

József Eötvös on the Personal Principle

József Eötvös (1813-1871), one of the most important political thinkers of the Habsburg Monarchy in the 19th century, adhered to the ideas of European thinkers on democratic principles at a time when the national idea became dominant in Europe. The idea of democratic nation state brought forward by the French Revolution, served as an example to follow for the various peoples within the multinational Habsburg Empire, in spite of the fact that the historical development of these peoples in the framework of the Habsburg Empire was very different in social and political terms from their Western counterparts. Consequently the first attempt of the Hungarian reform nobility to implement the idea of democratic nation state within the multicultural and multilingual Hungarian Kingdom ended by a bloody war in 1848–49. After this disaster, Eötvös became highly motivated to elaborate ideas on the organisation of a democratic multinational state. He began to analyse the events of Hungary during the so-called reform period, the Western ideas on democratic nation state, and the various experiences in organising a democratic multinational coexistence within one state in the course of history. As a conclusion he turned to the idea of a federal state based on the personal autonomy principle. In what follows this essay present and analyse the main ideas of Eötvös on the *personal principle* as the organisational basis for a democratic multinational federal state. In fact, Eötvös can be regarded as one of the first theoreticians of personalist federalism.

The challenge of the dominant national idea of the 19th century in multinational states with mixed population

Baron József Eötvös¹ was deeply shocked after the bloody national and national minority conflict in Hungary in 1848-49. He made very serious attempts to understand the reasons, and to find legal solutions. He consistently rejected to copy of the example of the French sovereign nation state in multinational states. He began to analyse the very meaning of the national idea, and the necessary conditions for the implementation of the Western democratic ideas within the multilingual and multicultural Habsburg Empire in general, and the Hungarian Kingdom, in particular.

¹ About József Eötvös: Steven Béla Várdy: Baron Joseph Eötvös: The political profile of a liberal Hungarian thinker and statesman. Indiana University 1966; Johann Weber: Eötvös und die ungarische Nationalitätenfrage. München 1966; Domokos Kosáry: Ujjáépítés és polgárosodás, 1711-1867. Budapest 1990. 391-393; Paul Bödy: Joseph Eötvös and the modernisation of Hungary, 1840-1870. A study of ideas of individuality and social pluralism in modern politics. Transactions of the American Philosophical Society, New Series, vol. 62. Part 2. Philadelphia 1972. Éva Bóka: From National Toleration to National Liberation (Three Initiators of Co-operation in Central Europe) East European Politics and Societies (USA), 1999. vol. 13. No. 3. 435-474.

Eötvös had to face the antagonism between democracy and nationalism, which became apparent in the course of the first, unsuccessful implementation of democratic reforms. He understood that he had to interpret the notion of the dominant national idea as a means of democracy and of an autonomous development in the multilingual and multicultural Hungarian Kingdom with mixed population. Nevertheless Eötvös could define neither the term “nation” nor the “national principle”. The way he looked at this problem was based on the concept of historical law and of personal freedom. His conception on the “historic–political individuality” regarded the communities of people, as well as the individuals themselves, as products of history and not as products of the will of people. In his views the states were created by the association — peaceful or forced — or the expansionist policies of rulers, and other political forces. As a consequence, Eötvös regarded every state as naturally multilingual and multicultural. He emphasised also that in the 18th century’s special literature of the law of nation (international law) the words nation and state were used in the same meaning.² He recognised that the French revolutionaries began to use the word nation in the meaning of the sovereign people. Consequently nation in the French thinking meant the French people embodying the state, and the nation was thought to be “one and indivisible”. “Le principe de tout souveraineté réside essentiellement dans la Nation”.³ So was born the idea of nation state which had a successful political carrier in the international policy. It was used as a stereotype. The different linguistic and cultural groups, and the great powers interpreted it differently, and following their interests: old historical states were destroyed; new nation states were created worldwide. The development of democratic international law, and federalism was paralysed.

