

## The Uncommon Language: Bratislava, Budapest, and Brussels

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### Massacres recalled

The former New York Governor George Pataki recently crossed the border bridge from Hungary to Slovakia's Komárno, had a discussion with the students of the local all-Hungarian, Bratislava-financed J. Selye University, and said Slovakia's 2009 Law on the State Language<sup>1</sup> (referred to as *the Law* from here on) "poses, I believe, an unacceptable threat to the Hungarian minority here in Slovakia." When a journalist asked him whether he had had a chance to learn what the law says, he answered "I understand some of the provisions" and the objections to the Law as related to him by Pál Csáky, leader of the SMK-MKP<sup>2</sup> Hungarian-minority party in Slovakia, who invited Pataki<sup>3</sup> in order to support his objections. Others outside of Slovakia who have commented on the Law include politicians, journalists, and academics. An editor in a rightist

Budapest newspaper started his article with the headline "A Brutal Language Law – A fine for speaking Hungarian in Slovakia from September."<sup>4</sup> His colleague in a leftist daily equated the Law with putting yellow stars [of David] on the Hungarians in Slovakia [as the Nazis did with the Jews] and called it "the most obvious anti-minority attack" in Europe since [the massacres in] Bosnia.<sup>5</sup> Philosopher Tamás Gáspár Miklós said Bratislava has "practically banned the use of minority languages everywhere under the jurisdiction of the Slovak state except education," which it seriously curbed.<sup>6</sup> Historian István Deák blogged, "possible offences [against the Law] include [...] failure to re-carve a 50-year old grave marker" into Slovak.<sup>7</sup>

<sup>1</sup> "Zákon Národnej rady Slovenskej republiky o štátnom jazyku Slovenskej republiky," i.e., the 14-year-old "Law on the State Language of the Slovak Republic" 270/1995, as amended after a ruling by the Constitutional Court 260/1997, and by amendments 5/1999 Z. z., 184/1999 Z. z., 24/2007 Z. z., and finally 318/2009 in *Zbierka zákonov*, passed on 30 June 2009, effective from 1 Sept. 2009. The current commotion concerns the most recent legislation.

<sup>2</sup> Strana maďarskej koalície-Magyar Koalíció Pártja.

<sup>3</sup> George Pataki's press conference in Komárno; 2-part video recording by TA3 TV, logged at 4:18 PM and 5:03 PM, 12 Oct. 2009.

<sup>4</sup> "Szlovákiában szeptembertől pénzbüntetés a magyar beszédért." Sándor Neszméri, "Brutális nyelvtörvény." *Magyar Nemzet*, 3 July 2009.

<sup>5</sup> "e döntéssel a szlovák állam cinikusan és céltudatosan virtuális sárga csillagot rak rájuk..." and "a szlovák nyelvtörvény elfogadásával Bosznia óta a legegységelműbb kisebbségellenes támadás indult be Európában." Tibor Kis, "Új kezdet." *Népszabadság*, 2 July 2009.

<sup>6</sup> "A nemzetiségi nyelvhasználatot megtiltják gyakorlatilag mindenütt, ahol a szlovák államnak hatásköre van..." Gáspár Miklós Tamás, "A szlovák államnyelvtörvényhez." *Népszabadság*, 3 July 2009.

<sup>7</sup> István Deák, "Slovakia: The Forbidden Language." *NYR Blog*, 8 Oct. 2009.

## Reading the Law

Although some of the strong statements can be seen as in line with the somewhat more virulent tenor of mainstream political discourse in Hungary by comparison to the mainstream elsewhere in Central Europe, it is possible that after reading the Law, some commentators might have phrased things differently. For instance, article 5, paragraph 7 of the Law speaks of “monuments, memorials, and memorial plaques,”<sup>8</sup> the words in the Slovak original do not cover Deák’s “grave-markers”<sup>9</sup> (and the same paragraph also explicitly excludes and protects a range of historical markers from the application of the Law<sup>10</sup>). It is more possible, though, that had the commentators read the Law,<sup>11</sup> they would not have been any the wiser. Its wording is cloudy, its re-emergence obscure, and its close to 200-year-old political, ethnic, and international context as arcane and entangled as any burning Central European issue.

