



Language of Legal Education in Multi-Ethnic Societies: the Case of Transylvania¹

Emőd Veress

Professor of Civil Law, Sapientia University,
Department of Law
E-mail: emod.veress@sapientia.ro

Abstract. In 1945, a university with Hungarian as the language of instruction was founded in Cluj (Kolozsvár), Romania, receiving the name Bolyai in December the same year. This university offered a very successful Hungarian language legal education. In a nationalist turn, in 1959, the Bolyai University was forced to merge with the Romanian university of Cluj (Victor Babeş University), and the legal education was provided by the state only in Romanian. The merger in general and the cessation of the Hungarian language legal education was a historical shock for the Hungarian minority. According to the 2011 census, the Hungarians represent 6.5% of the population in Romania and 17.8% of the Transylvanian region. Due to the processes started in 1959, only 1.2% of the judges and prosecutors and 2.2% of the attorneys belong to the Hungarian national minority.

Keywords: legal education, minority protection, Bolyai University

The Historical Rule: What Determines the Language of Legal Education?

University is one of the most important, central institutions of society. In 1872, in the eastern part of the Austro-Hungarian Empire, in Transylvania, one of the founding faculties of the new Franz Joseph University of Cluj (Kolozsvár in Hungarian and Klausenburg in German) was the Faculty of Law and Political Sciences, where the language of legal education was Hungarian.² After the First

- 1 A first version of this article was published in Veress 2016a under the title ‘The Past and Present of Legal Education in Cluj in the Light of the Language of Instruction’. This is a revised and completed text.
- 2 The first (Jesuit) university in Cluj was founded in 1581 by István Báthory, Prince of Transylvania. For a long time, it was believed that the University provided legal education as well, but the documents show that the short-lived institution that ceased to exist without a successor did not have the possibility to actually start legal education. University-level legal education commenced

World War, the multi-ethnic Transylvania and its ‘capital’, Cluj, was annexed to Romania. Making use of the infrastructure of Franz Joseph University, which was moved to Budapest for a short period of time and then relocated permanently to Szeged, Hungary, in 1919, King Ferdinand I University was founded in Cluj; the language of legal education was exclusively Romanian.

Based on the facts presented above, a simple rule can be set up: the language of legal education depends on whoever exercises sovereignty over Transylvania. The same rule prevailed between 1940 and 1944 as well: when Northern Transylvania, and with that Cluj, was returned to Hungary under the Second Vienna Award,³ the university that returned from Szeged to Cluj provided legal education only in Hungarian, while the Romanian university moved to Sibiu, to Southern Transylvania, which remained under Romanian sovereignty.

According to the 1942 analysis of Gyula László (1910–1998), professor of archaeology, the Romanians after the First World War immediately realized that Cluj required something different from an ordinary university.

Cluj was an intellectual border fortress and bastion. The Romanian university in Cluj set as its goal the research of the Romanian life, especially the research of Transylvania’s Romanian nature, and the permanent international publication of the results. There is no doubt that parts of this work had significant results from the international point of view as well (e.g. the pioneering work of the Romanian language atlas). From their point of view, they did a very good job, and the state did not spare any money or other types of support to serve the great cause.⁴

Gyula László analyses the situation of Franz Joseph University as well: the institution was moved back to Cluj in 1940 under the Second Vienna Award in order to create a comprehensive development programme.

If contrasted with the Franz Joseph University, the first thing to be noted is that it did not differ in any way from the structure based on humanities of the other universities in Hungary. It could be freely moved to any Hungarian territory as its organization does not express in any way the fact that it protects a fortress and builds a bastion.⁵

in 1774 at the Academy of Law founded by Empress Maria Theresa. However, this academy of law quickly lost its status of a higher education institution and became a law high school; it regained its rank only in 1863, the language of education being Hungarian. The duration of education increased to 4 years from 1866. The Cluj Academy of Law is the predecessor of the Faculty of Law and Political Sciences established in 1872 at Franz Joseph University.

3 For an overview of the Second Vienna Award, see Juhász 1987. 23–38.

4 Published in *Vita* 2015. 464–465.

5 *Vita* 2015. 465.

The Second Vienna Award proved to be a temporary settlement, and the implementation of Gyula László's programme (for example, the founding of the Department of the History of Transylvania and the Department of the History of Hungarian Settlements, the launch of a coordinated research programme based on the activities of the Transylvanian Museum Society⁶ and the Székely National Museum from Sfântu Gheorghe⁷) did not take place.

