager to enforce the linguistic rights contained in the law. No institution safeguarded these rights and no avenues of independent judicial review existed. An administrative court was created in 1896, but protecting linguistic equality under the

72 *Tanterv a nem magyar ajku népiskolák számára: az 1868iki XXXVIII. és az 1879iki XVIII. t. cikkek értelmében* (Budapest, 1879), 12.

73 §§ 7, 60, 78, 83 and 91 of Act XXXV of 1874. Requests for permissions to notarize in Romanian and German: MNL–OL K577, 1/1908, 6,136; *ibid.* 1/1909, 1,213, 1,728.

74 *Polgári Törvénykezés* 38 (1899): 41–2; *Polgári Törvénykezés* 45 (1903): 145–6; *Polgári Törvénykezés* 58 (1909): 157–85.

Nationalities Act fell outside its scope.⁷⁵ In practice, then, the power to interpret its ambiguous provisions lay with the central government. But that does not make the government the main infringer of the law; that dubious honour went to Magyar and pro-Magyar county elites.

Although the law contained no sanction for infringement, at least it validated the compliance of municipalities with Sections 6 and 21. Of course, the municipal leaderships that accommodated the languages of their citizens did not do so in order to obey a law without sanctions, but ultimately because the local languages also belonged to the elites they represented. But the fact that they acted against disapproval from on high enhances their role as implementers of the Nationalities Act. Thus, the counties of the former Saxon Land in Transylvania used their supervisory authority over local governments to afford them protection and accommodate their languages until the end of the era. At the same time, most county leaderships whittled away at the linguistic diversity in local written administration through their right to nominate village secretaries, the only professional bureaucrats in rural areas, and their ability to overturn local decisions.⁷⁶

On another level, much depended on the given government official. Transylvanian Saxon counties and towns made unusually confident use of the local tongues, but the sphere of linguistic autonomy was always up for re-negotiation. Conflicts about language choice usually flared up after freshly appointed, brash government officials rocked the boat. These conflicts sometimes escalated into prolonged tugs of war, until the competent ministry imposed some compromise, typically pushing the use of Hungarian beyond its previous boundaries. Since its inception in 1877, the municipal guardians of the town of Bistritz/Bistrița/Beszterce had communicated with the local appeals court in German – until

⁷⁵ Act XXVI of 1896.

⁷⁶ Berecz, 'The Languages of Village Governments', 21; *Népszava* 23 December 1911, 5.

their German notes (though not their German records) suddenly ruffled feathers in 1891. Municipal guardians quoted the Nationalities Act against a peremptory note from the new court chair. For more than a year, until the county's administrative committee alerted the ministry, the guardianship authority continued to send German messages, which the court sent back unopened.⁷⁷

Finally, minority activists emerged as the main actors preventing the law from falling into oblivion. In a passage quoted by *Die Habsburgermonarchie 1848–1918*, the Magyar political writer Gusztáv Gratz blamed their lengthy opposition to Dualism and determined passivity for the non-enforcement of the law.⁷⁸ It is true that Romanian county assembly minutes went discontinued in the 1870s partly because Romanian nationalists had largely withdrawn from county politics.⁷⁹ By the 1880s, however, minority national movements had tempered their criticism of the law, adopted its enforcement as their minimum programme and made it a point of honour to go as far in their use of the minority language as it authorized. Romanian clergymen, for example, insisted on the right of writing in Romanian to counties that had quietly stopped keeping Romanian minutes.⁸⁰ As references to the Nationalities Act increasingly vanished from public law textbooks (apart from its preamble), it was mainly the protests of minority activists that kept reminding public officials about its provisions. In 1907, national minority MPs sarcastically called on the government to establish “which provisions of our constitutional laws have not been abrogated yet”.⁸¹ They strategically presented the Nationalities Act as the constitutional foundation for which

77 MNL–OL K150 1893–VI-15-7,088.

78 Gogolák, ‘Ungarns Nationalitätengesetze’, 1,285–7.

79 Kemény, ed., *Iratok*, vol. 2, 279; MNL OL K150-1885-II-55559; *Kelet* 7 September 1876; *Kelet* 4 October 1876; *Magyar Polgár* 20 October 1876, 2.

80 MNL–OL K150, 55,559/1885 (bundle 1,857); MNL–OL K148-1892–VI-15-30741; Augustin Vicaș, *XXV ani din viața Reuniunii Femeilor Române Sălăjene 1881–1906* (Șimleul-Silvaniei, 1906), 27–9; *Ellenzék* 25 July 1892, 3; *Kolozsvár* 20 July 1895, 1; *Ellenzék* 17 September 1909, 6.

