EDUCATION IN NATIONAL MINORITIES LANGUAGE IN ROMANIAN LEGISLATION THROUGH NON-TERRITORIAL AUTONOMY (NTA) - BETWEEN REGULATION AND SCHOOL PERFORMANCE [1]

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Abstract
The educational public service is one of the largest services organized and offered by the state to its citizens. Because it reaches every home, it becomes a topic widely used in political disputes. It is an eternal theme of minority parties accentuated (if not exaggerated) in the election campaigns but also an instrument of the NTA which, properly managed, can lead to the reduction of interethnic conflicts and peaceful coexistence.
Representatives of minorities rightly wants both equal opportunities for their children in school and the preservation of their cultural and linguistic identity because their mother tongue is a defining element of a person's identity. And within the nation-state - it is necessary for the majority to ensure, through concrete regulations, the right of minorities to study in their mother tongue.
The present paper aims, first, to analyze the existing legal regulations in Romania, which ensure for national minorities the right to education in their mother tongue, as an instrument of NTA arrangements.
Secondly, we present the analysis of a study carried out in a multicultural territorial area - Dobrogea, where 17 minorities live, which follows the perception of the population belonging to different minorities regarding the use of mother tongue in education and their implications in further personal development.
The study is conducted by implementing a survey among members of national minorities in Dobrogea, parents with children in primary and secondary school (0-14 years), starting at three directions: education exclusively in the mother tongue, bilingual education - mother tongue-official language and mother tongue - optional subject of study in the educational curriculum.
At the end of the paper, based on the research done, subject to the multicultural specificity of the interviewed area, we notice a trend of changing the perception of minority members in the sense of orientation towards an education with at least bilingual teaching and increasingly abandoning the desire to study exclusively in the mother tongue.
Keywords: *education in minorities language, public service, national minorities, educational system, NTA*

1. Introduction

Non-territorial autonomy (NTA) is a concept that refers to the ability of a group or community to manage their own affairs and have control over decisions affecting them without depending on a centralized authority. As the doctrine remarks [2], the concept can be applied in various contexts, such as ethnic, religious, or cultural communities, or even within companies and organizations. Applied in different situations, it successfully contributes to reducing social conflicts, offering advantages to the groups that implement it directly and to society.

In the field of education, non-territorial autonomy can be used to provide a greater degree of freedom and autonomy to schools and educational institutions, giving them greater control over resources and how they are used [3]. Non-territorial autonomy can provide benefits in education systems by encouraging innovation and adaptation to the specific needs of each school or educational institution. It can also encourage greater social responsibility and civic participation on the part of schools and educational institutions.

We aim, in this study, to analyze a special aspect in this framework, which is represented by minority language education, field where non-territorial autonomy can be a powerful tool to support minority language education. This because the possibility of minorities to study in their mother tongue and administer their own educational systems is the declared dream of minority representative organizations and used to a great extent especially during election periods.

In Romania, education in the language of national minorities is guaranteed by the Constitution and by law. In accordance with these legal provisions, national minorities have the right to education in their mother tongue, both at the level of primary and secondary education, as well as at the level of high school education.

In Romania, schools and educational institutions offer education programs in the language of national minorities, such as schools in Hungarian, German, Serbian, or Romani. The government funds them but enjoys greater freedom in terms of structuring study programs or choosing assessment methods.

However, education in the language of national minorities can face certain challenges in Romania, such as a lack of financial resources, insufficiently qualified staff,

or inadequate infrastructure. There may also be discrimination in favor of education in the Romanian language, which may limit access to education in the language of national minorities. This aspect can also be observed from the results of the study that we will present in the second part of our paper,

However, it is important that the education in the language of the national minorities is supported by the government and society, with the state creating a legal framework so that the national minorities can benefit from the same level of education as the majority.

2. Methods

Our study is based on mixed methods. First, on an analytical method, which means a dogmatic analysis of the regulation that ensures, for national minorities, the right to education in their mother tongue as an instrument of NTA arrangements.