Eötvös considered the idea of a nation state as false because it was incompatible with personal freedom.⁴ This was one of the main reasons why he was opposed to simply copying the ideas of the French Revolution on a democratic “one national” French nation state – in which the state was embodied by the French nation - to the case of multinational states. He thought that the French revolutionaries adopted the idea of nation state uncritically and they did not recognise that the French people, as sovereign, represented the nation and, at the same time, the state, too. Nation and state became one and indivisible. Federalism was rejected. The French nation state continued to be based on the centralisation policy of the state.

Eötvös also realised that, unfortunately, the Central Europeans took over the French nation state model uncritically and in a stereotyped way.⁵ This fact led him toward his research on how the idea of a democratic nation state would function in a state where the population was multilingual or mixed. He realised that the national principle invalidated historical rights, i.e., the legal status quo which came into being through history by the

² M. De Vattel: *Le droit des gens, ou principes de la lois naturelle*. E. van Harrevelt, Amsterdam 1775. 1.

³ *Déclaration des droits de l’homme et du citoyen*, 1789. In: C. Furé (ed.): *Les déclarations des droits de l’homme de 1789*. Paris 1988. 11.

⁴ Johann Weber: *Eötvös und die ungarische Nationalitätenfrage*. München 1966. 105.

⁵ Eötvös: *Der Einfluß der herrschenden Ideen des 19. Jahrhunderts auf den Staat*. Wien 1851. 34.

various association policies among the peoples living within the same state. The national principle could be interpreted to give absolute political rights to those linguistic cultural groups which represented the majority in a multinational territory. It made it possible for the majority to exert its influence and power on the minority. Consequently, the interest of the linguistic majority, representing the nation, would become dominant and all other linguistic groups would have to recognise the superiority of this one group over them. This paved the way toward different levels of nationalism, including its most extreme forms, too. As a conclusion — according to Eötvös — the national idea was in contradiction with the concepts of freedom, equality and brotherhood within the nation state. There could never be freedom in a state where this structure was established.

The idea of the personalist federalist state

Searching for suitable principles of democratic internal and external state organization for multinational territories, Eötvös turned to the ideas of the thinkers believing in the classical idea of world federalism. These thinkers were the supporters of the law of nations (international law) based on the personal principle and the principle of autonomy. The classical idea on world federalism started with Aristotle. He drew up an organic model in which persons (individuals) belonged to groups and groups formed the organs of the larger social body. Each person's and each group's autonomy had to be respected. The personal principle and the autonomy principle were strongly connected, and developed in mutuality in federal states.⁶ Later Saint Thomas Aquinas connected personal autonomy with the notion of human dignity. It meant for him the recognition of a sphere of freedom for the individual that must be respected by the larger social groups, and the society. Althusius - one of the most important scholars of European federalism - continued their thoughts. His concept was based on religious and political organization ranging from private associations composed of small groups, families and voluntary corporations to public associations and territorial units such as the local community, the province, the canton, and later by implication, the state. The states create confederal associations.⁷ In his international system the integrity of the component parts was guaranteed by being built up from below.

These early federalist ideas served as the basis of the development of international law. The federalist international law developed in opposition to the feudal monarchical territory incorporation and centralization policy, and to the colonial imperialist expansion policy of autocratic sovereign nation states and national empires. The federalist international legal thinking represents a long tradition of fighting against the absolute sovereignty and the centralization policy of the rulers and states, and against the one and indivisible people embodying the state. Federalism itself is an age-old concept against the excessive centralisation of power by the sovereign state. It is a living, pluralist organic order that built itself from the ground upwards.

⁶ The Politics of Aristotle. Ed.: Ernest Barker, Oxford 1946. 1.

⁷ Johannes Althusius: *Politica methodice digesta*. Ed. Frederic S. Carnay, London 1965. 34-35, 61, 84-85.

