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Brie, Mircea

University of Oradea, Romania

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National minorities: levels of educational analysis¹

Mircea Brie*

Abstract. *The issue of national minorities is, in the process of European construction, one of the most important aspects that European countries have had to manage. The European legislation and practice promote the idea of living together in the sense of social value consisting in accepting otherness, good understanding of the various ethnic groups within the same local communities and openness to communication and cooperation. The European education should not be directed exclusively to knowing the minority communities, but also to understanding the mechanisms of management and development of partnership relations between the minority and the majority. The complexity of education concerning national minorities is given by the need for multiple approaches on different levels and with various depths of analysis that require interdisciplinary conceptual and methodological references. Thus the diachronic analysis of demographic realities is combined with the analysis regarding legislative, administrative-political, cultural-educational, social-economic, linguistic issues, all filtered by European values, framework and national or European framework. In terms of education for and about minorities there is a need to develop a legal and institutional framework to enable and to promote an intercultural education system. National minorities should not only be able to express themselves freely and without any restrictions from the majority by adequate education, but their specific characteristics and particularities should be included in school curricula of the majority.*

Keywords: *national minority, education, interculturality, Romania, Europe*

The issue of national minorities is, in the process of European construction, one of the most important aspects that European countries have had to manage. Learning about and researching minorities, for then to transmit knowledge and experience to young people through education, have become an essential pillar of European values on the construction of an intercultural society based on direct and indiscriminate cooperation and collaboration between ethno-religious communities. It is known that European legislation and practice promote the idea of living together in the sense of social value consisting in accepting otherness, good understanding of the various ethnic groups within the same local communities and openness to communication and cooperation.

The European education should not be directed exclusively to knowing the minority communities, but also to understanding the mechanisms of management and development of partnership relations between the minority and the majority.

1. Perspectives of educational analysis

The complexity of education concerning national minorities is given by the need for multiple approaches on different levels and with various depths of analysis that require interdisciplinary conceptual and methodological references. Thus the diachronic analysis of demographic realities is combined with the analysis regarding legislative, administrative-political, cultural-educational, social-economic, linguistic issues, all filtered by European values, framework and national or European framework.

¹ This study is a revised and enlarged analysis of a study published in Romanian, Vasile Cucerescu, Enrique Banus, Iordan Gheorghe Barbulescu, Ioan Horga (coord.), *Ghidul Uniunii Europene în școală între educația formală și neformală*, Chișinău, 2014, p. 52-71.

* Professor, PhD, Department of International Relations and European Studies, University of Oradea, Romania. E-mail: briedri@hotmail.com.

1.1. The conceptual-methodological perspective

Methodologically, to describe the epistemological between majority and minority, it is necessary to distinguish between the demographic and the sociological dimensions of the sense in which these concepts are analyzed. *Demographically*, the majority - minority relationship describes a situation of difference in volume between two ethnically differentiated segments, which co-exist in a territorial administrative framework, usually within a State. In *sociological* sense, minority - majority rapports describe a situation of asymmetry between groups in terms of power or authority, essentially a subordination report of the community (communities) by a majority dominant minority². The distinction between the two perspectives - demographic and sociological - is required from a very simple reason: institutional arrangements for the management of relations of power and authority do not necessarily overlap with demographic reports. Or, in a simpler way: the power do not always belong to the many, but to the groups which control the resources of power and authority in a society that can be minority in the demographic sense³.

Another important issue is the establishment of national and ethnic identity of a person or community. On the one hand, the discussion encompasses objective and subjective elements of identification and on the other hand, the analysis involves a reference to the identification of two perspectives: self-identification and hetero-identification.

Ethnicity and religious confession are concepts around which discussions and controversy arise, generating emotions and feelings of extreme intensity. Each of us belongs to such communities. By default, there is a strong pressure on us to be subjective. Intercultural dialogue can be successfully provided where a community that is aware of the others comes to communicate, to cooperate, and to build the structure of a multicultural society. Studies have shown that ethnic and religious diversity is poor when missing openness to other communities. On the other hand, this diversity, as is the case throughout Central and South-Eastern Europe, reveals the less desirable realities. Today we are talking both about discrimination, marginalization, low-status minorities, peripheral societies, inequitable distribution of resources; therefore, we can conclude that the majority-minority relations management highlights the demographic aspect (quantitative) and on the sociological aspect, i.e. distribution of authority and power⁴.