81 Kemény, ed., *Iratok*, vol. 5, 149.

Magyar politicians had little respect, which was pivotal in turning foreign public opinion (including Cisleithania) against the Hungarian course of nation-building.

Resource optimization

Official multilingualism can be a costly enterprise, to the point that one theorist of language policy called deliberate official monolingualism that promotes “convergence” on a privileged language “language rationalization” because of its cost-effectiveness.⁸² *Fin-de-siècle* Cisleithania was the laboratory of multilingual policy schemes in contemporary Europe, its administration experts nevertheless agreed that such experiments placed an inordinate strain on the public budget.⁸³

Resource optimization was the initial reason that the dedicated Hungarian government agency did not comply with Section 25 and give petitioners answers that they could understand. Sections 22 and 23 proclaimed the freedom of citizens, communes, parishes and associations to address the government in their mother tongue. The translation of such petitions was entrusted to the government’s central translation bureau, set up in 1869.⁸⁴ Its founders and first chair intended this bureau as the linguistic switchboard essential for administering a multilingual state.⁸⁵ With that in mind, it was a gross underestimation of the challenge that the core team included just three translators for minority languages, apart from a couple of contracted ones. Worse still, they performed such tasks on the side of their principal duties, translating the laws and compiling press reviews for cabinet members. They

82 Alan Patten, ‘Political Theory and Language Policy’, *Political Theory* 29 (2001): 701–2.

83 Deak, *Forging a Multinational State*, 231.

84 The statutes of the bureau are found in MNL–OL K26-1859-19. On its establishment and later operation, *ibid.* K26-1868-3; *ibid.* K26-1873-195; *ibid.* K26-1873-1,254; *ibid.* K26-1878-736 (filed under K26-1881-479); *ibid.* K26-1890-1,498; *ibid.* K26-1900-4,442; *ibid.* K26-1900-4,637 (the latter two filed under K26-1902-3,059); *Magyarországi Rendeletek Tára* 41 (1907): 3.

85 *Az 1865-dik évi december 10-dikére hirdetett országgyűlés képviselőházának irományai*, vol. 6 (Pest, 1868), 138; József Ferencz to the prime minister on 31 March 1873, MNL–OL K26-1873-1,254.

even undertook translations for courts until the expanding corps of court interpreters relieved them in the 1890s.⁸⁶

Ministries and other government institutions incurred extra costs and delays by sending incoming submissions for translation. They did not stop complaining about the slow, expensive and often slovenly services of the bureau, and getting their decisions translated would have doubled the expenditure and the delay.⁸⁷ They preferred to rely on their own personnel to interpret incoming submissions and tried to ensure that new ones arrived in Hungarian. Perhaps because local leaderships realized that the lack of a translation could hinder their case beyond its costs, petitions in minority languages other than German became rare after the 1870s, although I encountered a Romanian one from as late as 1907.⁸⁸

The initial size of the central translation bureau was in line with the small-scale government apparatus of the time. However, the number of civil servants exploded sevenfold in fifty years, while the bureau hardly grew at all, only the previously contracted translators were tenured.⁸⁹ Resource optimization continued to inform Hungarian-only policies, but they were increasingly justified by an aggressive monolingual ideology. In this view, a Hungarian official sphere was a welcome spur for citizens to learn the state language, which was, in its turn, depicted as emancipatory. Striving to adopt what they saw as the *zeitgeist* and foreshadowing similar cultural policies in Dualist Hungary's successor states, Magyar elites masqueraded ethnolinguistic nationalism as a civic duty. After its teaching became mandatory in 1879, government officials could claim that the state had created the means to learn Hungarian, and therefore no adjustments were needed for people unversed in it. They applied

86 MNL-OL K26-1873-195; *ibid.* K26-1874-12; *ibid.* K26-1875-91; *ibid.* K26-1884-204; *ibid.* K26-1885-213; *ibid.* K26-1895-330; *ibid.* K26-1899-452.

87 MNL-OL K26-1873-195; *ibid.* K26-1873-1,254.

88 A petition drafted by Petru Pinte, Greek Catholic priest of Nevrincea, on behalf of his parishioners, 18 April 1907, MNL-OL K184-1912-1907-56,194.

