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**SILESIA  
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FACULTY OF PUBLIC  
POLICIES IN OPAVA





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## EDITORIAL

We greet the reader on the occasion of the publication of the tenth issue of our scientific periodical, the Central European Papers (C.E.P.). This number focuses on different topics regarding the history and legal development of the Central European countries. In our approach Central Europe does not consist only of the "Visegrad countries", but also of Austria and Germany. Currently two papers are concerned with these countries, too.

The first paper deals with the position of the journalists in the parliaments of Central Europe. It is a very interesting and innovative study. Two papers are dedicated to the history of university education of national minorities in the interwar Czechoslovakia and in present-day Slovakia. The topic of educational possibilities of minorities on the university level dominates also in the paper dealing with South Tyrol. One paper deals with the theoretical context of this problem. We have in the current issue a paper concerned with the comparison of the various forms of international administration in Berlin and Vienna after the Second World War.

The authors of the current volume are respected scholars from Austria, the Czech Republic, Hungary and Slovakia. They includes professors and researchers with a longtime experience and PhD students as well. We hope that this issue of the Central European Papers (C.E.P.) will be useful not only for scholars but also for graduate students as well as for non-professional readers.

Editors





	<b>ARTICLES</b>	
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# **Journalists in Parliaments. Three cases concerning the accessibility of legislatures in Central Europe**

**prof. Péter SMUK PhD.**

## **Abstract**

In modern legislatures, the public nature of political debates has been achieved as a constitutional principle. Constitutions and parliamentary standing orders provide with possibilities for journalists and media to access to sittings of the legislatures in order to offer the public the information on issues debated in parliament. Against this normative background, this paper introduces three cases (from Macedonia, Poland and Hungary) where journalists' work have been limited in legislatures for several reasons. The paper considers also the competing values of freedom of information, freedom of expression vis-a-vis the dignity and undisturbed functioning of parliaments.

## **Keywords**

constitution, journalist, legislatures, parliament, Hungary, Macedonia, Poland

## **The normative background – the public nature of parliamentary debates**

### ***Parliaments and the public – a historical and theoretical framework***

Based on the deliberative concept of democracy, the constitutional theory might focus on the spread of political discourses in society and the search for consensus based on the free and active participation in public debates. Those criticising the model of Habermas call attention to the fact that several deliberative preconditions for an ideal political discourse and democracy are met in actual terms through representatives in an institutional framework, in the representative bodies.<sup>1</sup> When taking account of the various

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<sup>1</sup> The thought of Jürgen Gerhards is referred to by: POLYÁK, Gábor: Párhuzamos valóságok. Az Alkotmánybíróság nyilvánosság- és médiaképe társadalomtudományi eredmények tükrében [Parallel realities. The publicity and media through the eyes of the Constitutional Court, in the context of the achievements of social sciences], in: *Fundamentum*, 16, 2012, 4, 24.

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arenas of political debates, the bodies of representation, especially the Parliament, are obviously indispensable. Through the victory of representative democracy, “politics” as a concept “describes the sort of debate and discussion that takes place in legislatures; its procedures allow for participation, discussion, and, potentially, compromise. Political processes are suited to the consideration of all potentially relevant aspects of a decision”, even if – certainly –, one of the most important of these is the reference to “the people”.<sup>2</sup> The manifestation of political pluralism in the Parliament takes the form of the presence of governing and opposition parties. It is important to note that the driving force of political debates is the opposition, by performing its functions.<sup>3</sup>

The transformation of feudal representative parliaments into civil bodies of popular representation meant, among others, the turn, which Habermas describes as follows: as of the 18<sup>th</sup> century, the discourse of “arguing citizens” and parliamentary debates were linked. He is of the opinion that the new leading stratum of capitalism (in England), “without now being represented in Parliament, formed something like a steadily expanding pre-parliamentary forum. Here, as a critical public soon to be aided by appropriate publicist organs, they followed the deliberations and decisions of Parliament, regardless of whether they still had for the most part the vote, as in London and Westminster or whether (as elsewhere) they were part of the disenfranchised mass. Parliament’s change in function was not reducible solely to the fact that the sovereign, bound by the Bill of Rights, was demoted to a King in Parliament. In addition, it took the new relationship of Parliament to the public sphere that ultimately led to the full publicity of the parliamentary deliberations to bring about a qualitative difference from the previous system.” We may remark that it was only in 1803 that the Speaker officially authorised journalists to stay in the chamber (in the gallery). However, Habermas in his historical overview also discusses the modern development relevant for us, according to which, as a result of the broadcasting of parliamentary sittings, MPs stopped talking to one another; they indeed address the “audience”. Parliamentary debate transforms into a show, critical dialogue turns again into representative demonstration and arguments are replaced by symbols.<sup>4</sup> However, recently this has raised few problems regarding the constitutional guarantees of the relationship between the parliamentary representation and the public; as we will see, constitutional practice, irrespective of this observation, takes the course leading towards full publicity.

Popular sovereignty prevails through participatory rights and these rights are to be fed by the information necessary for well-informed decisions. We can present this relationship through the guarantees of the parliamentary procedures and their public nature because, these create the forum of political debates and the link between parliamentary debates

2 SCOTT, Paul: (Political) Constitutions and (Political) Constitutionalism, in: *German Law Journal*, 12, 2013, 2164.

3 SMUK, Péter: *Ellenzéki jogok a parlamenti jogban [Rights of the opposition in parliamentary law]*, Budapest 2008 and CDL-AD(2010)025.

4 HABERMAS, Jürgen: *The Structural Transformation of the Public Sphere. An Inquiry into a Category of Bourgeois Society*, Cambridge – Massachusetts 1991, 62–63, 206; and BEYME, Klaus von: *Die parlamentarische Demokratie. Entstehung und Funktionweise 1789–1999*, Wiesbaden 1999, 275.

(information) and the public. The Council of Europe adopted a recommendation on the description of the latter as early as in 1997.<sup>5</sup>

The Council of Europe observed that the parliaments had a great difficulty in trying to remain the key actors of the democratic institutional system, and wanted to provide a solution for that problem. According to the Council of Europe, the modern tools of mass communication need to be used to bridge the gap between voters and representatives. Difficulties are obvious: the media prefer to entertain, the government is in a privileged position as compared to the legislative body, because it can “use” the media for its own purposes faster and more professionally, etc. As a result, the Council of Europe comes to the conclusion that the most important fora for public debates do not include parliaments anymore, and this, according to the recommendation, entails the risk of citizens starting to use other forms of mediation in order to express popular will. Amongst the specific recommendations of the Council of Europe, we find the guarantees of the publicity of parliamentary work as broad as possible, covering also the work of committees, the improvement of the working conditions of parliamentary correspondents, and the establishment of on-line communication tools for journalists and for citizens in general; support must be given for setting up media channels dedicated to covering the work of parliaments.

As regards the public nature of parliamentary work, opinions diverge. According to the critical position of Habermas in modern parliaments that have changed the free mandate into illusion, members of parliament do not wish to convince one another but make statements for the public. This is not only by chance that permanent television broadcasting started to spread only towards the end of the 20<sup>th</sup> century: permanent television broadcasting of parliamentary sittings are allowed as of 1979 from the USA House of Representatives, as of 1986 from the Senate and as of 1989 from the House of Commons of the British Parliament.<sup>6, 7</sup>

Main functions of parliamentary publicity are to ensure legitimacy and enhance control over government and politicians. In the course of the debates in plenary or committee meetings, the opposition parties can force the government to come up with arguments or at least underpin its decisions; furthermore, it might reveal issues and information for the public. These questions and answers inform the public about the state of public affairs and the performance of the government. As the Hungarian Constitutional Court put it: “free parliamentary debate contributes to voters being able to have a proper picture of the activities of MPs and other officials holding high public offices and enables them to participate in political discourse and decision-making equipped with adequate

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5 RES. 1142 (1997) *on parliaments and the media*.

6 MCKAY, William – JOHNSON, Charles W.: *Parliament and Congress: Representation and Scrutiny in the Twenty-First Century*, Oxford 2012, 101–105.

7 Sir Barnett Cocks, the Clerk of the House, in 1963: “The press, constitutionally and historically, is here on sufferance. That is the position. Whatever recognition you have, on a lobby basis and so on, seems to be grudgingly given on pain of cancellation should the press once step out of line.” – see: <https://www.pressgallery.org.uk/the-gallery-today/>.

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information.”<sup>8</sup> Therefore, publicity is the general tool of exercising control; it is its natural environment. The specific tools to obtain information in the course of parliamentary control operate within this, such as political debates, questions, interpellations and investigation committees.

For the purpose of analysing the legal institution – and the practice of the principle – of parliamentary publicity<sup>9</sup>, I recommend the following aspects beyond democratic legitimacy. The starting point is the general rule of public sittings generally enshrined in constitutions, and the practical implementation thereof embraces the

a) rules guaranteeing the ordering of in-camera plenary and committee sittings;

b) access to plenary and committee sittings, including:

ba) the presence of “outsiders” in the hall,

bb) the possibility of a media broadcasting of the sittings;

c) access to parliamentary papers, documents, including the operational data of the Parliament as a state body, legislative proposals and the minutes of votes and checks.

Presence in the plenary or meeting rooms embodies an obvious, direct but specific form of publicity. Those who have the opportunity to be present in person might gain direct experience of the Parliament’s work and obtain certain information. However, their personal chance of obtaining information does not guarantee that the public also obtains information in practice. Due to physical constraints, these people are only a few in number and information can reach the broader public only through mediators. Mediation might take the form of reports made by the participants and/or by “broadcasting”, through technical equipment, pictures, audio and video recordings from the sittings.

The specific feature of *media* presence, compared to the “public gallery”, is that journalists, on the one hand, carry out professional activities when broadcasting sittings; on the other hand, technical equipment necessary for broadcasting is given. These allow an evaluation different from that of a personal observation made by visitors or amateur devices suitable for making recordings, pictures or videos used by them.

### **Access to parliamentary debates – a landscape of Central European regulations**

The publicity of parliamentary business is provided by all constitutions in Europe; however, detailed provisions show some diversity. The Estonian, Polish, Romanian or Bulgarian parliamentary rules of procedure identify the public of the “gallery”, whereas the Croatian Sabor designated the northern section of the gallery for visitors. In Hungary, it is the Speaker of the Parliament who might designate places for visitors and the representatives of the media. According to the parliamentary rules of procedure, visitors (the public of the gallery) are obliged to refrain from any form of expressing an opinion, agreement or dislike and

<sup>8</sup> Constitutional Court decision No. 50/2003.

<sup>9</sup> As the basis of the constitutional interpretation, see MAGIERA, Siegfried: Art. 42 [Öffentlichkeit, Mehrheitsprinzip, Berichterstattung], in: *Grundgesetz Kommentar*, SACHS, Michael, München 2011, 1253–1258.

generally from interrupting the session.<sup>10</sup> The Act on the publicity of the Croatian Sabor lists specific forms of conduct considered as disturbing and therefore not permitted, such as: applause, loud talk, use of mobile telephones, holding placards, taking photographs, "etc." (Article 4 (3)).

The right of broadcasting the sittings is recognised in all examined countries without any exceptions. Parliamentary rules of procedure enshrine the right of broadcasting and information concerning journalists' accreditation and codes of conduct similar to the one described above. Parliaments themselves have professionalised the relations with the media by establishing organisational units responsible for press relations and communication.

In the Estonian Parliament film and video recordings and television and radio broadcasts of sittings may be made and photographs of sittings may be taken with the permission of the President of the Riigikogu (Rules of procedure, Article 59). The Presidium of the Lithuanian Seimas regulates the proper rules of procedure and provides for the broadcasting in line with the agreement concluded with national radio and television (Article 131). However, the rules of procedure declare the official recordings of the Parliament to be available for all media service providers and allow further recordings to be made from the designated gallery. While the rules of procedure of the Polish Sejm makes presence on the gallery conditional upon the Marshal's permission, the presence of the media is not subject to such permission (Article 172, section 1, 2–3). An interesting rule in the Czech Parliament, which also has its own audio-visual network, is that the plenary session might allow the media representative to be present during in-camera meetings (Article 56).

The Hungarian Act on Parliament (Act XXXVI of 2012<sup>11</sup>) includes detailed rules on media presence; after earlier constitutional debates it maintains the priority of the close circuit broadcasting and enshrines principles that provide guarantees (Article 59). Under the terms of the law, for the purpose of broadcasting the Parliament's sittings and certain committee meetings, a closed circuit audio-visual system is put in place, which is available to media service providers; it can be followed on-line and its recorded broadcasts should be made available in archives, as well. This broadcast is without prejudice "to the right of any media service provider to broadcast or record a program from a place designated by the Speaker in the House of Parliament. The Speaker can only designate a place for the purpose of broadcasting or recording a program that does not prevent the conditions for free dissemination of information necessary for the formation of democratic public opinion." The public sittings of the parliamentary committees not broadcasted by the closed circuit system may be broadcasted or recorded by the media service provider. The technical preparations of the broadcasting and its proceeding shall not disturb the sitting of the committee. Under the terms of the Act on Parliament "The aim of video broadcasting the sittings of the Parliament and of the parliamentary committees shall be

10 Sources of explicit parliamentary rules of procedure provisions: Latvian, Article 78, Czech, Article 20, Slovakian, Article 21, Hungarian Act on Parliament 55 (2) and 58 (1), Romanian Chamber of Deputies, Article 140 (4), Romanian Senate, Article 117 (3), Bulgarian, Article 45 (3).

11 Online: <http://www.parlament.hu/documents/125505/138409/Act+XXXVI+of+2012+on+the+National+Assembly/b53726b7-12a8-4d93-acef-140feef44395>.

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to provide impartial, balanced, accurate and factual information for the viewers about the activity of the Parliament. The television broadcasting shall be in line with the activity of the Parliament, focusing on the actual events and the work of the Parliament, in particular the chair of the sitting, the actual speakers, the presentation of the results of the vote, the floor as a whole, and other events that take place on the floor. The video editing shall be objective and factual, in line with the proceeding of the sitting.”

In the Lithuanian Seimas the press office organises the press conference of MPs and the rules of procedure prescribe the obligation to provide at least two press conferences a week for opposition parties (Article 132). According to the Croatian rules of procedure (Article 288), press conferences possess multiple layers on the activities and the results of the Sabor; press conferences can be held based on the decision of the plenary, the Presidium or the Speaker, whereas press conferences on committee meetings can be organised on the basis of the decision taken by the chair of the given committee. In addition, parliamentary groups might also hold press conferences with no limitation.

## **When presence of journalists is uncomfortable – recent cases of limitation of media correspondence from Central European parliaments**

Below we will look into three cases from Central European countries, which are connected to the limitation of journalists’ work in the parliament. The particularity of these cases lies in that media publicity became uncomfortable for the parliamentary majority (and its speaker of the parliament) in certain situations. Although the publicity of parliamentary sessions and the relatively free parliamentary work of journalists are applied as a principle by the constitutions, the parliamentary rules of procedures and the political culture of each country, and it has been “practiced” for over 25 years – yet the speaker of these parliaments resorted to limit this freedom. A common feature in the debates below is that legislation has a sort of “official” publicity, independent media, however, are affected by limitations.

### ***Case of Macedonia (Case of Selmani and Others v. the former Yugoslav Republic of Macedonia, 2017)***

The first case drawing Europe’s attention took place in the Macedonian parliament, and the journalists concerned took their case to the national constitutional court as well as to the European Court of Human Rights. Findings of the Court is as follows.<sup>12</sup>

The plaintive journalists were removed from the gallery of the plenary session on 24 December 2012. Before the removal, the parliament had been discussing the budget law of the following year and amid a fierce political debate representatives of the opposition occupied the pulpit of the speaker of the parliament. In the plenary session hall, a little scuffle began while in front of the parliament threatening demonstrators appeared. The

<sup>12</sup> Case of Selmani and Others v. the former Yugoslav Republic of Macedonia, Par. [5]–[15], online: [http://hudoc.echr.coe.int/eng#{"itemid":\["001-170839"\]}](http://hudoc.echr.coe.int/eng#{).



speaker of the parliament ordered to empty the hall in order to restore the parliamentary rules of procedure and also ordered to empty the gallery to guarantee the safety of the journalists. Then after some resistance, the media workers were led to a press room by the employees of the security service where they could follow the events of the hall and, after the order had been restored, the continuing plenary session on television. According to the complaint of the journalists, their safety was not jeopardised and they did not need any special protection neither against the opposition MPs in the plenary session hall nor against the demonstrators in the street. In their opinion, however, their removal took place without an acceptable legal base and justification infringing their right to follow the events at the plenary session and report them to the public. The press room and the official television broadcast could not provide all information on the events thus infringing their right to freedom of expression provided by Article 10 of the European Convention on Human Rights.<sup>13</sup> In the Macedonian law, the Constitution provides the publicity of parliamentary sessions (article 70) although the ECtHR failed to make any reference to this. The detailed rules on the press publicity of legislation are laid down in the parliamentary rules of procedures and the parliamentary act. The Court found the latter legal source a sufficient legal background with regard to judging the case including actions of the authorities.<sup>14</sup> The Court argued that it serves a legitimate interest if the speaker of the parliament exercises law enforcement and disciplinary rights to protect parliamentary procedures. In the present case, the Court considered the following two justifications both based on public interest: Is the protection of parliamentary procedures and the (public) order of the plenary session stronger or that of informing the public via the journalists' activity? The judgement of the case depended on whether the evaluation of the situation and actions of the authorities were lawful, justified and proportionate. [Par. 75–76] The Court took it as a starting point that in other cases it had stipulated that the removal of journalists from the site of demonstrations or riots required special investigation and thorough justification, therefore it would have expected strong arguments from the authorities in the present case. Namely, the debated actions of the authorities adversely affected the "watch-dog" role of press through which the press reporting on authorities' actions also performs its function to control the power. [Par. 75] In the present case the Macedonian government was not able to confirm the jeopardising nature of either the riot outside the parliament or the scuffle in the plenary session hall. Although they referred to uncertain information concerning the attack against the parliament building by the demonstrators outside, the journalists were not taken out of the building but only to a different room. [Par. 78] Although a group of the opposition disturbed the legislation procedure by appearing on the pulpit of the speaker of the parliament and throwing some objects, these events, however, happened in a physical space clearly separated from the gallery. The journalists were passive observers, nothing was found to support the fact that the throwing of objects could jeopardise their bodily

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13 Note that plaintiffs disapproved of the procedure of the national constitutional court in their case since no hearing was provided for them. The Court accepting the complaint ruled that Article 6 (1) of the Convention had been infringed.

14 Ibidem, Par. [16]–[23], [67].

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integrity. [Par. 80, 83] When emptying the gallery the employees of the security service faced some resistance because plaintiffs first refused to obey and leave the galley. This, however, was not considered serious by the Court to such an extent that would influence the judgement of the authorities' actions (anyway no procedure was started against an alleged injury of any security guard). [Par. 81] According to the Court the public must have taken special interest in the events, therefore the media broadcast of the events had particular significance. However, the removal of the journalist made them unable to perform such activities:

“the applicants’ removal entailed immediate adverse effects that instantaneously prevented them from obtaining *first-hand and direct knowledge* based on their *personal experience* of the events unfolding in the chamber, and thus the unlimited context in which the authorities were handling them (...). Those were important elements in the exercise of the applicants’ journalistic functions, which the public should not have been deprived of in the circumstances of the present case. Against this background, the Court considers that the Government failed to establish convincingly that the applicants’ removal from the gallery was necessary in a democratic society and met the requirement of »pressing social need«.” [Par. 84–85. emphasis on italics added]

### Case of Poland

As mentioned above, the parliamentary rules of procedures of the Polish Sejm guarantee that legislation is public with special respect to the presence of press. Within this framework, the Marshal (speaker) has defined the order of admission to the building of legislation as well as the rules on where MPs, visitors and the media can enter. The “ordinance on admission to the buildings administered by the Chancellery of the Sejm and admission and entry to the remaining areas administered by the Chancellery of the Sejm” has been amended on 19 May 2017. The relevant rules read as follows:

“The Information Centre of the Sejm of the Chancellery of the Sejm will familiarize journalists and persons, they deal with technical support related to professional activities by journalists, with ordinances in force in buildings.” “In justified cases, with respect to maintaining peace and order, and ensuring the security of the Sejm and the Senate, [it is possible to] refuse to issue the [entry] documents ... [This rule] ... shall apply in particular where it is found that a person, in favour of the document to be issued did not comply with the rules in the past; or disturbed the peace and order in the buildings or violated the prestige of the Sejm or Senate, good customs or grossly violated the right to privacy of others.” (§§ 19–20)

“1. Press cards allow holders to move freely around areas and buildings, excluding the Plenary Hall and the lobby of the Plenary Hall during sessions and the House of Deputies, with the exceptions stipulated in the para 3.

2. Press cards for media technical personnel allow them to move freely around areas and buildings, excluding the Plenary Hall and the lobby of the Plenary Hall during sessions and the House of Deputies, with the exceptions stipulated in the para 3.

3. Persons to whom a press card or a press card for the media technical personnel has been issued may access:

- 1) the Conference Room in the House of Deputies;
- 1a) the meeting rooms of parliamentary committees in the House of Deputies – through entry FVIII A;
- 2) other areas in the House of Deputies – after submitting their personal data to the member of the Marshal's Guard at the F1 entrance by a deputy or the senator – when accompanied by a deputy or senator; the provision of § 5 para. 4 applies accordingly....” (§ 40.)

“1. Persons who are in the gallery are obliged to use separate places for them and remain silent and serious, in particular, refrain from expressing support or disapproval of the ongoing plenary session through applause or any other form and they also have to obey the Marshal's Guard commands in the field of order and security.