The current context of crisis, which is not only financial and economic, but also political, social, mental and even ideological, shows on the one hand the need to strengthen dialogue, and on the other the trends of returning to certain forms of nationalism and cultural cleavage. Without advocating for one or the other of these trends, we can see that Europe is at a crossroads. The old forms of social-political and economic life are being redefined, and relations between people and communities are resettling on new organization and relational forms. Conversely, in a Europe without borders, more and more types of borders appear. Previously, we have called them “*symbolic and ideological frontiers*”⁵. This is because they are, most often, not tangible. From Europeanism to nationalism, from ethno-religious identity to cultural identity, and to social cleavages, the wide range of approaches of these borders could continue in the context of implementation of an effective European Neighbourhood Policy. The physical border of the European Union's external limit can “open” in time, but new types of frontiers can occur between people and communities. Immigrants, for instance, live in the European Union and

² Traian Rotariu, Petru Iluț (coord.), *Introducere în sociologie*, Cluj-Napoca, 1996.

³ *Ibidem*.

⁴ Mircea Brie, *Ethnicity, Religion and Intercultural Dialogue in the European Border Space*, in Mircea Brie, Ioan Horga, Sorin Șipoș, *Ethnicity, Confession and Intercultural Dialogue at the European Union's East Border*, Editura Universității din Oradea/Editura Universității din Debrecen, supliment *Eurolimes*, Oradea/Debrecen, 2011, p. 11.

⁵ Mircea Brie, *European Culture between Diversity and Unity*, în *Analele Universității din Oradea, Seria Relații Internaționale și Studii Europene*, 2010, p. 79-92; Mircea Brie, Ioan Horga, *The European Union External Border. An Epistemological Approach*, în *Revista Română de Geografie Politică*, 2009, p. 15-31; Ioan Horga, Mircea Brie, *Europe: A Cultural Border, or a Geo-cultural Archipelago*, în *The Cultural frontiers of Europe*, *Eurolimes*, vol. 5, volume edited by Alina Stoica, Didier Francfort, Judit Csoba Simonne, Oradea, 2010, p. 155-169.

maintain their own identity, thus creating a world that “refuses integration” by the specificity that it develops. We are therefore able to identify a cleavage between this kind of community and the majority, a cleavage that can take the form of symbolic cultural borders that sometimes turn into an “external” border.

In the current context, many European societies develop a strong sense of “self-protection,” which takes not only an economic form, but also one of preservation of their identity and culture. Moments of crisis or excitement can easily lead to the emergence of nationalist sentiments that dilute the “Europeanist” perception of the border. Such a dilution occurs in parallel with the strengthening of identity-community cohesion, in the spirit of ethno-cultural belonging to a nation. It is a time when many European nations have reaffirmed that they “regain identity” by returning to the national, despite the “unity” and solidarity affirmed at the level of European institutions through officials of Member States. National borders, created in different periods and historical and political contexts, have contributed to national economic integration and the cultural periphery. In the current context, with the EU accession of the Central and Eastern Europe states, there has been a reverse phenomenon—the disintegration of the national market and administrative decentralization have led to the integration of peripheries in the national systems, including the cultural. Powerful currents are currently channelled in the direction of cross-border cooperation, eroding the idea of the compact and relatively isolated national bloc⁶. In terms of cultural relations, it is obvious that we are now dealing with a streamlining of trades without being able to talk about a loss of national, regional or local specificity. Cultural specificity brings into question the cultural border, separating different areas of identity and building what we call the European cultural space of cultures.

Cultural diversity records the plurality of ideas, images, values and expressions. All this is possible through a great variety of expression and through the presence of a large number of parallel national, ethnic, regional and local cultures. Moreover, in this context some authors talk about the “revenge identity” and the “feeling of a return to historical, national and cultural identity,” especially in an area such as Central and Eastern Europe, and a historical time in which the specificity and national identity are bound to redefine themselves through opening new geopolitical, historical and cultural configurations⁷.

In the approach, an important element of reference is the sub-or multi-national, local or diaspora, not least in the European and international context⁸. Beyond any approach, the image of European culture has been given by associating concepts of people-culture-history and territory that give a certain local specificity. Through this report, we identify, beyond a European culture, a cultural space with national, regional and local specificities. Therefore, we identify at least two European cultural identity constructions—a culture of cultures, namely a cultural space with a strong identity at individual, local, regional, and national levels, or a cultural archipelago, namely a common cultural space interrupted by discontinuities. Whatever the perspective, the existence of a European cultural area is not denied, even if it is either diversity or “continuity interrupted”⁹.

However, we increasingly find that Europe is at a turning point, in terms of more than ideology. The association of state-nation-territory-border involves some nuances. In the current geopolitical context, we could say that the era of nation states, as we known them, is being redefined and reshaped in a different sense. “Borders” between communities have been increasingly occurring within states. Non-integrated immigrants (unwanted by the majority!) are

⁶ Muller, Uwe; Schultz, Helge (2002), *National Borders and Economic Desintegration in Modern East Central Europe*, Franfurter Studien zum Grenzen, vol. 8, Berliner Wissenschaft Verlag, Berlin, p. 205.

⁷ David, Doina; Florea, Călin (2007), *Archetipul cultural și conceptul de tradiție*, în *The Proceedings of the European Integration-Between Tradition and Modernity Congress 2nd Edition*, Editura Universității „Petru Maior”, Târgu Mureș, p. 645-646.