This short analysis shows that in Transylvania both the Romanians and the Hungarians saw the university as the main instrument in attaining their own national goals. 'Our own university' was perceived not only as a question of language but that of control as well: the university was a framework where research programmes can be given direction and coordination, where research programmes can be funded and the necessary internal and external visibility can be provided. The university was and still is the tool to preserve and develop the ethnic community and culture, the basic need of Transylvanian Romanians and Hungarians alike. However, according to the nationalist ideology defining the 19th and 20th centuries – and that still affects society today –, the existence of a community's own university necessarily incurs the denial of the right of a university with the other language of instruction to exist. This strict interpretation of the nationalist goals is basically incompatible with the existence of a university of 'the other' Transylvanian ethnicity. According to the previously discovered rule, the state that exercised sovereignty over Transylvania and Cluj controlled the university and also the language of legal education.

Thus, between 1872 and 1919, only the Hungarian, between 1919 and 1940, only the Romanian, while between 1940 and 1944 only the Hungarian was the language of university-level education in Cluj.

The Exception to the Historical Rule

There is a surprising change to this rule in 1945. In 1944–1945, Transylvania was reunited under Romanian sovereignty.⁸ The Romanian university moved back from Sibiu to Cluj, and, in parallel, a university with Hungarian as the language of instruction was founded on 1 June 1945, receiving the name Bolyai in December.⁹ The question arises: does this mean that one of the key issues of the nationalist

6 Gyula László described the Transylvanian Museum Society as the only truly large-scale social creation of the Hungarians in Transylvania for research of the land and of the peoples of Transylvania and establishing museums. Vita 2015. 478.

7 In Hungarian: Sepsiszentgyörgy.

8 From the point of view of public international law, this was confirmed by the Paris Peace Treaty of 1947.

9 The name was given to honour two Transylvanian mathematicians, father and son, Farkas Bolyai (1775–1856) and János Bolyai (1802–1860).

rivalry between Romanians and Hungarians in Transylvania is at least partially concluded on a positive note? Those who are familiar with the situation that is still going on today also know that the answer is unfortunately negative.

How did and how could Bolyai University in Cluj be established in 1945?

It was the result of circumstances and of politics. However, it was not created by some kind of a political agreement nor by the free will of the new, post-war government of the country that aimed to settle the situation of the minorities in a positive tone. The existence of Bolyai University is an exceptional, special situation, the path of which – as we shall see – inevitably turned in the direction of dissolution, its virtual termination in 1959; it was called a merger, a unification, and it was the result of the absence of a ‘national reconciliation’ between Transylvanian Romanians and Hungarians. With the merger of the two universities, legal education returned to the linguistic monism prevailing before 1945.

This situation also explains the failure to re-establish Bolyai University after the regime change (one of the most important demands of the Hungarian minority): the above mentioned ‘national reconciliation’, or ‘Transylvanian compromise’ between Romanians and Hungarians has still not been established.

Let us return to the question: how could Bolyai University in Cluj be founded in 1945?

The first reason is that the Hungarian university that was moved back from Szeged to Cluj in 1940 was not closed. On 14 September 1944, Sándor Vita formulated the short letter signed by Béla Teleki, Imre Mikó, Géza Nagy, János Vásárhelyi, Imre Sándor, Áron Tamási, and others in support of the Hungarian university. The letter is addressed to Dezső Miskolczy, professor of medicine, rector of the University.

Being aware of our responsibility towards Hungarian-language science and culture in Transylvania, we turn to your Magnificence to consider the importance of the continuance of the century-long cultural life of the Transylvanian Hungarians and convince the Council of the Hungarian University of Transylvania not to let themselves influenced by anything and anyone – even while trying to escape the threat of war and within the limits of their possibilities – in their determination to keep the five faculties and the departments of the university in Cluj.¹⁰

Thus, despite the evacuation order, the University stayed in Cluj. In a period when the territorial status of (Northern) Transylvania was not officially decided yet and Romanian politics was under pressure, as they had to work with the Soviets, who, on their behalf, were skilfully manipulating the Transylvanian issue in order to achieve their goals, the liquidation of the University was not

10 Vita 2015. 488.

an acceptable step. This is the context in which we should interpret the Decree of King Michael I issued on 28 May 1945 regarding the establishment of a new university with Hungarian as the language of instruction, on 1 June 1945. This is the covert but politically defensible step to formally terminate the activity of Franz Joseph University: the establishment of a new university.