Secondly, we analyze a study carried out in a multicultural territorial area - Dobrogea, where 19 minorities live, which follows the perception of the population belonging to different minorities regarding the use of mother tongue in education and their implications in further personal development.

This part of our analysis has been based on a survey conducted among members of national minorities in Dobrogea, parents with children in primary and secondary school (0-14 years), starting at three directions: education exclusively in the mother tongue, bilingual education - mother tongue-official language and mother tongue - optional subject of study in the educational curriculum.

3. Research and results

3.1. Regulation of education in national minorities' language in Romanian legislation

3.1.1. The constitutional framework

The Constitution of Romania emphasizes right from its first title [4], reserved for general principles, the right to identity by which it recognizes the right of persons belonging to national minorities to preserve, develop and express their ethnic, cultural, linguistic and religious identity, assuring them the possibility of using their mother tongue

in relation to administration and justice, as well as education at all levels in the minority language.

Besides, the fundamental law has a tradition in this regulation, there are provisions regarding education in the language of minorities in the texts of the constitutions from 1948 [5], 1952 [6], 1965, 1991 and in the revised form from 2003.

In the content of the right to education, in the content of art. 32, the fundamental law guarantees the right of persons belonging to national minorities to learn their mother tongue and to be instructed in this language. We can note here, the particular concern of the constituent legislator in "guaranteeing" these rights, compared to the "softer" expression observed in the first paragraph, when the term "ensures" is used for the right to education, the manner of expression reinforcing, once more, the importance that the Romanian state understands to give to this subject [7]. As noted, moreover, in the doctrine, these provisions reflect the legislator's openness to the principle of protecting the rights of persons belonging to national minorities, given that these rights are inherent in the recognition, affirmation and maintenance of their identity as part of the respective minority, completing the right to identity and recognition everyone's belonging to an ethnic group

Another argument in this sense is represented by the observation that, from the implementation of the regulation that ensuring the right of persons belonging to national minorities to learn or be trained in their mother tongue is a constitutional principle, along with: providing education in the Romanian language, free education, supporting socially disadvantaged categories, university autonomy and freedom of religious education.

3.1.2. The legal framework

By ratifying the international regulations regarding the general framework for the protection of minorities [8] and the fundamental documents related to regional languages [9], in Romania, people belonging to national minorities are constitutionally recognized and guaranteed the right to be trained in their mother tongue, at all levels, types and forms of pre-university education. Romania assumes and transposes into legislation all the international conventions to which it has acceded [10].

The main normative act that includes regulations regarding education in the language of national minorities is the National Education Law [11].

The law defines a series of terms with which the entire system of regulations subsequently operates: one of them is education with teaching in the languages of national minorities, i.e., the type of education in which all subjects are studied in the mother tongue, with exception for the subject Romanian language and literature. Another refers to the type of education for students belonging to national minorities who attend educational units taught in Romanian or in a language other than their mother tongue and who are provided, upon request, as subjects of study, the mother tongue and literature, the history, and traditions of the minority respective national and musical education.

According to the Law, persons belonging to national minorities have the right to study and train in their mother tongue, at all levels, types and forms of pre-university education, under the conditions of the law [12] and According to local needs, at the request of parents or legal guardians and under the conditions of the law, groups, classes or units of pre-university education with teaching in the languages of national minorities are organized. Moreover, students who don't have, in their hometown, the opportunity to learn in their mother tongue are supported by the transport bill to the nearest school with teaching in the mother tongue, or they receive free accommodation and meals in the boarding school of the educational unit with teaching in native language.

Students belonging to national minorities who attend educational units taught in Romanian or in a language other than their mother tongue are provided, upon request and under the conditions of the law, as a subject of study, their mother tongue and literature, as well as history and traditions the respective national minority, as part of the common trunk. The programs and textbooks of the subject History and traditions of the national minority are approved by the Ministry of Education [13].

