

# POETS, REVOLUTIONARIES AND SHOEMAKERS: LAW AND THE CONSTRUCTION OF NATIONAL IDENTITY IN CENTRAL EUROPE DURING THE LONG 19TH CENTURY

ISTVÁN POGÁNY  
*University of Warwick, UK*

## ABSTRACT

This article examines notions of identity in central Europe during the 'long' 19th century and the role of law in defining and in reinforcing the boundaries of the nation. During the 19th century, nationalist thinking in Hungary tended to focus on characteristics such as language, culture and political allegiance rather than on race, ancestry or religion. Consequently, membership of the nation was not necessarily fixed at birth. This inclusive model of the nation contrasts markedly with the rigid, racially informed theories of identity that were to prove so seductive in Hungary, as in much of continental Europe, in the inter-war era and during the Second World War. The article goes on to consider the extent to which the apparently inclusive conception of the Hungarian nation was embedded in social and economic practice as well as in the statute books. Notwithstanding the passage of comprehensive emancipation laws, the evidence suggests that Jews were not readily admitted to public sector employment of various kinds. Thus, the liberal Hungarian laws of this period served, at least in part, to mask rather than to transform illiberal social and economic practices. The article concludes by briefly examining contemporary notions of nationhood in central Europe and the extent to which these have transcended 19th- or early 20-century ideas concerning national identity.

## Key Words

central Europe; emancipation laws; Hungarians; Jews; national identity

SOCIAL & LEGAL STUDIES Copyright © 2007 SAGE Publications  
London, Thousand Oaks, CA and New Delhi, [www.sagepublications.com](http://www.sagepublications.com)  
0964 6639, Vol. 16(1), 95–112  
DOI: 10.1177/0964663907073451

### INTRODUCTION

In Joseph Roth's novel, *The Radetzky March* (2003), a young army officer risks his life at the Battle of Solferino, in 1859, to save the Habsburg Emperor from mortal danger. Although the officer is of Slovenian peasant stock his loyalty to the Empire and to its Austrian Emperor is unwavering. In due course, the officer's son becomes an imperial civil servant in the province of Moravia, rising to the rank of District Commissioner. Like his father, he identifies unreservedly with the Empire and with its ruling dynasty:

He himself, the District Commissioner, had never felt any desire to see the home of his fathers. He was an Austrian, a servant and official of the Habsburg monarchy, and his home was the Imperial Palace in Vienna. If he entertained any notion of a political restructuring of this great and varied Empire, then it would have pleased him to see all the Crownlands simply as large and colourful wings and extensions of the Imperial Palace, and all the peoples of the Monarchy as the Habsburgs' faithful servants. (p. 138)

In due course, the District Commissioner has a son of his own who embarks on a military career in the aristocratic dragoons. The young man's regiment is based in Moravia, although the soldiers under his command are drawn from the Empire's Ukrainian and Romanian subjects. The regimental doctor is a Jew from the province of Galicia.

In Roth's novel, the Habsburg Empire is presented as a tolerant, broadly inclusive polity in which national or ethnic background, mother tongue or religion generally count for less than loyalty to the Habsburgs, to the Empire and its ideals. As portrayed by Roth, the ideological bonds holding the Empire ultimately rest on the devotion, both religious and secular, that the Habsburg dynasty is able to inspire in its subjects.

Roth's novel is suffused with a sense of imminent catastrophe, of the inevitable collapse of the fragile, multinational Empire and of the civilizing values that it represents. As Count Chojnicki – an ethnic Pole and one of the book's more far-sighted characters – observes ruefully to guests at his estate on the eastern fringes of the Empire,

The age doesn't want us any more! This age wants to establish autonomous nation states! People have stopped believing in God. Nationalism is the new religion. People don't go to church. They go to nationalist meetings. (Roth, 2003: 176)

Roth wrote *The Radetzky March* during 1930–2, more than a decade after the collapse of the Austro-Hungarian Empire and at a time when many of the successor states of central and eastern Europe were falling under the influence of Fascist or extreme nationalist ideologies (Seton-Watson, 1945/1967; Polonsky, 1975). His book is an elegy to a supposedly gentler, less chauvinistic era when, by and large, religious and other minorities were not merely tolerated but welcomed for their talents, resources and industry. In *The Radetzky March*, Slovenes, Poles, Czechs, Romanians, Ukrainians and

Jews, as well as Austrians, Magyars and members of a host of other nationalities, have the opportunity to lead worthwhile and purposeful lives within the Empire. However, Roth (2003: 101) is not blind to either the persistence of anti-Semitism in some quarters, or to the inhuman working conditions that were tolerated, sometimes in blatant disregard of the law (p. 191).

If nationalism had become 'the new religion' by the eve of the 20th century, as Roth suggests, supplanting the Habsburg vision of a broad, plurinational polity with the Emperor at its head, it was a nationalism that could take various forms and in which law often played a central part. As explained in greater detail in the second part of this article, the Hungarian nationalism of the long 19th century, which ended with the outbreak of the First World War, tended to focus on characteristics such as language, culture and political allegiance rather than on race, ancestry or religion. Consequently, membership of – or exclusion from – the nation was not necessarily fixed at birth.

This 19th-century model of nationalism – in which an individual could, within limits, *choose* to belong to a particular national group – contrasts markedly with the rigid, racially informed theories of identity that were to prove so seductive in Hungary, as in much of continental Europe, in the inter-war era and during the Second World War (Polonsky, 1975). Jews were among the principal beneficiaries of the inclusive, 'voluntarist' model of Hungarian nationalism, of the long 19th century, while they became the primary victims of the exclusionary, overtly racist construction of nationalism that increasingly informed the policies of Hungarian governments after the First World War. Law played a decisive role in these successive and sharply contrasting historical phases, helping to define and to reinforce the boundaries of the 'nation', as variously understood.