The best-known representative of personalist federalism, Proudhon was the contemporary of Eötvös. He had an influence on Eötvös, too. Proudhon concentrated on the dichotomy of authority and liberty. He recommended a model of state and society composed of autonomous communities, which federated on basis of contracts freely entered into. His conception of the state-society relationship was an organic view based upon association policy and the autonomy principle. He believed that power should be divided in order to be as close as possible to the level of the problems to be solved. His personalist federalism was based on the recognition of society as multilayered. It began with the individual and was built up from below via families, groups, economic units and local communities, and extended beyond even the state into an all-embracing transnational federation. The human beings were whole persons in the sense that their freedom and autonomy were achieved only by their responsible interaction with the other humans. He believed that real personal relations could only succeed in a civilization of participation. His federalist system was built from bottom-up based on legal harmonization with the federal law. Sovereignty and centralisation policy – the former sources of conflicts and wars – could not play any role in the Proudhonian social organization.

The other thinker, who influenced Eötvös, was John Stuart Mill. Mill highly appreciated the federal government and the constitution of the United States of America and of the Swiss Confederacy. He emphasised the importance of the autonomy of the local governments. He was against the centralisation policy of the central authorities: “It is but a small portion of the public business of a country which can be well done, or safely attempted, by the central authorities”.⁸

Eötvös studied the ideas of Tocqueville, too, who stressed the differences between the European and the American state organisation.⁹ Eötvös also contrasted the French state organisation with the English and American ones. He concluded that the French Republican state was “one and indivisible”, centralised, absolute, and organised from above. The English was decentralised and organised bottom-up. As a consequence: “... die englische Verfassung das Bestehen einer ganz absoluten Gewalt in jedem Kreise des Staatslebens unmöglich gemacht hat, nur dem hat England seine Freiheit und Größe zu danken.”¹⁰ In the case of the North American constitution the confederation of a number of almost completely independent autonomous states was the guarantee for individual freedom.¹¹

Eötvös believed that the secret of a democratic state-organisation was communal autonomy. In his view, the self-governed community was the most natural way of organising people everywhere. The real force of liberty was due to the communal self-government, because it could represent the liberty of the persons. It could transform the French dogma of popular sovereignty in a centralised national state into a democratic idea,

⁸ John Stuart Mill: *Representative Government*. In: John Stuart Mill: *Utilitarianism, Liberty, Representative Government*. London 1968. 346.

⁹ Alexis de Tocqueville: *De la démocratie en Amérique*. Paris 1961. vol. 1. 86 and 196.

¹⁰ Eötvös: *Der Einfluß*, 406.

¹¹ *Ibidem*, 406.

because the autonomous communities could decide from below the way the state functioned, following their own necessities and goals. In a centralised state, in contrast, it was the state which decided everything from above.

The most important idea of Eötvös was that every self-governing community had to ensure the right of association for everybody to achieve certain goals, to solve problems (but not in the form of political clubs). In his conception the whole state had to be an association of associations of persons to achieve certain goals. The free local associations would play the same role in the free self-governing communities as the self-governing communities in the state. The right of local associations would work as a balance against the absolutist tendencies of the state.¹² This is the way to create a democratic state from healthy cells.

Eötvös concluded by stating that the way in which the multinational Habsburg Empire, including Hungary, had to develop its state organisation was the bottom-up federal state structure, based on communal self-government and the right for the free association of persons. This organisation had to offer equal personal, political, and cultural rights for everybody. In this way the ideas of liberty, equality, and fraternity could work democratically, and without contradiction.

Eötvös realised also that he had to find a legal solution on the problem of how to interpret the dominant national idea as the means of democracy and federalism in multinational legal state organization. In his book entitled the “Nationality question”¹³ the goal of Eötvös was to present the national problem as a problem of individual freedom; national aspirations were to be assured by exercising personal freedom. He tried to look back onto history to find examples for multireligious, multinational, and tolerant states. In doing so, he found some parallels between the 19-century national movements and the religious movements of the age of reformation. Both situations represented a fight for freedom to liberate oppressed people; the former from national oppression whereas the latter from religious one. Their course in history showed similar tendencies.