## Fall surge

The current surge in the perpetual storm started blandly in the late fall of 2008. The Ministry of Culture headed by playwright and screenwriter Marek Mad’arič (Smer-SD) finalized its first

<sup>8</sup> “Nápisy na pamätníkoch, pomníkoch a pamätných tabuliach...” §5 (7), “Zákon...” 318/2009.

<sup>9</sup> *Náhrobky* or *náhrobné kamene* in Slovak.

<sup>10</sup> “Toto ustanovenie sa nevzťahuje na historické nápisy na pamätníkoch, pomníkoch a pamätných tabuliach, ktoré podliehajú ochrane podľa osobitného predpisu.” §5 (7), “Zákon...” 318/2009, with a reference to “Zákon o ochrane pamiatkového fondu v znení neskorších predpisov.” 49/2002 *Zbierka zákonov*.

<sup>11</sup> The original along with its Hungarian and English translations are posted at the Slovak Ministry of Culture website “Štátny jazyk.” *Ministerstvo kultúry Slovenskej republiky*. <http://www.culture.gov.sk/umenie/tny-jazyk/legislatva>

draft of a proposal to amend the Law on the State Language that created its own controversy when it was passed with some parliamentary theatricals under Vladimír Mečiar’s government in 1995.<sup>12</sup> The controversy evaporated when the SMK-MKP Hungarian-minority party joined the new government formed by Mikuláš Dzurinda in 1998<sup>13</sup> although the amendment that abolished its article 10 on fines, which had never been imposed, was passed more than 10 months later.<sup>14</sup> The other three amendments of the 1995 Law went unnoticed. The Ministry of Culture explained its 2008 move with a reference to the government’s program from the beginning of its current term in 2006 that contained a commitment to develop and protect Slovak as the state language,<sup>15</sup> on whose implementation it had been working perhaps intermittently or with limited resources, given that it took 29 months. The Ministry of Culture brought forth no new arguments to support the Law. In a cultural and legal nutshell, it said the Law was necessary in order to maintain good style and the integrity of Slovak, and to protect the rights of the speakers of Slovak to understand and be understood in the whole country – with a major stumbling block being the definition of the circumstances under which the Law applies. The early drafts premodified the noun *styk* (contact, communication) with *verejný* (public), *úradný*, and *oficiálny*. Slovakia’s official translations of government docu-

<sup>12</sup> “Zákon Národnej rady Slovenskej republiky o štátnom jazyku Slovenskej republiky.” 270/1995 *Zbierka zákonov*. Passed by Parliament on 15 Nov. 1995.

<sup>13</sup> The government was sworn in 30 Oct. 1998.

<sup>14</sup> “Zákon o používaní jazykov národnostných menšín.” 184/1999 *Zbierka zákonov*. Passed by Parliament on 10 July 1999.

<sup>15</sup> Chapter 6, “Kultúra.” *Programové vyhlásenie vlády Slovenskej republiky*. Uznesenie vlády 660, 31 July 2006.

ments render both *úradný* and *oficiálny* as *official* in English. An additional complication is that the Constitution does not contain those words, it speaks of *štátny jazyk* (state language), and this phrase occurs in previous versions of the Law too. Not just the Slovak dictionaries, but the authorities as well are not clear about the triad *verejný – úradný – oficiálny*.<sup>16</sup> A main objection from the Ministry of the Interior (in charge of the local governments and police) in December 2008 was against the use of *verejný styk* in the preliminary draft. It recommended *úradný styk*, the phrase used in Slovakia's relevant statutes, while noting: "*úradný styk*, which it [the statutes], however, does not define and which is part of *verejný styk*" [my italics].<sup>17</sup> The Ministry of Culture accommodated the objection, which, as the Ministry of the Interior noted, did not remove the ambiguity – it survived into the passed Law.