A second reason closely linked to why the University could be founded is the result of Russian (Soviet) politics, as Stalin used the Transylvanian issue masterfully: Romanian politics had to please Stalin, prove that they were proceeding in the light of the new ideas, and implement the socialist model of settling the minority question. Northern Transylvania was under Soviet administration for 6 months starting from November 1944 (the Romanian administration was expelled). Transylvania's status was used by Stalin to achieve his own political goals. The Romanian administration was allowed back after creating the Petru Groza government, supporting the communists, in the spring of 1945.

Therefore, the approach that links the foundation of Bolyai University with proletarian internationalism and the real decrease of Romanian nationalism is actually wrong. Such sudden and fast ideological enlightenment did not happen and was not possible. Short-term political goals were much more significant than the long-term settling of the national minority issue. The classification of the society into social classes overwrote the doctrines of nationalism only in the short term and merely apparently.

The third reason, however, is the left-wing idealism of Transylvanian Hungarians, which I consider a serious factor: many of the Hungarian leftists believed that the existence of this university is justified and its creation in the new system is natural and self-evident. They also began to act in this spirit, and that is also one of the factors of the creation of the University. The closing of the University in 1959 was a huge disappointment to Hungarian communists in Romania as well as to the leftists who supported the system. The idealistic left-wing activists were mere tools in the hands of the dictatorship.

As the foundation of Bolyai University was the result of circumstances, it was not a desired and wanted institution but in fact a tolerated one. As it was not wanted, it was established with extraordinary difficulties. It could have even been predicted that its fate was sealed, and the possibility of the 1959 merger was encoded into its establishment. Nevertheless, the independent Bolyai University functioned or rather was able to function for 14 years.¹¹ Much research needs to be conducted to have a full and accurate picture of the history of the University: Romanian and even Russian archives could hold significant surprises. Researching the archives can provide information, for example, on how the founding of Bolyai University was seen in Bucharest in 1945, on the role of legal professionals in the dictatorship, on the way the 'healthy' social background of the students was checked, etc.

11 For a history of the legal education of Bolyai University, see Veress–Kokoly 2016.

It is not my goal to paint an idealized picture of this university that has a symbolic weight and value to the Hungarians of Transylvania. From 1945 onwards, Romania witnessed the unfolding of a totalitarian dictatorship that replaced the diversity of ideas with the forced domination of only one idea: the very much mundane distorted images of utopian communism, that is, Leninism and Stalinism.

Legal education had political goals: the old ‘cadres’, especially judges and prosecutors, had to be replaced with legal experts educated in the spirit of the new system. Bourgeois judges and prosecutors were remnants of a bygone age and needed to be replaced, set aside, or even excluded from the system because of their untrustworthiness. The legal experts educated in the new spirit were meant to implement socialist justice, sentence people to death, or conduct show trials.

György Fekete (1911–2002), professor of civil law, starts his book on the general theory of civil law published in 1958 with the following text: ‘Soviet armed forces crushed German and Japanese fascist armies and thus made possible for a number of European and Asian states to break the chains of imperialism for good.’

Ideology impregnated education. The condition to every professor’s appointment was to be loyal to the system, and the professors were constantly scrutinized. Nevertheless, several waves of layoffs took place; some professors were even sent to jail.¹²

Back to the Historical Rule

The 1959 merger, decided by the Communist Party (by its official name in this period: Romanian Workers Party), ended the history of Bolyai University. László Szabédi, one of the professors of the University, addressed his suicide note to the county party committee secretary.¹³ The letter says the following.

With the occasion of the meeting regarding the merger of the two universities, I was convinced that I was surrounded by informant eyes and ears... The only goal of my life was the happiness of the working class (the working people), and communism is where our People’s Republic is heading towards. Long live the bright future of the socialist world!¹⁴

A part of the professors at the law school of Bolyai University were transferred to the merged university; however, no new Hungarian-speaking teachers were

12 For example, even the faithful communist János Demeter (1908–1988), professor of constitutional law, was in jail for political reasons between 1952 and 1955.