The third part of this article considers the extent to which the apparently inclusive conception of the Hungarian 'nation', of the long 19th century, was embedded in social and economic practice as well as in the statute books. In particular, the article examines whether, notwithstanding the passage of Jewish emancipation laws in the latter half of the 19th century, Hungary's Jews were able to exercise their hard-won rights. The article draws on recent Hungarian scholarship as well as on archival material. Finally, the article considers contemporary understandings of nationhood in central Europe.

#### LAW AND THE CONSTRUCTION OF NATIONAL IDENTITY IN CENTRAL EUROPE DURING THE LONG 19TH CENTURY

The dynasty-centred, multinational vision cherished by the Trotts, the fictional family at the heart of Roth's novel, the *The Radetzky March* (2003), represented one of a number of alternative models of identity that co-existed in Europe during the long 19th century. It was a model that largely transcended – rather than fixated on – personal characteristics such as language, culture, ancestry or religion.<sup>1</sup> However, most of the peoples of the Empire gradually assumed a different – and narrower – sense of identity that focused

on membership of a 'nation' (Anderson, 1983/1991; Hobsbawm, 1991/1992). This historic shift in popular notions of identity dismayed Roth's central character, the District Commissioner:

To begin with, he had merely despised the nations who wanted self-determination, and the people who were clamouring for 'more rights'. By and by, however, he had begun to hate them . . . He ordered his deputy to break up on the spot any assembly that showed any signs of passing any 'resolutions'. (Roth, 2003: 155)

The most numerous and assertive of the various non-German national groups within the Habsburg Empire were the Hungarians, or Magyars. They had secured a significant measure of autonomy in 1867, resulting in the transformation of the Empire into the Dual Monarchy (Okey, 2001: 187–90). Thereafter, until military defeat in the First World War, Hungarian administrations exercised political and administrative control over a variety of national and ethnic groups across much of the eastern half of the Empire. These minorities, including around 3 million ethnic Romanians and significant numbers of Slovaks, Ruthenians, Serbs, Croats and Germans, accounted for as much as 53.4 per cent of the population of Hungary in 1880 (p. 313).

The 19th century Hungarian model of national identity, discussed in the next section, warrants attention because – as suggested in the Introduction – it differed from *both* the Habsburg ideal of allegiance to a transnational polity, with a dynasty at its head and later, racially informed notions of national identity that were to prove influential in Hungary, as in much of central and eastern Europe, during the inter-war era and the Second World War. As will now be explained in greater detail, law played a crucial role in defining and reinforcing these contrasting models of the Hungarian nation.

*POETS, REVOLUTIONARIES AND SHOEMAKERS: HUNGARIAN NATIONAL IDENTITY DURING THE LONG 19TH CENTURY*

In 1848, at a time of mounting revolutionary and nationalistic fervour in Europe (Stearns, 1974; Hobsbawm, 1977), Hungarians rose up against Habsburg rule in a spirited but ultimately unsuccessful bid to reclaim their national sovereignty and independence (Deak, 2001). One of Hungary's greatest poets, Sándor Petőfi, took an active part in the revolution (pp. 70–3). In a series of poems that displayed his total – and ultimately fatal – commitment to the Hungarian national cause (Petőfi died on or near the battlefield at Segesvár, Transylvania, in July 1849), he urged his countrymen to rebel against Habsburg rule in order to regain their freedom and honour as a nation.

The titles of some of Petőfi's (1959) poems, composed during the period 1847–9, serve to convey his unqualified patriotic zeal: 'I Am Hungarian' (February 1847); 'How Long Will You Continue to Sleep, My Mother Land?' (October 1847); 'The Slave' (October 1847); 'National Anthem' (March 1848); 'Prepare, My Mother Land' (April 1848); 'To the Nation' (August 1848); 'Forward to the Holy War' (June 1849). In 'Liberty, Love!', a poem that he

composed just a few months before his marriage, in 1847, Petőfi insisted that even romantic love had to take second place to the goal of national liberation:

Liberty, love!  
 These two I have need of,  
 For my love I will sacrifice my life,  
 For liberty I will sacrifice my love. (Petőfi, 1959: 259)

Yet, despite Petőfi's almost pathological commitment to the Hungarian national cause – and although he is revered as one of the emblematic figures of the Hungarian nation – Hungary's national poet was of mixed Slovak and southern Slav ancestry. In his youth, he had changed his name from the foreign-sounding Petrovics (Barany, 1994).

As Petőfi's personal history illustrates, Hungarian national identity, as it crystallized in the 19th century, was characterized by an emphasis on language, culture and political allegiance rather than on factors such as 'blood' or ancestry. To use the terminology of social science, the prevailing view of national identity was 'voluntarist' rather than 'organic' (Smith, 2001: 40). While some people were *born* Hungarian others, like Petőfi, could readily become members of the Hungarian nation through a process of linguistic and cultural assimilation that was often accompanied by the adoption of a Hungarian name. Thus, national identity was not necessarily fixed at birth; identity was flexible and, largely, a matter of self-ascription.

In many instances, assimilation was voluntary rather than the product of political intervention or bureaucratic pressure, although such practices became increasingly commonplace (Okey, 2001). During the 19th century, Germans and Jews, along with smaller numbers from other minority communities, willingly assumed Hungarian national identity. They were motivated, variously, by genuine patriotic zeal, by personal ambition, by growing acculturation, or simply by the desire to embrace modernity (p. 313; see also Wistrich, 1990). In comparison with the overwhelmingly oppressive policies pursued by both Russia and Romania towards Jewish minorities, Hungarian treatment of its Jews was benign (Johnson, 1995; Vital, 2001).