2. In case of violation of the principles set out in paragraph 1. Parliament Speaker may order to leave the gallery partly or completely (...)” (§ 65.)<sup>15</sup>

The case of the limitation of journalists' work in 2016, which according to some interpretations<sup>16</sup> constituted an organic part of the Polish constitutional debate (or crisis), needs to be reconstructed by us, no court case is available.<sup>17</sup> The speaker (“Marshal”) proposed new rules on the work of media representatives in the building of legislation in the middle of December 2016. As the previous practice in use since the change of the political regime (the whole building of legislation was accessible for journalists) was found “chaotic” by the heads of the Sejm, the proposal with an official justification aimed to change this.<sup>18</sup> Accordingly, journalists' access to the building of legislation and audio-visual recordings would have been limited especially in the plenary session hall (on the public gallery):

- Each media organisation is to be allowed to accredit two representatives;
- Journalists will be allowed to report on the parliament from one location;
- Journalists will not be allowed to record plenary proceedings from the public gallery, or to record meetings of parliamentary committees;
- Journalists will be permitted to enter the parliament's public gallery only after “prior notification” to the parliament's administration;

15 ZARZĄDZENIE NR 1 MARSZAŁKA SEJMU z dnia 9 stycznia 2008 r. w sprawie wstępu do budynków pozostających w zarządzie Kancelarii Sejmu oraz wstępu i wjazdu na tereny pozostające w zarządzie Kancelarii Sejmu, online in Polish: [http://www.sejm.gov.pl/kancelaria/zarz1\\_2008.pdf](http://www.sejm.gov.pl/kancelaria/zarz1_2008.pdf).

16 See: “Open Letter to the College of Commissioners regarding the situation in Poland”, online: [http://www.aedh.eu/IMG/pdf/Joint\\_NGO\\_letter\\_to\\_the\\_European\\_Commission\\_on\\_Poland-24.02.pdf](http://www.aedh.eu/IMG/pdf/Joint_NGO_letter_to_the_European_Commission_on_Poland-24.02.pdf) and its Annex, online: [https://www.fidh.org/IMG/pdf/annex\\_to\\_joint\\_ngo\\_letter\\_to\\_the\\_european\\_commission\\_on\\_poland-16\\_feb\\_2017.pdf](https://www.fidh.org/IMG/pdf/annex_to_joint_ngo_letter_to_the_european_commission_on_poland-16_feb_2017.pdf).

17 The report and opinion of the Helsinki Foundation in Polish is online: [http://www.hfhr.pl/wp-content/uploads/2017/01/Opinia\\_HFPC\\_11012017.pdf](http://www.hfhr.pl/wp-content/uploads/2017/01/Opinia_HFPC_11012017.pdf). I am grateful for Dorota Głowacka (Coordinator of the Observatory of Media Freedom in Poland, Helsinki Foundation for Human Rights) and Łukasz Młynarkiewicz (lawyer and legal counsel) for the information provided about the issue.

18 The Polish Government's response to the concerns expressed in relation to the proposal of changes to the rules governing journalists' work in the Sejm and Senat, online: <https://rm.coe.int/16806d8de4>.

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- Journalists will be permitted to watch transmissions of proceedings in plenary session and committee meetings from the conference room<sup>19</sup> in building F (building F is removed from the main Parliament buildings).<sup>20</sup>

The announcement of the proposal triggered an intense protest of the MPs of the opposition in the plenary session hall (and also civil organisations protested in the street in front of the parliament). An opposition MP taking advantage of his speech at the budget law debate held up a 'Free media in the Sejm' sign and ignored the speaker's instructions to leave the rostrum. Then the Marshal taking disciplinary action excluded the MP from the rest of the session. A number of the opposition party 'Civic Platform' deputies then occupied the area around the podium and conducted a sit-in holding up similar signs, demanding that the excluded deputy be re-instated and blocking work on legislation. Following a recess lasting several hours, the Sejm session was re-convened in an ancillary hall outside the main chamber and deputies from 'Law and Justice', which holds the parliamentary majority, and a handful of opposition members approved the 2017 budget.<sup>21</sup> Several MPs were absent from the voting, let alone no journalists were allowed to be present – however the Marshal insisted that the public nature of debates has been guaranteed via Sejm cameras and internet broadcasting.<sup>22</sup> According to the opposition, the budget law was passed in violation of relevant rules because not even the quorum was verifiable (voting took place by holding up hands instead of using electronic voting machine), at the same time, however, the governing party persisted in the proposal for the new media rules. In the beginning of 2017, amid further national and European protests the speaker withdrew his proposal, nevertheless according to press reports, journalists were not able to enter the building of the Sejm on several occasions.<sup>23</sup>

## Case of Hungary

As we saw above, the act on the Hungarian parliament advocates the publicity of legislation in the interest of democratic public opinion at the same time ensuring the

19 A new Media Center has been set up: <http://www.sejm.gov.pl/media8.nsf/files/EPIA-AGMN5J/%24File/Informacja%20na%20temat%20zmian%20w%20organizacji%20pracy%20medi%C3%B3w%20w%20Parlamencie.pdf>.

20 Association of European Journalists – In Poland, media freedom fears persist as new plans restricting journalists' access to parliament to be unveiled in January, online: [http://www.aej.org/page.asp?p\\_id=569](http://www.aej.org/page.asp?p_id=569).

21 SZCZERBIAK, Aleks: How will Poland's parliamentary crisis develop? – The Polish Politics Blog, online: <https://polishpoliticsblog.wordpress.com/2017/01/03/how-will-polands-parliamentary-crisis-develop/>.

22 Statement by the Marshal of the Sejm of the Republic of Poland on the course of the 33<sup>rd</sup> sitting of the Sejm on 16 December 2016, online: <http://www.sejm.gov.pl/sejm8.nsf/komunikat.xsp?documentId=4F557DA5DFD-6BCA3C1258092002B3A9C>.

23 Polish protesters block parliament over press freedom – BBC News, online: <http://www.bbc.com/news/world-europe-38347674>. The statement of the Helsinki Foundation "on still unclear rules for media in Parliament" at <http://www.hfhr.pl/en/hfhr-on-still-unclear-rules-for-media-in-parliament/>. Further suspension took place between 14–21 July 2017; affecting the admission to buildings administered by the Chancellery of the Sejm, to persons whose admission and entry were granted on the basis of one-time entry cards and registered letters. This was connected to protests that occurred before parliamentary hearings on changes to the law on the National Council of the Judiciary and the Law on the system of common courts. See: <https://oko.press/kuchcinski-zamknal-sejm-obywateli-wejda-najblizsze-dla-posiedzenie/>.

speaker to set out details (on designating a working area for media employees).

The Speaker's ordinance no. 9/2013 – in the framework of the principles laid down by the Act on Parliament – limits the possibilities for private broadcasting and the working area of journalists.<sup>24</sup> Although the press has a designated gallery in the plenary room, the Speaker has prohibited the private video recordings in the plenary and on the corridor around it (Art. 8.1a of the Ordinance). Journalists can work on and broadcast from only the designated corridors and rooms of the building (see Art. 8.1d).

In 2015 and 2016 the speaker through debated measures, by the suspension of journalists and even the press accreditation of whole editorial offices, enforced his constitutional authority to “ensure undisturbed operation of the National Assembly and to preserve its dignity, the Speaker of the National Assembly shall exercise policing and disciplinary powers”. (Fundamental Law Art. 5 par. 7)<sup>25</sup> The speaker took his unique decisions driven by the conviction that media workers not only disturb the peaceful legislative function of MPs but also some interview making methods and footages recorded in the Parliament undermine the prestige and dignity of the National Assembly.<sup>26</sup> Journalists of commercial media providers and internet news sites objected to this measure of the speaker because it imposed too narrow limits on their work. The limitation of available area is – in their assessment – in contradiction with the abovementioned ruling of the Parliament Act (Art. 59.3). The accreditation withdrawal in question was based on pushing the limits of this narrow area: journalists moved beyond the designated area “chasing” brisk walking MPs through corridors not allowed for them to enter.

Journalists' access to the building of Hungarian legislation has been narrowing over the past decades.<sup>27</sup> While earlier there were not any restrictions on meeting and interviewing MPs on corridors as well as (depending on the space available) reporting on and broadcasting the plenary session of the National Assembly, likewise in Poland, and then a series of limitations appeared. The publicity of corridors narrowed (by closing down some areas), and the location/designation of the press gallery was a recurring problem. Soon the broadcast of sessions came to an end because only the right to take over the official CCTV broadcast remained. Thus the possibility of alternative broadcast of sessions by the media was over. According to journalists, the official broadcast includes some elements of the parliament's operation (speeches etc.) while other events are necessarily excluded.

24 Speaker's Ordinance no. 9/2013 on the rules of entry to and stay on the premises of the Parliament, the office block of the National Assembly and the buildings for the National Assembly Office, online: <http://www.parlament.hu/documents/10181/11066/2013r09.pdf/1940811a-f4bd-44b4-95fc-871924b07a28>; excerpts at <http://www.parlament.hu/a-sajtotudositas-rendje>; illustrated: <https://444.hu/2016/04/26/pontosan-ennyi-lehetoseg-van-politikusokat-kerdezni-hogy-kover-laszlo-ne-tiltson-ki>.

25 Online: <http://www.parlament.hu/documents/125505/138409/Fundamental+law/73811993-c377-428d-9808-ee03d6fb8178>.

26 A journalist of hvg.hu was banned from Parliament, online: [http://hvg.hu/itthon/20160426\\_Kitiltottak\\_a\\_hvg\\_hu\\_munkatarsat\\_a\\_Parlamentbol](http://hvg.hu/itthon/20160426_Kitiltottak_a_hvg_hu_munkatarsat_a_Parlamentbol), also TAMÁS, Fábíán: Fidesz: Journalists' behaviour is unworthy to citizens, online: [https://index.hu/belfold/2016/04/27/partok\\_es\\_a\\_parlamenti\\_sajtoszabadsag/](https://index.hu/belfold/2016/04/27/partok_es_a_parlamenti_sajtoszabadsag/).

27 See in the theoretical framework in: SMUK, Péter: *A politikai diskurzusok alkotmányjogi szerkezete [The structure of political discourses from the perspective of constitutional law]*, Budapest 2014, 146–147.

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Let alone the fact that the CCTV broadcast is edited, thus falling victim to the editor's subjectivity. Some events or MPs' behaviour outside the viewing angle of the official camera can be significant information for the public. The Hungarian Constitutional Court, however, ruled in its decision 20/2007. (III. 29.) AB that the narrowing regulation was constitutional. In its deliberation the Court emphasised the constitutional requirements of the control of executive power and informing the public, but due to the protection of the dignity of the operation of the parliament it found the limitation of press work necessary and proportionate along the editing principles of the CCTV system (namely that it should be balanced). The Constitutional Court drew special attention to the European overview prepared by the Council of Europe which mentions two models with respect to broadcasting legislation. In some countries, the national television broadcast is exclusive while in others all media providers are allowed to broadcast.<sup>28</sup> As to the Hungarian cases of 2015–2016, we shall be not attentive so much to the limitations of publicity of the plenary session hall but rather to the media access to the building of the Parliament dedicated for legislation, sessions, committee work and generally the activities of elected representatives and parties. The question is whether similarly to the publicity of the plenary session hall there is a strong constitutional interest in (or fundamental right to) the publicity of corridors. This question will be answered below in the light of three cases presented.

## Conclusion

The constitutional functions of journalists' presence in the parliament are listed as follows:

- *access to information of general interest* – the operation of legislative bodies and the MPs' activities are full of information of general interest. Journalists can receive first-hand information about the work and opinion of MPs. Political debates, as well as information on state organs, make voters aware of the standpoint of parties and MPs.
- *informing public opinion* – public opinion can gain some information with their own sensory organs about the work of MPs and parliaments, however parliamentary publicity would not work without journalists having professional knowledge and equipment for collecting, systematising and forwarding information. It is also true for the "official", "state" broadcast of sessions. Voters would not be informed about some legislative details without journalists questioning MPs in parliament. This possibility, providing there is critical journalism, goes beyond the Habermas-problem outlined at the beginning of this paper; here MPs cannot only be "revealers" of their party's standpoint. These two functions, as well as freedom of the press and information, are embraced by the fundamental right to freedom of expression and the constitutional value of the development of democratic public opinion.
- *control* – media presence make MPs take actions knowing that voters (possessing the most severe sanction) can track them. As to media pluralism, the competing descriptions and interpretations of reality render different media broadcasts comparable and controllable.

<sup>28</sup> Information Report on parliaments and media, CoE Parl. Assembly Doc. 7106 1403-16/6/94-1-E.

- *legitimacy* – bodies operating publicly may rest on a firm basis of democratic legitimacy. Voters are watching, which also provides continuous control and feedback, legislation and MPs' decision can be confirmed.

With respect to these functions, we can draw the following conclusions from the three parliamentary cases presented above.

*a) Publicity of the plenary session hall and possible limitations*

The operation of the parliament as a legislative body takes place at plenary and committee sessions. We can consider a constitutional right to access this information, which is a constitutional principle of the parliament's public operation, by at least accessing the official broadcast or verbatim minutes. (Naturally, access to the text of a bill or information of general interest on parliamentary administration is a related question.) Limitations are only possible in the case of constitutional or fundamental right interests of similar weight. Against these pillars of democratic legitimacy, only values of general interest (public safety, smooth running of parliamentary procedures) and fundamental rights (especially human life and dignity) can stand and be justified in a democratic state.

Nevertheless, there are special parliamentary buildings and session halls where wider presence of journalists and media would *eo ipso* disturb procedures or the prestige of the parliament, but drastic limitations on a practice in use cannot be defended (cf. Macedonian case). Even galleries of historic buildings provide sufficient room for correspondence or broadcasting made with state-of-the-art equipment (mobile phones, average cameras). Prohibition of such equipment is not too realistic and cannot be justified by constitutional requirements.

*b) Publicity of corridors and possible limitations*

In practice and physically, journalists and media providers can personally reach elected MPs, the members of legislation here (on corridors) the easiest. Limiting access to MPs entails limitations on access to information of general interest. Although the value of legitimacy of media presence is significant, not surprisingly, it is mainly uncomfortable for MPs of the governing party. Different forms of organised press publicity (press conference, press releases) provides shelter for also some MPs and moves publicity towards the old representative-symbolic communication.

On one side of the standpoints to be considered in the conflicts of constitutional values is whether the right to information includes the possible physical access to public institutions, naturally in line with security requirements. While we cannot challenge that no full access is granted to buildings of a ministry, media workers are persistent in fighting for the building of legislative. Though executive power needs a democratic legitimacy and control, constitutional procedures thereof are linked with the parliament or (in a presidential system) more acceptably, belong to organised press publicity. In this respect, the particularity of parliaments lies in the size of the buildings hosting them, which includes the abovementioned plenary session hall and its publicity; and also in the fact that officers in ministries are usually not responsible to publicity or voters, but the parliament is the workplace of elected politicians.



On the other side, we need to consider whether the presence of journalists poses a risk on the operation and dignity of legislation as a constitutional body. Journalists and media workers observing the professional rules of journalism cannot pose such risks. On the one hand, dignity, security and operation of the Parliament are provided by some basic rules (accreditation, access control system, restricted areas, and rules on behaviour). On the other hand, journalists asking questions will not really influence the operation of legislation unless they physically prevent MPs from voting, interfere with the electronic system of the building or make unbearable noise in the plenary session hall etc. Therefore, the complete ban of the media from the parliament is an extremity impossible to defend, however, the relation between the designated area for media workers and the physical access to MPs can be examined from constitutional aspects. If this area is too far away or too small (cf. the Hungarian National Assembly), it may cause an unjustified limitation on the interest in parliamentary access. In the parliament there might be “too many” journalists theoretically, which can reach a disturbing level, to this, however a limitation on the number of press accreditations by editorial offices issued (cf. Sejm) cannot be an adequate response, but the number of journalist access (determined for each editorial office or on the basis of an absolute number) may be limited.

Media workers need to accept reasonable limitations, which also come from their professional standards, similarly, MPs need to tolerate journalists’ uncomfortable questionings. Feeling indignant at journalists “hovering around” cannot be justified by the protection of the parliament’s prestige. This, however, derives not from the human dignity and placidity of MPs but from the operation of the Parliament corresponding with its constitutional function and democratic basis.

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# The legal status of minorities and universities in inter-war Czechoslovakia

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## Abstract

Minority issues are still topical and their legal solution is complicated. Minority universities, which are an uncommon phenomenon, are a specific feature of this issue. While education in minority languages at elementary and even secondary schools is common, teaching in minority languages at the highest level of education is occurs infrequently. In the overall view of historical development, it is also necessary to recognize that colleges have traditionally been conceived as transnational, and Latin has been a common language in Europe from colleges' medieval beginnings to modern times.

In the Czech lands, however, minority universities originated in principle at the end of the monarchy. At that time, however, minority universities were those with instruction predominantly in Czech (in addition to already existing German), that is, in a language prevalent in the Czech lands, but unprivileged within the framework of the monarchy. After the rise of Czechoslovakia, higher education in German remained, although Germans constituted a real minority. As a result, higher education in German was a very exceptional issue at that time.

## Keywords

legal status of minorities, minority universities, history of Czechoslovakia

## General issues of legal status of minorities

The minority question and its legal solution is a complicated problem, which requires, at least, a general outline. Minorities traditionally (especially in the first half of the 20<sup>th</sup> century) were divided into religious, racial or ethnic categories. Higher schools for a particular religious or racial group may be found, but in modern Europe it is not a common phenomenon. Thus, the question of language origin is of key importance if, as usual, minority and minority groups differ in language. The predominant language of instruction is indeed a fundamental practical element, which in the case of less widely used languages, such as Czech (except for clarity for close Slovak), Slovak (similarly to Czech) and Hungarian, which means the actual closure of such a college for the members of other nations.

In Central Europe, especially since 1848, minorities have had a major role to play and are predominantly defined through language. A key issue of national minorities is still mainly the language used by the authorities and in national education. Of the three essential elements of the minority issue, namely the official language, minority education and the possibility of minorities to take part in resolution of the questions that concern them – this classical trio is also found in the current Czech Charter of Fundamental Rights and Freedoms – two are related to language. If a language minority is sufficiently large or influential, then practice requires that this population can communicate with authorities in their own language and children can learn in that language. On the other hand, especially for financial reasons and due to the functioning of administration, one should prefer a language, and it is usually not possible for small scattered minorities to use their language. For example, the Constitution of the Czech lands, which was in effect the longest since the 1867–1918 period, introduced the official unlimited equality of nations in the state in the famous Article 19 (Ground Law No. 142/1867 of the Reich Code), but practice looked different, even in the case of the language universities with a clear preference for German.<sup>1</sup> However, individual states are completely different from the viewpoint of the concept of the legal status of minorities, and this is almost unimaginable in most basic legal areas. Perhaps four groups can be distinguished. In the first one, apart from exceptions, there is no legal regulation of minority status for two possible generic causes. Some countries – traditionally France or the US – do not recognize the existence of minorities and the citizens are equal citizens, but they must use the state language in public life. Even children in schools can usually talk only in it. Rights for minorities would be perceived as a violation of the equality of the population. The legal orders of other states essentially ignore the existence of nationalities, such as Czechoslovakia from 1945 until 1960.

The second group has a system of a declaration where the state usually proclaims the equality of nations in the constitution, but other legislation is very limited and non-systematic, such as Cisleithania according to Article 19 of Ground Law No. 142/1867 of the Reich Code, which apparently contributed to the chaos, or Switzerland, where, on the contrary, the minimum legal regulation traditionally works well. The third group has a detailed legal regulation where some provisions are in constitutional laws, others are contained in general laws, and there are also subordinate standards. This system was in interwar Czechoslovakia, and since the sixties it has been common in the Czech lands. As a fourth group it is noteworthy that there are many autonomous or federative formations where nationalities can take part in the making of the legal regulation.<sup>2</sup>

1 PETRÁŠ, René: Národní otázka v českých zemích na sklonku monarchie [The national question in the Czech lands at the end of the monarchy], in: *Vývoj české ústavnosti v letech 1618–1918 [The development of Czech constitutionality in years 1618–1918]*, MALÝ, Karel – SOUKUP, Ladislav (eds.), Prague 2006, 694–740; PETRÁŠ, René: Problémy právního postavení menšin [Problems of legal status of minorities], in: *Aktuální problémy právního postavení menšin v České republice [Current problems of the legal status of minorities in the Czech Republic]*, PETRÁŠ, René (ed.), Prague 2010, 35.

2 See f.e. PETRÁŠ, *Problémy...*, 37–38.

## The legal regulation of education at the end of the monarchy and in interwar Czechoslovakia

Another important element to be outlined is the overall legal regulation of education, including linguistic aspects, at the end of the monarchy, which was largely taken over by inter-war Czechoslovakia. The legal regulation of education at the end of the monarchy and beyond in the republic did not, however, make a major difference to the position of the dominant nation and other linguistic groups. The relatively large adjustments to the education system therefore included only some regulations dealing with the existence of different nations in the state.

School tuition – the language problem in schools – was in Cisleithania<sup>3</sup> generally regulated by Article 19 (3) of Act No. 142/1867 R. G. Bl. (Reichsgesetzblatt), further by Act No. 62/1869 R. G. Bl., concerning schools of general, burgess and pedagogical education. There was no law on classical grammar schools and universities, and the matter fell under Reich law. However, real grammar schools were regulated by provincial legislation. The division of legislative competences in the field of education was therefore nothing simple. The legislation left the setting up of schools and the use of languages in them, largely to the discretion of the competent authorities. In general, during monarchy in the Czech lands were quite decent in terms of education, but negative elements were also found, including non-German universities whose creation was extremely politicized. In Hungary before 1918, Hungarian had a completely dominant position in education, and there was essentially Hungarianization, which was also supported by administrative practice.<sup>4</sup>

The new Czechoslovakia generally assumed the entire legal system from the era of monarchy, but regarding the minority issue, a completely different arrangement was quickly created. In the general regulation of education in the years 1919–1920 a number of legal acts were issued that newly regulated this area, while minority education was in the centre of interest. Legal regulation of minority issue in education was absurdly fragmented.<sup>5</sup> There were even international obligations, contained in particular in Articles 8 and 9 of the so-called Small Agreements of St. Germain of 10 September 1919, which were incorporated into the constitutional charter (sec. 130 and sec. 131) and the (constitutional) language law (sec. 5) of 29 February 1920. According to sec. 130, citizens (within the limits of general laws) could set up, manage and administrate schools and other educational institutions, freely use their language and practice their religion. Paragraph 131 of the Constitution guaranteed that the children of citizens of a language other than the state in areas where they had a significant share of the population would obtain public teaching in their own language.