89 Andrew C. Janos, *The Politics of Backwardness in Hungary 1825-1945* (Princeton, NJ, 1982), 94; MNL-OL K26-1890-1,498.

this logic with particular vigour to people in public functions, which explains why the Ministry of Interior twice obstructed local attempts to arrange for translation facilities.⁹⁰ The institutionalizing of translation could only slow down the spread of Hungarian, they believed. Until well into the 1900s, the dominant elite hoped that the non-Magyar masses would acquire the language in the imminent future. By the 1880s, government circles had come to regard the central translation bureau itself as a temporary institution.⁹¹

However, resource optimization need not mean monolingualism, and neither does communication with a multilingual public necessarily raise the costs. It all depended on the language repertoires and attitudes of the officials involved. During a transitional period in the town of Caransebeș/Karansebesch/Karánsebes in the Banat, each office-holder transacted their business in their best language. Of course, such non-accommodating multilingualism implied basic passive skills from their colleagues in the other two languages.⁹² Transylvanian Saxon cities also catered to the diverse languages of their citizens with no extra costs because (unlike many counties and city halls) they were able to fill vacancies with bi- or trilingual local forces and their leaders were committed to the cause. But similar factors influenced even government officials' handling of linguistic diversity. Unless the given bureaucrat chose to take a polemic stance, documents filed in German were less likely to suffer a delay than Romanian or Slovak ones – not because the dominant state nationalism had more affection for German, but because the official or a colleague knew the language well enough.

90 *Siebenbürgisch-Deutsches Tageblatt* 28 November 1876; *Délvidék* 4 September 1898, 2; *Délvidék* 5 February 1899, 2; *Délvidék* 18 December 1898; *Délvidék* 30 July 1899, 1; *Délvidék* 8 October 1899; *Délvidék* 17 February 1901, 2; *Délvidék* 26 May 1907, 2.

91 MNL-OL K26-1890-1,498.

92 ANCS Fond Primăria orașului Caransebeș 2/1884–93, 94–5, 147/1898–1900, 3, 1/1897–1899, 4/1913–14, 37. The term comes from Laada Bilaniuk, *Contested Tongues: Language Politics and Cultural Correction in Ukraine* (Ithaca, NY: Cornell University Press, 2005).

Visibility

In sociolinguistics, “visibility” usually denotes the relative prominence of a language in public signage. It is not the sense in which I am using the term here. Instead, I wish to problematize the visibility of distant practices and settings, most notably the accuracy of the centre’s view of the peripheries. Bureaucrats in the centre were prone to give too much credit to the depictions that local power-holders circulated, especially if these matched their preconceptions. In 1902, the US Senate sent a fact-finding mission to New Mexico with the goal of assessing the prevalence of English in the territory. While New Mexican lobbyists for statehood tried to convey the image of a place where English was universally understood and spoken, senators mostly overheard Spanish interactions in public offices and found Spanish-speaking office-holders who talked through an interpreter to the occasional Anglo client.⁹³ Later, in the late 1920s, Britain’s Secretary of State for the colonies had to be dispatched on a world-wide tour to find out just what constituted British colonial policy.⁹⁴

In Dualist Hungary, government officials and middle-class readers were ready to generalize their experiences from a historically German-speaking but swiftly Magyarizing Budapest, which raised unwarranted expectations towards the non-Magyar peripheries. This was abetted by a tendency among pro-Magyar peripheral elites to exaggerate the use of Hungarian in their home environments and thereby present them in a favourable light.⁹⁵ Censuses starting with 1881 tracked the spread of Hungarian both as a first and a second language, but the press usually gave a triumphant interpretation of the slowly increasing data. Since the dominant ideology tended to identify proficiency in Hungarian with allegiance to Hungarian state nationalism, central government agencies could genuinely expect it from

93 Rosina Lozano, *An American Language: The History of Spanish in the United States* (Oakland, Calif.: University of California Press, 2018), 113–32.

94 Janina Brutt-Griffler, *World English: A Study of its Development* (Clevedon: Multilingual Matters, 2002), 97.

95 József Demmel, *Szörnyeteg Felső-Magyarországon: Grünwald Béla és a szlovák-magyar kapcsolatok története* (Budapest: Ráció, 2021), 29, 169–70.

office-holders in politically and culturally compliant municipalities. Much translation and negotiation about language remained invisible because the local actors conspired not to air their dirty laundry.⁹⁶ When the Werschetz/Vršac/Versec prefect reported in 1902 that elected city leaders and the delegates to the administrative committee were unable to deliberate in Hungarian, the minister of interior could not believe his eyes.⁹⁷ Of course, the invisibility of translation and linguistic diversity in local official life also preempted conflicts with the centre.