In the national census of 1900, 72 per cent of Hungary's Jews affirmed their sense of belonging to the Hungarian nation (Fejtő, 1997: 151), while 63.8 per cent also gave their mother tongue as Hungarian (p. 117). By 1910, the proportion of Jews whose mother tongue was Hungarian had risen to 71.5 per cent in the country as a whole and to 85.6 per cent in the capital, Budapest. These statistics vividly illustrate the extent of the political and cultural assimilation of Hungary's Jews by this period.

*LOCATING THE JEWS: LAW AND THE BOUNDARIES OF THE  
 HUNGARIAN NATION*

In Hungary, as elsewhere in Europe, the emancipation of the country's Jews and their recognition as full and equal members of the 'nation' represented two separate but closely related developments. In essence, emancipation was

a *legal* process by which states removed various civil and/or political disabilities affecting their Jewish minorities. Such disabilities could include restrictions on the regions, towns, or urban localities in which Jews could establish residence, the exclusion of Jews from various professions, trades or careers, as well as limitations on the right of Jews to buy or to rent land. By contrast, the recognition that Jews are not intrinsically alien and that they should be acknowledged as – and encouraged to view themselves as – an integral part of various European ‘nations’, was a *political* or *ideological* phenomenon that stimulated demands, not always immediately successful, for the legal emancipation of Jews in the countries concerned.

These complementary trends – of legal emancipation and of politico-cultural inclusion – gradually came to shape national attitudes, policies and legislation regarding Jewish minorities in much of western and central Europe (Poliakov, 1981; Gartner, 2001). French Jews, who had been subject to a range of civil and political disabilities, were granted citizenship and full equality by a near unanimous decision of France’s Constituent Assembly, adopted on 27 September 1791 (Poliakov, 1981; Gartner, 2001). Jews were recognized as – and expected to become – full and equal members of the French nation. During protracted debates that preceded the adoption of the 1791 law for the emancipation of France’s Jews, it was argued that ‘there cannot be a nation within a nation’ and that, ‘the Jews should be denied everything as a nation but granted everything as individuals’ (Johnson, 1995: 306).

Jewish emancipation laws were adopted in the following years in The Netherlands, in parts of Italy and in a number of German states including Prussia (Sachar, 1990; Gartner, 2001). However, many of these reforms were subsequently overturned or restricted, for various periods, prompting one commentator to note that, ‘even in western Europe, the process begun in 1789–91 in France took eighty years to complete purely in a nominal legal sense’ (Johnson, 1995: 313). As so often, developments in Britain had followed a somewhat different path. British Jews had long enjoyed full civil rights and were not limited as to either place of residence or occupation. However, certain political rights, notably the right to become a Member of Parliament, were effectively denied to practising Jews until as late as 1858, almost 30 years after the same rights had been conceded to Catholics (Gartner, 2001).

In contrast to western Europe, ‘Jewish disabilities remained severe’ as late as the end of the 19th century in Russia and Romania (Gartner, 2001: 133), reflecting not simply a slower pace of legal reform but also the continuing perception that Jews – irrespective of length of residence or degree of acculturation – remained alien and unassimilable. For example, Article VII of the Romanian Constitution, approved by the Romanian Parliament in June 1866, removed even the possibility – already tenuous – that Jews could acquire Romanian citizenship (Vital, 2001). Throughout the 19th century, Jews in both Russia and Romania, though tolerated within prescribed and shifting limits, were firmly located outside the boundaries of the nation.

From the middle of the 19th century, political and legal developments in Hungary were more closely aligned to those in the relatively liberal societies

of western Europe. As noted earlier, the overwhelming majority of Hungary's Jews came to regard themselves as Jewish by religion but as Hungarian in terms of their national (i.e. cultural, linguistic and political) identity. For a variety of reasons, the bulk of Hungary's magnates, as well as many of the country's foremost politicians and reformers (categories that overlapped to a significant degree) welcomed and encouraged the Jewish assimilatory trend (Patai, 1996; Fejtő, 1997).

The legal emancipation of Hungary's Jews was finally achieved with the passage of Act XVII of 1867, some months after the transformation of the Habsburg Empire into the Dual Monarchy and in the same year that the Austrian parliament passed legislation providing for the emancipation of Austria's Jews.<sup>2</sup> Section 1 of the 1867 Act on the Equality of Israelites with Respect to Civil and Political Rights declares that the Israelite (i.e. Jewish) inhabitants of Hungary are 'entitled to the full enjoyment of all civil and political rights on the same basis as its Christian residents'.<sup>3</sup> Section 2 states that, 'any law, custom or decree that is inconsistent with the present statute is hereby rescinded'. The reference to 'custom' in the statute reflects the distinctive character of Hungarian law at this time. Lacking a written constitution, or fundamental law, custom continued to represent one of the sources of Hungarian public law, which had evolved slowly and incrementally over the course of several centuries (Mezey et al., 2002).

As recently as 1830, Hungary's Jews had been denied many basic civil rights, including the opportunity to seek employment in the state administration, the right to live and work anywhere within the country,<sup>4</sup> freedom to choose a career other than in medicine or in certain sectors of commerce, or the right to rent or purchase property from Hungary's nobles (Fejtő, 1997). In addition, Jews were subject to a unique and invidious 'toleration tax': they were taxed simply for being Jews (Patai, 1996).

Some of these disabilities had been removed, in 1840, by an Act on the Jews passed by the Hungarian National Assembly (Act XXIX of 1840).<sup>5</sup> In particular, Sections 1 and 2 of the 1840 Act had granted Jews the right to live anywhere in the country, with the exception of the royal mining towns and associated localities, which enjoyed a special status and historic privileges, as well as the right to establish factories, to engage in commerce or to practise crafts, either alone or with the assistance of Jewish co-workers. However, Section 1 emphasized that the Act did not apply to every Jew then living in the country. It was limited in scope to Jews born in Hungary and in the 'attached territories', that is, Croatia-Slavonia and the Grand Duchy of Transylvania, as well as to other Jews who had established a legal right of residence. In addition, Section 1 stipulated that the Act shall apply only to 'Jews against whom there is no proven, well founded objection concerning their moral conduct'.

