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DUAL CITIZENSHIP GRANTED TO HUNGARIAN ETHNICS. CONTEXT AND ARGUMENTS

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Abstract: *Citizenship represents the permanent legal and political relationship that exists between the state and the individual. Citizenship is often defined in terms of legislation and accompanying political debates, far from the realities experienced by citizens.*

Due to the lack of uniformity between laws of different countries regarding the criteria for granting citizenship, an individual can be found in a position to have more than one citizenship or in a position where his/her right to citizenship is denied. We are facing a citizenship conflict that bears the concept of multi-nationality or even of statelessness.

Keywords: *citizenship, society, Romania, Hungary, perception*

The concept of “citizenship” is characterized by a great complexity, with a three-dimensional valence and it basically refers to the issue of belonging to a community. The first dimension of this concept is focused on the legal status as defined by the civil, political and social rights. As legal and political status, the citizenship is a set of rights and freedoms that the state grants to its citizens, a balance between rights and duties, a civil contract between the state and the individual – as a subject of law, legal rules that define membership to a political body, the citizen’s loyalty toward the state that protects him and grants him civic rights, access to public life and civic participation (O’Byrne, 2003: 5-10).

In this context, the citizen is a legal person, free to act in accordance with the law and entitled to claim protection of the law.

The second dimension involves the possession by the citizens of a status of political agent, participating actively in the activity of political institutions of the political society. Not least, the notion of “citizen” makes reference to membership of a political community that provides a distinct source of identity (Heater, 2004 188-191).

How T. H. Marshall¹ sees citizenship is fully conventional. First, he states that citizenship comes as a status attached to those community members possessing full rights, equals in terms of rights and liberties resulting from it. Marshall adds that different societies will assign different rights and different responsibilities to the citizen status, as there is no universal principle that may determine those rights and responsibilities which are particularly required by the citizenship, in general. It is the very fact that Marshall

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¹ Thomas Humphrey Marshall (1893-1981), English sociologist, known for his essay collection on citizenship and social classes

goes beyond the conventional idea, i.e. the membership of a community is predominantly a political matter, that it contributes greatly to the study of citizenship. He identifies three distinct parts or elements of citizenship: civil rights, political rights and social rights (Beșteliu, 1997: 147).

The most important aspect of Marshall's theory on citizenship might be that he addresses directly and explicitly the issue of the relationship between citizenship and social class. Marshall notes that the development of modern citizenship institutions has coincided with the rise of capitalism. He regards this as an anomaly because, while capitalism creates class inequality between individuals, citizenship is a status that allows its possessors to enjoy same rights and responsibilities. Therefore, Marshall concludes that "it is natural to expect that the impact of citizenship on the social class would take the form of a conflict between opposite principles". The description of this relationship is particularly convincing as Marshall succeeds in explaining the apparently opposite effects without falling in contradiction (Barbalet, 1998: 22).

Mobility of individuals and development of societies lead to the concept of "multiple citizenship", allowing people to be citizens of more than one country simultaneously (Tilly, 1996: 14-17). Each state is competent to establish, by national law, conditions for granting citizenship. The effects of citizenship as compared to other countries from the international community may be limited by norms of international law.

Citizenship becomes even more complicated because, in time, a number of features will arise, such it is the case of "dual citizenship" - the legal situation in which a person possesses at the same time citizenships of two different states (<http://www.euroavocatura.ro>: 2011). This brings us to the main concept of this paper, with a note that we will address this concept at a much more pragmatic level.

The basic principle of nationalism is the fact that each nation must create a nation-state, which, as its name says, must encompass the entire nation. In theory, this principle might work, but it is difficult to implement. The so-called nation-states created after World War I and the fall of the great European empires, especially the Austro-Hungarian Empire, failed to meet this principle. The interdependence of the various ethnic communities living within the empire prevented them from reaching their objective, namely to create a nation-state for each community. The emergence of minorities in the countries of Central and Eastern Europe created room for revisionist policies and proliferation of ethnic nationalism, which is based on cultural mobilization. This is the particular distinction between the one who belongs to the community, and the one who does not correspond to common features of language, religion and culture.