⁸ Bennett, Tony (2001), *Differing diversities. Transversal study on the Theme of Cultural policy and cultural diversity*, Council of Europe Publishing, Strasbourg, p. 29-32.

⁹ Ioan Horga, Mircea Brie, *op. cit.*, p. 157.

increasingly numerous. Discrimination and marginalization are forcing them to isolate and to respond as parallel “existential forms” to the state in which they live.

Our approach could be too simplistic if we only debate the ideas of classic immigrants or national minorities. Introducing the concept of *extraterritoriality* in the approach to ethnicity and intercultural dialogue seems mandatory for a proper understanding of European realities in this field. A subject that has been intensively debated at European level is the Roma, or Gypsies. Comments relating to the expulsion of the Roma from France and their forced repatriation to Romania and Bulgaria have filled the pages of European newspapers. Events in mid-September 2011 in Bulgaria relating to the “revolt” against the Roma in many cities of the country south of the Danube have exposed a cruel reality that needs to be on the agenda of all institutions of Europe. Extremist groups in Bulgaria gathered masses of people who chanted racist slogans as well as becoming violent and destroying Roma properties. Following such shocking events came the calling for the removal of the Roma from Bulgaria by extremists. So, while France repatriates them to Bulgaria, the Bulgarians banish them— but to where? The Roma are members of a great people living in many European countries, but a people without its own a territory and without its own state. Tackling the Roma in Europe is therefore a problem for Europe as a whole and not a certain state, and not of South Central-Eastern Europe as a region only, as is the very wrong impression of the West. Extraterritoriality, both as a concept and a starting point in managing the problems of an ethnic minority (but not national!) becomes, therefore, a reality that invokes new clarifications and the rethinking of European policies.

Another example, which falls somewhat into the same category of discussions on “non-traditional minority,” is in Central and Eastern Europe where there are issues related to granting dual citizenship to members of ethnic groups. The most persistent in the mass media are the granting of dual citizenship to Romanian ethnics in Moldova and to the Hungarian ethnics from countries around Hungary (during public debates, a strong emphasis has been put on the pros and cons of the disputes from Slovakia and Romania, where Hungarian communities are more numerous). The topic has gained special importance through the fact that this dual citizenship, even if individually granted, peaked so high that it sent the message that dual citizenship was granted in mass to groups and communities, hence the hope (or fear) of the possible creation of “Little Hungaries” in southern Slovakia and central Romania.

1.2. The demographic perspective

It enables the analysis and visualization of the quantitative and structure dimensions of the population on national-ethnic or religious groups. The perspective is useful and necessary in education because it offers the possibility of viewing the various techniques and procedures of the big picture on ethno-religious structure. The instrumentation used can also be very diverse, ranging from maps to various graphics and schematic presentations so that the assimilation of information could be as rapid and substantiated by spatial and temporal connections as possible.

The ethnic group share may be related to the social, economic or political status that it has. Reference is made then to the role of socio-economic or political factors. Finally, majority-minority relations management are managed through a proper demographic analysis that includes a mandatory approach of the diachronic dimension.

Natural, territorial, social mobility of the minorities is also important in the equation for education analysis. Demographic information can provide in this case data for analysis that lead to complex comparative approach in relation to the majority.

Family, marital status and family “values” are all put in a wider context of a cultural nature, to able to complete the demographic picture and ethnic sociological landscape of a politico-geographical space.

1.3. The administrative-political perspective

Particular attention should be paid to the presence of minorities in public, especially in the political and administrative sphere. Education concerning national minorities allows the

analysis on the degree of their political and administrative involvement. The presence of minorities must be analyzed by reference to the legislative framework and, then, to the real possibilities of their minority representation.

Regarding the political and the sociological research we should reserve a special place to the analysis of minorities political leaders' discourses present in local or national public space. The degree of involvement, the political and administrative claims, public discourse violence are important indicators that can elucidate, at least in part, the relationship between majority and minority.

Nationalism, fundamentalism and extremism in public are concepts strictly related to this relationship. Educators and trainers play a fundamental role in shaping and building an intercultural society based on communication and cooperation.

Another level of educational analysis has as a central topic the degree of activism and political passivity of national minorities in a country.

Territorial autonomy based on ethnic criteria, sensitive in most European countries, is necessary to be introduced in educational curricula in order to build a complete conceptual analysis.

1.4. Legal perspective

The analysis of the legal framework and the legislation on national minorities is particularly important in view of ensuring a healthy and fair education. In the European countries the law guarantees equal protection for all citizens and punishes discrimination, ensures full and effective equality before the law for all citizens and includes provisions to combat discrimination and xenophobia.

The analysis of the legal framework that refers to minorities must be made through a clear presentation of minority rights in public, of the status of minorities from the legal standpoint, with collective rights and freedoms, but also through the presentation of negative or positive discrimination at legislative and institutional levels.