13 Several university professors protested the merger by committing suicide.

14 Szabédi 2014. 303–304.

employed to the Law Faculty. It was a conscious, directed plan. The transferred professors of the former Bolyai University continued to teach in Romanian language. The regime, which created a strange fusion between socialist ideas and fervent nationalism, especially starting from the 1970s, waited until the retirement of such faculty members. Romanian colleagues had been chosen in advance to take over their lectures. While in the case of other fields of study we can speak about a survival of Bolyai University, this is not the case of legal education, where continuity was disrupted. The merger of the two universities represents a breaking point in legal education in Cluj. Its result was in fact a return to the original rule that connected the language of instruction directly to the one exercising sovereignty.

György Poszler (1931–2015), literary historian and aesthete, called Bolyai University the University of Sisyphus.¹⁵ No wonder. The great writer István Örkény (1912–1979) also indicated that the Hungarian fate was always full of Sisyphean situations and historical periods. György Poszler wrote the following:

This story is about Bolyai University in Cluj and its fourteen years of existence. The way it was built and torn down. They roll the rock to the mountain-top. The rock rolls down from the mountain-top. In its short history, the rhythm of the rolling up and rolling down can be followed exactly. I am also interested in the moment. As they go back for the rock that rolled down. That it needs to be started from the beginning. Because after every rolling up one might think it is over. The rock stays up. And maybe – for a second – this means happiness.¹⁶

The first fall of the rock was the end in the continuity of Franz Joseph University, the confiscation of its buildings and collections, the expelling of Bolyai University to the periphery. According to Poszler, this is ‘the first Sisyphean step of Sisyphus’s university. The first rolling up – and the first rolling down’.¹⁷ But then the superhuman effort to roll the rock back to the mountain-top commences immediately: consolidation, the start of university work. But it is in vain: the second fall of the rock is forthcoming. The University is turned into a Marxist university, the highly respected and admired teachers from Hungary (such as László Buza, professor of public international law and György Bónis, professor of legal history), who used to work at Franz Joseph University, are sent home, the content of education is restructured and reformed, and even devout communist teachers, such as János Demeter, are persecuted. To quote György Poszler again: ‘There is no need to embellish. The rock that was slowly and painfully rolled

15 Poszler 2016.

16 Poszler 2016. 45.

17 Poszler 2016. 49.

back to the mountain-top between 1945 and 1948 quickly rolled down for the second time in 1948–1949.’

During the third and last uphill roll, as Poszler observed correctly, a shift in the Romanian–Hungarian relations in Transylvania occurred.

Something changed in the course of history, outside and around the University. It was the end of an era. A strange compromise was born between the Romanian power and the Hungarian minority, at least part of the Hungarian minority. On the one hand, the illusion that the world has changed. That ethnic oppression can never happen again. And fear that ethnic oppression can happen again. So, infiltrate into power to prevent that. On the other hand: simulating that the world has changed. That ethnic oppression can never happen again. And proof: the partners of power are not oppressed. So, be included into power for proving this. This compromise, this fake symbiosis is no longer needed.¹⁸

After the 1956 uprising and revolution in Hungary demanding the end of Soviet rule and as a consequence of its defeat, in Transylvania, the fragile and informal political compromise between leftist Romanians and Hungarians failed, and one of the emphatic signs and proofs of this failure was the merger of the two universities in Cluj. In 1959 the rock, Bolyai University plunged into the abyss again, and with that ‘the last representative minority intellectual centre’ was abolished.¹⁹ Bolyai University was incorporated into the Romanian university, and Hungarian-language legal education, which by its nature had a prominent long-term anti-regime (anti-communist) potential, was closed.

However, the establishment of Bolyai University serves as evidence for several things. The first of these is the self-organizing ability of Hungarians in creating an institution with quality education in a very short time, under difficult circumstances.

Secondly, it is the proof of the effectiveness of education in the mother tongue, even in the sensitive area of legal education. Even though it sounds as a cliché, it must be repeated that education in the mother tongue is the most effective one. The graduates of Bolyai University have accomplished outstanding professional performances in a variety of legal fields, nothing less than Romanian students. After the merger, fewer Hungarian lawyers could graduate, and therefore the role of law school graduates from Bolyai University became more appreciated.