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3 See especially BURGER, Hannelore: *Sprachenrecht und Sprachgerechtigkeit im österreichischen Unterrichtswesen 1867–1918*, Wien 1995.

4 In detail see PETRÁŠ, René: *Menšiny v meziválečném Československu [Minorities in inter-war Czechoslovakia]*, Prague 2009, 323–324.

5 See f.e. SOBOTA, Emil: *Národnostní právo československé [National Law of Czechoslovakia]*, Brno 1927, 44–47; PEŠKA, Zdeněk: *Československá ústava a zákony s ní souviselé II [The Czechoslovak Constitution and Related Laws II]*, Prague 1935, 1722–1740.

The language law in sec. 5 followed up on sec. 131 of the constitutional charter, referring to the international treaty: "Teaching in all schools for members of national minorities takes place in their language, as well as the cultural institutions established for them, are managed with this language (Article 9 of the Treaty St. Germain)."

The entitlement of children of citizens of a language other than Czechoslovak to learn in their own language was granted within the limits of general laws, i.e. the general legal regulation of teaching, because there were usually no special legal regulations. This general arrangement was mainly constituted by Act No. 62/1869 of R. G. Bl. on the establishment of schools of general, burgess and pedagogical education. After the establishment of the republic, the law was supplemented by the law of 3 April 1919 (No. 189), on schools of national and private institutes of teaching and education, which was the basic legal norm for the organization of so-called minority education. But a national minority in this law was understood to be a minority in a particular municipality and not in the whole of the republic, as would correspond to the constitutional charter and other laws. A minority for the purposes of this Act also included members of the state nation if they were a minority in the district of the school and in practice, according to this law, strong state support was created mainly for children of Czech state employees in purely German areas. The inter-war minority education in Czechoslovakia had, despite its overall quality, a number of peculiar and absurd elements.<sup>6</sup> A major problem was the considerable reduction of autonomous elements in education compared to the monarchy.<sup>7</sup>

The language question in schools was also governed by many other regulations. These included, for example, laws and regulations established by universities, vocational schools or other types of educational institutions, where a language of instruction was also designated, e.g. Act No. 50/1919 Sb. on the establishment of the second Czech university in Brno, Act No. 197/1919 Sb. on the establishment of Hus's Evangelical Faculty of Theology, Act No. 375/1919 Sb. on the establishment of the Czechoslovak State University in Bratislava. It also included provisions on the language of examinations at universities (e.g. Government Decree No. 122/1919 Sb., No. 353/1919 Sb., No. 214/1921 Sb.), as well as provisions on the knowledge of the language of the school in the examination of teaching capacity for schools of general and bourgeois education in Slovakia (Act No. 276/1920 Sb.). The minority question was also related to regulations covering what is to be taught in schools as a foreign language: especially Act No. 73/1922 Sb., which regulates teaching in modern languages, Act No. 137/1923 Sb., on the teaching of the language of the state and of the language of national minorities at secondary schools and educational institutes.<sup>8</sup>

6 KURAL, Václav: *Konflikt místo společenství? [Conflict Instead of Community?]*, Prague 1993, 96–101.

7 In detail see PETRÁŠ, *Menšiny...*, 324–327; HORÁČEK, Cyril: *Jazykové právo československé republiky [Language Law of the Czechoslovak Republic]*, Prague 1928, 106–107; TRAPL, Miloš: *České menšinové školství v letech 1918–1938 [Czech minority education in years 1918–1938]*, in: *České národní aktivity v pohraničních oblastech první Československé republiky [Czech National Activities in the Borderlands of the First Czechoslovak Republic]*, Olomouc – Opava 2003, 109–117.

8 See PETRÁŠ, *Menšiny...*, 327–328.

## Specifics of higher education institutions and minorities in interwar Czechoslovakia

In studying the issue of minority higher education institutions, it is necessary to constantly be aware of the significant specifics of this level of education, in terms of the system of higher education. Since the 19<sup>th</sup> century, Charles University was not the only university, as it had been in the Middle Ages, yet its share in the number of students was absolutely crucial. The number of colleges was small in today's view, but this was true not only at the end of the monarchy and in the inter-war period, but to a large extent also in the communist regime, despite a significant increase in the number of students. The substantial increase in the number of universities – along with a further rapid increase in the number of students – was brought about in the 1990s. In college education, therefore, there existed a relatively small number of independent schools until recently.

Legislation and practice, therefore, in terms of the minimum number of higher education institutions, operated in many different ways than in numerous secondary or even elementary schools. It did not have to be about making any general adjustments applicable to a large number of diverse cases, as is commonplace, but laws regulating ad hoc specific questions. The famous law of 19 February 1920 No. 135/1920 Sb., to the regulation of Prague universities – often referred to as Lex Mareš – only governing the relations between the Czech and German section of Charles University in Prague, did not mean absurdly detailed legal regulation. Due to the extraordinary share of Prague's university in the number of students, it provided a substantial part of higher education. The national problem has been extremely sensitive since the end of the monarchy, especially since the 1880s, so this absurd prescription has certain logic.

The low number of universities further deepens the practical differences between minorities depending on their abilities, concentration and political influence. Current approaches to the protection of minorities prevailing since World War II and developed at the end of the 20<sup>th</sup> century emphasize individual rights. This also leads to overlooking the very varied number of minority groups, as seen in the work of a key international organization on minorities, which is the Council of Europe. It usually rejects the differences between large and small groups, even miniaturized, or minority differences that are officially recognized or recognized in some form. However, real life enforces such differences, as is often the case with language-related questions, that is, the possibility of using their own language before the authorities or in minority education. Ensuring such rights to the smallest groups would be challenging, sometimes without considerable expense almost impossible.

Minority colleges are even more extreme – perhaps even the most striking. With the small number of universities that existed in Czechoslovakia until the 1990s, it was only realistic to think about the most numerous minorities. Small groups such as Croats from South Moravia or Bulgarians are therefore completely out of this perspective, and even more numerous minorities, such as the Poles in region Těšínsko, have only a minimal chance to be considered. It was practically possible to discuss mainly in the case of the Germans, perhaps the Hungarians, or the Ruthenians as well with respect to their assumed autonomy (internationally and constitutionally guaranteed but not implemented). We cannot overlook

the position of the officially second state-forming nation, the Slovaks, whose position was not so remote from that of minorities. The statistics are therefore key: according to the census in 1921, there were 6.8 million Czechs, less than two million Slovaks but 3.2 million Germans, who were much more than all other members of minorities together.

There may be a question of why not to address the minority problem by any compromise. Such may be special faculties, or at least minority departments, or a more tolerable solution to language use. For example, in Finland, universities were bilingual and teachers had to master both Finnish and Swedish. Such approaches, by the way, are relatively unrelated to the courageous attitude of inter-war Czechoslovakia, chanting its unique minority colleges. In the widespread Central European conditions the idea of bilingualism was irritating – even more significant to the minority Germans. The real functioning of universities with minority faculties or even only departments would probably be rather problematic. In the official rejection of the second culture (Czech or German), as was common in Prague at the end of the monarchy, for example, when people would visit the second language theater on the sly, co-operation could hardly work. It is certainly not to be overlooked that fighting nationalism was common among students and many incidents occurred among them. Multi-national colleges would in practice be a risk, in other words, the seed of constant incidents that would disturb the public and could complicate the international status of the state, as shown, in particular, by the so-called insigniada in 1934.

The Germans in Czechoslovakia as the only minority had their own colleges as well, namely the Prague University and the Prague and Brno technological universities, with the number of their students higher than that corresponding to the German share of the population.<sup>9</sup> Minority higher education in Europe was unique, which is often reminded by the supporters of the first Czechoslovakia. On the other hand, however, these schools had existed since the time of the monarchy, so it was rather about whether the new republic would decide – or could even say dare – to abolish or at least significantly reduce them. In view of the extraordinary number of minorities and the power of the mother states, it would be a risky move.

This strenuous move, however, was made by the new state – despite the original promises of, for example, President Masaryk to Hungarian universities in Slovakia, where in Prešov theology was taught, mining in Banská Bystrica and law in Košice until the end of Old Hungary (law university was also prepared in Prešpurk – since 1919 called Bratislava). In Slovakia, Comenius University in Bratislava was newly founded as a Czechoslovak university with Czech and Slovak teaching, but the importance of Czech teachers was dominant.

## **Legal regulation of minority issues at higher education institutions in inter-war Czechoslovakia**

Regarding the interpretation of minority education and its legislation at the end of the monarchy and in inter-war Czechoslovakia, its relatively fragmented solution has already been explained. School legislation was contained in a number of legal regulations and the minority aspects, mainly the language of instruction, were to be found in individual provisions.

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<sup>9</sup> KURAL, 99.



A similar fragmentation related to the actual regulations of higher education institutions, which were contained in dozens of very diverse legal regulations. Most of them were adopted from the monarchy, with the main ones being Act No. 63/1873, on the organization of university offices, Act No. 68/1893, on legal and state studies and state examinations, and decree No. 370/1850 Sb., which promulgates general regulations on faculty studies at universities. These unclear regulations usually survived until the completely new concept brought about by Act No. 58/1950 Sb., on higher education institutions.<sup>10</sup>

An important element was the principle responding to the above-mentioned discontinuity and thus the uniqueness of universities, which stipulated that significant changes at universities (not just their establishment) had to be regulated by law. This was contained in Act No. 28/1922 Sb., on the establishment and provision of higher education institutions, which stipulated in sec. 1 "Establishing state schools or new faculties and departments at state universities; divide their faculties or their departments or close them; determine or change the seat of state or departmental colleges; to confer rights that belong to state universities, also in case of non-state universities it is only possible on the basis of a special law and within its limits." The Act contained only this provision, because sec. 2 in several words concerned the validity, efficiency and implementation. Such miniature legislation was quite common in the education system at that time.

The key standards for universities included the establishment of the second Czech university in Brno, which was promised by Vienna already during the monarchy, but was implemented in the republic at its very beginning on 28 January 1919 (Act No. 50/1919 Sb., on establishment of second Czech university). In June 1919, the creation of a university for Slovakia (Act No. 375/1919 Sb., on the establishment of the Czechoslovak State University in Bratislava) was approved.<sup>11</sup> In fact, the content of the law was only sec. 1 "In Bratislava, in place of the former Hungarian university shall be established Czechoslovakian state university with these four faculties: legal, medical, scientific and philosophical. The lectures are either in Czech or Slovak language." The establishment of universities in Brno and Bratislava does not seem to be a minority issue, but there was a clear preference of the state nation. In Bratislava, it was a direct replacement for the Hungarian university.

Minority issues of course include, in particular, provisions on the language of examinations at universities (e.g. Government Decree No. 122/1919 Sb., No. 353/1919 Sb., No. 214/1921 Sb.). Only a relatively small response among members of minorities in its approval was created by Act No. 79/1919 Sb. (on the service of teachers of higher education, dated 13 February 1919), although with its 23 paragraphs was one of the most extensive regulations on the matter.<sup>12</sup> The worst political consequences followed from the famous law of 19 February 1920 No. 135/1920 Sb. of the University of Prague – often referred to as *Lex Mareš*, as will be explained below.

10 In detail see BUŠEK, Vratislav – KOBOSIL, Emanuel: Vysoké školy [Universities], in: *Slovník veřejného práva československého* [Dictionary of Czechoslovak public law], Brno 1948, 449–468.

11 *Dějiny Univerzity Karlovy IV, 1918–1990* [The History of Charles University IV, 1918–1990], Prague 1998, 23.

12 Ibidem, 24.

## Development of Minority Issues at higher education institutions in inter-war Czechoslovakia

Naturally, the situation at the minority universities, which were exclusively German, was crucial, with the dominant role played by the German university in Prague. Compared to the Czech university, however, the number of students was only half. An interesting issue was the share of various branches – law was formerly the most common field of study, yet medicine prevailed after 1918, which was undoubtedly influenced by the smaller chances of German lawyers to work in the state administration.<sup>13</sup>

The most important events of the Prague German University during the inter-war era were anti-Semitic outbursts. Traditionally, at the German University, the proportion of Jews among students was very high, a quarter to a third, but with the incarceration – even in the democratic republic – the share declined rapidly in 1937 by a tenth. Great rebellion occurred in 1922 against the new Rector Samuel Steiner, who assumed office on the principle of rotation of functions and seniority. According to the Austrian tradition, as a Jew he had to resign immediately, but he did not. It sparked a wild strike by German students who even had support from abroad and from German municipalities in the border regions. Similar movements against Jewish academics occurred in 1923. Sometimes anti-Jewish outrages were in agreement with Czech nationalists, like in November 1929, when students demonstrated for introducing of so-called *numerus clausus*<sup>14</sup> inhibiting the Jews.<sup>15</sup>

University teachers also played an important part in the policy of the German minority. In the 1930s, Professor of Legal History, Mariano San Nicolo (Rector 1933–1934), was a key supporter of nationalism and anti-Semitism. He was even offered leadership of the key organization Heimatsfront (which would later become the strongest party of the SdP), which he refused and recommended Konrad Henlein instead. On the other hand, the professors of the German University were also supporters of pro-republican activism, like Robert Mayr-Harting and Franz Spin, who even became ministers in the Czechoslovak government.<sup>16</sup>

One of the most extensive minority conflicts in interwar Czechoslovakia, in which the Czech and German nationalists were depicted as shameful, was the so-called *insigniada* which at the end of November 1934 grew into a major riot. It was rather a formal dispute over whether the successor to the traditional Charles University was a Czech or German university in Prague. By Act No. 135/1920 Sb. (the so-called *Lex Mareš*), the Czech University was declared by the nationalist Professor Mareš as the exclusive and rightful heir of Charles University. Due to this fact, the German university was obliged to hand over the traditional signs – so-called *insignia*. However they were not handed over to the Czechs,

<sup>13</sup> Ibidem, 184.

<sup>14</sup> Comparison in Europe see Alma Mater Antisemitica, Wien 2016.

<sup>15</sup> WOLMAR, Wolfgang Wolfram von: *Prag und das Reich*, Dresden 1943, 487–495; *Dějiny Univerzity Karlovy...*, 185.

<sup>16</sup> *Dějiny Univerzity Karlovy...*, 185–186.

and discussions continued as to whether the German university is a successor of Charles, the prestigious oldest university in Central Europe.<sup>17</sup>

In 1933 Professor Domin took over the office of the Rector of Charles University and started making steps to obtain the insignia. He first enforced the registration of Karolina, where they were deposited, as the property of the Czech University in land registers. This development caused a number of increasingly sharp conflicts, supported by the press, which did not cease even after the new Rector joined. On 20 November 1934, the Minister of Education, the famous lawyer prof. Jan Krčmář decided on the implementation of sec. 5 of Act No. 135/1920 Sb. The German Rector's Office refused to issue the insignia and German students, who were predominantly nationalistic or Nazi oriented, occupied Karolinum to prevent the transfer, leading to a clash with Czech students. As a result, there were extensive riots and nationalist battles that were attended more by mobs than students and led to 180 people being injured. The insignia was eventually handed over amidst great celebrations, even though they used only copies in academic practice, and that's so until today because the originals got lost during the war.<sup>18</sup>

In 1937, the Republic sought to amend Act No. 79/1919 Sb. on the service of teachers of higher education. This triggered a furious resistance of the German nationalists, who referred to the plans – there were three suggestions – as attempts to restrict the self-government of universities.<sup>19</sup> There were also strongly nationalistic or Nazi publications highlighting the importance of universities, especially Prague, for the German nation.<sup>20</sup> However, the amendment to the law was not enforced in inter-war Czechoslovakia.

With the end of the first Czechoslovak Republic, the tragic end of the minority universities in the Czech lands, especially the existence of the Czech and German universities in Prague, came about. During the Nazi occupation in November 1939 Czech universities were closed, and after the war the dissolution of German schools, including high schools, was enforced.

## Conclusion

Minority and national issues are still very sensitive to this day and, in particular, in the first half of the twentieth century, they were among the key elements of politics. Their objective assessment, and understanding of the time period, is complicated by their diversity – they are mainly involved in international, constitutional, and administrative law. A particularly specific but significant problem is the position of minorities in universities and their efforts

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17 KÁRNÍK, Zdeněk: *České země v éře První republiky (II.)* [Czech lands in the era of the First Republic (II.)], Prague 2002, 269–280; in detail see PETRÁŠ, *Menšiny...*, 228.

18 In detail see PETRÁŠ, *Menšiny...*, 228–229; KURAL, 134–135. WOLMAR, 555–567; *Dějiny Univerzity Karlovy...*, 23.

19 WOLMAR, 572–574 – this extensive 611-page publication brings detailed factography, but is sadly renowned for its Nazi conception.

20 *Rechtskampf der Sudetendeutschen Hochschulen*, Brünn – Wien – Leipzig (1937). This publication goes back to ancient history – for example, an interpretation by Josef Pfitzner (55–67).

to create specific institutions. A remarkable example is inter-war Czechoslovakia, where a unique system of minority colleges operated. However, this situation cannot be idealized, as it was more about the survival of the German (as opposed to the Hungarian) universities of the monarchy.

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# University education and national minorities in South Tyrol

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## Abstract

For a long time, university education for national minorities has been a blind spot in minority research. The situation of university education in South Tyrol seems to be an exception, because in South Tyrol the question of higher education, for many years, has been the subject of intensive political and academic discussion. This discussion may be seen as paradigmatic since it includes both the concept of ethnic segregation and the concept of universality. In this paper, we focus on the legal basis and the praxis of university education in South Tyrol which is a compromise between ethnic segregation and multicultural universality. In recent years, the Free University of Bozen has become a symbol for overcoming segregation and it opened a new perspective to the members of the two major language groups in South Tyrol.

## Keywords

autonomy, education, Italy, South Tyrol, university

## Introduction

For a long time, university education for national minorities has been a blind spot in minority research. In 2012, Xabier Arzoz, professor of constitutional and administrative law at the University of Bilbao,<sup>1</sup> wrote that no problem of language policy was paid as little attention to as the issue of university education for national minorities. According to Arzoz, there was no single monograph that systematically investigated the importance of university education in minority languages for the reproduction of linguistic minorities. Even in countries that were officially bilingual or multilingual, there was a lack of systematic studies on bilingual university education.<sup>2</sup>

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1 Universidad del País Vasco / Euskal Herriko Unibertsitatea.

2 ARZOZ, Xabier: Legal education in bilingual contexts: a conceptual, historical and comparative introduction, in: *Bilingual higher education in legal context: Group Rights, State Policies and Globalisation*, ARZOZ, Xabier (ed.), Leiden 2012, 3–34.

The situation of university education in South Tyrol, i.e. a political entity claiming equal use of Italian and German language in different fields of social life,<sup>3</sup> seems to be an exception. In South Tyrol, the question of higher education, for many years, has been the subject of intensive political and academic discussion. This discussion may be seen as paradigmatic since it includes both the concept of ethnic segregation and the concept of universality. The German-speaking minority traditionally understands ethnic segregation as a means of preserving a distinct minority identity. The concept of university, on the other hand, refers to an open and multicultural institution.

In this paper, we want to briefly outline the legal basis and the current form of university education in South Tyrol, taking into account the specific characteristics of higher education in the wider context of South Tyrol's minority education system. The aim of the paper is to present and evaluate the South Tyrolean compromise between ethnic segregation and multicultural universality.

## The historical heritage of language policy in South Tyrol

In South Tyrol, the system of primary and secondary education is based on the concept of ethnic and linguistic segregation. The current state reflects the negative historical experience of the German-speaking minority with the policy of assimilation and Italianization that the fascist government of Italy carried out in the interwar period.<sup>4</sup> Fascist measures directed against the use of the German language before the state authorities and against education in German language have left lasting traces in the collective memory of the German-speaking minority.<sup>5</sup> After the Paris Agreement of 5 September 1946 had established some principles of territorial autonomy for the provinces of Bozen (South Tyrol) and Trento (Trentino), the political representation of the German national minority focused on preventing the influence of Italian culture on the education of German-speaking pupils and against any mixing of the German language with other languages within the education system.<sup>6</sup>

Article 19 of the 1972 Statute of Autonomy<sup>7</sup> presupposes systematic segregation according to membership in a particular language group. The administration of Italian schools in South Tyrol is in the hands of an official appointed by the Italian Ministry of Education

3 Cf. Article 1 (b) of the Agreement between the Italian and Austrian Governments of 5 September 1946. As the Agreement was signed by the then Italian Foreign Minister Alcide de Gasperi and Austrian Foreign Minister Karel Gruber, it is sometimes referred to in professional literature as the Gruber-De Gasperi Agreement. Also the term "Paris Agreement" is used because it was signed at the Paris Conference. The autonomy provided under the Agreement has been implemented on the basis of the Statute of Autonomy of 1972.

4 On the consequences of Italian fascism on the situation in South Tyrol, see GRUBER, Alfons: *Südtirol unter dem Faschismus*, Bozen 1978.

5 On some effects of Italianization, see SCHEU, Harald Christian: Úprava dvojjazyčných topografických označení v Jižním Tyrolsku, in: *Acta Universitatis Carolinae Iuridica*, 2015, 4, 125–134.

6 BAUR, Siegfried: Schulpolitik in Südtirol, in: *Die Verfassung der Südtiroler Autonomie: die Sonderrechtsordnung der Autonomen Provinz Bozen/Südtirol*, MARKO, Joseph et al. (eds.), Baden-Baden 2005, 351–366.