Not least, important are the legislative references concerning the possibility of conservation and preservation of the identity of minorities and promoting the principles of equality and non-discrimination in relation to the majority.

The legal, regulatory framework must always be presented through a comparative analysis, by analogy with the realities of the everyday life through a qualitative perspective that highlights the extent to which fundamental differences arise in relation to the "ideal" legislative framework.

1.5. Cultural-educational perspective

Education in mother tongue plays a decisive role in the promotion and preservation of ethnic minorities. The educational process regarding national minorities should give a special place to the analysis of access to specific education of young members of all ethnic groups.

The cultural specificity of minorities in education and the promotion and preservation of cultural identity could be extended to mainstream education, even in the case of the majority. Such an approach would lead to a deeper understanding of the specificity of these national communities. Not least, a special attention must be paid, through education, to the cultural analysis regarding minorities in public. The presence of these minority cultures in public education, in the public sphere in general, contribute to an intercultural society and intercultural dialogue favored by cultural mixture and the formation of contact culture.

Intercultural education can contribute to society so that it would not remain at the stage of multiculturalism, but would develop into a intercultural one. The analysis can be developed in this equation by a study of cultural otherness, an approach that can be placed in contrast with

ethnocentrism¹⁰. Elements of cultural specificity, plurality and cultural rhetoric or mental inheritance may be associated in an interdisciplinary complex construction, which includes elements of history, anthropology, literature and social psychology¹¹.

1.6. National vs. European debate perspective

The education concerning national minorities becomes even more complex when the issue occurs in the process of European construction. If in discussions on national education in the past, the focus was on national interest now it extends to a wide sphere of higher interest, i.e. Europe. The two approaches may overlap or, under different approaches can compete. The intensity of the feeling of belonging to national values, and respectively European, plays a key role in shaping educational policies centered on their national group or on a broader range of Europeanist manner.

Our debate can be thus conducted towards the equation of a complex analysis concerning the national interest, and respectively, in the European interest. European cultural diversity can have contrasts; it can enter into a competition with the interest of promoting national unity. Patriotism, as a concept and educational current becomes one that deserves the benefit of a clear and careful approach in the context of European integration.

This analysis can also be extended towards the prospect of education which includes a debate about European values that are needed to be promoted and integrated into the education of European states. Respect for human dignity, respect and promotion of freedom, democracy, equality, human rights, including the rights of persons belonging to national minorities appear to be fundamental and defining constructions on which an education system can be built for and about national minorities in Europe.

1.7. Other analytic perspectives

Knowledge-centered education of minorities, the understanding of ethnic relations management requires a level of education centered on a *linguistic perspective*. Promotion and preservation of the mother tongue, communication in the mother tongue in public or promoting multilingualism can be defining elements in such educational system. The discussion supposes two aspects: on the one hand, European education should enable national minorities to have education in their mother tongue, on the other hand, the introduction in the school curriculum and the development of topics related to the sphere of knowing and promotion of minority languages, to the necessity of developing multilingual societies. Formalizing minority languages, because of the topic sensitivity, is suitable for discussion and analysis within the educational system.

Perspective of ethnicity - religion association: is likely to lead to a clearer understanding of the specific ethnic groups. It is both possible and necessary to make the ethno-religious identity association, and also relationship of these communities with the majority. Elements of analysis of the violence seen in inter-religious conflict versus contemporary ecumenism fall in the same vein of knowledge and understanding of minorities.

In the same direction, i.e. promotion and understanding specific minority communities, can be included the *socio-economic perspective* (it may address topics such as socio-economic status of minorities or socio-economic integration of minorities, including immigrants) or *perspective of everyday life* (habitat and everyday forms of expression of minorities, or customs, traditions and specificities of minorities are some of the specific issues that need further research).

2. Considerations on the Romanian model of interethnic relations management

¹⁰ Pierre Dasen, Christiane Perregaux, Micheline Rey, *Educația Interculturală. Experiențe, politici, strategii*, Polirom, Iași, 1999, p. 112-119.

¹¹ See Martine Abdallah-Preteille, Louis Porcher, *Education et communication interculturelle*, Presse Universitaires de France, 1996.

It is known that European legislation and practice promote the idea of living together, in the sense of social value consisting of acceptance of otherness, good understanding of the various ethnic groups within the same local communities and openness to communication and cooperation. There is a standpoint recognized both by most political and civic leaders, and by the specialized literature at home and abroad, according to which there is now talk of national existence of the “Romanian model of interethnic relations”, an intercultural model based the values of comity and cooperation. The Romanian model of interethnic coexistence components stem from a rich historical experience and from the ability to adapt the concept to the demands of the modern exigencies¹². Although all ethnic minorities are represented in Parliament, there are still many ethnic and religious controversies related to the language of instruction in schools, street names, role and function of ethnic universities, restitution of church property and of other property taken by force by the former communists in the past etc. But the people stand up to these dilemmas, ethnic Romanians and Hungarians equally agreed to resolve disagreements in a manner which is tolerant, respectful and democratic¹³. The key element in the experience of addressing diversity in Romania is the process of moving the emphasis from ethnic identity to civic identity. Might it not be the universal recipe or the best remedy for each state in addressing ethnic diversity, but it certainly is a basic ingredient. Civic identity encourages individuals to assume not only equal rights but also equal responsibilities¹⁴.