In pre-university education, admission and graduation exams can be taken in the language where the respective subjects were studied under the law.

All students and teachers in state education and accredited/authorized compulsory private education benefit from free school textbooks, both for education in Romanian and for education in the languages of national minorities, under the conditions of the law.

In the efficient implementation of legal regulations, we must note that the organizations of national minorities can play an extremely important role. However, unfortunately, we note that they have no legal obligations in this regard. A ferenda law proposal could be expressed in the sense of regulating some concrete obligations for these institutions, which, at the moment, represent more of a tool used in parliamentary games to obtain the majorities necessary to adopt some laws.

4. ANALYSIS - Case study: The use of minority language in the Romanian education system

4.1. General consideration

Among the 20 national minorities registered in Romania, 11 benefit from education in their mother tongue (Bulgarian, Czech, Croatian, Italian, German, Hungarian, Polish, Romanian, Serbian, Slovak, Ukrainian) and 14 benefit from the study of their mother tongue (Hungarian, Romanian, Ukrainian, German, Russian, Neo-Greek, Bulgarian, Serbian, Slovak, Czech, Turkish, Armenian, Croatian, Polish).

In the case of a few minorities, the teaching of the mother tongue is provided by the national minority organizations at their headquarters. – the role of local administrations in promoting minority cultural programs

Thus, in general, we encounter two very different situations:

- formal education and

- non-formal education organized by national minority organizations in some Saturday/Sunday schools, as is the case with Armenians.

Formal education itself has two variants:

- the study of the mother tongue with schools or sections within schools with teaching in one of the national minority languages, such as Italian, German, Serbian, Hungarian, etc., and

- the study of the mother tongue, e.g. to Lipovi-Russians.

According to these realities and legal considerations, we start our study from the hypothesis that a minority language may become:

- a language of instruction and may also be
- a second language of instruction (in bilingual education) or

- a non-compulsory subject.

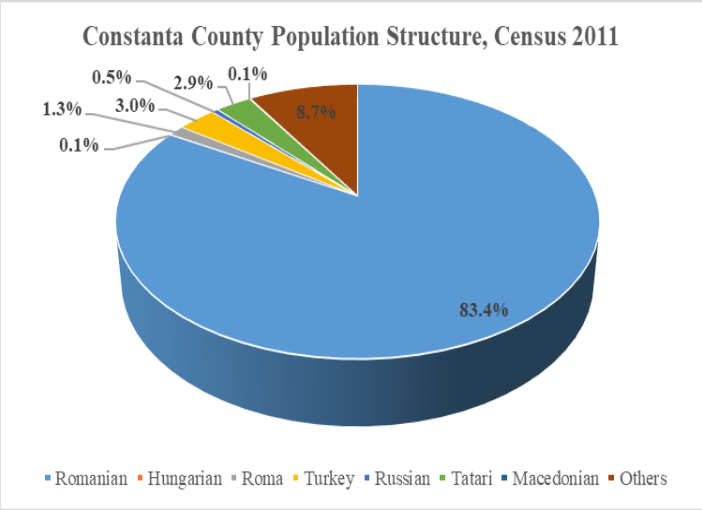

Figure 1. Constanța County population structure

Source: Authors' own elaboration based on National Census 2011 results given by National Statistical Institute .

We asked what the most appropriate solution for the Romanian education system is: to teach in or of national minority languages. Otherwise, can teaching in the mother language become a disadvantage? What is the perception of students regarding the exclusive use by minority members of the mother tongue in education?