As its preamble stated, the 1840 Act on the Jews represented an interim measure pending the adoption of comprehensive legislation. During the final days of Hungary's revolt against Habsburg rule, on 28 July 1849, a law extending full civil rights to Jews born in Hungary was adopted without

dissent by the National Assembly (Deak, 2001). Although all laws adopted by the 'rebel' Hungarian Assembly were subsequently declared null and void by Austria, the 1849 Emancipation Act was of great symbolic importance, a belated acknowledgement of the Jewish community's wholehearted participation in the Hungarian revolt. According to various estimates, Jews represented as much as 11 per cent of the Hungarian armed forces in 1848–9, at a time when they comprised no more than 2.5 per cent of the overall population. Jews also gave significant financial support and established and staffed a series of hospitals for the treatment of the Hungarian troops (Patai, 1996; Fejtő, 1997). At least some of the Jewish volunteers may have been prompted to enlist in the Hungarian forces not simply out of patriotism, but because of the prospect of a regular wage and of consequent relief from dire poverty (Fejtő, 1997).

If the 1867 emancipation law represented the first and most important stage in the legal recognition of the country's Jews, as full and equal members of the Hungarian nation, the process was completed with the passage of Act XLII in 1895, despite the opposition of three Catholic priests in the Lower House and more extensive opposition in the Upper House where only the chairman's deciding vote secured the bill's passage (Patai, 1996: 362). Article 1 of the 1895 Act provides that, '[t]he Israelite religion is declared an accepted religion'. In effect, this meant that the Israelite faith, i.e. Judaism, was finally recognised as having 'a status equal to that of the Christian denominations' (p. 359).

It should be clear from this historical overview that the emancipation of Hungary's Jews had been slow and fitful. However, this should be understood in its socio-political context. Prior to wide-ranging reforms introduced by Hungary's National Assembly, in the spring of 1848, Jews were by no means the only social category in the Kingdom to be denied many civil and political rights (Deak, 2001). A large proportion of Hungarians, of whatever religious affiliation or ethno-cultural background, lacked meaningful rights. Until as late as the middle of the 19th century, Hungarian society remained archaic and stratified, whether in legal, political, social or economic terms. Political rights and other freedoms were *not* vested in the individual Hungarian subject; rather, they inhered in the *nemzet*, or nation, understood in terms of the various estates recognized since feudal times by the Hungarian constitution (Mezey et al., 2002: 207). These estates comprised the priesthood (*praelati*), the magnates (*barones*), the lesser nobility (*nobiles*) and the population of certain towns (*civites*) (pp. 48–50). By contrast, those who did not fall within any of the above categories, that is, the *plebs*, 'were excluded not only from political rights but also from a wide range of civil rights' (p. 207).

However, within this rigid, gendered and inegalitarian socio-political order, Jews were subject to a range of *additional* disabilities simply on account of being Jews. It is also worth recalling that the reforms of March/April 1848, notably the extension of the franchise to include as much as 6 per cent of the Hungarian population, or around 25 per cent of adult males, left the status of the country's Jews (and of its women) untouched. Act V of 1848 had

denied the vote to Jews on the grounds that they were not members of a 'received religion' (Deak, 2001: 96–8, 102). However, members of various professional groups – including schoolteachers, lawyers, surgeons, pharmacists, clergymen and engineers – were given the vote for the first time, in accordance with section 2(d) of the 1848 statute, provided that they were Christian and male.

LEGAL VS SOCIO-ECONOMIC CONSTRUCTIONS OF THE  
HUNGARIAN NATION AT THE TURN OF THE 20TH CENTURY

*A SURVEY OF HUNGARIAN SCHOLARSHIP*

The émigré Hungarian scholar, François Fejtő (1997), has argued that, even after the passage of legislation in 1867 and 1895, affirming the *legal* equality of the country's Jews (and of the Jewish faith), Jews were tolerated but by no means fully accepted as an integral part of the Hungarian nation, apart from a minority who took the additional step of converting to Christianity (pp. 151–62). Despite the inclusive rhetoric of the law, Fejtő suggests, Jews who declined to surrender their religious identity through conversion were largely excluded, as before, from the 'core' of the (Christian) Hungarian nation. Thus, Fejtő observes that 'membership of a Christian denomination continued to be regarded as an essential component of Hungarian identity' (p. 156), and that:<sup>6</sup>

To have a Hungarian name was good; to have a certificate of baptism in your pocket wasn't indispensable in order to open a shop, to become the manager of a company or the director of a bank. However, it was an absolute trump card for candidates seeking posts in the administration, on the bench, in the civil service, in universities or in the army, *which were only theoretically open to Jews*. (p. 156, emphasis added)

However, Fejtő provides little evidence to support his contention. If he is correct, in suggesting that many public sector posts were only 'theoretically open' to Jewish applicants, it would seem that the liberal Hungarian laws of this period served, at least in part, to mask, rather than to transform, *illiberal* social and economic practices.

Other Hungarian scholars offer a different analysis. Tamás Csíki (1999) examined the social and economic position of Hungarian Jews, from the middle of the 19th century, in five provincial towns that were located in the east and north east of Hungary: Miskolc, Sátoraljaújhely, Kassa, Nagyvárad and Szatmárnémet. Three of these towns (Kassa, Nagyvárad and Szatmárnémet) were relinquished by Hungary in the peace settlement following the First World War.