### Novel opposition

Part of the drafting was the first round of requests for comments from the ministries and other bodies that constitute the central administration<sup>18</sup> followed by a second round in the fall of 2008<sup>19</sup> that kicked off<sup>20</sup> the publicized contro-

versy, as well as a muted, little publicized, and novel opposition at the highest echelons of the Slovak language maintenance guard. In addition to the governmental bodies queried about the first preliminary draft, the second round included the Confederation of Trade Unions (which provided no comments),<sup>21</sup> the Federation of Employers' Associations,<sup>22</sup> the Ľudovít Štúr Linguistic Institute,<sup>23</sup> and was opened to the public at large – comments came from two non-governmental organizations. The changes proposed by the Linguistic Institute were indicative of both a degree of diversified attitudes to what the population considers correct, which have by now permeated the decades-old watchdog of correctness as well, and of the generally neglected fact that the Law and its previous version concerns Slovak as much, although in different ways, as it does Hungarian and other minority languages.<sup>24</sup> The Linguistic Institute advised a loose reference to "Standard Slovak" as the required language, in place of the reference to a narrow list of manuals of style and dictionaries defined by the Ministry of Culture as the standard of stylistic "correctness" and already used in the Law from 1995. The others criticized the Law in general as encroaching on the private sphere and individual freedoms. All the objections from the four extra-governmental entities were rejected. No objections were submitted by SMK-MKP, but its then-member and chair of the

<sup>16</sup> The core meanings could be "public," "administrative," and "formal-official," but their actual functional meanings overlap.

<sup>17</sup> "úradný styk, ktorý ale nedefinuje a ktorý je súčasťou verejného styku..." Ministry of the Interior, commentary on article 1, paragraph 1 of a preliminary draft of the Law, 14 Nov. – 5 Dec. 2008. "Material JV-6457/2009," from the Government of the Slovak Republic session 142/2009.

<sup>18</sup> Cabinet session, item 8 on the order of business, "Návrh opatrení v oblasti štátneho jazyka." *Uznesenie* 942/2007, 7 Nov. 2007.

<sup>19</sup> Circulated to the agencies by the Ministry of Culture on 14 Nov. 2008.

<sup>20</sup> "SMK: Novela zákona o štátnom jazyku je neprijateľná." A press release by SMK-MKP reported on by SITA, 24 Nov. 2008.

<sup>21</sup> Konfederácia odborových zväzov.

<sup>22</sup> That is the organization's own English translation of its name Asociácia zamestnávateľských zväzov a združení.

<sup>23</sup> Jazykovedný ústav Ľudovíta Štúra Slovenskej akadémie vied.

<sup>24</sup> Martin Votruba, "The Law vs. the Slovak Language: The Case of the Forgotten Victim." AAASS National Convention, Denver, 12 Nov. 2000.

<http://www.pitt.edu/~votruba/ssttopics/lawsonlanguageinslovakia.html>

parliamentary Committee on Human, Minority, and Women's rights László Nagy<sup>25</sup> and the President of Csemadok<sup>26</sup> Béla Hrubík spoke against it at a meeting of the Government Council on National Minorities and Ethnic Groups in late 2008, which had the proposed Law as one of its topics. Another voiceful opponent at the meeting was a representative of a non-governmental pro-minority organization,<sup>27</sup> reservations were expressed by a representative of the Roma.<sup>28</sup> Limited support came only from a representative of one of Slovakia's three Bulgarian minority organizations.<sup>29</sup> Two Ministry of Culture officials and Vice-Premier Dušan Čaplovič defended the proposal. Minister Maďarič was not present, nor was the only foreign member of the Council, László Szarka from the Hungarian Academy of Sciences in Budapest.<sup>30</sup>