The lawyer graduates of Bolyai University had formed until recently one of the most important intellectual groups of the Hungarians in Transylvania. Several university professors, including two outstanding professors of the Faculty of

18 Poszler 2016. 60–61.

19 Poszler 2016. 62.

Law at the University of Bucharest,²⁰ judges, including judges of the Supreme Court, prosecutors, lawyers, administrative professionals graduated from Bolyai University. A Hungarian judge of the Romanian Constitutional Court created after the collapse of the Soviet-type dictatorship was a former student of Bolyai University.²¹ Former law students from Bolyai University were appointed as ministers or became members of the Parliament and senators.

Between 1945 and 1959, legal education at Bolyai University was carried out exclusively in Hungarian; however, it trained legal professionals for the Romanian judicial system at an extremely high level. The explanation is simple: the thorough, serious legal knowledge acquired in the mother tongue can constitute a solid base for professional language skills. However, the knowledge acquired in Romanian superficially and partially is more difficult to be deepened.

Thus, the merger of the Romanian Victor Babeş University and Bolyai University represents a radical breaking point in the legal education of Transylvania because the merger marked the end of Hungarian legal education. The continuity of Hungarian legal language and legal culture in Transylvania was disrupted. The results of this affect the entire Hungarian minority.

Firstly, the merger led directly to the gradual disappearance of the Hungarian legal language. One result of the suppression of legal terminology is that the legally recognized rights regarding the use of mother tongue (for instance, in public administration) after the transition mostly remained on paper because the group of legal professionals who could provide content to these rights was and is still missing. Hungarian legal practitioners use a mixed language among themselves that includes Romanian terms – since the Hungarian legal terminology has basically withered.

Secondly, the merger of the two universities made it possible to control and minimize the number of Hungarian-speaking legal professionals with law degrees and high qualifications, who had to learn in Romanian after 1959. This resulted in the fact that Hungarian speakers are massively underrepresented among magistrates, way under the Romanian/Hungarian population ratio, and its improvement will probably require decades. Clearly, the complete control of legal education is crucial in any dictatorship, especially when it carries strong nationalist features, as the Romanian Soviet-type dictatorship did.

Thirdly, the minority-friendly provisions of Law No 86/1945 on the Statute of Minority Nationalities (never formally repealed) were quickly forgotten. Important provisions, such as paragraph 8 of the Law, state:

20 Such as Professor of Civil Law, Ferenc (Francisc) Deák (1927–2001).

21 Gábor Kozsokár (1941–). The first Hungarian judge of the Romanian Constitutional Court, Miklós Fazekas (1918–1995) graduated at Franz Joseph University in Cluj.

Tribunals and courts having jurisdiction over judicial districts in which, according to the latest census, at least 30% of the inhabitants are speaking a language other than Romanian shall:

- a) accept any document written and submitted by residents of that constituency that belong to the community that forms the 30% without requiring their translation into Romanian;
- b) rule on the documents in the same language;
- c) listen to the parties in their mother tongue.

According to paragraphs 9 and 12, the judges need to know the language of the respective ethnic groups as well. The regulation accepted that *the official language of the Romanian state is Romanian*; yet, according to the concept of the Law on the Statute of Minority Nationalities, there is no conflict or tension between the official nature of the Romanian language and the widespread official language use of the minorities. However, from the 1970s in Romania, trials have not taken place in Hungarian, regardless of the ratio of nationalities. Moreover, if we look at the status of different minority rights in Romania in the 20th century, it can be stated that an entire political programme can be built on the re-recognition of the rights, institutions, and solutions that were recognized by the Romanian state at a given point and later were diverted, dismantled, terminated overtly or covertly.²²

This negative situation outlined above was decisively affected by the termination of legal education at Bolyai University in 1959. Despite the results gradually achieved in the case of other professional fields at Babeş–Bolyai University, where interested students can learn and graduate in a relatively wide range of specializations offered by this university in Hungarian, the framework of legal education could not be properly modified, even though several attempts have been made.

As a result of the lack of compromise, within the private academic framework of Sapientia Hungarian University of Transylvania, founded by historical churches (the Calvinist Reformed Church, the Roman Catholic Church, the Unitarian Church, and the Evangelical Lutheran Church) to complement education in the areas where the Romanian state is not offering mother-tongue university education,²³ starting with 2010, a bilingual, Romanian-Hungarian law school (Department of Law) was established and launched on the highest professional and academic grounds.

22 The Law on the Statute of Minority Nationalities has not been formally repealed by the Romanian state, but its provisions are not applied.