Unlike Fejtő, Csíki (1999) examined a range of official records and other materials to ascertain the number of Jews working in various sectors (both public and private) in the designated towns. He concludes that, by the early

years of the 20th century, Jews were employed by the state and by local authorities, to varying degrees. For example, in 1910, 9.1 per cent of judges and of prosecutors and 5.9 per cent of county officials in the town of Miskolc were Jewish, at a time when 20 per cent of the town's population was made up of Jews (pp. 17, 98, 100). In the same year, in the town of Nagyvárad (now Oradea), 23.6 per cent of the population was Jewish, but only 1.7 per cent of the town's judges and prosecutors and 8.3 per cent of county officials were Jews (pp. 17, 98, 100). However, Csíki explains the general under-employment of Jews in the public sector largely in terms of the career preferences of the Jews themselves and on the basis of entrenched socio-economic interests, rather than as the consequence of institutionalized anti-Semitism. According to Csíki, these entrenched 'interests' tried to preserve posts in particular sectors, such as the county bureaucracies, for people of their own class and background, that is, the Hungarian gentry (p. 98). Thus, not only Jews but many ordinary Hungarians encountered difficulties in gaining access to various fields of employment.

However, the persuasiveness of Csíki's (1999) analysis is diminished by a series of unsettling observations. For example, in seeking to explain the comparatively low number of Jews who were employed as public officials in the five designated provincial towns he states that, 'one of the main causes' was the fact that such officials 'could not gain access to the highest salaries' (p. 100). In other words, according to Csíki, it was not the persistence of anti-Semitism after the passage of the emancipation laws that prevented Jews from working as provincial officials; rather, it was the materialism and ambition of Jews that induced them to seek employment in other, more lucrative sectors. Similarly, Csíki asserts that the very low numbers of Jewish judges and prosecutors in the relevant towns, as late as 1910, was not due simply to prejudice within this sector of the legal profession but also to the fact that such posts 'were not attractive to Jewish law graduates' who overwhelmingly preferred careers in the private sector that offered the prospect of 'high social prestige and incomes' (p. 101). The relentless – and necessarily unsubstantiated – repetition of the familiar anti-Semitic libel that Jews are consumed by the pursuit of power, prestige and wealth is disturbing.

A more plausible analysis is provided by János Gyurgyák (2001) who argues that, even after the passage of the emancipation laws, most Jews declined to branch out into new areas of employment or economic activity for various reasons. In part, Gyurgyák argues, Jews found that certain sectors such as the state bureaucracy and the army were already 'occupied' by other elements (p. 81). It was entirely natural, he suggests, that most Jews should continue to earn a living by means that were familiar to them, such as commerce (p. 81). In addition, Gyurgyák argues, the strong family and community ties that bound Jews to one another also served to distance them from the wider community (p. 81). Gyurgyák notes that 'Jews mainly occupied those economic sectors that the host society left for them' (p. 82). In 1900, aside from careers in trade, finance, the free professions and artisanal

occupations of various kinds, 11.9 per cent of teachers, 3.1 per cent of judges and prosecutors, 3.3 per cent of army officers, 3.9 per cent of soldiers, 2.1 per cent of servants, 3 per cent of day labourers and 3.5 per cent of transport workers were Jews (p. 83). Gyurgyák concludes that 'there were some occupations that the Jews didn't choose; there were some that they couldn't really choose' (p. 83).

While offering a more nuanced picture than either Fejtő or Csíki, Gyurgyák's analysis confirms Fejtő's central argument that, despite the passage of the emancipation laws, Hungary's Jews enjoyed only a limited degree of social and professional acceptance by the turn of the 20th century. Numerous career paths were effectively denied to them because of their religion or ancestry.

As Gyurgyák (2001) suggests, discrimination was merely one of a range of factors that prevented or discouraged many Jews from seeking posts in the state sector in the years following the passage of the emancipation laws. Social inhibitions, the ties of family, community and religion, a long habituation to particular modes of economic activity would have deterred many Jews from contemplating or pursuing a career in the public services. However, subtle – and not so subtle – forms of discrimination were also a compelling factor, as Gyurgyák acknowledges. Despite the passage of laws granting Jews full equality, Hungary's social climate did not adjust as quickly and may even have become less accepting of Jews. In many spheres of employment, particularly in the public sector, Jews were viewed as rivals and as interlopers rather than as fully equal fellow citizens.

However, Gyurgyák can be criticized for failing to take account of the far-reaching socio-economic, cultural, religious and other cleavages *among* Hungary's Jews. The country's Jews did not constitute a cohesive community, with a common set of values, interests or objectives. Growing numbers of Jews were eager to integrate within the wider society and had no wish to limit their professional, economic, social, cultural or other relations to their co-religionists (Fejtő, 1997). Gyurgyák also fails to consider the desperate poverty and limited education of a sizeable proportion of Hungary's Jews. Many Jews lacked either the skills or the resources to support themselves and their families at even a modest standard of living. They would have had a powerful incentive to seek public sector employment of some kind – if it had been readily available to them. As confirmed by Csíki (1999) and as discussed in the following case-study, significant numbers of Jews, particularly in north eastern Hungary, were illiterate, while many Jews in this region earned a pittance as tinsmiths, rag-and-bone men or as day labourers. Contrary to the familiar anti-Semitic stereotype that treats Jews as financially astute and materially privileged, the reality was often the reverse. Consequently, poverty and economic insecurity would have rendered public sector employment highly attractive to many of Hungary's Jews.

POVERTY AND WEALTH IN MÁRAMAROSSZIGET AT THE TURN OF  
THE 20TH CENTURY

Csiki's survey of employment patterns in five eastern and north eastern provincial towns, from the middle of the 19th century, does not include Máramarossziget (hereafter cited as Sighet), a former county town located in the extreme north east of pre-First World War Hungary. A brief analysis of employment patterns and of economic conditions in Sighet at the turn of the 20th century, with particular reference to the local Jewish population, is therefore useful in extending our knowledge of the degree to which the emancipation laws had had an impact on socio-economic practice.