Eötvös considered the 'emancipation' of different religious groups, by way of toleration of their rights and the establishment of their privileges in the form of territorial autonomy, to be an unsatisfactory idea, leading to permanent hostilities. The religious movements, in the name of toleration, were mostly driven by the aspiration for power of different religious groups. In reality, the principle of “cuius regio eius religio” became the dominant one. Consequently, concluded Eötvös, the solution was not only the toleration of the different religious groups, but the guarantee of religious freedom by the separation of state and church, and by regarding religion as a purely personal cultural right.¹⁴ Similarly, continued Eötvös, the goal of the various national movements for freedom and emancipation was, in reality, to achieve domination upon their territories and to insure the usage of their language like a national group. This attitude, based on the principle of “cuius regio eius natio”, could

¹² József Eötvös: A 19. század uralkodó eszméinek befolyása az államra. Budapest 1871. vol. 2. 485-486.

¹³ József Eötvös: A nemzetiségi kérdés. Budapest 1869.

¹⁴ Ibidem, 91.

not eliminate the aspiration for power inside the national group itself, and was directed against the national minorities. He concluded that the principle of national “Gleichberechtigung” (territorial autonomy), which would be analogous to the idea of toleration, could not solve the problem of national liberation in a multinational state with a mixed population. It could not eliminate the domination of the majority. It could even increase a permanent antagonism. If it became the dominant principle, it would cause the dissolution of the Habsburg Monarchy and the status quo it represented.¹⁵ As a consequence, Eötvös rejected the idea of giving political rights to the different national and national minority groups on the basis of language/culture and of the territorial principle. The political rights had to belong to the individuals (to the persons) as citizens of the state and not to the linguistic cultural national groups.¹⁶

Searching further, to find the democratic equivalent of the organising principle of toleration in a democratic multinational state, Eötvös found himself in agreement with John Stuart Mill who, regarding the multinational territories, thought that “There is no course open to them but to make a virtue of necessity, and reconcile themselves to living together under equal rights and laws.”¹⁷

The final conclusion of Eötvös was that the principle, which could serve as a driving force in the organisation of multinational territory with a mixed population, was the *personal principle*. He believed that a multinational democratic state, organised by the personal principle, could respond to the idea of democracy. The personal principle, as considered by Eötvös, required the separation of state and nation: citizenship and nationality. Every citizen of the state belonged to the same administrative structure and had equal political and human rights and duties, independently of nationality. Religion and nationality, as personal, human rights, were guaranteed for everybody in the form of free associations which, on their turn, were independent of the administrative organisation of the state.¹⁸ With regard to the practical self-organisation of different nationalities, Eötvös proposed to deal with the nationalities as free associations in a cultural administrative system, which was to be separated from the civil organisation of the state.¹⁹ If, within the state, nationality is regarded not as a collective political right (territorial autonomy) but as a personal cultural right expressed by the free associations of the nations and national minorities, the dominant ideas of the age “liberty, equality, and brotherhood” will be in harmony. National liberation was the solution proposed by Eötvös to replace the unsatisfying principle of national toleration.

¹⁵ "Das Prinzip nationeller Gleichberechtigung muß in seiner weitem Entwicklung notwendig zur Auflösung der Monarchie führen." See József Eötvös: Über die Gleichberechtigung der Nationalitäten in Oesterreich. Pest 1871. 106.

¹⁶ Eötvös: Über die Gleichberechtigung, 36.

¹⁷ John Stuart Mill: Considerations on representative government. London 1867. 122.

¹⁸ Eötvös: A nemzetiségi kérdés, 91-93, 111-112.

¹⁹ Eötvös: A 19. század uralkodó eszméinek befolyása az államra, vol. 2. 485-486; Eötvös: A nemzetiségi kérdés, 91.