23 Also, the establishment of Sapientia University was motivated by a lower percentage of Hungarian university students in Romania compared to the percentage of the Hungarian-speaking population.

The Present Situation: Remodelling the Historical Rule

The experience of Hungarian legal education between 1945 and 1959 should be somehow utilized in the bilingual legal education at Sapientia University. For instance, while teaching the general part of the civil law in Romanian, we found that the Hungarian first-year students have difficulties understanding and learning the Romanian curriculum. The ‘shock effect’ caused by the abstract nature of the legal language and reasoning affects the Romanian students as well; therefore, this is not surprising. The question is whether understanding can be improved by the mother tongue in conditions where the lectures and exams take place in Romanian, or not. This subject, as all other subjects, was taught in Hungarian at Bolyai University. It was during the state socialist dictatorship, in 1958, when the last Hungarian textbook on the general part of the Romanian civil law was published. György Fekete’s book²⁴ – if we cast aside the mandatory ideological burden of that time – is a thorough and accurate work. However, the archival sources indicate that Professor György Fekete was reprimanded because he had not emphasized the ideology enough; he only described civil law, while avoiding to present the ‘class aspects’ of civil law – which was expected and required by the dictatorship.

After the abolition of the independent Bolyai University in 1959, no Hungarian-language textbooks discussing the general part of the Romanian civil law were published until 2016. As indicated above, the civil law subjects are taught in Romanian at Sapientia University and so are criminal law and procedural law. However, in addition to our detailed, 400-page Romanian-language textbook published in 2012,²⁵ in 2016, I drew up a brief, schematic Hungarian lecture note on the general part of civil law.²⁶ This short textbook does not intend to replace learning the more detailed information discussed in the Romanian volume; however, it is a useful tool both for the understanding of legal information and for the appropriate processing of the Romanian–Hungarian legal terminology. A thorough acquisition of the general part of civil law is essential for understanding the future civil law subjects; it is the base and framework of the knowledge on civil law. Legal institutions of great practical importance, such as invalidity or prescription, are only discussed in detail in the framework of the general part of civil law; so, this is not just an introductory subject of only theoretical significance. Civil law studies have had a practical significance from the very first moment. Later, in the case of other civil law subjects, we only refer to the knowledge acquired during the study of the general part. The practice demonstrated that by using this complementary book, the results at the exams conducted in Romanian became higher compared to the previous years.

24 Fekete 1958.

25 Lupan–Pantilimon–Sztranyiczki–Veress 2012.

26 Veress 2016b.

This civil law textbook introduces the new method of teaching Romanian–Hungarian legal terminology, developed within the framework of the bilingual, Romanian–Hungarian legal education at Sapientia University: we do not teach only words or Romanian–Hungarian word pairs; we work with Romanian- and Hungarian-language jurisprudential texts simultaneously so that university students can acquire the competences of real Romanian and Hungarian legal bilingualism. The core of this method is not substituting Romanian-language education required by the labour market conditions and the special professional examination systems for access to legal professions but is making use of the benefits of teaching in the mother tongue for a more thorough preparation of the students.

Another interesting feature of this 2016 book is that it builds upon György Fekete’s 1958 volume. The planned future Hungarian ‘parallel’ manuals²⁷ will also use the former textbooks, lecture notes of Bolyai University. Professionally, it appears that the dots can be connected, and it seems that, despite the worrying lack of continuity, the roots and the foundation of a fresh start do exist.

Dilemmas

In legal circles, it is often debated whether due to the differences of the Hungarian and Romanian legal system the use of the Hungarian language is possible in teaching Romanian law or not. The emergence of this serious concern can easily be explained: the lack of the knowledge of the Hungarian legal language can give the impression that there are serious problems and difficulties, insurmountable divergences in this regard. If someone draws a parallel only between the Hungarian Civil Code in force and the Romanian Civil Code in force, appropriate and reassuring language solutions cannot be discovered immediately and automatically because the different legal families they belong to (in the case of Hungary, a German connection is evident; in the case of Romania, the traditional model also shaping the legal language was the French).

During the writing of the 2016 textbook, in order to explain Romanian civil law, I used the works of a number of important Hungarian scientists of private law – such as Károly Szladits (1871–1956) and Bálint Kolosváry (1875–1954) –, and I was surprised to find that this help was significant: despite the differences of legal terminology, as a result of the convergence of civil law,²⁸ these works

27 In the spirit of this concept, a number of complementary Hungarian textbooks will be made available on civil law, criminal law, and procedural law to help the professional development of the students.