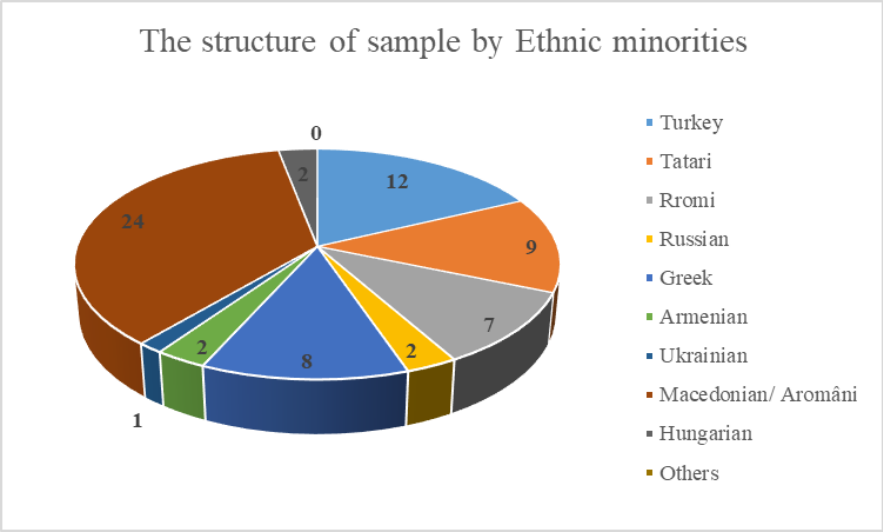

Figure 2. The structure of sample by Etnic. Minorities in Romania

Source: Authors' own elaboration based on official dates on National Statistic Institute

4.2. Short survey presentation

4.2.1. Study design

The study is a quantitative one, based on the questionnaire approach that enables explorations of the participants' perceptions about the researched issues. It is also a very time-efficient method for the data collection.

4.2.2. Participants

Our study was conducted in the period October 2021-February 2022 (first Semester of 2021-2022) and regarded students between 10-18 years old (preuniversity public and private system) from Constanta County.

In the study, there were included 67 persons who identified themselves as part of a national minority who live and go to school in Romania.

4.2.3. Instrument and procedure

The survey was applied online based on a ***Google form questionnaire*** with 20 items**,** using the parents' email of the respondent because of their age (under 18). They have been validated with 67 responses.

On the whole study, all participation in the survey was voluntary; the minorities had no problem asserting their ethnic identity and they had equal access and knowledge of information and communications technology (ICT).

4.2.4. Ethics statements

All survey participants were informed about the details of the study. Participation was totally voluntary. At the same time, the participants were aware that they could opt out at any time without any consequences. Consent for participation in the study was obtained from all participants by electronic mail. In the article, participants' first and last names have been used to ensure their confidentiality. The study design met the ethical requirements of the authors' academic institution and the Declaration of Helsinki.

5. Results

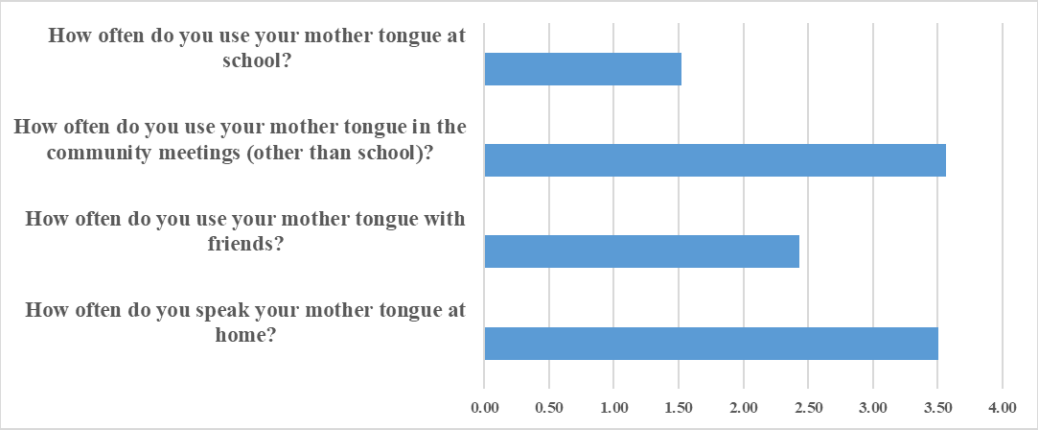

Figure 3. Jurisdiction of the dispute: civil, administrative, and criminal law

Source: Authors' own elaboration .