7 See the Decree of the President of the Republic No. 670 of 31 August 1972, No. 670 authorising of the standardised text of constitutional laws concerning the special arrangements for Trentino-Alto Adige.



after hearing the South Tyrolean provincial government. An official appointed by the South Tyrolean provincial government after hearing the Italian Ministry of Education is responsible for the administration of German schools.<sup>8</sup> As a result of this dichotomy, there have been set up German schools in which all teaching takes place in German language and Italian schools where all classes are held in Italian language. Teaching is provided by teachers for whom the language is a native language. The teaching of the second language, i.e. the teaching of Italian language at German schools and of German language at Italian schools, is compulsory, but as part of a special subject. In practice that means that Italian pupils study German as a foreign language, similarly as German pupils study Italian language.<sup>9</sup> The basic philosophy of ethnic segregation has been probably best expressed by Anton Zelger<sup>10</sup> when he said: "The better we separate from each other, the better we understand each other".<sup>11</sup> Therefore even today, the German-speaking minority considers any attempt to soften the rigid language segregation as very problematic. At present, the struggle of the German-speaking minority for cultural identity is directed against the concept of so-called immersion that came from Canada to Europe and is practiced in a number of schools, for example, in Finland and Germany. The characteristic feature of immersion is the use of the second language in different learning situations.<sup>12</sup> Such departure from the segregation model is perceived as a potential threat to the cultural and ethnic identity of South Tyrol.<sup>13</sup> The model of ethnically segregated education is certainly not in line with the knowledge and methods of modern science. The great intercultural potential of South Tyrol is far from being exhausted under the current education system. However, in recent years, various innovative projects have been introduced in order to improve the knowledge of the second language at South Tyrolean schools. Law No. 5 of 16 July 2008 provides schools with some space for applying their own methodologies of language education, which must, however, be compatible with the above-mentioned provision of Article 19 of the Statute of Autonomy.<sup>14</sup>

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8 See Article 10 para. 4 and 5 of the Statute of Autonomy.

9 On the complex question of who belongs to the German or Italian language group in South Tyrol, see SCHEU, Harald Christian: Používání menšinových jazyků ve styku se správními orgány a soudy v Jižním Tyrolsku, in: *Acta Universitatis Carolinae Iuridica*, 2015, 4, 87–97.

10 Between 1969 and 1989, Anton Zelger held the post of minister (Landesrat) for German-language education and culture in the provincial government. In line with the logic of the system another member of the provincial government is responsible for Italian language education and culture. In the current provincial government, Christian Tommasini for the Italian language group and Philipp Achammer for the German language group hold those positions.

11 "Je besser wir trennen, desto besser verstehen wir uns". Quoted from WOELK, Jens: Forschung und Lehre in Südtirol, in: *Die Verfassung der Südtiroler Autonomie: die Sonderrechtsordnung der Autonomen Provinz Bozen/ Südtirol*, MARKO, Joseph et al. (eds.), Baden-Baden 2005, 435–448.

12 On the concept of immersion, see ANDRÁŠOVÁ, Hana: *Mnohojazyčnost v podmínkách českého školství se zřetelem na výuku němčiny a angličtiny*, Brno 2012, 17–19.

13 STEININGER, Rolf: *Südtirol im 20. Jahrhundert: vom Leben und Überleben einer Minderheit*, Innsbruck 2004.

14 See MERANER, Rudolf: Südtirol – Paradies zum Sprachenlernen?, in: *Erziehung und Unterricht*, 2011, 1–2, 162–171.

## The situation of university education for South Tyrol

Given that the concept of ethnic segregation penetrates the whole school system in South Tyrol, it was difficult to get support for the idea of a university in the capital of Bozen. However, we shall not overlook other relevant factors. South Tyrol is a predominantly mountainous and agrarian region, where only 5 % of the population has a university diploma. The towns of South Tyrol, which until 1919 were part of the united Tyrol, did not constitute centers of regional administration or education during the period of the monarchy. By the time of the annexation of the area by Italy, the southern part of Tyrol perceived Innsbruck as the natural capital and its university as the center of higher education.<sup>15</sup>

Still in the first half of the 1990s, higher education for South Tyrolean students was provided exclusively outside the Autonomous Province of Bozen. In 1993/94, a total of 10,524 South Tyrolean students were enrolled, of which 5,430 at Italian universities and 5,094 at foreign universities. The University of Trento (2,060 enrolled students) was dominant among Italian universities, the University of Innsbruck (3,544 registered students from South Tyrol) among foreign universities.<sup>16</sup> According to Jens Woelk, who has been working for many years at the European College in Bozen and has been teaching at the University of Trento since 2010, the University of Innsbruck is still perceived as the true Tyrolean university ("Landesuniversität") for the German-speaking population of South Tyrol. The University of Trento, founded in 1962, is a relatively young university, but has the reputation of being one of the best universities in Italy.<sup>17</sup>

### **The development after the Second World War**

The above-mentioned statistics reflect the traditional rivalry of Italy and Austria for the influence on South Tyrolean students' higher education. From the Austrian perspective, university education is an area in which the kin-state<sup>18</sup> can very actively support a related minority abroad. Studies at Austrian universities provided South Tyrolean students a high-quality education. On the other hand, however, the support of the kin-state has delayed South Tyrolean efforts to establish its own university education within the autonomous province of Bozen.

Even after the end of the fascist regime in Italy, the political situation was not much in favor of the establishment of a South Tyrolean university. Under Article 3 (b) of the Paris Agreement of 1946, the Italian Government undertook to conclude a bilateral agreement on the mutual recognition of university diplomas. The implementation of this commitment,

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15 WOELK, 436.

16 Ibidem, 437–438.

17 Ibidem, 438.

18 On the role of the kin-state in the field of national minority protection, see SCHEU, Harald Christian: Postavení „mateřské země“ a příbuzné menšiny z hlediska mezinárodní ochrany lidských práv, in: *Acta Universitatis Carolinae Iuridica*, 2015, 4, 169–182.

however, encountered major obstacles. Only in 1950, a regulation for the recognition of foreign university diplomas was adopted, but only for the benefit of those South Tyroleans who had opted for Germany during the fascist period and returned to their homes after the Second World War.<sup>19</sup> Italy recognized diplomas in the fields of medicine, technology and science. With regard to other disciplines, the Italian regulation foresaw a complicated, lengthy and costly validation procedure which was carried out by Italian universities outside of South Tyrol.<sup>20</sup>

The establishment of a summer school in Brixen, which starting in 1952 was operated by the University of Padua, caused quite a stir. The summer courses were mainly attended by students from other parts of Italy. While the leadership of the University of Padua conceived the Brixen summer school as a sign of the intellectual dominance of Italian culture, the South Tyrolean political elite spoke of a new way of colonization. German-speaking politicians therefore demonstratively boycotted all representative events related to the summer school.<sup>21</sup>

South Tyrol's political leadership with the support of Austria further negotiated with the Italian government on the recognition of Austrian university diplomas. In 1956, mutual recognition of diplomas was extended to the fields of philosophy, psychology, history and philology. However, in particular, the education of secondary school teachers remained problematic. When the South Tyrolean parliament ("Landtag") decided to grant special scholarships for South Tyrolean students studying in German-speaking countries, this act was vetoed by the Italian government. The recognition of Austrian diplomas was met with little enthusiasm on the part of Italian universities. In 1956, the Rector of University of Milan, Giuseppe De Francesco, said during a debate in the Italian Parliament that it was possible to recognize diplomas issued by the University of Vienna but that diplomas obtained at the University of Innsbruck could hardly be seen as equivalent to those of Italian universities.<sup>22</sup>

In this situation, it was the neo-fascist party which began to think about the founding of a university for South Tyrol. According to the neo-fascists, such regional university would outweigh the great influence of the University of Innsbruck, which by some Italian politicians was called the center of Tyrolian irredentism.<sup>23</sup> It is not surprising that, under such circumstances, representatives of the German language group were clearly opposed

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19 According to the Italian-German agreement on the resettlement of the South Tyrolean population, which was concluded in June 1939, persons opting for German citizenship had to move to Germany. Members of the German-speaking minority who decided to stay in South Tyrol were no longer entitled to preserve their own culture and their own language. The inhabitants of South Tyrol had to decide on their option by 31 December 1939. During this period, according to official statistics, over 166,000 members of the German-speaking minority chose German citizenship, 63,000 members decided to remain in South Tyrol.

20 PETERLINI, Hans Karl: Das trojanische Pferd. Wurzeln der Universitätsfeindlichkeit in Südtirol, in: *Universitas est. Essays und Dokumente zur Bildungsgeschichte in Tirol/Südtirol*, PETERLINI, Hans Karl – OBERMAIR, Hannes (eds.), Bozen 2008, 162–188.

21 Ibidem, 173.

22 Ibidem, 179.

23 Ibidem, 179–181.

to the idea of a South Tyrolean university, since they assumed that the planned university would be conceived as a branch of an Italian university and would primarily serve the interests of the Italian language group. In 1972, the political leadership of South Tyrol made a clear decision that there should be no university in South Tyrol. The project of a university was referred to as a Trojan horse and as a bridgehead for Italianization. German-speaking politicians were afraid of the arrival of a large number of students from other Italian provinces to Bozen.<sup>24</sup>

### ***The establishment of the Free University of Bozen***

After a very dramatic development in the 1960s, the situation in South Tyrol was gradually stabilized on the basis of the new statute of autonomy adopted in 1972. The new statute was followed by dozens of legislative measures which were conceived with a view to ensuring bilingualism in various areas of public life.<sup>25</sup> The Decree of the President of the Republic No. 574 of 1988 was one of the central implementing regulations as it provided for the equality of German and Italian language in all areas of public administration (except the military) and the judiciary. Due to the composition of the population,<sup>26</sup> German language again became the dominant language for South Tyrol. The successful implementation of the Statute of Autonomy was also reflected in the bilateral relations between Italy and Austria when, in 1992, Austria officially notified the Italian government that it considered the dispute over the implementation of the 1946 Paris Agreement to be terminated.

The change in the political situation may be seen as one of the impetus for the resumption of the debate on university education in South Tyrol. Besides that, new approaches towards the organization of higher education after 1990 played an important role. In many European countries, universities were granted a greater degree of autonomy, and the organization of the study programs was decentralized.<sup>27</sup> In Italy, in particular, the parliament adopted Act No. 341/1990, according to which teachers in nursery schools and elementary schools needed to have a university degree (so-called *legge Ruberti*). Like other Italian regions, South Tyrol had to deal with this requirement.<sup>28</sup>

So, it became clear that the new concept of university education called for a certain change of attitude. However, due to the continuing resistance against the founding of a South Tyrolean university, a compromise was reached in 1992. Relevant actors agreed to set up the so-called European Academy, which was conceived as an academic research institute

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24 WOELK, 439.

25 BAUR, 358.

26 According to the 2011 census, members of the German language group made up almost 70 % of the population, the Italian language group over 25 %. The Ladin language group constituted 4.5 % of the South Tyrolean population.

27 See e.g. the Austrian University Organisation Act (*Universitätsorganisationsgesetz*) of 1993.

28 EBERHÖFER, Andrea: *Die Entwicklung der in Südtirol eingesetzten Schulbücher von 1919 bis in die 1960er Jahre: inhaltliche Transformationsprozesse in den Fibeln*, Augsburg 2009, 65.

based in Bozen.<sup>29</sup> Formally, the Academy was a privately owned non-profit organization, but the Autonomous Province of Bozen became its majority owner.<sup>30</sup>

Under Article 3 para. 4 of its founding statute, the European Academy shall focus on research in four major areas: firstly the Alpine environment, secondly health, thirdly technology, and, fourthly languages, minorities and autonomy. According to Article 4 of the statute, the European Academy shall take into account the needs of linguistic minorities in South Tyrol so that the three language groups (Italian, German and Ladin) will be adequately represented in the bodies of the Academy.<sup>31</sup> In practice, research conducted by the European Academy is based on interdisciplinarity and multilingualism, and communication in the Academy takes place without translation.

Not only has the European Academy removed psychological barriers on the part of German-speaking politicians, but even more, the Academy set up a working group which actively promoted the idea of a university. A final study presented by the Academy's working group in 1994 became an important impetus. Already in January 1995, the Land Government decided to draw up a university project for South Tyrol, which was completed in December 1995 and subsequently submitted to the Italian Ministry of Education. The provincial government attached great importance to the fact that a new university in Bozen would not weaken the role of the universities in Innsbruck and Trento. In particular, it refused to transfer legal education from Innsbruck<sup>32</sup> to Bozen.<sup>33</sup>

The choice of the proper legal form of the new university was a very complex task. If the University in Bozen was to be established as a branch of the University in Innsbruck, that would require a change in the bilateral Austro-Italian treaty. On the other hand, if the University in Bozen was conceived as an Italian state university, this would make the appointment of foreign professors very complicated. It was also very unlikely that the competent Italian bodies of central administration would transfer their powers to the autonomous authorities in Bozen to enable them the establishment of a public university in South Tyrol. For these reasons, the form of a so-called free university was finally chosen. This choice was made with regard to Italian law no. 127/1997 (legge Bassanini-bis), which introduced further decentralization in the field of university education.<sup>34</sup>

29 WOELK, 440.

30 The legal basis for the participation of South Tyrol in the European Academy was Provincial Law No. 31 of 29 October 1991.

31 The current version of the founding Statute is available on the European Academy website, online: <http://www.eurac.edu/de/aboutus/organisation/bylaws/Pages/default.aspx>.

32 At the University of Innsbruck, an integrated curriculum on Italian law is being provided in cooperation with the University of Padova. The program offers bilingual teaching of Italian law during four years of study. The training of South Tyrolean lawyers in Innsbruck is still considered to be a cornerstone of the common Tyrolean identity. See ALBER, Elisabeth – PALERMO, Francesco: Creating, studying and experimenting with bilingual law in South Tyrol. Lost in Interpretation?, in: *Bilingual higher education in legal context: Group Rights, State Policies and Globalisation*, ARZOZ, Xabier (ed.), Leiden 2012, 287–309.

33 See WOELK, 441–442.

34 On the scope of the reform, see HÖLLRIGL, Peter – MERANER, Rudolf – PROMBERGER, Kurt (eds.): *Schulreformen in Italien und ihre Umsetzung in Südtirol*, Innsbruck 2005.

Under Article 17 para. 120 of Law No. 127/1997, the autonomous provinces of Bozen (South Tyrol) and Valle d'Aosta gained the right to establish a non-state university on their territories. Academic degrees provided by those universities are to be recognized by the competent Italian authority. Article 17 para. 121 of the cited law transferred to South Tyrol all powers related to the financing of the university and the possible expropriation of buildings for the purpose of operating the university. However, powers related to the approval of the study regulations remained with the central authorities in Rome. Interestingly, Article 17 para. 122 of the law expressly stipulates that the University of Trento and the universities in South Tyrol and Valle d'Aosta shall cooperate with academic and research institutions in EU Member States.

The Free University of Bozen was founded in October 1997 on the basis of a notarial record initiated by a private-law association. Despite the formal private-law status, however, the University of Bozen is financed almost exclusively from public sources, from both the province of Bozen and the Italian state. For administrative staff, bilingualism is expected, which is typical for the public domain in South Tyrol. According to Jens Woelk, therefore, the choice of a private-law form instead of a public-law form does not have any important effect in practice.<sup>35</sup>

The Free University in Bozen boasts of its multilingualism and interculturalism. Unlike administrative staff, university teachers do not need to have knowledge of Italian and German. Almost 30 % of teachers come from abroad. In 1998, two faculties, the Faculty of Economics in Bozen and the Faculty of Education in Brixen, began to operate at the University. The Faculty of Education, offering courses in German and Italian, focuses on the preparation of teachers of elementary and nursery schools. The Faculty of Economics offers programs related to agriculture and tourism. In the following years, faculties for natural sciences, for informatics and for design also came into being. As a rule, lectures at those faculties are held in three languages, i.e. in Italian, German and English.

## Concluding considerations

For the protection of linguistic minorities and their languages it is essential that members of the minority have the opportunity to use their language in various social situations. The use of a minority language within university education can be important in the context of consolidation and further development of the minority language. At the same time, university-educated members of the minority contribute to the prestige of the minority language and the entire community. Particularly in South Tyrol, where the official statistics show a comparatively very low share of academics, the second aspect seems very relevant. It is therefore somewhat paradoxical that the political representation of the German-speaking minority, which forms a large majority in the autonomous province itself, has long been opposed to the idea of establishing a university in Bozen. The protection of minorities in South Tyrol is governed by the 1972 Statute on Autonomy, which is based on the philosophy of linguistic and ethnic segregation. The German-speaking minority, which,

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35 WOELK, 444.

after the annexation of South Tyrol by Italy and during the fascist regime, was subjected to assimilation measures and sometimes even to brutal persecution, voluntarily opted for this segregation as it considered it the best guarantee of its own cultural and linguistic identity. A university which serves as a symbol of another model of language policy, therefore, clearly went beyond the Statute of Autonomy.

From the perspective of minority protection, the contribution of the Free University of Bozen can be evaluated quite positively. Obviously, there was no new paradigm introduced into the concept of language protection in South Tyrol. There was no change in the statute of South Tyrol's autonomy. The original concerns about potential migration of Italian students to South Tyrol have proven to be unfounded. Indeed, the Free University has a considerable number of students coming from Germany. The traditional ties between South Tyrol and Austria have not been weakened, as the University of Innsbruck has remained one of the centers of higher education for South Tyrolean students. The Free University of Bozen has built its reputation as a good and successful academic institution without compromising the fragile balance of language policy in South Tyrol.

The Free University, which is a symbol for overcoming segregation, opened a new perspective to the members of the two major language groups in South Tyrol. Minority language is not only a distinguishing feature of a particular minority identity and a medium for its rich culture, although this aspect is still very important. Besides that, the knowledge of languages and their use in the higher education process is also a challenge for individual minority members and enables them to transcend ethnic boundaries, both for their own benefit and ultimately for the benefit of the entire language group.

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# The right of the citizens belonging to national minorities to education at universities in the Slovak Republic

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## Abstract

The authors of the article focus on fundamental rights and freedoms, and in particular on the current issue of the right to education and minorities in Slovakia. They draw on the essence and significance of the right to education as one of the most important rights. They elaborate on the related issues in the context of the right being asserted by the citizens of national minorities and place special emphasis on the right to education in the language of a national minority at a university. They introduce relevant legislation related to the subject matter, and point out the real possibilities of education and training of national minority citizens at universities in the Slovak Republic.

## Keywords

national minority, Charter, right to education, education system, universities, legislation, constitution

## Introduction

The status of national minorities, the guarantee of fundamental rights and freedoms of persons belonging to national minorities remain an up-to-date issue and require due attention to be paid in all areas. The priority area is definitely the legal area and the incorporation of the rights of national minorities and ethnic groups into the legislation of relevant states. The legislation contains the commitments following from international treaties and covenants pertaining to the subject area not only today. As J. Drgonec says: "The protection of national minorities settled in the territory of the Czechoslovak state was founded by the international treaties on the establishment of relations in Europe after the First World War as a precondition to the creation and existence of the state of the Czechoslovak Republic".<sup>1</sup>

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1 DRGONEC, Ján: *Ústava Slovenskej republiky: teória a prax*, Bratislava 2015, 745.

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The Slovak Republic is, just like other European states, a multi-ethnic and multicultural country, and as a democratic and legal state it acknowledges, respects and protects fundamental rights and freedoms, including the rights of national minorities and ethnic groups.<sup>2</sup> One of the rights granted to citizens belonging to a national minority is the right to education in their mother tongue, which shall be discussed further.

## Education of national minorities from the historical aspect

After the dissolution of Austria-Hungary, the question of the newly-created Czechoslovak Republic was not sorted out definitely. For the international recognition of the Czechoslovak Republic, the negotiations at the Versailles Peace Conference in 1919 were of great importance; this has been known as the Versailles system. The talks at the peace conference brought the signing of the treaty with Austria in Saint-Germain-en-Laye on 10 September 1919. On that day, the representatives of the Czechoslovak Republic signed one more document – the *Small Treaty of Saint-Germain* that stipulated the commitments of the Czechoslovak Republic including the protection of national minorities. These commitments became a part of the Constitution of the Czechoslovak Republic.<sup>3</sup> The Small Treaty of Saint-Germain was published under Act No. 508/192, where Article 9 stipulated that regarding public education in towns and districts with a significant number of Czechoslovak citizens speaking a language other than Czech, the Czechoslovak government would provide adequate opportunities to guarantee education in their mother tongue. It would also arrange for the members of ethnic minorities to have the right to found, manage and control, at their expense, philanthropic, religious, social and educational institutions and schools where their mother tongue would be used and to hold religious services in such language. In accordance with the Treaty of Saint-Germain the commitments were incorporated in the fundamental law – the Constitutional Charter of the Czechoslovak Republic (published as Act No. 121/1920) and the Principles of the Language Act (No. 122/1920), which were ratified on 29 February 1920. The Constitutional Charter granted ethnic minorities the right to found and manage, at their expense, schools and other educational institutions where ethnic minorities had the right for an unlimited use of their mother tongue. It also stipulated the possibility of providing education to children of ethnic minorities in their mother tongue at public schools in those towns and districts with a significant part of Czechoslovak citizens belonging to religious, national and language minorities.

### **Higher education at universities in Slovakia with the Hungarian language of instruction during the Czechoslovak Republic**

The education of members of the Hungarian national minority in the Hungarian language in Slovakia was available at several universities. The first university that provided lessons

2 NOVÁKOVÁ, Iveta: Aktuálne otázky národnostných menšín, in: *Postavenie menšín pred a po vstupe štátu do Európskej únie: zborník príspevkov z vedeckej konferencie*, Bratislava 2017, 69.