The surviving internal correspondence and the statements of senior government officials suggest that Hungarian governments had too little information about their own peripheral regions to conduct consistent or planned language policies, at least until the 1890s. In 1893, the minister of justice made the claim that the language of justice had been exclusively Hungarian for thirty years – at a time when many small-claim courts still operated without Hungarian blank forms and one young lawyer from Nyitra/Nitra could form the impression that the local appeals court heard most cases in Slovak.⁹⁸ I mentioned how the prime minister Dezső Bánffy, famous for his passionate pro-Magyarizing stance, tried to supply his office with translations of the legal code in all the minority languages. All in one stroke, he also requested information on the languages that county assemblies recognized as official, only to find that no such record existed in Budapest.⁹⁹ Hungarian governments, to be sure, could not escape pursuing a language policy, and Bánffy, for one, made no pretence of trying. Apart from zealots of his ilk, however, high-ranking ministerial officials usually shied away

96 Cf. Michael Scheiber, 'Covert multilingualism: The case of translation policy in France and Belgium during the French Revolution and the Napoleonic Era', *Across Languages and Cultures* 17 (2016): 123–36.

97 Prefect Milan Zaka's letter, accompanying the 1902 report of the administrative committee; MNL–OL K26, 1,675.

98 Tamás Antal, *Törvénykezési reformok Magyarországon (1890–1900): ítélőtáblák, bírói jogviszony, esküdtszék* (Szeged: Csongrád Megyei Levéltár, 2006), 243; ANBN Fond Judecătoria cercuală Rodna 1/1881 [in fact 1891!], 1, 4, 14–15, 18; ANBN Fond Primăria oraşului Năsăud I. Juridic, 15/1901, 1, 2, 44, 54–55; *Ügyvédek Lapja* 13 December 1902, 8.

99 MNL–OL K26-1900-1,049.

from the question. At best, they reacted angrily to the rare non-Hungarian attachment that reached their desks and wished that the future would relieve them of the annoyance that large swathes of the citizenry knew little or no Hungarian.

Conclusions

National-level politicians, ministerial officials and journalists showed themselves to be unreliable guides to the actual practices, and visibility was not the only problem involved. As discussed earlier, some contexts also prompted Magyar elites to blindly imply that the Nationalities Act was in full effect or even rhetorically scold the Hungarian state for its supposed overindulgence towards linguistic minorities. More often, however, they displayed the opposite bias. They sought to present Hungary as a viable nation state where official life seamlessly operated in Hungarian. In this framing, a dispatch, minute or a speech in a non-dominant language could be interpreted only as a political statement. This interpretation was, of course, false. But indeed, local actors compliant with the political status quo tried to underplay their imperfect knowledge of Hungarian while minority linguistic activists courted attention to provoke through language choice.

Its greater precision lent more weight to the Nationalities Act, but its case otherwise prefigured the fate of later proclamations of linguistic rights. (Including the ones that the allied powers imposed on the Romanian and Serb-Croat-Slovene states on the side of the Versailles peace treaties.) The authors of the bill sought a long-lasting solution to a dilemma they considered in all its seriousness, but the parliamentary majority voting it into law was rather led by the desire to enhance consensus and claim the moral high ground. Its enactment also preceded a period of intense state-building, which would have required a rigorous adjustment of the new institutions to the spirit of the law. But the eagerness to codify

linguistic diversity had increasingly dissipated from decision-makers who wished that the advance of Hungarian would render such arrangements superfluous. The widening gap with the institutional environment then undermined the applicability of some of the law's provisions. At the same time, the expanding bureaucracy would have also made their implementation costlier, and the expansion of orality in the judicial system would have entailed more serious investments into interpreting facilities.

The difference between the Nationalities Act and other basic language laws was more of a degree than of kind. The former also contained vaguely worded paragraphs whose interpretation ultimately rested with the same central government on which they imposed obligations. As a general rule, the formal recognition of underprivileged languages is filled up with content only to the extent that their partisans participate in governance or strike efficient compromises with the power elite. In the relatively decentralized political system of Dualist Hungary, they were in control of lower autonomous entities, where they often put the provisions of the law into effect despite the central will.

From the specific provisions of the Nationalities Act, the central government continued to comply with the obligation to translate the laws into minority languages and grudgingly accepted submissions in these languages, although it answered them in Hungarian. It relied on its translation bureau to deliver these tasks. But depending on their accuracy, these provisions set stakes for future political struggles. They also virtually set out paths to test their enforcement and protest their infringement, which also piqued the pride of many Magyar nationalists who indulged in the belief that their homeland operated under the rule of law. Responses to government action and debates over rights and wrongs represent an essential dimension of language policies. Since specific, formally valid constitutional provisions continue to sanction the rhetorical position of "speaking the right", they cannot entirely become dead letters as long as language activists sitting on representative bodies act on them. Wealthy peripheral elites and ethnic churches in Dualist Hungary were constantly able to put up a successful resistance to the intrusion of Hungarian. Most dissent, as everywhere, was scattered, intermittent, hesitant and invisible, and central elites did their best to ignore and suppress organized language activism. But the application of the Nationalities Act came back on the table as soon as minority politicians were poised to gain in clout on the eve of World War I, thanks to the impending extension of voting rights.