After losing much of its territory, the new Hungarian state made a priority from protecting "Hungarians from everywhere". Currently, when the period of aggressive nationalism has faded away, the protection of Hungarians in other countries relates to providing facilities for maintaining living contact with the Hungarian state, but especially to prevent assimilation. In 2010, the Hungarian government adopted the law granting dual citizenship to Hungarians in other countries, who could prove their Hungarian ancestry and who spoke the Hungarian language. This was an addition to the law on benefits granted to ethnic Hungarians living in neighboring countries of Hungary, adopted in 2001. Initially it included some important benefits for ethnic Hungarians, such as employment opportunities, social services and public health insurance.

The attempt to protect the ethnic Hungarians was seen as a counterbalance to the troubled history that the Hungarian community has had. At the same time, it was perceived as an attempt to preserve the cultural identity intact. This discussion may seem

outdated already, in the context of EU enlargement to the east and at a time when it is believed that the nationalist discourse has been put behind.

Is dual citizenship a right, or a privilege granted to Hungarians in other countries? The protection issue of Hungarians from everywhere raises both nationalist reactions, and political responses. This paper addresses the politicization of these nationalist reactions within both Hungarian domestic politics, and domestic politics in countries that have a significant Hungarian minority. In addition, the integration of this situation in the unifying context of the European Union must also be addressed.

Hungarian Status Law, the precursor of dual citizenship

The efforts to protect the Hungarian community from everywhere are explained by the specific of the Hungarian community. The extent of this community living outside Hungary's borders is "unusually high, even for Europe"; about a quarter of the ethnic Hungarians total live in Hungary's neighboring states (Kovacs, Toth Kin, 2009: 159). Most ethnic Hungarians live in Romania (about 1.7 million), in Slovakia, (about 600,000), in Ukraine (about 135,000) and in Serbia (about 350 thousand) (<http://news.bbc.co.uk>: 2011). Thus, given the size of ethnic Hungarian community, its protection is regarded as a priority for the Hungarian authorities in Budapest. The irredentism that had manifested in public discourse, even up toward the '90s, was considered a possible solution to prevent assimilation of Hungarians living in the neighboring countries. But the prospect of accession to the European Union has mitigated these claims, and the desire for action in favor of minorities turned into a political initiative, called the Hungarian Status Law (Stewart, 2009: 14). It was adopted in 2001, despite heated political debates and international protests (Kovacs, Toth Kin, 2009: 155).

The result of this law was the introduction of a specific certificate for ethnic Hungarians living in Slovakia, Romania, Ukraine, Slovenia, Serbia and Croatia.

The Hungarian Status Law defines a number of cultural, economic and political objectives. At the cultural level, the law aims to preserve the national identity of Hungarians beyond the borders, while at the economic level, the law plans to improve their living standards. These objectives are framed in the ambiguous idea of "unification of the Hungarian nation" (Stewart, 2009: 15). The problem with the initiative lies in the reaffirmation of ethnic nationalism, based entirely on sharing a language and a religion common to all Hungarians. In a time when Hungary's neighboring states were focused on measures to protect minorities in the context of EU accession, the Hungarian state has reignited a debate of almost an irredentist nature. Furthermore, although it was a law that practically affected citizens of neighboring countries, the status law was a unilateral movement from Hungary to create "a cross-border form of citizenship" (Malloy, 2008: 75). Although not offering direct citizenship, the benefits and privileges enjoyed by holders of this card were initially offered to create a sense of belonging to the Hungarian nation.

Following protests of neighboring states, the law was amended in June 2003. The benefits related to social security, public health services and access to employment were canceled. The amendment to the law stipulates that any benefits will be the result of bilateral agreements between the home country and Hungary. However, they maintained some privileges of Hungarian communities granted in the state of residence, namely providing funding for organizations working to promote the Hungarian language and culture, and tradition of Hungarian identity (Krupper, 2010: 159).