### After the Law

Mindful of the moves announced by SMK-MKP and Budapest, Speaker of Parliament Pavol Paška and Minister Maďarič lauded the Law to the ambassadors of the European Union coun-

tries and the United States on the same day that it was passed, SMK-MKP and Budapest caught up within a day and thrashed it before the same audience. In a preemptive step, Bratislava also requested an opinion from Knut Vollbaek, the High Commissioner on National Minorities of the OSCE. The report<sup>31</sup> came in just three weeks and provided grounds for Bratislava to say that the Law is not at odds with the OSCE's expectations, while Budapest highlighted the cautionary words on fines it contains. Budapest's efforts to gain international support in its criticism of the Law brought little political response above the level of ex-Governor Pataki. Among other moves, Budapest declared and soon canceled its intention to bring it to the United Nations, its attempt to have the European Commission address the Law failed, and so have Hungarian-American efforts to get Congress involved, which Hungarian commentators lamented as evidence of foreign countries' moral torpor.<sup>32</sup> Less formally, though, Vollbaek<sup>33</sup> articulated his personal disapproval concerning the fines, and Slovak correspondents reported off-the-record expressions of apprehension in Brussels (see the next footnote about another possible prominent disapproval, but also about a misattributed quotation making rounds in the media<sup>34</sup>). The Law

<sup>25</sup> He left SMK-MKP and resigned from his office during the split in the party that led to the foundation of Most-Híd.

<sup>26</sup> Slovakia's Hungarian minority's main cultural organization, Csehszlovákiai Magyar Dolgozók Kultúregyesülete.

<sup>27</sup> Laco Oravec, Program Director, Milan Šimečka Foundation.

<sup>28</sup> Anina Botošová, Government Plenipotentiary for Romani Communities. (She resigned in June 2009 after the Union of Roma in Slovakia criticized her for approving two grants to an association with the office registered at her home address.)

<sup>29</sup> Emília Hrušíková, Pôvodný kultúrny zväz Bulharov a ich priateľov na Slovensku "Christo Botev." (Fewer than 300 people identified as Bulgarian in the 2001 Census.)

<sup>30</sup> "Zápisnica z rokovania Rady vlády Slovenskej republiky pre národnostné menšiny a etnické skupiny." Úrad vlády, 18 Dec. 2008.

<sup>31</sup> "Opinion and Recommendations of the OSCE High Commissioner on National Minorities on amendments to the 'Law on the State Language of the Slovak Republic.'" High Commissioner on National Minorities, Organization for Security and Co-operation in Europe, 22 July 2009. <http://www.pitt.edu/~votruba/ssttopics/lawsonlanguageinslovakia.html>

<sup>32</sup> Gáspár Miklós Tamás, *ibid.*, and others.

<sup>33</sup> "Zápisnica z osobitného zasadnutia Rady vlády Slovenskej republiky pre národnostné menšiny a etnické skupiny." Úrad vlády, 16 Sept. 2009.

<sup>34</sup> President of the European Parliament Jerzy Buzek was quoted without a date, place, or context of the interview by a conservative-

took effect on September 1, 2009, but the fines can be imposed only from January 1, 2010. Immersed in the complexity of the Slovak—Hungarian exchanges, the Law started playing out just as a controversy about the use of place names in textbooks for Hungarian-language schools was subsiding, and was later overlaid with the Hungarian President László Sólyom’s plan to attend an event in Slovakia to which no Slovak officials had been invited by the local Hungarian-minority organizers, with his visit being halted by Bratislava.

### Analysis

An example of an “easy” difficulty in the wording of the Law and in the meaning of *úradný styk* is article 3, paragraph 1, which says that the local governments must use the state language in *úradný styk*, which does not affect the use of the minority languages as defined by a separate regulation. What it means is that a clerk in a

town hall in a municipality with 20% or more Hungarians must be able to speak Slovak to a client, but must also be able to speak Hungarian to a client from the Hungarian minority, or arrange for a translator. What it also implies, though, is that only Slovak is to be used in places with fewer than 20% Hungarians even in instances when a clerk and a client might jointly prefer to carry out official business in Hungarian.