It is clear from various sources, including the tax records compiled by officials, that some members of the Jewish community in Sighet were affluent.<sup>7</sup> For example, in 1903, József Stein, a wine merchant, was assessed at 181 Korona, 86 Fillér income tax, while Jakab Glück and Zsigmond Klein, timber merchants, paid 139 Korona and 225 Korona income tax, respectively (*Keresetadá*, 1903). However, neither earned as much as the (non-Jewish) proprietor of the town's brothel, Szabina Almásy, who was assessed at 300 Korona income tax in the same year (p. 15). These figures contrast markedly with assessments of as little as 0.25 Korona income tax for some local smallholders (p. 11). Other occupational groups, such as day labourers, earned so little that they do not even feature in the register of income tax.

Unlike the small elite of successful traders and businessmen, many Jews in Sighet and in the surrounding villages lived in conditions of abject poverty. Of 80 Jewish parents listed in the *Anyakönyv*, or civil register of births, in Sighet, during the first three months of 1900, 10 per cent were employed as *napszamos*, or day labourers (*Magyar Anyakönyv*, 1900). Three of these were illiterate, as were several other Jewish parents recorded in the register during this period, including a tinsmith, two carters and two rag-and-bone men, none of whom was able to write his or her name in the *Anyakönyv* (*Magyar Anyakönyv*, 1900). As noted earlier, day labourers, who were often paid in kind rather than in the form of proper wages, are not even listed in the register of income tax. It is clear from the tax registers that Jews were also prominent in many other types of work that generally yielded meagre incomes. For example, carters, most of whom were Jewish, paid between 4 and 6 Korona income tax in 1903, while most stall holders, also predominantly Jewish, also paid as little as 4 or 6 Korona (*Keresetadó*, 1903: 38).

Out of 80 Jewish parents listed in the civil register of births in Sighet, during the first three months of 1900, none was employed in the public sector. By contrast, of 3 Lutheran fathers, listed in the register during the same period, 2 were employed by the state, while of 19 Calvinist fathers 7 had public sector jobs (*Magyar Anyakönyv*, 1900). The proportion of Roman Catholic and of Greek Catholic parents who had jobs in the state sector, though lower, remains significant: 6 out of 20 eight Roman Catholics and 5 out of 37 Greek Catholics (*Magyar Anyakönyv*, 1900).

Of course, as Gyurgyák suggests, it was natural that many Jews should continue to earn a living by means that were familiar to them. At the same time, some Jews, particularly in Sighet and in the Máramures region more generally, would have been ill at ease working with people from a different religious, cultural or linguistic background. At the turn of the 20th century, the Jewish community in Sighet and in the surrounding villages was overwhelmingly Orthodox, that is, conservative in its religious observances and communal outlook (Carmilly-Weinberger, 1995). There were substantial numbers of Hasidim among the local Jews, distinguishable by their austere clothes and extreme piety (Carmilly-Weinberger, 1995).

However, for a sizeable proportion of Jews in Sighet, as for ordinary people in the country more generally (Jews and non-Jews alike), life at the turn of the 20th century represented a daily struggle for survival. For many people, irrespective of religious or ethnic background, the attractions of a secure public sector job and of a regular wage would have been incalculable. Even allowing for the inhibiting factors of religion, language, occupational background, community and family – which did not impact on all Jews in the same way or to the same degree – only the existence of institutionalized anti-Semitism can fully explain the strikingly low numbers of Jews employed in the public sector, whether in Sighet, in the various towns examined by Csiki (1999), or in Hungary more generally.

Ironically, Hungary's emancipation laws may actually have triggered an increase in anti-Semitism by giving the country's Jews unprecedented economic and other opportunities. As Hungary began to develop a genuine capitalist economy in the latter decades of the 19th century – and as the size and importance of the country's Jewish bourgeoisie grew – Jews were increasingly viewed as competitors, particularly by less affluent elements of Hungary's gentry, large numbers of whom sought employment in 'burgeoning government offices' (Patai, 1996: 367). The likelihood of Jews obtaining work in the public sector, whether as lawyers, local government officials or even as unskilled labourers, were greatly diminished because of bureaucratic resistance. As Patai remarks, 'office holding was the domain of the gentry, and especially of the impoverished lower gentry, for whom it became a refuge after they lost their traditional income from their small estates based on serf labor' (p. 433). Despite the passage of the emancipation laws, with their promise of full equality for the country's Jews, the lower gentry continued to regard the Jews as 'a "foreign" element' (p. 367).

LEGAL VS SOCIO-ECONOMIC CONSTRUCTIONS OF THE NATION  
IN CENTRAL EUROPE IN THE 21ST CENTURY

According to the dominant political narrative, Hungary, along with several other post-Communist societies, has successfully negotiated the transition from dictatorship to democracy. The admission, of various central and

eastern European States to the the European Union was contingent on formal findings by the EU that these ex-Communist countries have established democratic political institutions and the rule of law, and that human and minority rights are properly safeguarded (Pogány, 2005).

The implications of this constitutional transformation for contemporary notions of the 'nation' in Central Europe are clear, at least in terms of official pronouncements and legal texts. Hungarian law is scrupulous in its recognition that membership of a 'nation' or of an 'ethnic group' is ultimately a matter of self-ascription. Article 1 of Hungary's 1993 Law on the Rights of National and Ethnic Minorities emphasizes that the Act applies to 'all persons of Hungarian citizenship living in the Republic of Hungary who *consider themselves* members of any national or ethnic minority' (emphasis added). If membership of a national or ethnic minority is a matter of self-ascription it follows that adherence to the dominant national group, that is, the Hungarian nation, is also a question of personal choice. This approach mirrors and, in certain respects, exceeds voluntarist 19th-century Hungarian notions of the 'nation', which emphasized an individual's cultural (and especially linguistic) attachment to the Magyar people as distinct from a person's ethnic origins.