3 VESELÝ, Zdeněk: *České politické dějiny: (od konce 18. do počátku 21. století)*, Prague 2005, 123.

for the Hungarian nationality in the Hungarian language was the Elisabethan University in Bratislava founded in 1912. Law was taught at the Academy of Law in Košice. According to S. Gabzdilová, "higher education study was provided by the evangelical Academy of Law and evangelical Academy of Theology in Prešov, Academy of Agriculture in Košice and the Mining and Forestry University in Banská Štiavnica".<sup>4</sup>

### **Universities with the German language of instruction during the Czechoslovak Republic**

The university study for the members of the German minority in the German language was in a very different situation in Slovakia. University study in Slovakia during the Czechoslovak Republic virtually did not exist. When Slovak students belonging to the German minority wanted to get university education in their mother tongue, they had to study at German universities in Prague or Brno.<sup>5</sup>

## **The right to education as a fundamental right**

The right to education is one of the fundamental rights and freedoms guaranteed by the Constitution of the Slovak Republic in Part 5 of Chapter II – *Economic, social, and cultural rights*. The purpose of the right is to provide education. The subject of the right is a natural person regardless of their citizenship. The difference between the legal status of a citizen and of an alien is only relevant to the particular condition of education provision – its financing. The Constitution of the Slovak Republic guarantees the citizens the right to free education at primary and secondary schools, and at universities depending on the possibilities of society and the abilities of the citizen. The guarantee of the fundamental right also follows from the international commitments of the Slovak Republic, whether it is the International Covenant on Economic, Social and Cultural Rights, or the Convention on the Rights of the Child. However, the legal status of citizens is different from the status of foreigners in terms of the expenses connected with the enjoyment of the right to education. In the case of foreign nationals, free education is not guaranteed at primary and secondary schools. "The Constitution in Article 42, Paragraph 2 grants the right to free education at universities, too. However, it is conditioned by the abilities of the citizen on the one hand and by the possibilities of society (mainly economic ones) on the other hand. It is not possible to derive a constitutional guarantee from the legislation, nor the existence of the fundamental (constitutional) right of a generally guaranteed free of charge university study, not even at public universities."<sup>6</sup> Following from the wording of another provision of the Constitution of the Slovak Republic, there is no monopoly of state schools in the Slovak

4 GABZDILOVÁ, Soňa: *Školský systém na Slovensku v medzivojnovnej Československej republike (1918–1938)*, Košice 2014, 51.

5 Ibidem, 52.

6 Plenary of the Constitutional Court 3/2008. Ruling of 26 May 2010. Collection of rulings and resolutions of the Constitutional Court 2010, 122–123.

52	<b>ARTICLES</b> <b>Klaudia MARCZYOVÁ</b> <b>Marián PIVÁČEK</b>	<b>The right of the citizens belonging to national minorities to education at universities in the Slovak Republic</b>	
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Republic, but under the conditions stipulated by the law it is possible to establish schools other than state ones. With regard to an identical content of the legislation regulating the right to education in Article 33 of the Charter of Fundamental Rights and Freedoms we elaborate on it within the system of the Czech Republic. In accordance with the Charter, the right to education is granted to everyone, whether a foreign national, a homeless person, or an asylum-seeker. It is one of the priorities of the state, and its concept is also based on international law. Like the legislation of the Slovak Republic, also this context contains the regulation of one of the constitutional obligations – the obligation of compulsory education (following from the fundamental principle of the policy of a modern state). The given principle of the Charter implies the guarantee of free education at primary and secondary schools for the citizens of the Czech Republic. This was also declared by the Constitutional Court of the Czech Republic in its Decision No. 49/1994, where it was concluded that the right to free primary and secondary education is of an unconditional nature.<sup>7</sup> The important principles contained in the Constitution of the Slovak Republic and the Charter include the principles of equality and non-discrimination. Therefore it is important to emphasize, with regard to the given right, the equality of education opportunities for all, the removal of obstacles to it and the respect for the educational needs of individuals. Consequently, we should also mention another decision of a constitutional court – the Constitutional Court of the Slovak Republic in its Decision No. II. ÚS 37/94 unambiguously states that the abilities of an applicant for a university study have to be tested in a legally identical way as those of other applicants for such study. Otherwise the Constitution of the Slovak Republic and the Charter define a different rule for university education – the right for free education is preconditioned by two factors – the abilities of the citizen and the possibilities of society.

## Right to education of the citizens of national minorities

The Constitution of the Slovak Republic guarantees the right to education under Article 32, Paragraph 2, Letter a) consistent with the international documents – the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities. This right includes the right to education in the mother tongue as well as the rights of the citizens belonging to national minorities or ethnic groups. The purpose of the rights granted to national minorities and ethnic groups is the protection of the national identity as well as the creation of opportunities for education on a nationality principle using the mother tongue. “The purpose of the protection of national minorities according to the Framework Convention for the Protection of National Minorities is not the strengthening of the legal status of minority citizens at the expense of the status of the majority, but defining of the measures helping to preserve the status quo.”<sup>8</sup> The right to education of national minorities has two main aspects. The first one means that persons belonging to national minorities should enjoy equal treatment; the second one includes the right of such persons

7 KLÍMA, Karel et al.: *Komentář k Ústavě a Listině*, Pilsen 2009, 1268.

8 DRGONEC, 748.

to preserve and enhance such personal characteristics that make them different from the majority population (ethnic identity, language). In the Slovak Republic, there is one single education system which also includes the education and training of national minorities in their mother tongue and the study of their mother tongue. The education and training of national minorities is provided at preschools, primary schools, secondary schools, special schools and schools with the language of instruction or the minority language taught being Hungarian, Ukrainian, Ruthenian, German and Romany. The education and training of the Romany community and the children from the socially disadvantaged environment also takes place in schools and educational institutions. The education and training of children and pupils of national minorities is regulated mainly by the following legislation:

Act No. 245/2008 on Education and Training (the Education Act) as amended,

Act No. 596/2003 on State Administration in Education and Education Self-government as amended,

Act No. 597/2003 on Financing of Primary Schools, Secondary Schools and School Facilities as amended.

The system of primary and secondary education contains a concept of education and training of national minorities. The aim of the concept of education and training of national minorities is the creation of suitable conditions for equal education of all citizens of the Slovak Republic, the members of the constituent nation as well as all members of national minorities. The education in the languages of national minorities has a significant effect on the development and preservation of the multi-ethnic character of our country. The education is based on the principles of an equal access of all state citizens to education without any discrimination based on their race, skin colour, sex, language, faith and religion, nationality, ethnic background, social background, property, gender or other status. As Slovakia does not have an independent minority system, the exercise of the right to education in the mother tongue encounters certain problems. We have in mind that in our conditions it is not possible to get good education, or education of the same quality as in the official language, especially in the case of university education. Basically, at all levels of education, the Hungarian language of instruction may be found. The legislation enables children of national minorities to get education at all types of schools. That makes the education and training in the Hungarian language, and the schools and school facilities that provide them, an equal and inseparable part of the education and training system of the Slovak Republic. In the Slovak Republic there are 35 universities – 20 public universities, 3 state universities and 12 private schools.<sup>9</sup> University education in several languages of national minorities is provided especially at the following schools:

- J. Selye University in Komárno (Univerzita J. Selyeho v Komárne),
- Comenius University in Bratislava (Univerzita Komenského v Bratislave),
- The University of Prešov (Prešovská univerzita v Prešove),
- The University of Ss. Cyril and Methodius in Trnava (Univerzita sv. Cyrila a Metoda v Trnave),

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<sup>9</sup> Online: [www.portalvs.sk](http://www.portalvs.sk). There are also foreign universities offering education in Slovakia.

54	<b>ARTICLES</b> <b>Klaudia MARCZYOVÁ</b> <b>Marián PIVÁČEK</b>	<b>The right of the citizens belonging to national minorities to education at universities in the Slovak Republic</b>
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- Catholic University in Ružomberok (Katólicka univerzita v Ružomberku),
- Constantine the Philosopher University in Nitra (Univerzita Konštantína Filozofa v Nitre),
- Matej Bel University in Banská Bystrica (Univerzita Mateja Bela v Banskej Bystrici).<sup>10</sup>

The schools with the language of minorities being the language of instruction are an inseparable part of the education and training system in the Slovak Republic. The education achieved at these schools is equally valid as the education achieved at schools with the Slovak language of instruction. A specific feature of the study at a public or a state university in the Slovak Republic is the tuition fee in the full-time form of study at the above mentioned schools. The tuition payments may be characterised from two points of view.

**From the aspect of the language** of the study, the study in a foreign language is paid. The study in the official language of the country or in the language of a minority is paid only in certain cases depending on the overall length of the study. In the cases of foreign language study programmes, the stipulation of the tuition amount is in the full competence of the university and the amount is not regulated. In the study programmes in a language of a national minority it needs to be distinguished whether the mission of the university or the faculty is to educate and train experts belonging to national minorities. Therefore, a study programme in the Hungarian or the German language may in some cases be provided free of charge, in other cases it may be paid depending on the mission of the university. **From the aspect of the overall length of study**, full-time students pay no tuition if the standard length of study has not been exceeded.<sup>11</sup>

## A list of Slovak universities with focus on the education of national minorities

### J. Selye University in Komárno

The university was established by the National Council of the Slovak Republic by Act No. 465/2003 on the Establishment of J. Selye University in Komárno and on the amendment of Act No. 131/2002 on Universities as amended of 23 October 2003 effective as of 1 January 2004. The university is the only independent public university in Slovakia with the language of instruction being the language of a national minority, i.e. the Hungarian language, although according to the Act, the languages of instruction are Slovak, Hungarian etc.

The main mission of the university is to:

- create conditions for a university study especially for students of the Hungarian nationality in their mother language;
- increase the number of citizens of the Slovak Republic who are of Hungarian nationality having university education;
- create a qualification background for the increase of employment in the regions inhabited by the citizens of the Hungarian nationality;

<sup>10</sup> *Správa o postavení a právach príslušníkov národnostných menšín za rok 2015*, Bratislava 2015, 67.

<sup>11</sup> Online: <https://www.minedu.sk/skolne-na-vysokych-skolach-v-sr/> (Downloaded 15 June 2017).

- create conditions for the improvement of the education structure of the Hungarian minority living in the Slovak Republic towards the development of a highly educated intelligentsia that would become the drive of further development and engage in the life of international science and education;
- create conditions for the progression of experts from the Hungarian community in the field of scientific research;
- engage the researchers from the Hungarian community in the network of international scientific and research institutions;
- preserve and develop the cultural heritage of the Hungarian national minority living in the Slovak Republic;
- create conditions for the study of programmes for all degrees and in all forms in the Slovak language for applicants for the study at J. Selye University from the region inhabited by the Hungarian minority.<sup>12</sup>

### **Comenius University in Bratislava**

It was founded in 1919 and has had a significant impact on the development of knowledge, science and culture in Slovakia. At the time of its establishment, it was the first university in the territory of Slovakia which provided the opportunity to get the highest level of education in the Slovak language. Since its establishment, the university has been at the forefront of the Slovak university education system and has become an internationally recognized centre of science and research. At the Faculty of Arts of Comenius University there is the Department of Slavic Studies that is achieving success. It was created in 1964 as the Department of Slavic and Indo-European Studies and its activities followed the activities of the Seminary for Slovak Studies, or later, of the Department for Church Slavic Language and Slavic Linguistics. One of the oldest university Slavic workplaces has existed since 1987 under a modified name as the *Department of Slavic Studies*. The initial form of a pedagogical study of Slavic languages was later substituted by translation and interpretation study, which today provides the study programmes on the *Bulgarian language and culture*, the *Croatian language and culture* and the *Polish language and culture*. A new study programme on *Central-European Studies* has been on offer for four years. The language of instruction in this programme for the Bachelor's degree is English, and it is compulsory for the students to choose from two languages of the Central-European area (Hungarian, German, Slovene, Polish). The Master's course continues in the Slovak language. Apart from these study programmes, the department also offers multiple language or culture oriented courses of Bulgarian, Croatian, Polish, Slovene, Serbian, Macedonian and Belorussian. At present, the Department of Slavic Studies offers the following study programmes:

- *the Bulgarian language and culture*
- *the Croatian language and culture*
- *the Polish language and culture*

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<sup>12</sup> Online: <http://www.selyeuni.sk/documents/> 2016 Annual Report on the Activity and Economy of the JSU (Downloaded 15 June 2017).

56	<b>ARTICLES</b> <b>Klaudia MARCZOVÁ</b> <b>Marián PIVÁČEK</b>	<b>The right of the citizens belonging to national minorities to education at universities in the Slovak Republic</b>
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- *Slavic studies*
- *Central-European studies*<sup>13</sup>

#### *The Bulgarian language and culture*

The study of the Bulgarian language and culture is provided under the study specialization of translation and interpreting in combination with English, German, Croatian, Romanian or the Slovak language and culture. The study itself is broadly aimed at Slavic philology with special emphasis on acquiring the knowledge of normative grammar of Bulgarian, adequate vocabulary and basic knowledge of Bulgarian history, literature and culture.

#### *The Croatian language and culture*

The Croatian language and culture is also studied within the translation and interpreting specialization. The main aim of the study is to develop the ability to communicate independently in Croatian and gain theoretical knowledge of Croatian linguistics, literary science, culture, history and general background facts about Croatia.

#### *The Polish language and culture*

The study is also provided under the study specialization of translation and interpreting and is also broadly aimed at Slavic philology with special emphasis on acquiring the knowledge of normative grammar of Polish, adequate vocabulary and basic knowledge of the Polish history, literature and culture.

### **The University of Prešov**

The University of Prešov is one of public universities and in the complex accreditation process it retained the status of a university and its place among universities. The study at the university offers a wide range of study programmes, many of them being unique in Slovakia. The long-term traditions at the University of Prešov include the scientific research as well as pedagogical work which focus on various specific problems of the region and national minorities. After 1997, new interdisciplinary work teams and scientific workplaces were created. These dealt systematically with social, ethnic and religious specifics of the North-Eastern Slovakia. Along with the faculties of the University of Prešov, university workplaces were founded with the focus on the above mentioned specific areas. These workplaces include the Centre of Languages and Cultures of National Minorities, which was established by the rector of the university on 1 December 2015 upon the consent of the Academic Senate of the University of Prešov. The Centre of Languages and Cultures of National Minorities was created by the merger of three originally independent university workplaces: the Institute of the Ruthenian Language and Culture, the Institute of Romany Studies and the Institute of the Hungarian Language and Culture. The centre has a specific mission in regional, national and transnational relations. It is built on ethnic and social specifics of the Eastern Slovak Region, which are studied and presented in national and

<sup>13</sup> Online: <https://fphil.uniba.sk/katedry-a-odborne-pracoviska/katedra-slovanskych-filologii/studium/> (Downloaded 18 June 2017).



transnational relations. The Statute of the Centre of Languages and Cultures of National Minorities declares in Article 4 that "the education and training activities of the centre are based on the concept of its scientific and research activities, and the centre ensures the transfer of the research results into the teaching process. The centre participates in the education and training of teachers for the work at schools for national minorities in the Slovak Republic. It also prepares translators, interpreters and cultural workers for the purposes of intercultural communication between minorities and the majority nation".<sup>14</sup>

The centre also participates in and prepares projects of other study programmes specializing in languages, literatures and cultures of minority groups of, mainly, Central Europe and in compliance with the requirements of the Slovak Republic and the European Union policy on nationalities. The centre comprises controlled scientific and educational institutions:

- *The Institute of the Ruthenian Language and Culture,*
- *The Institute of the Hungarian Language and Culture,*
- *The Institute of Romany Studies and Culture.*

#### *The Institute of the Ruthenian Language and Culture*

Since 1997/1998 with the support from the state, new primary schools teaching the Ruthenian language and later schools with Ruthenian as a language of instruction have been created in the Slovak Republic. This fact has required a prompt university training of teachers for the mentioned national minority schools. The planning of the schools was the task of *the Institute of Nationality Studies and Foreign Languages of the University of Prešov*. The institute was created for that purpose on 1 September 1998 as a workplace with a university-wide competence. An integral part of the institute was the *Department of the Ruthenian Language and Culture*, which was an institutional predecessor of the today's *Institute of the Ruthenian Language and Culture* established on March 2008.<sup>15</sup>

#### *The Institute of Romany Studies and Culture*

The institute was officially founded on 1 January 2011, however, the workplace went through some organizational changes; in the 1990s, the Institute of Nationality Studies and Foreign Languages was founded as a part of the University of Prešov, and it transformed later into a Research Centre. The university research into Romany issues goes further. It includes especially anthropological research, andragogy works, pedagogy works and cultural anthropology works of Dr. Alexander Mušinka. The aim of the workplace is to provide and coordinate scientific research oriented at a wide range of multidisciplinary scientific and specialist topics concerning the Romany ethnic group. The subjects of the research include issues of anthropology, history, geography, language, culture, political science, social issues etc. In terms of the territory it is primarily focused on the Roma in the Eastern part of Slovakia within the Central European context.<sup>16</sup>

14 Online: <http://www.unipo.sk/public/media/24789/Statut-CJKNM.pdf> (Downloaded 18 June 2017).

15 Online: <http://www.unipo.sk/cjknm/hlavne-sekcie/urjk/o-institute/> (Downloaded 20 June 2017).

16 Online: <http://www.unipo.sk/cjknm/hlavne-sekcie/urs/o-institute/> (Downloaded 21 June 2017).

### *The Institute of the Hungarian Language and Culture*

The institute started its operation at the University of Prešov in 2011. The main purpose of the establishment of the institute was to provide complex information on the language, literature and culture of the Hungarian nation and the Hungarian minority living in Slovakia from the past until the present. The second reason of its establishment was an external stimulus which was the current situation of the minorities. There are more than 130,000 citizens of the Slovak Republic of Hungarian nationality living in the Košice and Prešov Region who did not have an opportunity to get university education in their language in the territory.<sup>17</sup> Educators from Slovakia and Hungary participate in the education of national minorities in the Eastern Slovak Region.

### **University of Ss. Cyril and Methodius in Trnava**

The university was established under Act of the National Council of the Slovak Republic No. 201/1997 which came into effect on 1 August 1997. The aim of the University of Ss. Cyril and Methodius in Trnava is to train qualified experts who will be able to succeed in enhancing the Slovak culture, science and education in the context of the European and world cultural heritage, in the spirit of Christian and national ideals, and in accordance with the principles of democracy. The university provides the study at the Faculty of Arts in the specialisation of teaching for schools with a national minority language of instruction.<sup>18</sup>

### **Constantine the Philosopher University in Nitra**

The founding of the university was approved by the National Council of the Slovak Republic on 23 October 1996. The inauguration ceremony took place on 13 February 1997.<sup>19</sup> One part of Constantine the Philosopher University in Nitra is the Institute for Romany Studies which deals with the status and issues of the Roma in the Slovak Republic.

### *The Institute for Romany Studies*

The institute was created as a unique university institution of a European or even of a global level in 1990 in response to the need for qualified staff that would be capable of improving the coexistence of the Roma and the majority population in Slovakia which had been burdened by economic, social, cultural and civilisation problems. Between 1990 and 2000 the Department of Romany Culture was a part of the Faculty of Education. Apart from the study programme *Teaching the first stage of primary education specializing in the Romany culture*, it also offered an accredited programme as a Master's degree course and *Awareness raising work aimed at the Romany Community* as a Bachelor's degree course in the later years. Thanks to the qualifications obtained, the graduates from the programmes found employment in expert or management positions at schools, specialist institutions as well as offices for education and training. The overall number presented 412 graduates

17 Online: <http://www.unipo.sk/cjknm/hlavne-sekcije/umjk/o-ustave/> (Downloaded 20 June 2017).

18 Online: <http://www.ucm.sk/sk/o-univerzite/> (Downloaded 21 June 2017).

19 Online: <https://www.ukf.sk/o-univerzite/historia> (Downloaded 21 June 2017).

from the full-time or part-time Bachelor's and Master's courses. As professionals they now contribute to the improvement of the living conditions of the Roma in Slovakia. Since 2001 the Department of Romany Culture was a part of the Faculty of Social Sciences and Health Care. In 2005 the Department of Romany Culture changed its name to the Institute of Romany Studies. The main mission is to continue in the education of new Romany intelligentsia and of all others interested in the study programme regardless of their ethnic background. The vision of the Institute for Romany Studies is to retain its multicultural character so that students representing the majority and all national minorities could study at the institute. The primary aim of the education process has always been and will be education towards ethnic and nationality tolerance.<sup>20</sup>

### **Catholic University in Ružomberok**

The founding charter of the Pedagogy Institute of St. Andrew in Ružomberok was signed on 29 June 1995 in Dolná Krupá. In 1996, the Academic Senate of the Trnava University created the Catechetical and Education Faculty of St. Andrew of Trnava University as a transformation of the Institute of Education of St. Andrew. In 1997 the Catechetical and Education Faculty was incorporated into the University of Žilina, and its statute, including the same rights of church supervision as were the rights for faculties of theology, was registered at the Ministry of Education of the Slovak Republic. The Catechetical and Education Faculty served as the basis for the foundation of Catholic University in Ružomberok. Act No. 167/2000 of 10 May 2000 on the establishment of Catholic University in Ružomberok stipulated the foundation on 1 July 2000 with two faculties: the Faculty of Education and the Faculty of Arts and Letters. The Faculty of Theology located in Košice was established on 1 July 2003; the fourth faculty – the Faculty of Health started its work on 1 July 2005. Under Act No. 167/2000 Catholic University was founded as a non-state university, however, under Act No. 131/2002 on Higher Education Catholic University became a public university of a religious character on 1 April 2002.<sup>21</sup> The Faculty of Education has a *Department of Pre-school and Elementary Pedagogy* for socially disadvantaged groups located in Levoča. The graduates of the course on pre-school and elementary pedagogy are able to plan education and training activities in the environment of pre-school institutions, primary schools (especially the first stage) and school institutions for extra-classroom and extracurricular activities for children of pre-school age and pupils of the younger school age coming from a socially disadvantaged environment with a primary focus on specific groups of Romany children and pupils.<sup>22</sup>

### **Matej Bel University in Banská Bystrica**

Matej Bel University was established on 1 July 1992 by merging the College of Economics of Services and Tourism in Banská Bystrica and the Pedagogical Faculty in Banská Bystrica,

20 Online: <http://www.urs.fsvaz.ukf.sk/index.php?page=o-katedre> (Downloaded 18 June 2017).

21 Online: <http://www.ku.sk/index.php/ouniverzite/2013-04-18-13-11-20> (Downloaded 18 June 2017).

22 Online: [http://www.ku.sk/images/dokumenty/pf/dokumenty/vyroczne\\_spravy/katedry/kpepsz\\_le/vs\\_2014\\_kpepsz.pdf](http://www.ku.sk/images/dokumenty/pf/dokumenty/vyroczne_spravy/katedry/kpepsz_le/vs_2014_kpepsz.pdf) (Downloaded 19 June 2017).

as decreed by Act No. 139/1992 of the Slovak National Council dated 27 February 1992. The first university academic year started on 1 September 1992. Banská Bystrica has a long tradition of education and culture. In the 17<sup>th</sup> century, a Jesuit grammar school was founded and soon followed by an Evangelical grammar school established in the same century. It was the latter where Matej Bel, who gave his name to the University, studied and later taught and held the position of the Rector.