Note: Based on a scale from 1-5, where 1 is Never and 5 is Almost always

- What kind of education are you in?

Answer:

- If you had the opportunity, would you choose to pursue an EXCLUSIVE form of education in your mother tongue?

Answer: No - 76.12%

- To what extent are you aware of the legal provisions regarding education in the language of minorities?
- Answer: Weighted arithmetic mean is 2.51.
- To what extent do you consider the regulations on minority language education sufficient?

Answer: Weighted arithmetic mean is 2.90.

- How many other languages do you speak besides your mother tongue and national language?

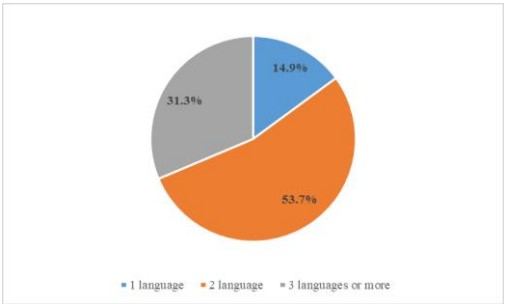

Figure 4. Jurisdiction of the dispute: civil, administrative, and criminal law

Source: Authors' own elaboration

• 88% of respondents are from a public school, and 12% are from a private education system. The children from the private education system are studying 5 only in English and 2, both in English and Romanian.

• According to the interest in studying in their mother tongue the following subjects: Geography, Technical disciplines, Biology, Mathematics, History of Romania or of his Minority, the highest score was registered in case of History of National Minorities (4.03 from 5).

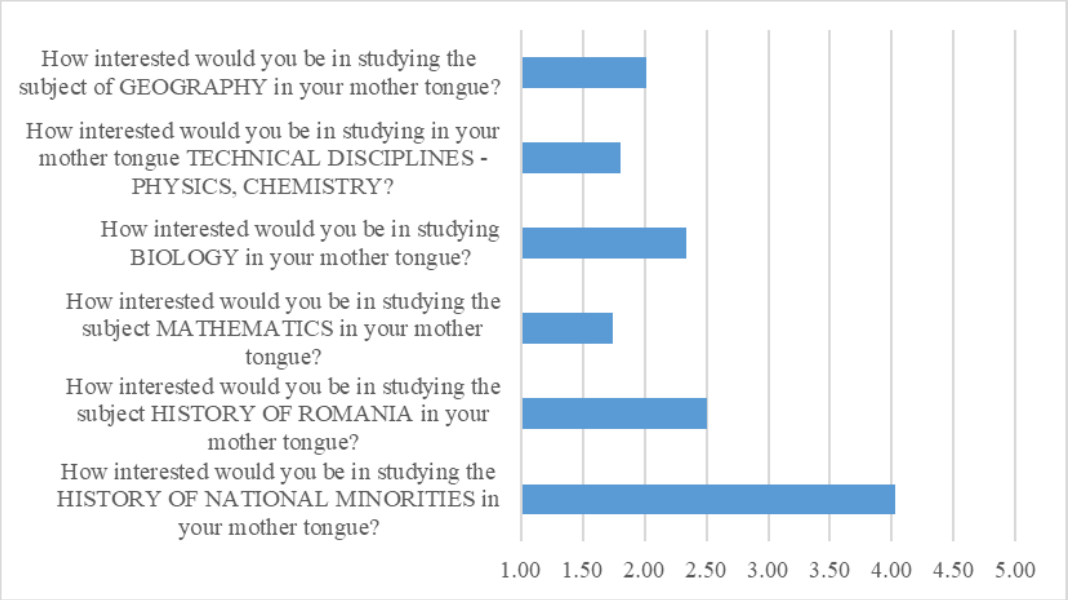

Figure 5. Jurisdiction of the dispute: civil, administrative, and criminal law

Source: Authors' own elaboration

• To what extent is the importance of education in the mother tongue discussed in your community?