However, liberal laws, whether in Hungary or in other post-Communist states, sometimes mask illiberal tendencies. Since the collapse of Communist regimes, at the end of the 1980s, commentators have rightly drawn attention to the ethnification of politics in much of the CEE region (Wistrich, 1998). This phenomenon has been a contributing factor to both the escalation of the social and economic marginalization of Roma communities in the CEE states, and to the sharp increase in physical attacks on Roma targets since 1990 (OSCE High Commissioner on National Minorities, 2000). The marked ethnification of the political process during the transition from Communism has also been reflected in the re-emergence of an anti-Semitic political discourse in Hungary, as in various other states in central and eastern Europe (Dési et al., 2004; Antiszemitizmus.hu, 2005).

Since the end of Communist rule there has been a renewed tendency, particularly at the level of civil society in central and eastern Europe, to construct the 'nation' in ethnic or even racial terms, despite the 'voluntarist' principles affirmed in the region's post-1990 constitutions and statutes, including Hungary's 1993 Act on the Rights of National and Ethnic Minorities. As in the inter-war period, Roma and Jews are frequently treated as the quintessential 'other', with little prospect of general acceptance as fully equal members of the dominant nation. For example, in a recent survey of 500 degree-level history students in Hungary, 35 per cent of those interviewed concurred with the statement that a propensity to commit crime is 'in the Gypsies' blood', while 22 per cent agreed with the proposition that it would be better if Jews lived in a state of their own (Vásárhegyi, 2004). In total, 21 per cent of the students interviewed agreed with the proposition that 'Jews subvert and weaken those countries in which they are permitted to settle'. If one allows for the relatively high proportion of students who answered

'don't know' to many of the questions, indicating to the investigators that they may have been uncomfortable about articulating racist views in a public context, the survey suggests that a disturbing number of young, highly educated Hungarians possess an uncompromisingly ethnic, or even racial, understanding of nationhood. If one steps outside the abstractions of the law, it is unclear how much real progress has been achieved since the inter-war era in fostering a voluntarist, inclusive conception of nationhood.

#### CONCLUSION

If Petőfi was the embodiment of the 1848 revolt against Habsburg rule and of the 'voluntarist' 19th-century model of Hungarian nationalism (Smith, 2001), another poet, Miklós Radnóti, became the unwitting symbol of the 'organic', racially defined Hungarian nationalism that gained the ascendancy in the inter-war era and during the Second World War. Subject to Hungary's increasingly draconian anti-Jewish laws (despite having converted to Roman Catholicism), Radnóti was conscripted into an auxiliary labour battalion reserved for Jews and for certain other 'undesirables'. He was shot by Hungarian guards during a forced march in 1944.<sup>8</sup> At his death, Radnóti was aged just 35.

The ideological and legal construction of the Hungarian nation that emerged during the long 19th century never became fully embedded in social and economic practice. Moreover, for all its potential inclusivity, it amounted to a variant of ethnic rather than of civic nationalism.<sup>9</sup> National minorities, whether Slovaks, Romanians, Serbs, Croats or Germans, were treated with varying degrees of suspicion or outright hostility by Hungarian nationalists and by Hungarian administrations of the 19th century, who nevertheless welcomed members of the various minorities who chose to assimilate, that is, to become members of the Hungarian nation (Okey, 2001).

However, despite these reservations, inclusivist 19th-century Hungarian notions of nationhood were vastly preferable to the exclusionary, overtly racist theory of the nation that gained favour after the First World War. If law had been a means of at least formal *inclusion* it now became an instrument, as in the pre-modern era, for the rigid *exclusion* of Hungary's Jews and, in a less systematic way, of its Roma or Gypsies (Pogány, 2004). The liberal emancipatory project of the long 19th century, however imperfectly realized, was put sharply into reverse.

Despite the progressive, reformist thrust of the constitutional and political revolution that has occurred in Hungary and in other CEE states, since 1990, it remains unclear whether issues of identity, multiculturalism and nationhood can be satisfactorily resolved in the short or medium term. As in the latter decades of the 'long 19th century', a worrying breach has opened up between law's liberal, inclusivist rhetoric – which treats membership of a national group as a matter of personal choice – and the exclusionary, racially informed understanding of 'nationhood' that is widely accepted at the level

of civil society. Recent research, discussed earlier, which highlights significant levels of racism amongst Hungarian history students, as well as data from numerous other sources, suggest law's impotence as a vehicle for social or ethical engineering.

#### NOTES

1. By contrast, in the Ottoman Empire, which included large parts of eastern and south eastern Europe, an individual's identity was largely defined by his religion. During the course of the 19th century this state of affairs gradually altered, albeit slowly and fitfully, as local populations were encouraged by (non-Turkish) intellectuals to embrace the new ideology of nationalism (Mazower, 2001).
2. As a result of the establishment of the Dual Monarchy, the Hungarian parliament acquired almost unlimited legislative powers outside the areas of foreign policy, defence and the financing of the common government (Mezey et al., 2002).
3. The Hungarian statutes referred to in this article are available (in Hungarian) at: <http://www.1000ev.hu/index.php?a=3&param=5318>
4. Act XXXVIII of 1790–1 had permitted the Jews to remain in those localities within Hungary where they had been established as of 1 January 1790, or to return to them if they had been put to flight by hostile elements. However, the Act did not establish a general freedom for Jews to choose their place of residence within the country.
5. In the English-language literature, the term 'Diet' is sometimes used to denote the feudal, estate-based Hungarian legislature that functioned until 1848. By contrast, the term 'National Assembly' is used by some authors to describe the Hungarian legislature following the adoption of wide-ranging reforms in the spring of 1848, including the extension of the franchise (Deak, 2001). However, the use of two distinct terms is potentially misleading. Hungarian statutes, both before and after 1848, refer to one and the same national legislative body, the *országgyűlés*. However, the role, character and even the location of the Hungarian legislature were radically transformed by the legislation adopted in 1848 (Deak, 2001).
6. I have translated these passages from the original French.
7. Although the tax records do not indicate the religious affiliation of individuals, it is possible to make reasonable – though not infallible – inferences from the names of those recorded in these files. During the period in question, the vast majority of Jews in the Máramaros region retained German-sounding family names. Many of them also maintained the long-standing practice of using biblical first, or given, names, such as Salamon, Ábrahám and so on. However, there was a growing practice among secular-minded Jews and among members of other minorities of adopting Magyar, that is Hungarian, names.
8. For details of Radnóti's life see <http://www.kirjasto.sci.fi/radnoti.htm>. For a recent, bilingual edition of his poems see *Foamy Sky: The Major Poems of Miklós Radnóti* (2000).
9. For a discussion of these concepts see Smith (2001).