Eötvös can be regarded as a pioneer of the idea of the personal federalism as a replacement of collective territorial autonomy, and as the democratic equivalent of the old idea of toleration in a multinational state. He emphasised that the dominant national idea could serve as a means of democracy only in federalist decentralised states based on the personal principle and free association policy.

The confederate reconstruction of the Habsburg Monarchy

Considering the reconstruction of the multinational Habsburg Monarchy, Eötvös realised that the lack of an Austrian patriotism made the integration process difficult. In the Habsburg Empire only the person of the Emperor kept the territory of the empire together. People wanted to belong to their own nations, i.e., to their language groups.²⁰ They fought for their emancipation or they wanted to unite with their relative nations. Eötvös' conclusion was that there was a contradiction between the historical and the national principles in the Habsburg Empire. Consequently, the national movements could be seen as struggles for or against historic rights.²¹

Eötvös emphasised that the Habsburg Monarchy was a historical formation. The old monarchic centralisation principle was indeed untenable and it had to be changed for a democratic decentralised federalist system on the basis of the status quo and historical rights. As a solution, Eötvös proposed to decentralise the global state ("Gesamtstaat"), to fragment the territory of the empire into provinces in their historical frameworks, and to provide self-government (autonomy) to the different provinces.²² He rejected the creation of independent provinces (autonomous "nationality states") based on language, and culture. Finally, he believed that the possible solution for the national problem in the Habsburg Monarchy was a confederation of the traditional historical entities on the top level (in the form of a constitutional state), and a decentralised bottom up self-governing administrative organisation on the country and community levels, with equal political rights, and the right for free association for everybody. Nationality had to become a personal right belonging to the cultural sphere of the man.

The propositions of Eötvös for the legal solution of the national minority problem

After the Compromise of 1867 Eötvös, foreseeing the danger of the consolidation of nationalism in Hungary in the future, stressed that the legal settlement of national minority rights was a necessary condition for a democratic reconstruction of Hungary and of the Empire. Regarding the reorganization of the Hungarian Kingdom, he emphasised the necessity to protect concurrently both cultural/linguistic rights and the political unity of Hungary. Eötvös continued to emphasize that a real democratic political order was the best

²⁰ "Der Böhme, der Ungar und Kroatje jeder stand für seinen König und die Ehre seines Landes." Eötvös: Gleichberechtigung, 108.

²¹ Ibidem, 123.

²² Eötvös: Die Garantien der Macht und Einheit Oesterreichs. Leipzig 1859. 81, 211.

guarantee for the protection of minorities. He believed that the Hungarian politicians had to implement the principles of equal political and human rights and personal freedom declared in 1848 as a basis for solution of the national minority problems. Thus, in his opinion, the solution of the national minority conflicts depended on the success of the democratic reconstruction of the political and administrative structure of the Habsburg Empire.

Regarding the implementation of the linguistic rights of minorities in practice Eötvös – as it was above mentioned - proposed already earlier in 1851 in his pamphlet entitled “*Gleichberechtigung*” to accept the right of each county to choose freely its official language. At the same time the official language of the Hungarian Parliament and the central government would be Magyar. He proposed to recognize the right of any member of the Hungarian Parliament to speak in his native language. The central government had also to accept the usage of any language used in Hungary.

The parliament convoked in 1861 in Pest was a turning point in the history of the national minority problem. It aimed to clarify the constitutional contact between Hungary and the Habsburg dynasty and to find a legal solution to the national minority problem. The national minorities continued to confirm their resolutions made in 1848. At the same time they emphasised that they wanted to live as emancipated (autonomous) nations possessing equal rights (“*egyenjogú nemzet*”) in a common land with the Magyars. Eötvös continued to emphasise the necessity of the consequent fulfilment of the constitutional rights declared by the Laws of 1848. The Hungarian national minority leaders opposed his concept on the historical political nation based on the principle of personal rights. They opposed his policy for equal rights and duties declared in 1848. They aimed to achieve equal rights of national minorities (national emancipation) in the form of national territorial autonomy and not in the form of personal autonomy.