In conclusion, at a symbolic level, the premises of Hungarian citizenship had already existed for ethnic Hungarians living in neighboring states. The Hungarian status

law can thus be considered a precursor of dual citizenship law because it establishes the symbolism of Hungarian citizenship and it institutionalizes it through an official document. However, there was a felt need to strengthen the links between the community from across the borders and the community from the “mother land”. These links refer to granting the Hungarian citizenship. The initiative started in 2004, but not even this one was accomplished without protests and objections from both the international space, and the domestic political environment in Hungary.

Adoption and implementation of the law granting dual citizenship

From 1 January 2011, ethnic Hungarians living in other countries can apply for Hungarian citizenship by a simplified procedure, described in the law adopted on 26 May 2010. The law liberalizes the application procedure for Hungarian citizenship as it eliminates the criterion for granting permanent residence in Hungary as a prerequisite to granting citizenship (Szymanowska, 2011). But the right to Hungarian citizenship law is not coupled with the possibility to vote in internal elections in Hungary.

At a first glance, this law seems to be just another move to stimulate the Hungarian community within neighboring Hungarian surroundings. However, the support and preservation of ethnic Hungarians' identity in other countries has been on the political agenda of the Fidesz Party that has recently won elections in the neighboring country. This move was supported by the rightwing Hungarian electorate, thereby decreasing support for the Jobbik Nationalist Party from 17% during the previous election to 7% (Szymanowska, 2011). The Fidesz Party's strategy was therefore to incorporate in their agenda an initiative to boost Hungarian identity and this happened in accordance with a political scenario designed to ensure popular support for electoral victory. In fact, this was the first legislative draft voted by the new Hungarian parliament by an overwhelming majority (<http://www.evz.ro>²⁰¹⁰). The law entered in force on 20 August, the National Day of Hungary. Thus, the new Hungarian government played the ethnic nationalism card, calling symbolism, history, and emotion in order to keep the Hungarian nation alive, a nation wronged throughout history and in order to contribute to shaping the myth of Hungarian pan-nationalism.

International reactions caused problems for the Hungarian government. Romania, Serbia and Croatia reacted calmly to Hungary's decision. In the case of Romania, this is understandable because Romania has a similar law for Moldovan citizens. It is important to add that the lack of reaction from Romania, however, was predictable, according to an analysis published in *The Guardian* or the *Wall Street Journal*. “Since Bucharest, too, handed over discreetly thousands of passports to ethnic Romanians in the Republic of Moldova, which to be clear is not an EU member, Romania will not make much fuss of the dual citizenship law in Hungary” (Traynor, 2011), writes *The Guardian*. Moreover, the Hungarian Deputy Prime-Minister stated that the Hungarian law is shaped almost entirely following the Romanian law: “Following the Romanian model, we will grant citizenship on a fast-track pace” (<http://www.adevarul.ro>²⁰¹⁰).

The Hungarian government has thus fended any criticism coming from the European Union by claiming similarity to the Romanian law. Although the Hungarian citizenship for the Hungarian ethnic minority within Romania and Slovakia remains symbolic, as both countries are members of the European Union (Slovakia is also a member of the Schengen area), the communities from Serbia and Ukraine might get Hungarian citizenship because of the possibility of moving freely throughout Europe. Neither Serbia, nor Ukraine had objections to enforcing the law (Szymanowska, 2011).

According to some estimates, during the first three weeks of January about 8,000 applications were recorded in Romania.

Dual citizenship: right or privilege?

Dual citizenship has been interpreted as a step towards a post-national opening of multiple identities and their free movement. Why was the Hungarians' motivation for such a law built on nationalist bases, though? To prove this point it suffices to study the incipit of the amendment for dual citizenship that regulates Hungarian citizenship. It invokes the Hungarian constitution which stipulates that: "The Republic of Hungary has a sense of responsibility for the fate of Hungarians living outside the borders and will promote and strengthen their relations with Hungary". Maintaining relations with Hungary and preserving the Hungarian identity are the reasons for this amendment (<http://www.allampolgarsag.gov.hu>²⁰¹⁰). The need to protect the Hungarian identity is achieved though by even the members of the very Hungarian ethnic community, given the known homogeneity of the Hungarian minorities living in countries neighboring Hungary.