## REFERENCES

- Anderson, Benedict (1983/1991) *Imagined Communities*. New York: Verso.
- Barany, G. (1994) 'The Age of Royal Absolutism, 1790–1848', pp. 174–208 in P. Sugar, P. Hanák and T. Frank (eds) *A History of Hungary*. Bloomington, IN: Indiana University Press.
- Carmilly-Weinberger, M. (1995) *A Zsidóság Története Erdélyben*. Budapest: MTA Judaisztikai Kutatócsoport.
- Csiki, T. (1999) *Városi Zsidóság Északkelet-és Kelet-Magyarországon*. Budapest: Osiris.
- Deak, I. (2001) *The Lawful Revolution*. London: Phoenix Press.
- Dési, J., A. Gerő and L. Varga (2004) *Anti-Semitic Discourse in Hungary in 2002–2003*. Budapest: B'nai B'rith Budapest Lodge.
- Fejtő, F. (1997) *Hongrois et Juifs*. Paris: Editions Balland.
- Gartner, L. P. (2001) *History of the Jews in Modern Times*. Oxford: Oxford University Press.
- Gyurgyák, J. (2001) *A Zsidókérdés Magyarországon*. Budapest: Osiris Kiadó.
- Hobsbawm, E. J. (1977) *The Age of Revolution*. London: Abacus.
- Hobsbawm, E. J. (1991/1992) *Nations and Nationalism Since 1780*. Cambridge: Cambridge University Press.
- Johnson, P. (1995) *A History of the Jews*. London: Phoenix.
- Mazower, M. (2001) *The Balkans*. London: Phoenix Press.
- Mezey, B., B. Bódine, G. Föglein, A. Horváth, T. Revesz, I. Stipta and L. Völgyesi (2002) *Magyar Alkotmány Történet*. Budapest: Osiris Kiadó.
- Okey, R. (2001) *The Habsburg Monarchy c. 1765–1918*. Basingstoke: Macmillan.
- OSCE High Commissioner on National Minorities (2000) *Report on the Situation of Roma and Sinti in the OSCE Area*. The Hague: OSCE.
- Patai, R. (1996) *The Jews of Hungary*. Detroit, MI: Wayne State University Press.
- Petőfi, S. (1959) *Osszes Költeményei*. Budapest: Szépirodalmi Könyvkiadó.
- Pogány, I. (2004) *The Roma Cafe: Human Rights and the Plight of the Roman People*. London: Pluto.
- Pogány, I. (2005) 'Post-Communist Legal Orders and the Roma: Some Implications for EU Enlargement', pp. 335–56 in W. Sadurski, A. Czarnota and M. Krygier (eds) *Spreading Democracy and the Rule of Law?* Dordrecht: Springer.
- Poliakov, L. (1981) *Histoire de l'antiémitisme*. Paris: Calmann-Lévy.
- Polonsky, A. (1975) *The Little Dictators*. London: Routledge & Kegan Paul.
- Radnóti, M. (2000) *Foamy Sky: The Major Poems of Miklós Radnóti*. Budapest: Cortina.
- Roth, J. (2003) *The Radetzky March*. London: Granta Books.
- Sachar, H. M. (1990) *The Course of Modern Jewish History*. New York: Vintage Books.
- Seton-Watson, H. (1945/1967) *Eastern Europe Between the Wars, 1918–1941*. New York: Harper & Row.
- Smith, A. D. (2001) *Nationalism*. Cambridge: Polity Press.
- Stearns, P. N. (1974) *The Revolutions of 1848*. London: Weidenfeld and Nicolson.
- Vásárhegyi, M. (2004) 'Taní-tani – de hogyan?', *Élet és Irodalom* 48. Available at: <http://www.es.hu/pd/display.asp?channel=CIMOLDALO407>
- Vital, D. (2001) *A People Apart*. Oxford: Oxford University Press.
- Wistrich, R. (1990) *The Jews of Vienna in the Age of Franz Joseph*. Oxford: Oxford University Press.
- Wistrich, R. (1998) 'Nationalism Reborn', pp. 356–62 in M. Hughey (ed.) *New Tribalisms: The Resurgence of Race and Ethnicity*. Basingstoke: Macmillan.

ARCHIVAL AND OTHER COLLECTIONS OF MATERIALS

- Antiszemitizmus.hu (2005) Available at: <http://antiszemitizmus.hu/akeznellevo02.htm>
- Magyar Anyakönyv* (1900) File No. 47. *Registrator de Stare Civilia Preluate de la Oficiile Parohiale din jud. Maramures: 1688–1964*, in Fond No. 19, Arhivele Nationale, Baia Mare, Romania.
- Máramarosszigeti Város III oszt. Keresetadó* (1903) Vol. 1, File No. 23, in Fond No. 19, Arhivele Nationale, Baia Mare, Romania.
- Laws Enacted by the Hungarian *Országgyűlés*, or Parliament, 1795–1993, at <http://www.1000ev.hu/index.php?a=3&param=5318> (in Hungarian).