Ethnic and religious structure of the population in Romania (2011)

Ethnic structure		Religious structure	
ROMÂNIA	20121641	ROMÂNIA	20121641
Romanian	16792868	Orthodox	16307004
Hungarian	1227623	Romano-catholic	870774
Roma	621573	Reformed	600932
Ukrainian	50920	Pentecostal	362314
German	36042	Greek-catholic	150593
Turk	27698	Baptist	112850
Russian-Lipova	23487	Seventh-day Adventist	80944
Tatars	20282	Muslim	64337
Serbian	18076	Unitarian	57686
Slovaks	13654	Jehovah witnesses	49820
Bulgarian	7336	Evangelicals	42495
Croatian	5408	Old Rite Christian	32558
Greek	3668	Evangelical Lutheran	20168
Italian	3203	Serbian Orthodox	14385
Jews	3271	Evangelical	15514
Check	2477	Evangelical Augustan	5399
Polish	2543	Mosaic	3519
Chinese	2017	Armenian	393
Armenian	1361	Other religion	30557
Csángós	1536	No religion	18917
Macedonian	1264	Atheist	20743
Other ethnicity	18524		

Source: INS. Recensământul populației și locuințelor. <http://www.recensamantromania.ro/>

This ethnic and confessional structure of the Romanian population is not only the natural result of development unaltered by brutal political interventions.

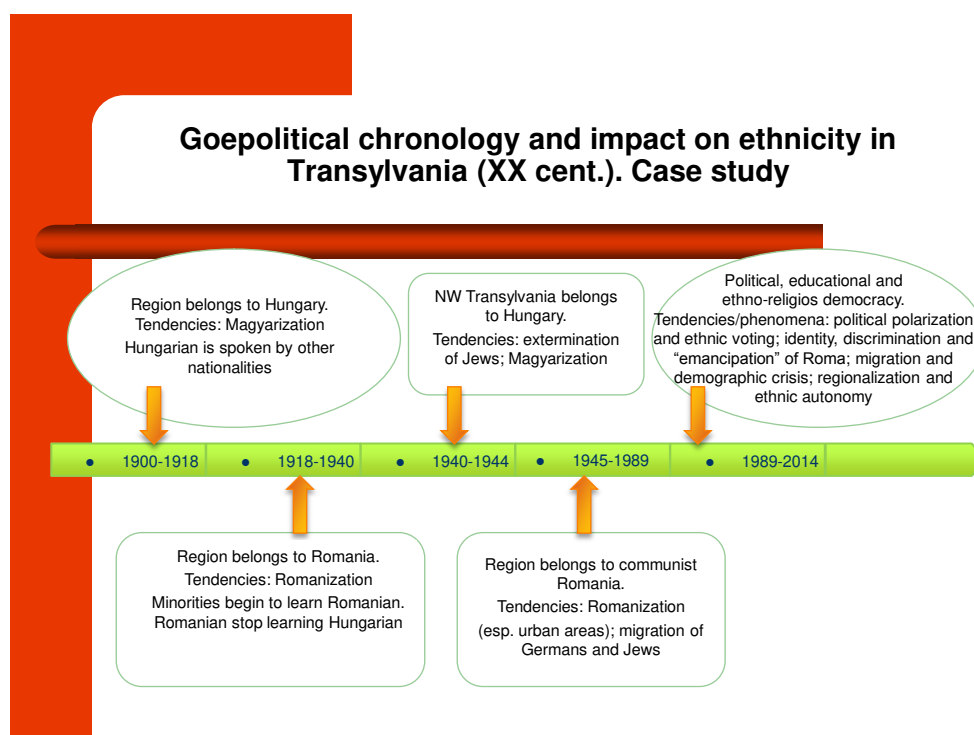
Political decisions, especially those taken during the dictatorial political and extremist regimes during the twentieth century were able to seriously affect ethno-religious realities of the

¹² Iuliu Furo, *Păstrarea identității minorităților naționale*, în Lucian Năstasă, Levente Scarlat (ed.), *Relații interetnice în România postcomunistă*, Fundația CRDE, 2000, p. 221

¹³ James Rosapepe, *Relații interetnice în România*, în Lucian Năstasă, Levente Scarlat (ed.), *op. cit.*, p. 21

¹⁴ Petre Roman, *Experiența abordării diversității în România*, în Lucian Năstasă, Levente Scarlat (ed.), *op. cit.*, p. 180

Romanian space, especially in Transylvania. Be it the Hungarian or Romanian authorities during the two world wars or the communist dictatorship, decisions were taken that changed the ethnic map of the Romanian space.¹⁵ Suffice it to recall the drama of the Jewish community of the Second World War or the „sale” of the Germans and the Jews by the Communists in the postwar period.