Matej Bel (1684–1749) was the author of a large number of works about science, education, national history and geography, philosophy and religion. His postulates of the equal rights of nations, religious tolerance, of the integration of people and nations, of love of one's native country and his belief in the power of education and culture are still relevant.

In the academic year 1856–1857, a Teacher Training College was founded in Banská Bystrica, where thanks to then current Bishop Štefan Moyses, courses were provided not only in German and Latin, but also in Slovak. As early as that time, establishing a university in Banská Bystrica was considered. Because of the political situation of that time, these efforts failed to meet any understanding in the Austro-Hungarian Empire.

In the academic year 1949–1950, a branch of the Pedagogic Faculty of Slovak University in Bratislava was established in Banská Bystrica. It was not until 1954 that the first institution of higher education – the Higher Pedagogic School – started its activities. On 1 September 1964, the Pedagogic Faculty came into being.<sup>23</sup>

The structure of the Faculty of Arts of Matej Bel University in Banská Bystrica also includes the Department of Slavic Languages, which provides the education and training of highly qualified translators and interpreters from Polish and Russian, or teachers of the Russian language and literature who are very much desirable for the labour market.

**Table 1 A list of public colleges and universities in the Slovak Republic**

The Academy of Arts in Banská Bystrica
The University of Economics in Bratislava
Catholic University in Ružomberok
The University of Prešov in Prešov
The Slovak University of Agriculture in Nitra
The Slovak University of Technology in Bratislava
Technical University in Košice
Technical University in Zvolen
Alexander Dubček University in Trenčín
The University of Trnava in Trnava

23 Online: <https://www.umb.sk/o-nas/informacie/o-univerzite/historia-umb.html> (Downloaded 22 June 2017).

J. Selye University in Komárno
Comenius University in Bratislava
Constantine the Philosopher University in Nitra
Matej Bel University in Banská Bystrica
Pavol Jozef Šafárik University in Košice
The University of Ss. Cyril and Methodius in Trnava
The University of Veterinary Medicine and Pharmacy in Košice
The Academy of Performing Arts in Bratislava
The Academy of Fine Arts in Bratislava
The University of Žilina in Žilina

**Table 2 A list of state colleges and universities in the Slovak Republic**

The Armed Forces Academy of General Milan Rastislav Štefánik in Liptovský Mikuláš
The Academy of the Police Force in Bratislava
Slovak Medical University in Bratislava

**Table 3 A list of private colleges and universities in the Slovak Republic**

Media Academy, a professional school for media and marketing communication in Bratislava
Bratislava International School of Liberal Arts
Ján Albrecht Music and Art Academy in Banská Štiavnica
Pan-European University
Central European College in Skalica
The University of Security Management in Košice
Danubius University
Dubnica Technology Institute in Dubnica nad Váhom
The College of Public Administration, Economics and Management in Bratislava
The College of Management in Trenčín
International Business College ISM in Prešov
St. Elisabeth College of Health and Social Work in Bratislava

Source: Zoznam vysokých škôl – Portál VŠ, online: <https://www.portalvs.sk/sk/informacie-o-vysokych-skolach><sup>24</sup>

<sup>24</sup> Table 1–3 compiled on the basis of information from <https://www.portalvs.sk/sk/informacie-o-vysokych-skolach>.

## Conclusion

Education and training plays an important role in dealing with many mutually overlapping and mutually strengthening problems. Education is also the only right explicitly included in the European Convention on Human Rights and is protected under Article 14 of the Convention on the Prohibition of Discrimination. The ability of Slovakia to effectively use and enhance its human potential is a precondition of not only economic and social, but also moral and cultural success. The state's policy in the area of education, science, sport and youth plays a key role if its aim is high quality of schools and excellent education. Although the education of national minorities is regulated by the valid legislation, in practice there are several problems that need to be tackled. It may be stated that the largest number of shortcomings exist especially in the level of university education. It is mostly available to the citizens of the Hungarian national minority. The biggest problems include the provision of a fully fledged education of the Romany community. The problem of educating the Romany community is a complex one. It is affected by so many aspects that it exceeds the issue of availability of university education.<sup>25</sup> Recent years have brought only a slight progress in the education of the Roma in Slovakia. As a result, many of the problems remain unsolved and need to be dealt with urgently in order to reduce the difference between the academic results of the Romany and the non-Romany population therefore it is necessary to support public and private universities which provide education to future teachers of Romany children. The emphasis is on the possibility to use the Romany language in education. It is also important to respect the findings of experts in creating policies and taking measures in education and training of children and youth from the marginalized Romany communities.

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<sup>25</sup> Online: [http://www.ibar-llp.eu/assets/files/WP06/WP6\\_National\\_case\\_study\\_Slovakia\\_\(Slovakian\\_version\).pdf](http://www.ibar-llp.eu/assets/files/WP06/WP6_National_case_study_Slovakia_(Slovakian_version).pdf) (Downloaded 22 June 2017).

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# Comparison of the international administration in Berlin and Vienna after World War II

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## Abstract

The legal status of both Berlin and Vienna was unique following World War II. The Allies divided both cities into sectors, however their control mechanisms and allied administrations were different. Despite the Cold War, allied cooperation in Vienna was successful and territorial integrity of the city remained, though this was not the case in Berlin.

Both cities had been detached from occupation zones and separate commands subordinated to allied military administration were set up for their operating.

This working paper aims to present the post-war international administration and legal status of Vienna and Berlin, the circumstances causing the permanent division of Berlin, and the reasons why Vienna did not come to the same fate.

This study is confined to the period from after World War II until the establishment of the Berlin blockade.

## Keywords

Vienna, Berlin, international military administration, zones, sectors, agreement, occupation, legal status

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## Sectors in Vienna

The Red Army invaded Vienna on 13 April 1945 during the last German stand surrendered at Floridsdorf Bridge. Sectoral division of the city was suggested at the beginning 1944 in the European Advisory Commission (EAC),<sup>1</sup> however the final decision was not made until May 1945. The Soviets, in contrast to the Western Allies, had neither a military governance

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1 During the Moscow Conference in October 1943, the American, the British and the Soviet ministers of foreign affairs decided on the establishment of the European Advisory Commission and its competence to elaborate occupation system of Germany and Austria after World War II.

prepared in advance nor an expert group at their disposal with which to manage occupied territories. They only managed to issue a temporary order concerning military commands of occupied Austrian zone.

Soviet military command in Vienna took citizens into public administrative affairs and appointed a mayor (Bezirksbürgermeister) in each district who took over all administrative competencies. The main task of the reestablished civil organs was to create the conditions for daily life, security and function of the city. Moreover, it was to carry out orders of local commanders. The new city administration system consisted of eleven administrative groups (Verwaltungsgruppe) with a city council (Stadtrat) at the head of each. In the beginning, due to post-war conditions, several ad hoc decisions were made. Contacts among districts and central city administration was restored in the summer of 1945.<sup>2</sup>

After the invasion of Vienna, the Soviets and the Western Allies had opposing views about how to restore the city borders. The Soviets were interested in restoring the borders to the state that they were in before the Anschluss in 1938. Conversely, the Western Allies were interested in restoring the borders to their post-Anschluss state of the Great Wien Empire Gau<sup>3</sup> (Reichsgau Groß-Wien). Issues about city borders delayed the Austrian-related negotiations which started only in July 1945.

The Western Powers wanted to create borders in the above fashion, as they would have gained greater occupied territories in the Soviet zone. Furthermore, in their own Vienna sectors, they would have been able to set up more airports in reaction to a possible Soviet blockade. The matter was decided in favor of the Soviets. On 9 July in London, the Agreement of Occupation Zones and Administration of Vienna was signed (Abkommen betreffend die Besatzungszonen und die Verwaltung der Stadt Wien) – as an amendment to Control Agreement on 4 July 1945 – which finalized occupation zones of the country and sectors of Vienna. Twenty-two districts were divided into five sectors as following:<sup>4</sup>

- American sector: districts 7, 8, 9, 17, 18, 19;
- French sector: districts 6, 14, 15, 16;
- British sector: districts 5, 12, 13 and separately from them districts 3, 11;
- Soviet sector: districts 2, 20, 21 – the latter included district 22 of today – and separately from them districts 4 and 10.<sup>5</sup>

The first district worked for governmental affairs, was separated from other districts and sectors, and was declared an international sector. Its administration was carried out rotationally by the Allied Powers on a monthly basis. Besides Vienna, the provincial

2 FISCHER, Karl: *Die Vier im Jeep: Die Besatzungszeit in Wien 1945–1955*, Wien 1985, 3–4.

3 GAU-s were territorial administrative units of the Third Reich.

4 HUFSCHMIED, Richard: Sonderfall Wien? Die Alliierten und Österreich 1943–1955, in: *Die Vier Mächte in Berlin: Beiträge zur Politik der Alliierten in der besetzten Stadt*, BIENERT, Michael – SCHAPER, Uwe – THEISSEN, Andrea (eds.), Berlin 2007, 116.

5 The definitions of “occupation zone” and “occupation sector” are different. The former was used to describe divisions within the entire country while the latter was used within Vienna specifically. The same was true in Germany and Berlin. Vienna consists of twenty-three districts nowadays.

capital city of Linz was also divided. However, it was only divided into the Soviet and the American zone.<sup>6</sup>

In the first days of occupation, Soviet soldiers and police assistants often recruited people on the streets as passengers for public works who were released after a few days. The city administration issued its employees identity documents in two languages to avoid being detained. In addition to public offices, factories, resistance groups, party organs and any others who possessed stamps started to issue such certificates to increase the safety-level of pass-holders. After a while, Soviet command put this method into practice as well.

Once the four powers occupied Vienna, identity passes, including identification cards, were issued in four languages and had to be carried by Viennese citizens at all times. Until 16 August 1946, crossing zone borders was allowed solely with allied travel permission (Alliierte Reiseerlaubnis). Post offices were controlled by the allies and Austrian authorities. Phones were tapped, bicycles were registered and equipped with number plates, and cyclists had to carry bicycle passes, issued in four languages.

The final phase of the occupation began after the State Treaty was signed on 15 May 1955. On 24 June, any identification cards that had been issued prior to 24 June became ineffective. On 27 July, when the French ratification document among the allies was at last deposited in Moscow, causing the State Treaty to come into force, the Allied Council held its last session and all the organs of the Allied Committee for Austria ceased working. All buildings and real estate then returned to Austrian ownership. Finally, on 14 September, the Inter-Allied Patrol concluded their duties. Coincidentally, at this time, the patrol was now using a luxurious limousine instead of a Jeep. The culmination of these events was the dissolution of a once worldwide unique institution.<sup>7</sup>

## Allied Control in Austria

The Control Agreement on 4 July 1945 established the Allied Committee for Austria (Alliierte Kommission für Österreich). The Committee was responsible for coordinating allied occupation in issues related to the entire territory of Austria and Vienna.

At the head of the control mechanism stood the Allied Council (Alliiertes Rat). Members of the Allied Council were commander-in-chiefs of allies and could only make decisions unanimously. Law proposals elaborated by Austrian federal legislation needed approval from the Allied Council since it was entitled to annul all law proposals.

The Executive Committee (Exekutivkomitee) was subordinated to the Allied Council and carried out its directives. The Executive Committee consisted of deputies of the four commander-in-chiefs. Subordinated to the Executive Committee were the operating professional expert groups delegated from the allies to support the work of the Executive Committee.

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<sup>6</sup> HUFSCHMIED, *Sonderfall Wien? ...*, 116–117.

<sup>7</sup> FISCHER, 6–12.

Vienna Inter-Allied Command (VIAC) was also subordinated to Allied Council and consisted of allied city commanders. Any instructions the VIAC received were obtained from the Executive Committee.

## Vienna Inter-Allied Command

The First Control Agreement (Erstes Kontrollabkommen) was signed on 4 July 1945 in London. Article 11 established the Inter-Allied Command (Interalliierte Kommandantur) in Vienna which consisted of four military commanders (Kommandant) appointed by four commander-in-chiefs.

Military commanders of the city, likewise commander-in-chiefs in the Allied Council, alternated heading the Command on a monthly basis. An expert group had been created under the supervision of Inter-Allied Command, and its members were delegated by all four Allied Powers. Its assignment was to control public organs of Vienna. Inter-Allied Command was subordinated to the Allied Council and its tasks were handed down from the Executive Committee (also subordinated to Allied Council). The first informal sitting occurred on 28 July 1945 and the first official sitting took place on 17 September 1945.

As the State Treaty came into force on 27 July 1955, Inter-Allied Command terminated as well. The structure, function and activities of the Inter-Allied Command were affected by events in Berlin, however the same mistakes were not made by the Allies in Vienna. In June 1949, the ministry conference of foreign affairs used Vienna as an example for Berlin. But at this time, the Cold War had deepened so the Allied Control Council (Alliiertes Kontrollrat) had not been working in Germany for months.<sup>8</sup>

## The Four in the Jeep – Die Vier im Jeep

The Inter-Allied military patrol, called “The Four in the Jeep”, in Vienna was a worldwide unique institution and became the symbol of the city. Only in this city was it possible that an American, a Soviet, a British and a French soldier were on common duty and patrolling to secure public order. They did so under supervision of a monthly alternating command according to the rotational system of the Inter-Allied Command and the Allied Council. The main tasks of the military patrol were to support the local police department and to take action against the people of the Allied Powers. In this latter case, shooting guns was forbidden for the Viennese police. In addition to the international military patrol, the Allied Powers also possessed national military police in their own sectors.

Every day, ten military patrols were on standby for twenty-four hours, of which four served in four occupied sectors. In district 1, a separate patrol was on duty while five other vehicles were on standby. A driver was always provided by the Americans as vehicles were their property. Contrary to common knowledge, The Four in the Jeep only used their legendary car from September 1945 until October 1946 before changing to another vehicle. In the

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<sup>8</sup> HUFSCHMIED, *Sonderfall Wien? ...*, 118–119.

beginning of 1953, the Ministry Council of the Soviet Union allowed sending other vehicles to serve in the efforts of the international patrol.<sup>9</sup>

## Berlin Blockade and Air Bridge from Viennese Perspective

The events that happened in Berlin in June 1948, such as the blockade erected around the city and the establishment of the air bridge, brought anxiety to the citizens of Vienna when they feared a similar scenario happening in their own capital. News spread that the Western Powers could withdraw troops from Berlin, and that the same would happen in Vienna, and that the Soviet measures could result in war.

The use and approach of Viennese airports by Western Allies was regulated in the Zone Agreement of July 1945. The U.S. had the right to use the Tulln-Langenlebarn airport, while the use of the Schwechat airport was entitled to Great Britain and France.<sup>10</sup> Both airports were in the Soviet zone (Lower Austria) which was a potential danger if the Soviets were to put the city under blockade. As opposed to the events in Berlin, Western Powers did not possess airports within the administrative borders of Vienna. To compensate for this lack of possession, the U.S. and Great Britain each established an air strip in Vienna in 1945. In June 1948, Americans worked out various plans to supply the city using airways. One such plan was to create a strip in the American sector in district 17. However, due to insufficient supply potential, this plan was cut from the agenda. The Americans also planned to build an airport in district 11, in the British sector. The British planned to build an airport in district 11 as well. The Americans estimated that establishing an airport in Simmering would take months. To prepare for a potential Soviet blockade, several food product storage centers (Operation Squirrel Cage – Operation Eichhörnchenkäfig) were built that would have supplied the Viennese citizens and western troops, if necessary.<sup>11</sup>

A Soviet blockade, like in Berlin, was not erected around Vienna. However the Americans and the British kept their plans concerning the airports top-secret, which reflected their worries. These plans would only have been made public in the event of real danger, such as a Soviet blockade; even the Austrian federal government was not informed about these plans. In 1950, plans for an airport in Simmering surfaced again after passing the fourth salary and price law, which caused demonstrations that were intended by Austrian communists to gain political support. But this time, in contrast to 1948, the Western Powers informed the Austrian federal government that they were starting the construction plans. In July 1951, leadership of federal government, called the Council of Ministers (Ministerrat), approved plans for building the American airport in Simmering. A few months later in November 1951 the Americans and the British stopped the project unexpectedly without any official announcement.

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9 Ibidem, 119–120.

10 In addition to the airway connection, the Western Powers were allowed to use the railway service as well. The Americans were entitled to use the Franz-Josefs-Bahnhof (railway station). The French used Westbahnhof and the British used Aspernbahnhof. FISCHER, 5.

11 HUFSCHMIED, *Sonderfall Wien?* ..., 122.

There is a significant comparison between the air supplies in Vienna and Berlin. Setting up a Soviet blockade in Vienna would have been difficult since district 1 was under international and common administration, and because some parts of the British and Soviet sectors (districts 3, 11 and districts 4, 10 respectively)<sup>12</sup> were separated territorially. Even for the Soviets, supplying these districts would have been too difficult with a blockade. Furthermore, another important factor to note was that officially the Soviets never created plans for setting up a blockade or for permanently dividing Austria. Many emphasized the political declaration of that time that stated, "Austria is not Germany, Vienna is not Berlin!" (Österreich ist nicht Deutschland, Wien ist nicht Berlin!) and history justified it.<sup>13</sup>

## Sectors in Berlin

The Siege of Berlin took place from 16 April until 2 May 1945. On 2 May, city Commander General Weidling signed surrender documents submitted by Soviet General Tschuikov in Berlin-Tempelhof. American troops had already crossed the River Elbe near Berlin on 12 April, however they did not take the offensive against it. General Eisenhower personally informed Stalin via telegram that American troops altered their way toward the south.

Commander-in-chiefs of the Red Army and the United States Army met near Torgau for the first time on 25 April 1945. Berlin, located in the Soviet zone, was supposed to be divided into three parts post-capture, as planned by the British in 1944. At that time, neither the British nor the Americans estimated the possibility of a blockade surrounding the city.<sup>14</sup>

On 12 September 1944, the European Advisory Commission decided to split the Nazi Reich and Berlin into three sectors (American, British and Soviet). On this same day they created a plan for the international administration of Berlin, (Protocol of Occupation Zones in Germany and administration in Great-Berlin – Protokoll über die Besatzungszonen in Deutschland und die Verwaltung von Groß-Berlin) which was continued on 14 November with the Control Agreement (Abkommen über Kontrolleinrichtungen in Deutschland) and the Amendment on Protocol of Occupation Zones in Germany and administration in Great-Berlin (Abkommen über Ergänzungen zum Protokoll vom 12. September 1944 über die Besatzungszonen in Deutschland und die Verwaltung von Groß-Berlin).

Initially, the London Agreement on 12 September only defined districts belonging to the Soviet sector, but the western sectors had not yet been decided.<sup>15</sup> Soviets gained the following districts:

- Pankow
- Weißensee

<sup>12</sup> See chapter "Sectors in Vienna".

<sup>13</sup> HUFSCHMIED, *Sonderfall Wien? ...*, 121–123.

<sup>14</sup> HUFSCHMIED, Richard: *Wien im Kalkül der Alliierten (1948–1955): Maßnahmen gegen eine sowjetische Blockade*, Wien 2002, 15–16.

<sup>15</sup> MASÁT, Ádám: *A berlini fal és a menekültkérdés*, Doctoral Dissertation, Eötvös Loránd Tudományegyetem, Bölcsészettudományi Kar, Budapest 2014, 19.

- Prenzlauer Berg
- Mitte
- Friedrichshain
- Lichtenberg
- Treptow
- Köpenick.

During a conference on 11–19 September 1944 in Quebec, Roosevelt and Churchill agreed to divide the western occupation zones and the Berlin sectors between themselves.<sup>16</sup> Following this decision, in the London Agreement of 14 November (Amendment on Protocol of Occupation Zones in Germany and administration in Great-Berlin), the European Advisory Commission defined the American and British districts as follows:

- United States of America:
  - Zehlendorf
  - Steglitz
  - Schöneberg
  - Kreuzberg
  - Tempelhof
  - Neukölln
- United Kingdom:
  - Reinickendorf
  - Wedding
  - Tiergarten
  - Charlottenburg
  - Spandau
  - Wilmersdorf.

In the beginning, there was no conceptualization of a French zone among the Allies. The French government did not officially represent itself at the Tehran, Yalta, or even the Potsdam Conferences.<sup>17</sup> During the Yalta Conference on 3–11 February 1945, the Allies agreed upon the French occupation zone: it was decided that France would get one of the West Germany zones in addition to a sector in Berlin. However, Stalin insisted that the French zone and sector were to detach from the British and American zones and sectors, and the concerned governments agreed.

The London Agreement on 12 September 1944 came into force as Germany accepted unconditional surrender on 8 May 1945. On 26 July 1945, this London Agreement was amended, fixing the French zone in West Germany and the French sector in Berlin.

The Control Agreement on 14 November 1944 set up the Allied Control Council (Alliiertes Kontrollrat, which is not to be confused with the Allied Council – Alliiertes Rat – in Austria)

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<sup>16</sup> Ibidem, 20.