The whole period between 1861 and 1868 was full of discussions on the solution of the national minority problem. The Hungarian politicians negotiated with the representatives of the Habsburg Monarchy about the reconstruction of the Monarchy into a dual system. At the same time the Hungarian politicians negotiated and discussed with the politicians representing the national minorities, too, about the reconstruction of Hungary. A national minority commission was established concerning Eötvös’ proposition in 1861 that dealt with the solution of the national minority problem.²³

Eötvös regarded Hungary as a “political nation” and not as a “one political nation”. The Hungarian state was for him the political association of every persons living there. His idea to define the rights of citizenship in the Kingdom of Hungary according to the personal system, i.e. to guarantee equal individual human and political rights for everybody regardless of nationality,²⁴ was accepted by the moderate leaders of the Slovak and Rumanian national minorities who regarded the idea of common citizenship (Hungarian and not Magyar) of all people living in Hungary as a good solution. The other national

²³ Gábor G. Kemény: A Magyar nemzetiségi kérdés története. I. A nemzetiségi kérdés a törvények és tervezetek tükrében 1790-1918. Budapest 1947. 69; Gábor G. Kemény: A szomszéd népekkel való kapcsolataink történetéből. Budapest 1962. 498–499.

²⁴ Kemény: A magyar nemzetiségi kérdés története, vol. 1. 51–55.

minority leaders directly opposed Eötvös' programme. They wanted to organize autonomous national territories, separated from each other by linguistic borders, in which one national minority alone exercised political control. For example the Serbian and Slovak national leaders demanded not only national emancipation but also a separate Serb and Slovak national territory (as political nation). The Hungarian politicians, including Eötvös, continued to ignore the most important goal of the national minority leaders, which was the demand of equal status as political nations (national territorial and not personal legal emancipation) with the Magyars. In place of national territorial autonomy Eötvös continued to emphasise that a modernized Hungarian Constitution based on shared principles had to insure for all citizens equal political and human rights. It had to insure for everybody the possibility to cultivate his nationality. The Hungarian Constitution had to create unity among the national minorities and the Magyars. It had to convince the national minorities that it was the best guarantee of their individual political and cultural rights. Nevertheless the Hungarian and the national minority leaders could not find a common platform in the period of their discussions on the necessary nationality law.²⁵

Eötvös' proposals for national minority rights were presented in his Nationality Bill submitted to the Hungarian Parliament on June 26, 1867.²⁶ This bill reaffirmed and restated Eötvös' previous positions on national minority rights. It outlined a multilingual and multinational structure of minority protection. The fundamental premise of his program was the guarantee of the right of each citizen to use his native language in township, church and county affairs and the obligation of these authorities to communicate with citizens in their native languages. Only in the central administration and the Hungarian Parliament would Magyar be used. Eötvös provided further for the obligation of the central government to correspond with citizens and their associations in their native languages. The right of association of the national minorities was also presented as a human right in Eötvös' Nationality Bill of 1867.²⁷

In his famous speech on 25 November 1868 in the House of Representatives²⁸ Eötvös continued to argue according to the above-mentioned ideas. He emphasised that for the reconstruction of Hungary there were two proposals: The first was presented by the Hungarian Commission, which proposed to search the solution in the consequent guarantee of individual freedom for the national minorities. The second one presented the point of view of the national minorities. The different national minorities wanted to achieve three things as a possible legal solution of their situation: 1. To organise the provinces, the different districts and municipal authorities of the country in accordance with the territory of the national minorities. 2. The legal declaration in every provinces the rule of one

²⁵ Ibidem, 55–69.