Termination of political pluralism along with the establishment of the communist regime brought significant disturbances in the ethnic and confessional structures. The communist state tried to replicate the same system in these structures, too. The state tried to homogenize the population. Decisions were taken to ban churches such as the Greek Catholic, Pentecostal, Baptist, Adventist, etc., much of this population returning to the Orthodox Church. At the same time, with approval from the state, a large part of the Hebrew, German and Hungarian ethnics emigrated, thus significantly reducing their number in the region.

Amid dismantling the communist regime, domestically and in the context of excesses of nationalism recorded in the ex-Soviet space, Romania will introduce a series of instruments to make the programme for inclusion of ethnic minorities operational; these instruments are capable in theory to meet all the needs and demands of the minority communities. Under international pressure particularly exercised by the US and the EU, interested in maintaining stability in this part of Europe (see the riots in Targu Mures in March 1990), Romania will effectively adopt an electoral law (92/1990) whose provisions will promote measures of positive discrimination with reference to ethnic minorities.¹⁶ With a very important activity for both the Hungarian community, and for other ethnic communities, the Democratic Union of Hungarians in Romania (UDMR), founded in 1989, will unquestionably contribute to the change the status of minorities in Romania, especially after 1996 (the year when UDMR joined in governing).

Tendencies and major changes: 100 years after the outbreak of World War I

¹⁵ Mircea Brie, Ioan Horga, Sorin Şipoş (coord.), *Ethnicity, Confession and Intercultural Dialogue at the European Union's East Border*, Editura Universităţii din Debrecen/Editura Universităţii din Oradea, Debrecen/Oradea, 2011.

¹⁶ Marian Chiriac, *Provocările diversităţii. Politici publice privind minorităţile naţionale şi religioase în România*, Fundaţia CRDE, Cluj-Napoca, 2005, p. 101

On the 100th anniversary of the outbreak of World War I, on ethno-linguistic composition of the population in this region we recorded the following:

- The disappearance of almost absolute majority of Jews and Germans
- The Romanization, especially of the urban settlements (the phenomenon began in the interwar period with the establishment of the Romanian government in cities that needed a true and Romanian-speaking elite)
- Continuous magyarization of Swabians, Slovaks and Roma (the phenomenon is favored by religious affinities, and language - mostly these communities were Magyarized before 1918)
- From a linguistic point of view, after nearly a century, the major change is given by the following fact: in 1918 Hungarian was known by most Romanians, a small share of Hungarians knowing Romanian; in 2014 Romanian is known by most Hungarians and only a small proportion of Romanians speak Hungarian.
- Education and religion appear to be exponents of Hungarian ethnic identity. This process is achieved through the traditional Calvinist Protestant Church (Reformed) and recently more and more by the Roman Catholic Church (the latter in the area of Oradea was seen by Protestant Hungarian nobility in the eighteenth century as an Habsburg imperialist tool, later, however, in order to attract the Hungarian community, it entered into competition with the Hungarian Protestant churches taking the Hungarian ethno-cultural message and identity).
- Discrimination and stigmatization of the Roma. These took effect as ‘reducing’ the community in official documents due to self-identification with other ethnic groups. The effect of this phenomenon is not just recording a smaller number of Roma in official documents, but also artificially raising the numbers of Hungarians in documents (in the area of Bihor - Satu Mare Roma identify themselves with other ethnic groups and choose to first declare their ethnicity as being Hungarian). This was at a larger scale during the communist period but it began to decrease during the last two decades.
- Increasing the Roma community both in number and as a percentage of the population. Underlying this trend: high birth rates among this community (however, the phenomenon is associated with other demographic realities: high mortality and low life expectancy in the community) and a higher percentage of those who identify themselves with their ethnic group. This latter aspect is related to strengthening communities, their identity consciousness, the formation of an own elite more present in public sphere, and not least reducing discrimination and stigma effects which are still present.

Legislative and institutional framework for protection of national and confessional minorities

The Romanian legal framework guarantees equal protection for all citizens and punishes discrimination, ensures full and effective equality before the law for all citizens of Romania, includes provisions to combat discrimination and xenophobia, guarantees linguistic rights, education in the mother tongue, but also *limited officialdom* - in the administrative units where the percentage of the linguistic minority equals or exceeds 20%. Representation of minorities in Parliament is provided for in the Constitution.