28 Convergence is the process in which legal systems, legal institutions, legal ideologies, and legal methods come closer to each other, in some cases becoming almost similar. Convergence is a dynamic phenomenon; statically it complies with resemblance, correspondence (Eörsi 1975. 342–343). The most advanced degree of convergence is conscious harmonization (this

are suitable to make a description of maximal precision of the institutions of Romanian civil law. However, it is necessary to point out that this task cannot be carried out without the knowledge and use of the classic (pre-WWII) Hungarian private law terminology. For example, the concept and text of the 1900 Hungarian Civil Code proposal or even the 1928 private law bill project are closer to the present Romanian Civil Code than the Hungarian Civil Code in force. In fact, at the end of the nineteenth century and in the first half of the twentieth century, in terms of Hungarian law, the French influence with an Austrian mediation was present; therefore, the classic Hungarian legal language is much more related to the modern Romanian legal vocabulary formed under decisive French influence. Later, Hungarian private law went in a different direction, moving towards the German model, resulting in conceptual and linguistic differences. But the point is that initial concerns have been proven to be unfounded: the apparently lacking language tools are indeed available.

Offering legal education at least partially in the mother tongue is essential in Transylvania, and we hope that its effects will be felt in a few decades. It is a reasonable goal that the Hungarian language can become a locally official language in Transylvania, in accordance with the positive practice of other European states;²⁹ however, this requires not only political circumstances but also a living Hungarian legal language. In Switzerland, for instance, the unitary private law is applied in German, French, and Italian as well. One very interesting experience is the one of New Brunswick, Canada. According to Fernand de Varennes:

Education is the foundation stone for the development and the realization of the potential of linguistic minorities... This has been the experience in New Brunswick, Canada, where the first school to teach law in the language of the French minority opened less than 40 years ago at the Université de Moncton. Of course, the situation there is completely different from Romania and other countries in Europe: French became an official language in New Brunswick some 40 years ago, and it must be used as a language in court by the judiciary equally to English. The lessons and impact of legal education in the minority's own language have been astounding. In addition to an increasing number of lawyers and judges who come from the French-speaking minority in New Brunswick – about 30 percent of the population, some 250,000 people in the whole province³⁰ –, members of the minority through legal education in their own language have come to

phenomenon is taking place within the framework of the European Union, including some areas of civil law).

29 Even the not so minority-friendly French law recognizes that regional languages are part of France's cultural heritage (Constitution, Article 75-1).

30 In Transylvania, according to the 2011 census, there are 1.215 million Hungarians.

be members of the political, economic, social, and even cultural elite of the province. This has in no small amount permitted the linguistic minority to improve its financial and social standing dramatically in the last four decades.³¹

Back to Sisyphus with a Summary

Practically, the rock of the – now partly Hungarian – legal education in Cluj is being rolled up the mountain again. According to Albert Camus:

I leave Sisyphus at the foot of the mountain! One always finds one's burden again. But Sisyphus teaches the higher fidelity that negates the gods and raises rocks. He too concludes that all is well. This universe henceforth without a master seems to him neither sterile nor futile. Each atom of that stone, each mineral flake of that night-filled mountain, in itself forms a world. The struggle itself toward the heights is enough to fill a man's heart. One must imagine Sisyphus happy.³²

The Hungarian writer Péter Esterházy can also be invoked: 'The struggle of breaking towards heights alone is enough to fill the human heart, every granule of this stone, of Sisyphus, every mineral shard of this mountain sunk in the night is the world in itself...'³³

In this part of Europe, overcoming the nationalist ideology, just as developing and preserving normality, is very difficult. As Professor Fernand de Varennes stated: 'In the context of an increasingly globalized world, legal education in more than one language is additionally widely practised in many countries and can be beneficial to protect the rights of minorities and contribute to their vitality – and their opportunities.'³⁴

The normality of legal education in Transylvania means that Romanian- and Hungarian-language legal education can coexist and can even cooperate effectively and closely. The question remains: can or will the rock stay on the mountain-top, has Sisyphus's punishment ended, or do we just feel the absurd happiness of the struggle seeing the modest and fragile results of this start?