Although the current tendency is to disengage citizenship from ethnicity by promoting a civic nationalism based on civic values and on political community, the Hungarian law carries out the opposed operation. The dual citizenship law seeks to combine dual citizenship with ethnicity. Reaffirming the ethnic component in granting citizenship is demonstrated by a statement of the Deputy Prime Minister who claims that the Hungarian nation is subject to assimilation, and the assimilation process can be stopped only by granting citizenship. The same official stated that "the Hungarian nation is a nation with public rights ever since St. Stephen", thus reiterating the myth of the Hungarian nation that transcends the centuries. The problem with this type of statements is that it arouses nationalist sentiments, sentiments that took 90 years to temper. Hungarians who became minorities in the newly created states from Central Europe after World War I had a choice between either the new state citizenship, or relocating to Hungary and, consequently, acquiring the Hungarian citizenship (Kovacs, Toth Kin, 2009: 161-163). Of course, the frontiers of those times were borders separating nations and they were closed. Today, the borders are open, and the discussion shifted to conversing them to links and not divisions. For this reason, the Hungarian law for dual citizenship is not viable in the unifying context of the European Union and in the post-national developments. Besides, the European Union promotes diversity and multilingualism in favor of homogenization and assimilation of minority ethnic communities.

According to the opponents of this law, Hungary must accept that the Hungarians abroad are citizens of other states, and protecting the Hungarian minority must be done within the efforts to strengthen individual and collective rights from the states of residence (Kovacs, Toth Kin, 2009: 161-163). It is thus a new dilemma that is arising: the new Hungarian citizens might consider themselves members of a diaspora, or members of a minority community that has already been enjoying full rights in the state of residence. The success of the initiative affirms the need of the Hungarian minorities, both from the EU Member States, and from Serbia, Croatia and Ukraine, to institutionalize this cultural identity and not necessarily the benefits of obtaining Hungarian citizenship. In addition to this, a fact that demonstrates the Hungarian-Slovak dispute is the discourse on cultural identity and on ethnic nationalism, seen strictly in terms of belonging to a homogeneous community based on culture, language, religion, history. Therefore, granting dual citizenship to Hungarians from "everywhere" could be considered a right in terms of reaffirming the cultural identity of ethnic Hungarians. Although the contemporary society

has proven that the cultural identity does not need a clear label reading “citizen” to be used before the name of ethnicity, the specificity of Hungarian ethnic nationalism requires the assertion of this right.

Granting the right to vote by changing the Hungarian Constitution can turn this right into a privilege, but it would generate a series of internal and external problems. The internal problems would be justified by the fact that those citizens who do not reside in Hungary, and thus they are not directly affected by the outcome of the vote, can influence the outcome of the Hungarian parliamentary elections. On the other hand, the external feedback can generate a new conflict with neighboring countries, especially with Slovakia that proved quite inflexible in dealing with this situation.

Citizenship represents the permanent legal and political relationship that exists between the state and the individual. Citizenship is often defined in terms of legislation and accompanying political debates, far from the realities experienced by citizens.

The citizen quality must be redefined in the post-socialist context, where it escapes from all definitions given by political elites, mainly because of their inability to guarantee the social rights expected by the citizens.

Due to the lack of uniformity between laws of different countries regarding the criteria for granting citizenship, an individual can be found in a position to have more than one citizenship or in a position where his/her right to citizenship is denied. We are facing a citizenship conflict that bears the concept of multi-nationality or even of statelessness.

Multi-nationality or better said dual citizenship or rather dual statelessness result from obtaining a new citizenship without losing the one of the state of origin.

In conclusion, it should be reiterated that the issue of dual citizenship was raised politically, becoming a useful electoral strategy of the party led by the Hungarian Prime Minister, Viktor Orbán. Similarly, the Slovak response was political, to problem of cultural identity. Although nationalism was stained with political reactions and intervention, it can be thus proved how viable are the debates on national identity within an increasing talk of post-national state evolution inside the European Union.

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