An example of a “difficult” difficulty that shows the rubbery treatment of the concept of *úradný styk*, i.e., the circumstances under which the Law applies, is article 8, paragraph 4. It says that a patient is not entitled to having the doctor and other medical personnel speak Hungarian to him/her or to getting a translator in villages with 20% or more Hungarians, which places medical establishments outside of the realm of *úradný styk*. At the same time, the paragraph takes up the language of medical establishments by saying that the doctor *spravidla*<sup>35</sup> communicates with the patients in the state language, but can use another language if the patient does not understand. By contrast to the other part of this paragraph, this places medical establishments within the sphere of regulation, while not actually regulating their language in a definitive manner. The underlying shifts between where the Law does and does not apply are then confounded further. Having established the requirement that a doctor be able to speak Slovak to a patient everywhere in Slovakia, the Law also addresses whether s/he actually does so, while keeping it legally inconsequential – no one but the doctor and the patient will decide whether the patient’s understanding of his/her disease and

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nationalist Budapest source as saying “I definitely condemn it.” – “Egyértelműen elítélem.” SZSZ, “Jerzy Buzek: A kisebbségek védelme uniós alappillér.” *Magyar Hírlap*, 17 July 2009. No other media reported this. — At the same time, a popular columnist in the Slovak *Sme* (17 July) misattributed to the European Parliament’s freshly elected President Jerzy Buzek a critical comment actually made by a Hungarian Member of the European Parliament Lajos Bokros, an error that began its own life when it was lifted from *Sme* and repeated in Czech *Hospodářské noviny* (20 July), then in the Slovak *Pravda* and Czech *Pražský deník* (both 21 July), after which the invalid quotation was lifted most likely from one of the Czech newspapers and misreported to Paris by the Prague correspondent of *Le Monde*, (25 July). That, in turn, was misrepresented in the Polish *Gazeta Wyborcza* (1 Sept.) as Buzek’s apparent statement in his direct interview with *Le Monde*, which never took place, and *Gazeta Wyborcza*’s online spin-off asked its readers to discuss whether he was right to condemn Slovakia. <http://www.pitt.edu/~votruba/ssttopics/lajosbokrosquotation.html>

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<sup>35</sup> The official translation of the Law says *usually*, the core meaning is “as a general rule, in principle.”

treatment will benefit from having it discussed in Hungarian.

The two examples, although illustrative of the ambiguity concerning the types of communication to which the Law should apply, are straightforward. Numerous other passages are ambiguous in more elaborate ways. The Ministry of Culture itself did not figure out their interpretations before or after the adoption of the Law. Both Minister Maďarič and his staff responded to queries with explications and directives, only to withdraw and replace them with different explications and directives shortly afterwards. For instance, on the same day that Minister Maďarič was telling Parliament that the Law did not concern the press, the Hungarian-language newspaper *Új Szó* received a response from Petra Fejdi at the Ministry of Culture that said the Law required it to use the Slovak versions of place names with each reference to a locality in Hungarian.<sup>36</sup> The Ministry rescinded its directive to *Új Szó* two days later, but corrections rarely travel far in the media – a Hungarian politician soon repeated the Ministry’s temporary concoction as fact in the European Parliament.<sup>37</sup>

### Commentary

Fejdi’s side comment during the exchange, namely that the Law concerns *verejný styk* (pub-

lic contact, communication), which “comprises contact going beyond the framework of private, intimate communication,”<sup>38</sup> is indicative of an ongoing core theme in Slovak–Hungarian parallel, discrete narratives. As with the 1995 Law, the history of the wording of the 2009 Law as well as its proponents’ explications have shown, from the start,<sup>39</sup> a strife to accommodate the common modern expectations of a democracy to maintain substantial freedom of speech in the private sphere, which needless includes the language in which it is exercised, and an intent to compel Slovakia’s society to adopt Slovak as its default mode of communication in areas where it is not. The words *verejný*, *úradný*, *oficiálny*, *štátny* float around and overlap freely in the proponents’ discourse, *jednotlivec* (an individual) is used as if it meant “a private person, private citizen,” the doctors’ language is apparently not affected,<sup>40</sup> but the Law addresses it nevertheless. The wording of the Law, from the preliminary draft of the proposal through its final version, and its proponents’ commentaries venture continually outside of the definable application of the Law to the government officials and seek to map out and subsume public life in a more general sense. Marek Mihálik from the Ministry of Culture explains that a goal of the Law is to guarantee the right of the citizens “to communicate in the state language in their private and

<sup>36</sup> Mózes Szabolcs, “Káosz a nyelvtörvény körül.” *Új Szó*, 1 July 2009.