²⁶ This Bill is published in Kemény: *Iratok a nemzetiségi kérdés történetéhez Magyarországon a dualizmus korában, 1867-1892*. Budapest 1952. vol. 1. 49–52.

²⁷ Kemény: *A magyar nemzetiségi kérdés*, 74–75.

²⁸ Eötvös' speech on the Nationality Bill. In: Eötvös: *Összes Munkái*. Révai Testvérek Kiadása. Budapest, 1902-1903. v. 10. 177–187; Kemény: *Iratok a nemzetiségi kérdés történetéhez*, vol. 1. 139–141.

language. 3. To divide the administrative and representative functions in Hungary according to the national minority proportion.

Eötvös rejected the proposals of the representatives of the national minorities with the following arguments: First of all, he emphasised that there was not such a legal principle according to which the nationality of the individual citizen is definable. Secondly, there was not such a legal forum that could decide the nationality of the individual persons. Thirdly, the ethnographical situation of the country made it not possible to create homogeneous national provinces. In every province of the country more nations had to live in coexistence with homogeneous or mixed groups. As a consequence it was not possible to decide the domination of one language without discriminating against the others.

Eötvös continued to emphasise that the national minority problem was not a subversive provocation and propaganda. He believed that it represented the movement to freedom of his age aiming the equality of political rights and the freedom of conscience of every individual. In this context the demand for the free usage of the native languages of the individuals was a rightful thing. Consequently the national principle could represent the idea of freedom only if the safeguarding of language and nationality depended on the free will and self-determination of the individual persons. Only in this personal legal sense was the national principle acceptable as an organization principle of the peaceful living together of the people world-wide in a world integration process, which was the main trend of human civilization. The role of the national principle was to become the representative of freedom eliminating the fears of national extinction and of the assimilation into greater states. It was originally a principle that aimed to make the world integration process peaceful. It was not the principle of creation one political nation states because, in this case, it represented oppression and not freedom; it continued the intolerant conquering policy of the former society and not the peaceful integration process of the people of a modern democratic age. His warning was addressed to the Magyars and at the same time to the national minority leaders, too.

As a conclusion, Eötvös acknowledged that the national minority “question” was a problem everywhere in Europe, and in the world. He emphasised that the Hungarians had to propose such a nationality law, which was not in contradiction with the general Western European democratic directions.²⁹ Therefore he proposed to regard nationality as an inalienable and inviolable human right.³⁰ He recognised as a distinct nationality every aggregate of people in which the feeling of their distinct personality was active.³¹ He believed that only the personal autonomy system could represent the idea of human rights in a multinational country.

The progressive ideas of Eötvös on the reconstruction of Hungary were not implemented in the Hungarian state organization. His program was too idealistic for this backward feudal society that could not accomplish the planned democratisation process of the country

²⁹ Eötvös: A nemzetiségi kérdés, 62.

³⁰ Johann Weber: Eötvös und die ungarische Nationalitätenfrage. München 1966. 154.

³¹ Eötvös: A nemzetiségi kérdés, 12–13.

following the ideas of 1848. When, after the Ausgleich of 1867, the national minority problem was legally regulated, Eötvös tried to represent his ideas in The Law of Equal Rights of the Nationalities (Act 1868:XLIV).³² But the Nationality Law of 1868 was a serious defeat for his own program. The minority protection represented in this legal document fell short of his public statements and private views.

However Eötvös could achieve a very important thing. The Law of Equal Rights of the Nationalities of 1868 (Act 1868:XLIV) assured the right to organise national cultural associations. Thus: "Individuals, communes and denominations were at liberty to found schools and colleges for the furtherance of language, art, science, industry or agriculture; and individuals were secured the right to form societies and associations such as corresponded to 'their lawful aspirations'" (article 26).³³ In fact Eötvös could enlarge the human rights (the Declaration of the Rights of Men and Citizen, 1789) with national and national minority rights.