31 de Varennes 2016. 41–42. For details on New Brunswick, see also McLaren 2016. For the Basque situation, see Arzoz 2016; for Wales, Parry 2016; for South Tirol, Alber 2016, etc.

32 Translation by Justin O'Brien.

33 Esterházy 1986. 166.

34 Varennes 2016. 31.

Overview

Legal education in Cluj/Kolozsvár/Klausenburg in the modern era			
Period	University	Sovereignty	Language of education
1872–1919	Franz Joseph University	Austro-Hungarian Empire	Hungarian
1919–1940	Ferdinand I University	Romania	Romanian
1940–1945	Franz Joseph University	Hungary	Hungarian
1945–1959	Victor Babeş University	Romania	Romanian
	Bolyai University	Romania	Hungarian
1959–present	Babeş-Bolyai University	Romania	Romanian
2010–present	Sapientia University	Romania	Bilingual education (Romanian and Hungarian)

References

- ALBER, E. 2016. Multilingualism, Legal Education and Cross-border Cooperation: Evidence from South Tyrol. In: Veress, E. (ed.), *Multilingualism and Law*. Cluj-Napoca/Kolozsvár/Klausenburg.
- ARZOZ, X. 2016. Making a Minority Language a Higher Education Language: the Teaching of Law through the Basque Language. In: Veress, E. (ed.), *Multilingualism and Law*. Cluj-Napoca/Kolozsvár/Klausenburg.
- EÖRSI, Gy. 1975. *Összehasonlító polgári jog: jogtípusok, jogcsoportok és a jogfejlődés útjai* [Comparative Civil Law: Law Types, Law Groups, and the Roads of Legal Development]. Budapest.
- ESTERHÁZY, P. 1986. *Bevezetés a szépirodalomba* [Introduction to the Belles-lettres]. Budapest.
- FEKETE GY. 1958. *Polgári jog. Általános rész, személyek és dologi jogok* [Civil Law. General Theory, Persons, and Real Rights]. Cluj-Napoca/Kolozsvár.
- JUHÁSZ, GY. 1987. The Second Vienna Award. *Danubian Historical Studies* 1.
- LUPAN, E.–PANTILIMON, R.-Á.–SZTRANYICZKI, SZ.–VERESS, E. 2012. *Drept civil. Partea generală conform noului Cod civil* [General Theory according to the New Civil Code]. Bucharest.
- MCLAREN, K. 2016. The Implications of Legal Bilingualism on the Teaching and Practice of Law in Canada. In: Veress, E. (ed.), *Multilingualism and Law*. Cluj-Napoca/Kolozsvár/Klausenburg.

- PARRY, R. G. 2016. The Council of Legal Education in Wales: An Idea Whose Time Has Come? In: Veress, E. (ed.), *Multilingualism and Law*. Cluj-Napoca/Kolozsvár/Klausenburg.
- POSZLER, GY. 2016. *Az erdélyi magyarság száz évéről. Bizonytalan remények és tétova kételyek* [One Hundred Years of the Transylvanian Hungarians. Uncertain Hopes and Hesitant Doubts]. Cluj-Napoca.
- SZABÉDI, L. 2014. *Két világ közt harmadiknak. Vers, próza, dráma, tanulmány, dokumentum* [Third between the Two Worlds. Verse, Prose, Drama, Study, Document]. Cluj-Napoca/Kolozsvár.
- VARENNESE, F. de. 2016. Teaching Law in Minority Languages: Benefits and Impacts for Individuals and Communities. In: Veress, E. (ed.), *Multilingualism and Law*. Cluj-Napoca/Kolozsvár/Klausenburg.
- VERESS, E. (ed.). 2016a. *Multilingualism and Law*. Cluj-Napoca/Kolozsvár/Klausenburg.
- 2016b. *Román polgári jog. Általános rész* [Romanian Civil Law. General Theory]. Cluj-Napoca/Kolozsvár.
- VERESS, E.–KOKOLY, Zs. 2016. *Jogászképzés a Bolyai Tudományegyetemen 1945–1959* [Legal Education at Bolyai University 1945–1959]. Cluj-Napoca/Kolozsvár.
- VITA, S. 2015. *Erdélyi gazdaság, erdélyi politika. Tanulmányok, cikkek, dokumentumok, 1933–1946*. [Transylvanian Economy, Transylvanian Politics. Studies, Articles, Documents, 1933–1946]. Cluj-Napoca/Kolozsvár.