Answer: The weighted arithmetic mean is 2.80.

• How important do you think mother tongue education is?

Answer: The weighted arithmetic mean is 3.86.

6. Discussion and conclusions

The languages in Europe in the strict sense, belong, for the most part, in terms of kinship to one language family: the large Indo-European family, which accounts for over

95% of Europe's geographical population. This distinguishes Europe in a narrow sense from the other continents (except Australia), where there are many language families.

Some languages are protected only locally/ regionally in different waives; some of them are allowed in parliamentary debates in court, or they may be "national languages" for the protection of which special provisions have been adopted but which are not official.

In some cases, the qualification as an official state language does not cover the same reality, especially in the case of states that have more than one official language: the co-official languages of the same state can be, in principle, on the same plane from the point of view of the rights granted to them or may be subject to a certain hierarchy and,

In other cases, they may have a somewhat different role at the level of the functions performed, either territorially.

The analyses showed that the instrument of non-territorial autonomy can encourage linguistic diversity and preserve the cultural identity of minorities. It can also encourage greater social responsibility and civic participation on the part of linguistic minorities.

However, as the results of the study proposed in this paper show, non-territorial autonomy in minority language education can create problems, such as greater fragmentation of the system and greater inequality between schools, which is why a consistent part of the population minorities opt for educational programs in the language of the majority. Perhaps also because it can sometimes be difficult for schools benefiting from non-territorial autonomy to stay within the national curriculum framework and meet minimum academic standards.

It is, therefore, important that non-territorial autonomy in minority language education is granted responsibly and accompanied by mechanisms for collaboration and conflict resolution.

In Romania, education in the language of national minorities is guaranteed by the Constitution and by law. In accordance with these legal provisions, national minorities

have the right to education in their mother tongue, both at the level of primary and secondary education, as well as at the level of high school education.

In Romania, schools and educational institutions offer education in the language of national minorities, such as Hungarian schools, German schools, Serbian schools, Arabic schools and Roma schools. The government funds them but enjoys greater freedom in terms of structuring study programs, setting academic standards and assessment methods.

However, education in the language of national minorities in Romania may face certain challenges, such as a lack of financial resources, insufficiently qualified staff or inadequate infrastructure. Equally, there may be discrimination in favor of education in the Romanian language, which may limit access to education in the language of national minorities.

That is why it is important that education in the language of national minorities is supported by the government and society so that national minorities can benefit from the same level of education as the majority. Furthermore, studies consistently show that a multilingual education reduces tensions in a community and increases understanding, tolerance, and, ultimately, well-being.

We encourage **the government's initiative to raise awareness of the linguistic rights of citizens belonging to national minorities** it is essential for the development of the community as well as the preservation of its identity.

Our legislative proposal concerns the introduction of a regulation providing for **the obligation** to carry out educational activities by the organizations belonging to the minorities (for now, this obligation does not exist despite of the fact that organizations are financed by the state).

References:

[1] This paper represents a study developed in one COST Action – AC18114 – ENTAN. Part of this Action, as a member of Working Group 1– *Non-territorial autonomy - Legal and political aspects*, and MC member (Flavia Ghencea) and member of Working Group 2 (Laura Patache), we were able to present some aspects regarding the Romanian approach regarding minorities at the Conference organized by the

Action in May 2022, at Constanța: *Realising Linguistic, Cultural and Educational Rights through Non Territorial Autonomy*. So, we are proud to thank, with deference, to the scientific committee of the conference, and his Chair, Professor David Smith and to Professor Ivan Dodovski, Chair of ENTAN; thanks for the support and for the opportunity to be part of a high-level event.

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