Despite its shortcomings the Law of Equal Rights of the Nationalities of 1868 was the first European comprehensive code of the national and national minority rights. It was well appreciated in Western Europe.³⁴

³² The text of the Nationality Law was published in Gábor G. Kemény: *A Magyar nemzetiségi kérdés története. I. A nemzetiségi kérdés a törvények és tervezetek tükrében 1790-1918.* Budapest 1947. 107-109; The English text see in Robert W. Seton-Watson (Scotus Viator): *The Racial Problems in Hungary.* London 1908. 429- 433; About the Nationality Law see C. A. Macartney: *National States and National Minorities.* Oxford 1934. 119-122; Robert A. Kann: *The Multinational Empire: Nationalism and National Reform in the Habsburg Monarchy 1848-1919.* New-York 1950. vol. 1. 134-136; Oszkár Jászi: *The Dissolution of the Habsburg Monarchy.* London. 1966. 314-317.

³³ Article 26 of The Law of Equal Rights of Nationalities: "As hitherto, so in the future both individual citizens, communes, churches and congregations of whatever nationality shall have the right to erect by their own exertions and in the way of association both elementary secondary and higher educational institutions. With this object and for the erection of other institutions which advance the cause of language, art, science, agriculture, industry and commerce, the individual citizens can subject to the legal control of the State, join together in societies or leagues, can draw up statutes, and after the Government has sanctioned these statutes, can act in accordance with them; they can also collect money funds and can, subject to Governmental control, administer these funds in conformity with their lawful national claims.

Educational and other institutions which have been founded in this manner enjoy equal rights with state institutions of a similar character - but the schools, only in the event of the provisions of the law of Public Instruction being observed.

The language of private institutions and societies is prescribed by the founders."

See: R. W. Seton-Watson (Scotus Viator): *The Racial Problems.* London 1908. 433.

³⁴ See C.A. Macartney: *National States and National Minorities.* Oxford 1934. 120; R. W. Seton-Watson: "Austria-Hungary and the Southern Slavs" In: *The War and Democracy.* London 1915. 132; R. W. Seton-Watson (Scotus Viator): *Racial Problems in Hungary,* 148 and 161.

The actuality of Eötvös' ideas

Eötvös recognised the importance of the national principle but he rejected the stereotyped imitation of the French idea on national self-determination as a solution it being in contradiction to democracy and freedom in a multinational territory. He believed that the nation state's mentality was in general, in contradiction to freedom. He thought that if we accepted national self-determination based on ethnicity we would create "a lot of small tyrannies striving for power"³⁵ and continue the old story of expansion in a new historical scene. This was his conclusion based on his studies of the first experience of the implementation of the idea of national state in the multinational Central Europe.

For Eötvös the "nationality question" meant a state organisation crisis to be solved by the means of democratic legal state organisational principles without changing the status quo, without forcing the people to move.³⁶ He proposed his ideas on personalist federalism intending them to be the way out of the false mythology of the sovereign nation states and their conquering mentality, and towards a more realistic and democratic world. He believed that, with the development of civilization, the national idea would lose its political importance in the framework of greater multinational democratic federal states. His contribution to the democratic constitutional state organisation with the theory of the "historic-political individuality" and the personal principle (personal autonomy principle) is very important. It has a certain actuality nowadays, too.

Eötvös stressed that only free and autonomous persons and their communities could create decentralised federal associations among each other on basis of the historical status quo. Central Europe had to become a multinational democratic confederation, a Central European Commonwealth based on local self-government and on the free cultural associations of persons. This would be a step towards a European Confederation and further to the world confederation.³⁷ This was the way towards the centuries' old idea which was freedom and peace in the world.

Éva Bóka

³⁵ Eötvös: A nemzetiségi kérdés, 86.

³⁶ Ibidem, 23.

³⁷ Eötvös: A nemzetiségi kérdés, 87–90; Eötvös: Die Garantien der Macht und Einheit Österreichs. Leipzig 1859. 216.