<sup>17</sup> HUFSCHMIED, *Wien im Kalkül...*, 17.

and founded the Inter-Allied Command in Berlin (officially Inter-Allied Governing Authority – Interalliierte Regierungsbehörde). The Allied Control Council and Inter-Allied Command in Berlin only made unanimous decisions. On 1 May 1945, France was added to the Control Agreement of 14 November 1944. In pursuit of these agreements, the Allies possessed supreme power through military commanders in their own zones. As members of the Allied Control Council, these military commanders were entitled to supreme power over issues concerning all of Germany.<sup>18</sup>

## Legal Status of Berlin after 1945

In the Berlin Statement (Erklärung in Anbetracht der Niederlage Deutschlands und der Übernahme der obersten Regierungsgewalt hinsichtlich Deutschlands durch die Regierungen des Vereinigten Königreichs, der Vereinigten Staaten von Amerika und der Union der Sozialistischen Sowjet-Republiken und durch die Provisorische Regierung der Französischen Republik) of 5 June 1945, the Allied Powers declared their takeover of supreme power in Germany.

On 1 July, the Allies began withdrawing troops back into their own zones, as was regulated by the London Agreement on 12 September 1944. At the same time, the three Western Allies invaded West Berlin sectors. On 11 July 1945 Inter-Allied Command took over control in Berlin.

The Allies in the London and Potsdam agreements regulated legal status of Berlin. These pacts were legal sources of relations between the allied powers and occupied populations, as well as among the allies themselves.

Occupational rights were created apart from these agreements when Germany accepted unconditional surrender and when supreme power of the country was taken over by the allies. These rights originated in *occupatio bellica*<sup>19</sup> rights. In international law, this means they are not to trace back to these pacts.

The legal status of Berlin was unique, as it was simultaneously set free and first invaded by the Soviet army, meaning occupational rights were under the sole possession of the Soviets until the Western Allies marched into the city in June 1945. According to the Soviet standpoint, occupational rights of the West Berlin sectors were given by the Soviet Union and could be revoked anytime. However this conception was false. The Soviets ceded their rights to the Western Powers, who then took over supreme power in West Berlin.

Consequently, the Soviets lost their occupational rights to West Berlin, which could not have been restored even if the Soviets were to change their minds. Based on the Soviets' point of view, occupational rights of the Soviets could also be revoked by Western Powers in Saxony, Thuringia or Mecklenburg areas. Legal status of Berlin could be modified with unanimous permission of all occupying powers. Therefore, occupational rights of the allies

18 MAHNCKE, Dieter: *Berlin im geteilten Deutschland*, Wien 1973, 34.

19 There is a difference between the definition of "occupation" and "occupation bellica". According to the latter, the aim of military occupation is to crush enemy power but not to obtain its territory.



were separated from each other. If an invading power had given up its rights (in case an ally would have renounced occupational rights), they would not have been automatically transferred to other powers. These rights were primary (original) and not secondary (subsidiary) so they were not deduced from agreements. For that reason, they could not be violated if an agreement was violated.

In order to arrange the internal legal status of Berlin, the Inter-Allied Command published the octroyed Temporary Constitution for Great-Berlin on 13 August 1946. German politicians and jurists did not get involved while working out its details. The Temporary Constitution created a democratic self-administration that was subordinated to the Inter-Allied Command and military governments of each sector. The Temporary Constitution mixed elements of a state constitution (*Landesverfassung*) and the Prussian City Act (*Städteordnung*) of 1853.<sup>20</sup>

Great Berlin's<sup>21</sup> legal status was unique because, starting in June 1945, all city territories were detached from occupation zones and were qualified as commonly invaded areas. The London Agreement on 12 September 1944 not only determined zone borders but also declared Berlin freestanding from occupation zones. Berlin, like Germany, was divided into four parts. Together, the four city commanders of Inter-Allied Command possessed supreme power over Great Berlin, and the four commander-in-chiefs of the Allied Control Council held authority over all issues concerning the entirety of Germany. Responsibilities of the Allied Control Council were to execute directives of military governors uniformly in each occupation zone and to make decision on military, political and economic issues that concerned the entire territory of Germany. They were also to control activities of German central administration in order to evolve unified occupation policy. Inter-Allied Command was responsible for the common international administration of Great Berlin and was subordinated to the Allied Control Council.

Supreme power, including legislation and administrative power, was possessed by Inter-Allied Command related to the Great-Berlin area. Every draft statue of the Berlin Magistracy (*Magistrat*) and later of the City Representative Body (*Stadtverordnetenversammlung*) could come into force upon approval by the Inter-Allied Command.

Members of the Allied Control Council and Inter-Allied Command had equal rights and possessed administrative competencies and supreme power on issues concerning the entire territory of Germany and Berlin. Both allied organs were only quorate when they had unanimous consent.<sup>22</sup>

20 MUSIL, Andreas – KIRCHNER, Sören: *Das Recht der Berliner Verwaltung: Unter Berücksichtigung kommunal-rechtlicher Bezüge*, Berlin 2007, 8.

21 Great Berlin was formed by the Great Berlin Act (*Gesetz über die Bildung einer neuen Stadtgemeinde Berlin*), which came into force on 1 October 1920, and was responsible for merging towns (*Stadtgemeinden*, *Landgemeinden*, *Gutsbezirke*) all around the old city, online: <http://www.verfassungen.de/de/be/berlin20.htm> (Downloaded 15 March 2017) and online: <http://www.tagesspiegel.de/berlin/gross-berliner-fusion-nur-los-angeles-war-groesser/1946180.html> (Downloaded 4 April 2017).

22 MAHNCKE, 34–38.

## Termination of Four Power Control and the Berlin Blockade

Economic and political unity of Germany terminated in 1945. Economic trade, as well as personal and information traffic, had initially been restricted by the Soviets unilaterally, but afterwards the Western Powers made the same decisions which were followed by gradual bilateral restrictions.

One year after capitulation and invasion, occupation zones were hermetically separated from each other. Material and intellectual property and personal traffic decreased to a minimum. Four small economic units that could only keep in touch with contracts came into existence in Germany.

Failed negotiation attempts, impotence of the Allied Control Council, and Soviet ambitions to expand their "democracy" to all of Germany, forced Western Powers to finalize territorial divisions and unite West Germany to halt Soviet expansion into West Germany and West Europe. Soviets using geographical advantages sought to make connections among West Berlin and the western zones more difficult by limiting the number of available routes into the city. The Soviet measures aimed to encumber the position of Western Powers in Berlin and the integration of West Berlin to western country areas.

Political standoff between the two political blocks resulted in Soviet commander Marshal W. D. Sokolowski leaving the Allied Control Council on 20 March 1948. This event signified the last session of the Council and the end of four power administration. On 16 June 1948, Soviet delegation also left Inter-Allied Command of Berlin.<sup>23</sup>

The Berlin crisis reached its deepest point to date when the Soviets left the Inter-Allied Command. On 24 June 1948, the Soviet military government closed all overland and water, but not air, connections between the western region and West Berlin. Berlin went under a blockade. Introduction of the new Mark in West Germany on 20 June 1948 preceded the erection of the blockade. In reaction, the Soviet military government declared currency reform in the Soviet zone and, unlawfully, in all Berlin sectors on 23 June. Publishing new currency lawfully in Berlin would have also required consent of the three other Western Powers according to four power administration.<sup>24</sup> Although it was never realized, the Western Allies insisted on regulating a new currency in a four power agreement.

In reaction to the Soviets' actions, the Western Allies expanded authority of the new Mark in West Berlin on 24 June. Expanding the new Mark in West-Berlin was just a pretext that the Soviet administration used to put all overland and water routes leading into the city under military closure. West Berlin was not only separated from the western zones but from the Soviet one as well, even East Berlin. Trade ended and power plants in East Berlin suspended power supply to the western areas of the city. The only solution for the Western Allies was to establish the air bridge.

As Soviet efforts failed to increase influence in Berlin, the blockade was announced. Their attempt to isolate West Berlin from West Germany did not succeed. On the contrary,

<sup>23</sup> Ibidem, 40–43.

<sup>24</sup> RENGEL, Jörg: *Berlin nach 1945: politisch-rechtliche Untersuchungen zur Lage der Stadt im geteilten Deutschland*, Frankfurt am Main 1993, 334.

inhabitants of West Berlin and West Germany did not get separated but were brought closer. Western invading powers became protective powers at this time. Conflicts among the people of West Germany and the Western Allies abated, promoting the integration of western country areas.

The Berlin Blockade was dissolved with the Four Power Agreement of 4 May 1949, which terminated mutual closure – the Western Allies also cut off West Berlin from the eastern block – on 12 May and restored the status quo of 1 April 1948.<sup>25</sup>

## Protagonists of the Berlin Blockade

In Berlin, “building” an air bridge was feasible, unlike in Vienna where the Western Powers did not possess an airport within the city. Upon the creation of the Berlin Blockade, the Western Allies resorted to using the Tempelhof and Gatow airports that were in the Western sectors. The former was in the American sector while the latter was in the British one. In the period of the blockade, the biggest traffic was arranged at Tempelhof Airport which meant it was the most important airport.

For the sake of long term supply and boosting capacity, a new airport called Tegel was built in the French sector for “raisin bombers” (Rosinenbomber), as Berlin inhabitants called the air bridge’s airplanes. Though Tegel Airport was under French authority, the planning, execution and operation during the blockade were accomplished by Americans, as USAFE (United States Air Forces in Europe) was responsible for the air control and supplied the personnel. Tegel Airport was involved in an international affair. After its creation, it became clear that a radio tower near the airport jeopardized flight security. French authorities twice requested that the Soviet military government demolish and reinstall the tower elsewhere, however the Soviet military administration did not give any response. The French took matters into their own hands and the French city commander ordered the tower to be blown up on 16 December 1948. This explosion evoked Soviet protest. The French argued that destroying the tower was necessary in order to secure the life of the pilots.<sup>26</sup> When questioned about how the French could blow up the tower, the commander answered, “with dynamite”.<sup>27</sup> By destroying the tower, Western Allies succeeded doubly. On one hand, the flight corridor was cleared. On the other hand, radio transmission being used for Soviet propaganda aims was limited in the eastern sector.<sup>28</sup>

In addition to the airports, British Royal Air Force (RAF) put hydroplanes into action from July until December 1948 for supplying the western areas using Wannsee, Tegeler See and River Havel as strips for landing and takeoff.<sup>29</sup>

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25 MAHNCKE, 43–45.

26 HUFSCHMIED, *Wien im Kalkül...*, 24–28.

27 Online: <http://www.tagesspiegel.de/berlin/chronik-chronik/6566154.html> (Downloaded 31 March 2017).

28 Die Radionauten: *Radiogeschichten: Zeitreise und Exkursionen in die Berliner RadioWelten*, Norderstedt 2004, 64.

29 HUFSCHMIED, *Wien im Kalkül...*, 28.

## Changing of Four Power Status during the Blockade

The aims of Soviet military administration were partially fulfilled. Political abyss was getting deeper, and by means of the blockade, Soviet military government succeeded in taking complete control of East Berlin. At putsch, in November 1948, "temporary democratic Magistracy" and Friedrich Ebert Junior as governing mayor were elected.

After that, Berlin was officially divided into two parts. Inter-Allied Command again had a session on 21 December 1948 but the three western commanders declared that, in absence of the Soviet city commander, authority and resolutions of the Inter-Allied Command did not extend to East Berlin. Absence of the Soviet commander was qualified as abstention but not veto. Withdrawal of the Soviet commander in June 1948, and the reunion of Inter-Allied Command in December without the Soviet party, did not abolish the operation of this institution, which could have been realized exclusively with a four power agreement according to rules of the international law.<sup>30</sup>

## Conclusion

The Austrian Control and Zone Agreements in July 1945 were signed almost one year later than was the case in Germany, making it possible for the Allies to avoid the same failures in Austria and Vienna.

Berlin had been divided into four sectors and Vienna had been divided into five. Vienna was the only city containing an international sector (district 1) which was globally unique. Berlin did not possess such a sector, which contributed to the ineffectiveness of the Inter-Allied Command. In Berlin, in the summer of 1945, the pitfalls of the Agreements of November 1944 became apparent. The Allies learned from their mistakes and therefore created district 1 in Vienna. Creating this district promoted cooperation within the Allied military administration, which improved its overall functioning and allowed the allies to resolve conflicts. Unlike in Germany, where local politicians and law experts had no say in political decision making and legislation, Austrian governmental organs were able to promote more of their political interests because of the international sector in Vienna.<sup>31</sup>

The decision on Vienna's legal status was made later than Berlin's, which positively shaped history for Austria and Vienna. Procrastination and conflicts about permanently drawing Vienna's administrative borders – over whether to keep Reichsgau borders of Nazi era or to restore their status as it was in 1938 – favored the Austrian capital. In Berlin, there was no dispute about city borders, as Great Berlin had already been created by the Great Berlin Act in 1920.

Unlike in Berlin, the Inter-Allied Command in Vienna had an institution called The Four in the Jeep that fulfilled their duty under a common command; not only in the international sector district 1 but in all other sectors belonging to the Allies.

<sup>30</sup> MAHNCKE, 45.

<sup>31</sup> HUFSCHMIED, *Sonderfall Wien?* ..., 117–118.

Sectors in Berlin and Vienna were different as well. In Berlin, there was no international sector and each sector was territorially continuous. In Vienna, British districts 3, 11 and Soviet districts 4, 10 refracted the territorial integrity of the occupation sectors. This guaranteed that a Soviet blockade could not be established around the city, as a blockade would have made supplying the Soviets' own districts difficult as well. All these facts helped Vienna to avoid the permanent division that happened in Berlin.

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# Minorities and multicultural education at universities

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## Abstract

The author addresses on a multidisciplinary platform and from the theoretical legal and philosophical legal perspective the issue of minorities and multicultural education at universities. Through its criticism she reveals the emptiness and confusion of the concepts of social sciences and humanitarian disciplines and brings to light the 'asset stripping' of the normative systems.

Multiculturalism in the context of a value-based university education is presented as relativism applied in the field of the social sciences with repercussions on social engineering and complete transformation of cultural and social values.

Her conclusions about value perception and interpretation of multidisciplinary concepts of multiculturalism unearth in the final analysis concurrent processes leading to ideologization of scholarly disciplines and in particular law, which ceases to be a value and becomes a means used by the power structures of the globalized world.

## Keywords

multiculturalism, multicultural education, legal education, legal culture, minorities

Educational and instructive activities at universities and their scientific and research activities are currently confronted with a comprehensive understanding of the broad context of social development in the context of a global world. In today's life full of diversity, the growing importance of cultural pluralism, which is also the cause of ever-increasing migration, is realised. An expression of this fact is the emphasis placed on the concept of multiculturalism as a set of socio-scientific theories and concepts dealing with various aspects of these phenomena.

In an effort to prevent problems in cohabitation and negative social phenomena, a positive integration policy is pursued, mainly affecting minorities from countries with visa and residence restrictions. Its open nature has long sought to create the conditions for the inclusion and acceptance of these minorities in majority society. This is facilitated by multicultural education aiming to address a wide range of minority issues. The research on the various influences of cultural diversity includes the fields of anthropology, ethnology, social methods, intercultural psychology, social and developmental psychology, intercultural

communication, international education, political science, protection of human rights and cultural relativism.<sup>1</sup>

Multicultural (intercultural) education is, in the broadest sense, an educational activity aimed at teaching understanding of people from different ethnic, peoples, racial and religious groups and preparing them for coexistence, respect and cooperation. The aim of multicultural education is, in particular, to shape the personality of individuals so that they can live in a multicultural society and contribute to the optimal coexistence of diverse groups of individuals.<sup>2</sup>

Multicultural education is pursued across the curriculum of primary and secondary schools that are part of compulsory education, as well as in out-of-school activities through educational events and promotional campaigns, including the application of political means.<sup>3</sup> Foreign nationals' children attend schools compulsorily under Section 20 of the Education Act, and Decree No. 48/2005 Sb., Section 21(4).<sup>4</sup>

At the level of university education, viewed from the perspective of broader philosophical, sociological, economic, cultural, political and environmental questions, envisages a public discussion on social and ethical questions with regard to the development of a multicultural society.<sup>5</sup> The key provisions of the University Act set this framework for the multicultural platform of university education in the Preamble to Section 1 of the Universities Act.

It is said that the universities, being the highest link in the education system, are supreme centres for education, independent cognition and creative activities, playing a central part in scientific, cultural, social and economic development by playing, inter alia, an active role in public discussions of social and ethical questions, in cultivation of cultural diversity and mutual understanding, shaping of a civil society, and preparation of young people for living in it. The following provisions highlight the role of universities in their contribution to development at the national and regional level and fostering of international and European cooperation.<sup>6</sup>

Multicultural education at universities is an open space for detailed legal regulation of providers of foreign university education in the territory of the Czech Republic, including

1 VALIŠOVÁ, Alena – KASÍKOVÁ, Hana (eds.): *Pedagogika pro učitele [Pedagogy for teachers]*, Prague 2011, 323.

2 Ibidem, 322.

3 For example, as part of the Edison project foreign university students attend Czech schools and introduce Czech students to traditions and cultures of their countries of origin. Online: [http://zpravy.idnes.cz/rozstrel-hynek-charoustiznost-na-skolu-hysterie-kvuli-cizincum-1d7-/domaci.aspx?c=A170324\\_144804\\_domaci\\_jkk](http://zpravy.idnes.cz/rozstrel-hynek-charoustiznost-na-skolu-hysterie-kvuli-cizincum-1d7-/domaci.aspx?c=A170324_144804_domaci_jkk) (Downloaded 2 April 2017).

4 Citizens of the European Union thus have guaranteed access to education and school services under the same conditions as citizens of the Czech Republic. Foreign nationals who are not citizens of the European Union have access to primary, college and higher vocational education under the same conditions as citizens of the EU. (Act No. 561/2004 Sb., on Preschool, Primary, Secondary, Higher Vocational and other Education, and Decree No. 48/2005 Sb., on Primary Education and some requisites of compulsory school attendance.)

5 Act No. 111/1998 Sb., Universities Act, amending certain related laws (Universities Act), as last amended, Section 1.

6 Ibidem.



state regulation of licensing of branches of foreign universities in Section 14 of the Universities Act.<sup>7</sup> Engaging universities in a broad and wide-ranging debate on the issue of multicultural plurality is part of the key and comprehensive task that educational institutions perform in the scientific, cultural, social and economic development of society.

The philosophical and political view of multicultural education starts from multiculturalism and the concept of universality of human rights, and cultural relativism that treats cultures as equal and does not consider them according to the criteria 'better' and 'worse' or 'advanced' and 'primitive'. By contrast, the ethnocentric view evaluates other cultures from its own position based on comparison and assessment which are part of critical thinking. It states that in consequence of an imbalanced approach and domination of extreme positions of multiculturalism in multicultural education students can be indoctrinated by ethnic ideologies.<sup>8</sup> This does not result in eradication of prejudices and negative dogmas will multiply nationalist teaching according to ethic criteria in a minority version.<sup>9</sup>

Opinions are voiced in academic literature that despite a comprehensively elaborated theoretical points of departure and long real-life experience of the effects of multicultural education, in particular long-ranging educational activities in Western Europe and North America, no real effect and real results have been demonstrated in practical life.<sup>10</sup> On the contrary, one can hear increasingly teachers' voices saying that teaching of most social sciences is today a consequence of liberal education of victims of a schizophrenia: Under the pressure of political correctness teachers hardly express an opinion whereas, on the other side, students can claim anything and it is considered creative and inspiring.

The cult of liberal humanism in education may lead in its pronounced form to disruption of civic balance in politics and before the law. Its advocates proclaim one humanity and confuse human rights with universal ethics and political rights and duties.<sup>11</sup> Political instruments prefer stances rejecting natural boundaries between people and cultures, external and internal, that support the autonomy of the family, school, community, associations and unions. All-embracing humanism of multicultural education is to teach people to love strangers more than one's own folk, humanity more than nation.<sup>12</sup>

With reference to political correctness, which should have been a label for respect, a liberal effort is spreading to 'liberate' humankind from culture, history, and religion, destroying

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7 Ibidem, Section 93a–93k.

8 Criticism of multiculturalism is represented in the Czech milieu by staff of the Department of Anthropology, University of Western Bohemia in Pilsen with a collection of studies 'Soudobé spory o multikulturalismus a politiku identit'. (HIRT, Tomáš – JAKOUBEK, Marek (eds.): *Soudobé spory o multikulturalismus a politiku identit* [Contemporary disputes over multiculturalism and identity policy], Pilsen 2005).

9 Ibidem, 53.

10 PRŮCHA, Jan: *Multikulturní výchova* [Multicultural education], Prague 2011, 15.

11 SARTORI, Giovanni: *Pluralismus, multikulturalismus a přistěhovalci* [Pluralism, multiculturalism and immigration], Prague 2011, 14–123.

12 Online: <https://www.novinky.cz/komentare/420906-komentar-amok-americkych-liberalu-alexander-tomsky.html> (Downloaded 17 November 2016).

language, thinking, discipline, authority, competition, and all virtues. It refuses to differentiate between higher and lower, better and worse, noble and barbarian. It regards society as a sum of equal individuals, not an organism.<sup>13</sup> It suppresses the perception of people's individual value given by their spiritual dimension.

The demand for multicultural education, tolerance and non-discrimination comprises creation of equal opportunities by means of democratic processes and application of a non-selective community approach. In this context the view of multiculturalism or inter-culturalism separating it from pluralism is on the rise.<sup>14</sup> The intention is being advocated in this sense that members of other cultures have a right to preserve their cultures unless doing so interferes with the free will of members of other cultures.<sup>15</sup> Feedback from popular referendums and election results are beginning to show that democracy is beginning to diverge from radical manifestations of the ideology of liberalism. In cultivation of cultural diversity and mutual understanding at universities, and in particular preparation of university students for the creation of a civil society in teaching and philosophical faculties it will be necessary to take into account majority opinions of democratic society.

Multicultural education and the issue of minorities has been influenced at universities by the approach of the European Court of Human Rights together with ramifications for the continental type of legal culture in Europe.<sup>16</sup> Value judgments of values in themselves in a value-based approach to education cultivate with their extreme teleological form the interpretations of an ideology that conceals under the cloak of political correctness distorted views of law, equality, freedom, and democracy.