<sup>37</sup> “if anyone, including all of you, does not call the country’s capital by its official name Bratislava, but uses its German name Pressburg, or its Hungarian name Pozsony, the person may end up paying a fine of 5,000 euros.” Sógör Csaba, “Debate speech during Item 5 - Presentation of the work program of the Swedish Presidency.” *Plenary sitting, European Parliament CRE*, 15 July 2009.

<http://www.europarl.europa.eu/sides/getVod.do?mode=unit&language=HU&vodDateId=20090715-13:03:50-462>

<sup>38</sup> “zahŕňa kontakt presahujúci rámec súkromného familiárneho styku.” Martina Kováčová, “Maďaričovi úradníci priznali chybu.” *Sme*, 4 July 2009.

<sup>39</sup> Marek Maďarič, Minister of Culture, “O čom nie je novela zákona o štátnom jazyku.” *Pravda*, 17 Dec. 2008. Augustín Jozef Lang, State Secretary, Ministry of Culture, “Prečo novelizujeme zákon o štátnom jazyku.” *Slovenské národné noviny*, 20 Jan. 2009.

<sup>40</sup> “Lekárom nebudú hroziť pokuty z jazykového zákona.” ČTK Slovak-Language News Service, 9 June 2009.



public lives.”<sup>41</sup> The essence is condensed in Minister Maďarič’s pregnant phrase (which hanks back to the long-forgotten controversy around the Preamble to the Slovak Constitution) that the Slovaks should not be “foreigners in their own state.”<sup>42</sup> The 1995 Law was not substantially different, the proponents of the 2009 amendment would probably not have moved ahead had it not been for the 1999 abolishment of the fines the 1995 Law had legislated, which effectively nullified that Law’s existence.

### ***Cui bono***

It is common for commentators to assume ulterior, party-political motives with each similar flare-up, especially with parliamentary elections near, as they are both in Hungary (spring 2010, expected on or shortly before 11 April) and Slovakia (no later than June 2010). The thinking is that the more nationally or patriotically oriented parties benefit from explaining the other nation’s rhetoric on extensive language use as threats to their own nation’s integrity. There have been no such demonstrable effects of the most recent round of mutual abuse. The Slovak National Party, which should have benefited the most according to such stereotypes, has been losing support nevertheless, the Hungarian Jobbik was gaining support long before the current wave started. The ruling Smer-SD in Slovakia stood as unchallenged before the Law as after it, the ruling Hungarian Socialist Party has been diving despite its anti-Law agitation, Fidesz has been rising. SMK-MKP, the Hungarian-minority party

in Slovakia, split, and its new ethnic competitor Most-Híd rose in the polls, although the first one outdid the second one in its criticism of the Law. The existing support of and opposition to the Law is not easily reduced<sup>43</sup> to calculated political manipulation. It reflects underlying attitudes of large segments of the population from the Tatras, to the Danube, to Lake Balaton, so while none of the political parties gained an advantage in the current surge of strife over language and what it controls, they did not lose either. What did not benefit was the perception of Bratislava and Budapest in Brussels as a result of both the Law and the politics around it. But Brussels is not destined to share the Danube.

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<sup>41</sup> “práva svojich občanov na to, aby sa v súkromnom živote, aj vo verejnom živote mohli dorozumieť v štátnom jazyku, ...” “Zápisnica z rokovania Rady vlády Slovenskej republiky pre národnostné menšiny a etnické skupiny.” Úrad vlády, 18 Dec. 2008.

<sup>42</sup> Marek Maďarič, *ibid.* 17 Dec. 2008.

<sup>43</sup> Martin Votruba, “The Law vs. the Slovak Language: The Case of the Forgotten Victim.” AAASS National Convention, Denver, 12 Nov. 2000.  
<http://www.pitt.edu/~votruba/ssttopics/lawsonlanguageinslovakia.html>