In the context of the issuance of more than 200 laws regulating “in various fields, the rights of national minorities and the framework for ensuring and preservation of linguistic and cultural identity of their members,”¹⁷ one can identify a real concern of the Romanian authorities for improving the situation of minorities, whether ethnic or confessional¹⁸; the problematic

¹⁷ In accordance with the information provided by the programme CRDE *Baze de date – Acte normative privind drepturile și protecția minorităților naționale în România*, coordinated by Gabor Adam, http://www.edrc.ro/projects.jsp?project_id=53 (last accessed on 16.01.2012)

¹⁸ The Constitution of Romania, art. 29 (3): All religions shall be free and organized in accordance with their own statutes, under the terms laid down by law; and (5): Religious cults shall be autonomous from the State and shall

aspect of these measures is, on the one hand, the manner of implementation (in particular the inefficiency of existing legal instruments and, simultaneously, their insufficient number) and, on the other hand, the need to review the contents of some of these acts in consequence of elusion, at the level of the recipient, other than the Hungarian and Roma minorities.

We will proceed to list the main rights that the members of national minorities particularly have¹⁹, rights that come to add the rights guaranteed by the Romanian Constitution and the Framework Conventions on human rights and fundamental freedoms, of all Romanian citizens: the right to non-discrimination in exercising a legitimate right, the right to use the mother tongue in relations with the administration, within the judicial system, within public and private relations, as well as the right to study in their native language, the right of free political association and representation in the Parliament.²⁰

The main institutions active in the segment of national minority rights that promote good interethnic relations and fight anti-discrimination are: the Department for Interethnic Relations (DRI) which cooperates with the Council of National Minorities (the latter brings together three representatives of national minorities represented in Romanian Parliament), the National Agency for Roma (ANR), Institute for Research on National Minorities (SPMN), National Council for Combating Discrimination (CNCD), the People's Advocate, together with the ministries that have departments for minority issues.²¹ The minorities institutions, totalling 1804 units²², with predominant activity within culture, protection / promotion of human rights, education / science and religion²³ actively contribute to the formation of an overview of civil and social engagement of minority communities; we will not try to fight the case examples given by the jurisprudence for the violation of minorities rights, especially on instances of property return in cases of religious cults in Romania, but to the extent that such activities are not only promoted, but also financed (limited, it is true, and often insufficiently). We can say that the Romanian state has committed, indeed, to provide a framework for the development of intercultural dialogue, stating that the enforcement of norms continues to be poor, either because the authorities do not fully respect them, or because of existing uncertainties in both the body of law and the powers established for the various institutional structures.

Critical approach of the Romanian model of interethnic relations

Amendments to the Constitution, electoral law, restitution of property belonging to organizations or individuals, reforms in education and in local government, and other initiatives of the Romanian State are clear landmarks for its receptivity in relation to the claims of various ethnic groups (in this case, the Hungarian fraction), but typical manifestations of a dominant culture, constructed and reproduced in the nation-state logic (justified by the imperatives of stability required from the international community) have never ceased to manifest themselves,

enjoy support from it, including the facilitation of religious assistance in the army, in hospitals, prisons, homes and orphanages.

¹⁹ Radu Chiriță, Anca Săndescu, "Analiza actelor normative privind drepturile minorităților în România" în Levente Salat (ed.), *Politici de integrare a minorităților naționale din România. Aspecte legale și instituționale într-o perspectivă comparată*, Fundația CRDE, Cluj-Napoca, 2008, p. 119

²⁰ According to the Constitution of Romania, art. 62, para. 2: "Organizations of citizens belonging to national minorities, which fail to obtain the number of votes for representation in Parliament, have the right to one Deputy seat each, under the terms of the electoral law. Citizens of a national minority are entitled to be represented by one organization only." In addition, there is a requirement for obtaining a number of votes equal to at least 5% of the average number of votes validly expressed for election of a Deputy (Law for electing the Chamber of Deputies and the Senate no. 68/992).

²¹ Dalma Janosi, "Cadrul instituțional privind protecția minorităților naționale din România" în Levente Salat, (ed.), *Politici de integrare a minorităților naționale din România. Aspecte legale și instituționale într-o perspectivă comparată*, Fundația CRDE, Cluj-Napoca, 2008

²² In accordance with the data supplied by the Institute for Research on National Minorities

²³ Kiss Denes, *Sistemul instituțional aș minorităților din România*, Workshop Studies, Research of national minorities in Romania

the time that has passed in the rigors of the post-December new societal model only contributes to refining them and to give them more clear meaning.

The regime of national minorities rights in Romania and, simultaneously, of confessional rights, is regulated by a series of laws aimed at (in the subsidiary of its stated objectives) a harmonization (mandatory, in fact) with the laws of supranational structures, namely the European Union, which Romania joined. Without disregarding the moral value of such initiatives it should be noted that the inefficiency of the implemented framework arises from the haste introduction of laws setting out general non-discrimination clauses and provisions on minority rights aimed more at the agreement and appreciation of those structures to which the Romanian state joined than the actual welfare of the categories concerned.