Multicultural education supports the blurring of traditional conservative positions and patterns. Confusion of terms in the complex formation of cosmopolitan and multicultural views of reality leads to their emptying.<sup>17</sup> This fact determines and modifies the perception

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13 People are not equal in aristocratic virtues. Egalitarian deification of the individual without regard for natural civilisation, cultural and moral standard leads to decline. (Ibidem).

14 Critical views warning against numbers of immigrants include ideas of Giovanni Sartori, internationally recognised Italian expert and professor at Florence University and Columbia University, New York, who points to dangers of liberal policy concerning migration from Islamic countries. In an essay on multi-ethnic society he says: "The term 'pluralism' is popular today which does not mean it is correctly understood. It is the contrary. As proof of its misunderstanding I consider the notion that multiculturalism – a policy endorsing ethnic and cultural differences – represents a continuation and deepening of pluralism... I say that the idea of a complementary pluralism and multiculturalism is wrong as these are two contradictory terms that negate one another." (SARTORI, 9).

15 BALVÍN, Jaroslav: *Pedagogika, andragogika a multikulturalita [Pedagogy, Andragogy and Multiculturalism]*, Prague 2012, 60.

16 See Judikatura – Databáze vybraných rozhodnutí Evropského soudu pro lidská práva [Database of selected decisions of the European Court of Human Rights], online: [http://eslp.justice.cz/justice/judikatura\\_eslp.nsf/WebSpreadSearch](http://eslp.justice.cz/justice/judikatura_eslp.nsf/WebSpreadSearch) (Downloaded 2 April 2017).

17 Key terms used in multicultural education include 'minority', 'ethnic group', 'ethnic consciousness', 'ethnicity', 'race', 'culture', 'cultural relativism', 'assimilation', 'integration'. In practice, ethnic group or ethnic consciousness is identified with the category 'nationality' and ethnic space with the category 'homeland'. "For multicultural education the existence of nations is a very problematic matter." (PRŮCHA, *Multikulturní výchova*, 23, 24 through 28).

of needs of the late period of modernity, in which society lost its immunised character and is going through a value orientation crisis.<sup>18</sup>

Multicultural education is presented as a point of departure for a solution of the adverse demographic developments, stressing the overcoming the traditional function of the family and support for natality. For this reason legal relations are preferred that deal with new forms of coexistence upholding the participants' rights in marriage and in registered partnership. The emphasis is placed in the economic area on globalism and supranational interests veiled in the social here by a cloak of humanism common to all mankind.<sup>19</sup>

Understanding the key terms and concepts of multicultural education is not easy since the interdisciplinary terms in use and its very conception are not fixed and opinions of its purposefulness and functioning differ even abroad.<sup>20</sup> The doctrines of social sciences develop the interdisciplinary character of multicultural education as an area of scientific research and are based mainly on pedagogical and psychological theory. In practical terms, it emphasizes the economic 'usefulness' of the impact of migration policy and the free movement of migrants, which offers solutions to problems of economic and demographic nature, to a lesser extent, notes the links of political, ethical and social contexts.

Multicultural education at all school levels including university education, above all in teaching colleges, helps to re-evaluate the task of traditional national states and all forms of patriotism and national identity.<sup>21</sup> The value view of multicultural concepts of social phenomena or inter-culturalism as its complementary and more advanced form is presented as a solution to overcome the national horizon and to develop national traditions fully on the worldwide level.<sup>22</sup>

Emancipation (national) concept of history is merely pathetic and empty rhetoric. This is justified by the assertion that an increasing number of young people identify with modern means of communication and social media linked to manifestations of globalisation supported by global capital, supranational corporations and intergovernmental organisations. An ideological pressure is brought to bear to view the world through the prism of multiculturalism, going hand in hand with modern organisational forms of teaching and teaching methods at universities.

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18 See MACINTYRE, Alasdair C.: *Ztráta ctnosti: k morální krizi současnosti* [After Virtue: A Study in Moral Theory], Prague 2004, 332, or HAN, Byung-Chul: *Vyhořelá společnost* [Burned society], Prague 2016.

19 Online: [https://www.novinky.cz/komentare/431012-komentar-nic-uz-nebude-jak-bylo-jiri-pehe.html#utm\\_source=search.seznam.cz&utm\\_medium=hint&utm\\_content=freshnews&utm\\_term=pehe](https://www.novinky.cz/komentare/431012-komentar-nic-uz-nebude-jak-bylo-jiri-pehe.html#utm_source=search.seznam.cz&utm_medium=hint&utm_content=freshnews&utm_term=pehe) (Downloaded 3 March 2017).

20 PRŮCHA, *Multikulturní výchova*, 23.

21 Act No. 561/2004 Sb. employs the term 'national minority' whereas The Framework Educational Programme for Basic Education (2005) uses the terms 'minority ethnic group' and 'national group'.

22 "It is only when a representative of a minority can turn against an imaginary cultural majority its constitution does real integration begin. Only in the experience of that 'insult', in the felling of the gap severing the established connection between truth and majority opinion can cultures become equal and their members can meet in the space thus created to create on the basis of multiplicity of cultures a common culture of multiplicity" (DOKUPIL ŠKABRAHA, Martin: Národní kultura nezemře. V postmajoritní společnosti lze některé podněty našich tradic naplno rozvinout až na světoobčanské rovině, in: *Lidové noviny*, 18 February 2017, 15).

In the loosening of the plurality of truths and confusion of values of late modernity multicultural education, in particular in faculties of education, calls on people to kneel before the historic mythology of other cultures and resign to one's own view.<sup>23</sup> A social altruism is expected without a sense of responsibility for generation of an evolutionary chain in the system, and precisely from the perspective of the attitude to the culture of own community and its point of view.

Multicultural education is part of value education at universities whose importance has been growing in importance lately and is overestimated in a number of respects. In its overstressed conception it helps to cover the point of gravity of the substance of scientific disciplines with non-transparent wrappings and through values and principles the value judgment is substituted for traditional normative systems. Transformed into forms of ideology, demagoguery, education, and efforts to teach people to think value education blurs the fragile boundary between various forms of this operation and may function as a mechanism for skilful manipulation with human consciousness. Like formerly religion with equality before God or communism with expropriation of property, a modern-day egalitarianism comes with adoration of human-rightist multiculturalism. This view negates with an antidiscrimination constant difference and diversity and calls into question own points of departure and directions. It views diverse cultures ethnocentrically and expects from the position of its stances mutual respect and cooperation between cultures.<sup>24</sup>

Multicultural education at universities does not contribute to the professional development of scholarly disciplines since the gamut of their effect is directed at standpoints of relativising nature and subjective character. It only sees some aspects of diversity and forgets that a pluralist conception of verities creates further stereotypes. Interdisciplinary character of multicultural education goes beyond the theoretical framework of conception of individual fields of study and ignores the application impact on the factual functioning of society. In this context a number of works state that multicultural education, even if it is ingenuously elaborated on the theoretical plane, failed in its effect and result on the practical level of life.<sup>25</sup> Defining of values with a number of variables and few constants raises a number of questions of nationwide importance who problem is in the future more connected with unforeseeable conclusion of a solution than the current dilemma of controversial claims and dogmas.

Understanding of multicultural education does not elucidate the current shift from ethic and national understanding of cultural diversity to diversity of socio-cultural groups and acceptance of the fact that one can be concurrently part of one or more cultures. University education cannot, despite newly emerging efforts to modify the interpretations of different

23 PINKAS, Jaroslav – HOŘENÍ, Karina: Dějepis je mnohem víc než data. Jsem na straně těch, kdo s prázdnýma rukama buší na dveře, in: *Lidové noviny*, 19 March 2016, 1 and 19, 24 and 25.

24 Optimistic views of multicultural education start from one's own seeing of reality from the angle of democratic values. It is expected that different cultures will respect the fundamental constitutional rights and obligations of all the citizens of a society and no community will radicalise itself so much that it will stand against others and act against the interests of other cultures.

25 PRŮCHA, *Multikulturní výchova*, 148–157.

conceptions of multiculturalism and inter-culturalism and the creation of its terminology,<sup>26</sup> create the conditions for such education and educational efforts in university institutions. Through development of reflection of students' individual identity as part of tuition of academic disciples at universities multicultural education in social sciences and the humanities may cause a certain ideologization of scientific disciplines. Such an approach represents indoctrination of students and allows a misuse of the value system in education and expedient relativisation of scientific findings in the humanities. In this sense it is fair to ask what the aim is and the means for this view of education. If education is to be the aim as an intrinsic value contributing to learning in society, this means its mediation should not be expected to result in another value unless the intention is precisely expedient transformation of learning by its value judgment.<sup>27</sup>

Multicultural education at universities, if it predominates in the practice of pedagogic, philosophical, sociological, political science and legal disciplines, deploys instruments of social engineering and a fundamental transformation of cultural and social values.<sup>28</sup> On the theoretical plane it distorts objective conception of scientific work and teaching of academic disciplines starting from a relativising approach to their understanding. At regional and national level it reappraises the importance of spiritual wealth of cultural diversity and in the context of European and international reach it empties the real values of democracy and humanism. In consequence it does not develop learning in society, the Holy Grail of the diligent and the capable handed down to us by previous generations.

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26 As for key terms and definitions cf. e.g. BALVÍN, 48–52; *Velký sociologický slovník [The Great Sociological Dictionary]*, Prague 1996, 548–549; PRŮCHA, *Multikulturní výchova*, 20–40 and PRŮCHA, Jan (ed.): *Pedagogická encyklopedie [Pedagogical Encyclopedia]*, Prague 2009.

27 The value-based approach in law triggered in the process of judicialization the destruction of the continental legal culture. By emptying the normative systems through value-based education and value-based interpretation of law, the theory of legal science was made to face the reality of having to defend its own doctrine. The law, which is in itself a value with a value concept, has become a mere medium for the mediation of other values. In this sense, the value of the law has been emptied, the value it has in itself, and the value concept has become a mere means. With this 'normative tunnel' the law as a value in itself is replaced by the values of other normative systems while preserving the same formal terminology. In short: "Through looking for decency in the law, we have forfeited the 'decent law'. In this sense, the law can be understood in two ways: Either statically as a value, and in this case the value-based interpretation is an absurd duplication, for the value is interpreted in a value-based way. Or, the law can be perceived dynamically as a purpose and a means of getting to another value teleologically."

28 Let us add with a degree of exaggeration that the value-based approach is not going to be adopted by doctors and the general validity of the Hippocratic Oath is not going to be challenged in medical schools.

- Act No. 111/1998 Sb., Universities Act, amending certain related laws (Universities Act), as last amended, Section 1, Section 93a–93k.
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<b>REVIEWS</b>
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Jan KUKLÍK – René PETRÁŠ

## Minorities and Law in Czechoslovakia (1918–1992)

Prague: Karolinum Press 2017, 302 pages.  
ISBN 978-80-246-3583-5

The issue of minorities has always been important in East and Central Europe. The main aim of the book written by Jan Kuklík and René Petráš is to provide an objective overview of the legal status of ethnic and language minorities in Czechoslovakia between 1918 and 1992 (during the whole existence of the country), especially for foreigners, who are not familiar with the topic. It gives a great value to the book that the situation of minorities living in this country during the examined period is analysed not only from a legal perspective, but also in a historical context. Even though the scope of the analysis embraces a long period of time, the main focus of the examination lies on the interwar period.

The first chapter provides an introduction to the minority issue in the Habsburg Monarchy and at the beginning of Czechoslovakia. The situation of Germans in the Czech part of the Monarchy is described the most thoroughly. The authors give a detailed picture on the process, how the minority issue emerged by the end of the existence of the Austro-Hungarian Monarchy. They also introduce the different legal status of minorities in the Austrian and Hungarian part of the Monarchy at that time, outlining the Act on Nationalities adopted in Hungary in 1868 and the Austrian Fundamental Law's provisions. After that, the cease of the Monarchy and the birth of Czechoslovakia is described in a context of minority questions. They give a detailed description of the process of concluding the peace treaties after the World War I. They put an emphasis on the Paris Conference's minorities' protection system.

In the next chapter they outline how the legal regulation regarding minorities changed between the two world wars. They describe the political context, and the changes of the relation between the majority and the minorities during this era. A statistics regarding minorities in the country is provided as well in the context of legal status of minorities. Disputes concerning the Czechoslovak nation's existence and identity are mentioned as well. Assimilation of Germans, situation of Hungarians, Sub-Carpathian Ruthenia, Jews, Gypsies (the Roma) are negotiated, too. The sources of law and the legal practice concerning minorities' legal status are also described, and a critical approach is introduced. Furthermore, lack of certain definition of the concepts 'nation' and 'nationality' at this time is criticised. They emphasise that the nation state was preferred at this time and a part of the legal rules included provisions discriminating minorities to some extent. Not only the rules explicitly made on minorities are analysed, but also the right to vote and the representation of minorities, legal sources on economy, economy policy, industry and business, agrarian reforms. An emphasis is put on the language law, the school and cultural nationalities law,

and the disputes surrounding them are also outlined, just as the issue of autonomy of minorities and this idea's roots tracing back to the time of the Habsburg Monarchy. All these are followed by a description and analysis of the changes of regulation on minorities between 1929 and 1938. The main topic of this part are the legal status and the situation of Germans in the Czechoslovak Republic. The rise of right-wing extremism and its relation to the minorities is also negotiated with a great emphasis, just as the legal rules deriving from it. It is also negotiated, how the state tried to fulfil an anti-German policy (e.g. with the Machník decree). Clashes with the Treaty of St. Germain are also mentioned. The Act on the Defence of the States are analysed in this context as well.

The third chapter provides a detailed overview of the Munich Agreement giving territories inhabited by Germans and Hungarians to Germany and Hungary and the World War II. The establishment of the Protectorate of Bohemia and Moravia through the occupation by Nazi Germany, and endeavours for control of all spheres of life by Germans, and suppression based on race are described as well. After all these, negotiations on transfer of minorities, the minority policy of Edvard Beneš and the exile Government, furthermore expulsions, and forced migration of Germans which took part before the Potsdam Conference are discussed, just as the organised transfer of Germans following the Potsdam Conference.

The next chapter deals with the legislation of Czechoslovakia on minorities between 1945 and 1948. They start with an analysis of Edvard Beneš's presidential decrees (the so-called Beneš-decrees), which contained lots of provisions depriving Hungarians and Germans from their rights. The authors analyse the situation of the Hungarians in Czechoslovakia between 1945 and 1948 separately as well, just as the Czechoslovak-Hungarian population exchange. The situation of other minorities (Poles, Rusyns and Gypsies or Romanies) during this time is also outlined.

The fifth chapter is connected to the era of the communist regime (1948–1989) from the beginning to the end. The different status and positions of minorities between 1948 and 1953 and the discrimination of Germans, furthermore the moderation of this situation is analysed. They shortly overview the status of Jews, Ruthenians and Gypsies, too. It is also examined, how the minority policy of the dictatorship of the proletariat and a more liberal era varied, and how the so-called Prague-spring in 1968 influenced legislation on minorities. An analysis of setback or at least stagnation after the invasion of 1968 (between 1970–1989) is also performed.

The last chapter discusses the period between 1989 and 1992, which can be characterised by the change of regime and disintegration of Czechoslovakia. The collapse of communism is described, just as the issue of EU and NATO accession. Furthermore, the case of Gabčíkovo-Nagymaros (Bős-Nagymaros) and other disputes between Slovakia and Hungary are mentioned. Bad social situation and social exclusion of Gypsy (Romani) population, and the situation of Slovaks in the Czech Lands and Ruthenians and Ukrainians living in Slovakia, accordingly the Poles in Teschen (Těšín) Silesia, furthermore the Jewish minority is analysed as well. They also describe that the change of regime did not activate Germans remained in the Czech and Slovak territories, and issue of restitutions is also discussed. The European idea and the low significance of new minorities (e.g. Vietnamese) after 1989 is mentioned, too. The book ends with a brief analysis of the legal regulations connected to

minorities in Czechoslovakia after 1989 and a conclusion, in which the authors emphasise again that the main aim of the book was not to make a new contribution to the scientific discourse on this very complicated question, but to provide an introduction and overview of the change of legal status of minorities in Czechoslovakia over time to help foreign readers in understanding minority issues in Central European Context.

Our conclusion can be that they succeeded with this aim, hence the book provides a very detailed, thorough, but understandable, and mostly objective overview of the minorities' legal status in Czechoslovakia. This was not possible if they would not had been analysing the issue in a long-term historical context. At the same time, the book can not only be useful for foreigners (especially for Western European or non-European researchers), but also for East and Central European scholars who are aimed at explaining minority issues in a Central European context to an international audience.

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**Andor MÉSZÁROS – Ivan HALÁSZ – Pál Attila ILLÉS**

**Visegrádi Kézikönyv [The Visegrad Manual]**

Esztergom: Szent Adalbert Közép- és Kelet-Európa Kutatásokért Alapítvány 2017, 405 pages.  
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This work was created in order to learn more about the history of the Hungarians and also about the nations that live in Central and Eastern Europe and to discover their shared past by excellent writers who are the No. 1 specialists of this subject-matter as university professors and researchers. The "Szent Adalbert Közép- és Kelet-Európa Kutatásokért Alapítvány" (St. Adalbert Foundation for Research in Central and Eastern Europe) has a key role to play in the publication of this book; the bishop who lent his name to the Foundation was making efforts as a humble servant of the Church in this region in the 1990s to bring together the nations of Central and Eastern Europe. But, both the objective and the message of this book is to examine events that took place a lot closer in time, specifically the highlights of the development in the social, economic, political as well as the public sphere in the Visegrad region after 1989. Fundamentally, it gives an insight into the historical traditions and the common destiny of four countries, including the Czech Republic, Poland, Hungary and Slovakia. As regards the review of this book, one of the most important years is 1991 when three Central-European countries founded the Visegrad Group (with Czechoslovakia in existence before 1992). The primary goal of their jointly pursued course was, on the one hand, to break free from the pressure put on them by the Soviet Union and to implement the Euro-Atlantic security policy and, on the other hand, to promote European integration via starting a dialogue and readiness for co-operation among the countries which became such a success that despite temporary difficulties the V4 became one of the most important and fastest growing communities in international politics. Providing a summary picture of the Visegrad Group, presenting their common past and their economic, social and political systems is no easy task, all the more so for reasons of clarity and interpretation. The strength of the book lies in its organisation and excellent structure. In addition, it is important to note that it is pleasant to read and easy to understand thanks to its language, its terminology and choice of words. Contrary to traditional volumes, the reader will have not only country studies in his hand, but thoroughly considered chapters that follow a well-designed scheme. First, a short historic introduction across a few pages helps the reader to tune in on the subject and become familiar with the ideas and assumptions that are the most important in this book. Then, the reader is presented with approximately 70 pages on the change of regimes in Central-Europe, its most important events and inter-relationships in a thoroughly built and well-structured, parallel layout. This historical overview begins with a regional entry that applies to all four countries which incorporates the year 1989 and its events that have triggered so many problems by now, also offering a short glimpse into

the closing of the 20<sup>th</sup> century. However, the book does not forget about the position, the entities or the time limits of the individual countries. It shows the flow of events, starting with the facts and inter-relationships of the change in regimes concerning the Czechs and Czechoslovakia, continuing with relevant information on the Poles and finally adding details about Hungary. Providing a backdrop about the individual regions is taken so seriously that it reaches back to the Middle Ages, for example in the case of the Czech Republic, to analyse the development of its sovereign territory, not forgetting the “Velvet Revolution” or the key sentence of “Habemus papam” uttered by Cardinal Protodeacon Pericle Felici. The author provides his readers with a wealth of important information well-matched both in time and space (concerning persons, events and venues) in this chapter.

After the historical introduction, the Manual chose a rather peculiar, but even more deliberate form for comparing the countries of the Visegrad Region and analysing and presenting their certain common features of key importance. The volume provides an excellent example that the period after 1989 which is often referred to as the year of the great turnaround also raises similar problems for the four nations that need to be resolved, particularly with regard to the transformation of their political systems and the development of democratic parliamentarianism. Exactly because of this, it addresses the most important issues and attitudes affecting the region, from seven key aspects, laid out in seven main chapters. These seven main chapters include constitutional development, parties and party systems, regions and public administration, churches and denominations, national minorities, foreign politics, national and cultural symbols which are broken down into further sub-chapters for easier overview and greater transparency. Apart from the easier overview, the individual sub-chapters give excellent examples of identical tendencies and problems that affect all four countries, while they highlight certain national characteristics, i.e. certain national specificities. The specific position of the four countries are used to describe the new territorial division of public administration and the system of local government and public administration based on it which became decisive from the second half of the 1990s. The reader gets an interesting but all the more comprehensive picture about how the societies and the churches of the region related to and survived 40 years of communist oppression. It also shows how difficult it was for the religious denominations to decide whether their primary task should be the recovery of the economic background and the confiscated assets and the rebuilding of the institutional structure or the encouragement of spiritual revival after communism. Of course, the four countries related to these issues differently, let alone the neuralgic points caused by the national minorities. That chapter of the volume illustrates remarkably that ethnic tensions have left their mark on the whole of the 19<sup>th</sup> and 20<sup>th</sup> centuries, due to several parallel nation-building campaigns. The book also puts great emphasis on economic questions within modernisation processes since the development of market economy played a major role in both the political and social transformation. This may include the burden of foreign debt covered in the book which weighed heavily not only on the Hungarians but also on the Poles. It is a prominent point that the memories of certain political trends and ideologies live on differently and they all influenced the development and arrangements in the individual countries after 1989. All in all, the Visegrad Manual provides useful guidance to everyone who wants to learn more

about the processes in the change of political regimes in Central and Eastern Europe. It helps people to navigate through specific processes and offers a comprehensive overview in the light of the historical, political and economic events. The tables and other annexes of the book, compiled with utmost care, boost its transparency and help the reader to come to grips with the changes affecting the Visegrad region in the past 25 years.

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