In a study carried out by Radu Chiriță and Anca Săndescu on the existing normative acts, as well as on the implementation mechanisms, the authors say: “even though, unlike other areas of study, the internal legal framework does not know contradictions between several legislative provisions, and the international legal provisions have been transposed into national law with much fidelity, the established legal system fails to create the necessary legal instruments to ensure full compliance with the rights enjoyed by members of national minority communities.”²⁴ As it was reiterated in the conclusions of many studies on minority issues (e.g. Marian Chiriac, *op. cit.*), the absence of a law specifically defining the status of national minorities in Romania is a major impediment in developing a legal framework to reproduce ethno-political legitimacy for non-dominant cultures without direct prejudice or compromise of the state’s efforts to increase the degree of internal cohesion. In this respect, Kelemen Hunor, leader of the Democratic Union of Hungarians in Romania, launched the call for the reintroduction on the party’s political agenda for 2012 the draft Law on national minorities, which would provide new perspectives for the development of interethnic relations in Romania.

The method of positive discrimination, noted in the access to the Parliament granted to minorities, also has a number of shortcomings caused mainly by falsely assuming a minority identity in order to get a political seat, or by accepting one political organization as an exponent of the entire minorities community (result of a hostile attitude against minority political pluralism).²⁵ The institutional framework implemented in order to protect national minorities in Romania shows the same deficiencies identifiable also in the measures of the legislative nature applied by Romanian authorities. Beyond the technical issues that these structures have been facing, often cumulated to the lack of infrastructure or human resources, there is also a communication problem that occurs at both inter- and intra-institutional levels, and especially regarding the visibility of these organizations, not so much among relevant civil society, but especially among unaffiliated minorities.

Furthermore, relating to the degree of organization, both social and political, there is an obvious disproportion generated, most likely, by the tradition that has shaped these minorities and by the number of each minority members. Perception of own needs, together with an unequal apparatus to fight discrimination, have generated the assumption of a completely separate development for different ethnic groups in Romania. If Hungarians display a claiming attitude based on real structures to combat discrimination, the Roma minority, for example, the second large minority in Romania, despite the many political organizations established to defend its interests, fails to build a model for addressing their issues in a unified, coherent and reasoned manner. On the other hand, the general pushing to the periphery of minorities against the

²⁴ Radu Chiriță, Anca Săndescu, *op. cit.*, p. 121

²⁵ In this light, Lucian Nastașă, Levente Salat, *op. cit.*, p. 13: “On the other hand, we should not overlook the fact that [...] the cardinal elements of the Romanian model - representation of minorities in Parliament, the existence of a Council of National Minorities or the very presence of representatives of one of the major minorities in the government – do not automatically solve all problems. [...] The dialogic framework should be maintained with care and beyond, so that the presence of representatives of minorities in these structures would not remain a formal presence, invoked in times of balance, but a real participation, effective and efficient in those decisions relating to destinies of the communities which they represent.”

majority population, namely Romanians, sometimes triggers claim-release from any minority group of any political connotation, the affirmation of national identity being based wholly on reproduction within the community of specific forms of cultural tradition; this is the case of small minorities in Romania. At this level, the institutional mechanism should promote, in a more active, more participatory manner, the idea of intercultural communion, the multicultural education being a decisive factor for achieving the desired degree of complementarity for the modern cultural and societal political project of post-totalitarian Romania.

Conclusions

The Romanian society in post-communist period was deeply influenced by the changes made by removing the totalitarian communist regime. National minorities are in a different rapport with the majority. Modernization and post-communist democratization have been linked to this process of assuming a new model for managing inter-ethnic and inter-confessional relations to assume a correct relation between the majority community (Romanian / Orthodox) and the minority communities. In this context, the legislation on the rights of minorities has experienced a renewal process to allow alignment to the standards required and imposed by the European integration process, and also to reach that level of attaining the full spectrum of human rights in Romania. Despite this legal framework, considered to be one ideal, Romania still has pending problems whose solutions are expected to clear the future. Challenges and prospects of building a multicultural society require priority on finding solutions to some of the most striking and topical issues of inter-ethnic relations management: the discrimination against the Roma population and the dispute over the granting of a form of autonomy from the central regions for the Hungarian community. Reducing discrimination against Roma is proving to be a European challenge not only Romanian one. That, and finding compromise solutions regarding the issue of local autonomy are subjects of debate requiring increased attention from both the Romanian authorities and the civil society.

In what concerns the education for and about national minorities it must be concluded that there is great need to develop a legal and institutional framework to enable and promote an intercultural education system. National minorities should not only be able to express themselves freely and without any restrictions from the majority by adequate education, but their specific characteristics and particularities should be included in school curricula of the majority.

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