

Nationalism by transnational means

Description

“I will not be a tourist in my homeland”, Olivér Boldoghy said in a bitter interview in November, 2011. He had good reasons for the resentment. The Slovak-born Hungarian entrepreneur lost his Slovak citizenship after taking up Hungarian citizenship.

The Slovak authorities informed him that his citizenship had been withdrawn, which entails that his permanent residency has also been canceled, and so from now he is not covered by the public health insurance plan. The Ministry of Interior Affairs also noted that his driving license, ID card and passport would soon also be revoked. Boldoghy has become a *de jure* tourist in his homeland. Though he could easily acquire a residence permit, he is not willing to do so, since this would amount to *“acknowledgment of my being a foreigner in my homeland”*, as he puts it. He wonders whether Slovakia will expulse him after staying more than three months in the country. This is a rather unlikely possibility though, since according to EU law, his expulsion would only be possible in case Slovakia considered his presence (without a sufficient income) an unreasonable burden on the social assistance system, or a threat to public order[1].



The Hungarian government claims that the revocation of Boldoghy's citizenship violates basic principles of international law and also the Slovak constitution, which states that no one can be deprived of his Slovak citizenship without the subject's will. Prime Minister Viktor Orbán added that Hungarian state must stand up for the rights of Hungarians in the Carpathian Basin, and that Hungary *“cannot tolerate that Hungarians be deprived of their citizenship by a country that they are the residents of”*[2]. The Slovak authorities replied by pointing out that the Slovak ban on dual citizenship is fully in-line with European citizenship norms, and noted that Hungary should not offer citizenship for non-resident Hungarians.

How could such an unusually awkward and tense debate erupt between two EU member states? How come that dual citizenship is welcome by scholars as the most liberal tool for promoting transnational political affiliation stirs such a heated debate in the developed world? In order to answer this question, one must briefly overview the Slovak-Hungarian citizenship struggles of the past years.

Fidesz and “National reunification”

The center-right Fidesz has for long tried to promote the interest of the Hungarian diaspora, and most importantly, the ethnic Hungarians living in the neighboring countries on the territories taken from Greater Hungary as part of the 1920 Paris Peace Treaties. In 2004, when still in opposition, Fidesz supported a referendum that proposed the abolition of residency requirement for access to citizenship for Hungarians living abroad. Because of the low turnout the referendum failed. Though less than 20 percent of the electorate supported the proposal, Fidesz still considered the result as a sign of

Hungary's willingness to offer citizenship for Hungarians living in the neighboring countries. Since then, Fidesz has kept the issue of "national reunification" on the agenda.

In October 2009 Fidesz submitted a proposal to the Parliament recommending the abolition of residency requirement for Hungarians applying for citizenship. Having made the point (and secured part of the electorate sympathetic to the plan), Fidesz withdrew the proposal before its parliamentary discussion could have started in order to avoid debates about the political, economic and social consequences of the initiative.

After the landslide victory in the April 2010 parliamentary elections, right after the new government took office, Fidesz sent out a strong symbolic message as part of its "national reunification" politics. It proposed a new citizenship policy that offered citizenship for Hungarians living abroad without residence requirement, and the commemoration of the tragic consequences of the 1920 Trianon peace treaty on the same day. Laws were voted by the Parliament on August 20, the anniversary of Hungarian statehood.

Old policy, new problems

Though Fidesz had originally been reluctant to offer political rights for non-resident citizens, later it decided to support the reform of the electoral rules and abolish the residency requirement. "The current Constitution ties voting rights to permanent residence in Hungary. We do not want to uphold this provision", Fidesz MP Gergely Gulyás, deputy chairman of the parliamentary committee drafting the new constitution said in an interview in October 2010. The enfranchisement of the non-resident electorate is highly problematic for several reasons. The inclusion of non-resident Hungarians clearly fosters a re-ethnicising conception of citizenship. The political enfranchisement of ethnic Hungarians regardless of their residence suggest that Hungary as a nation is defined in ethnic terms.

Another concern is related to electoral proportions. As István Mikola, former Minister of Health of the Orbán government, noted before the 2006 elections, the centre right Fidesz could stay in power for twenty years by granting citizenship and voting rights for the five million Hungarians in the diaspora. More recently, current Deputy Prime Minister Zsolt Semjén also hinted that the government assumes that the majority of the votes from the new non-resident ethnic Hungarians would strengthen the governing parties. The enfranchisement of the non-resident constituency thus may be interpreted as gerrymandering by other means.

It is also highly questionable if the inclusion of the non-resident Hungarians will strengthen "national reunification" in any sense. If ethnic Hungarians in the neighboring countries are entitled to vote, the parties competing for power within Hungary will certainly try to get their support "by making promises that would be financed from public revenues paid by Hungarian resident citizens. In return, the political parties that would be helped into power by external voters, as happened in Croatian and Romanian elections, may introduce policies for the domestic, resident citizenry that would in no way affect non-resident voters. Such conflicts of interest in the long run could easily create tensions between the resident and the external citizenry.

More importantly, non-resident dual citizenship raise important interstate dilemmas. Critics have also noted that the initiative would disrupt diplomatic relations with Hungary's neighbors. Hungary's relationship has already deteriorated with Slovakia, where the Hungarian proposal plays into the hands of the nationalist, anti-Hungarian parties. The worries were confirmed when Prime Minister Robert Fico

retaliated with introducing a new law banning dual citizenship so that Slovak citizens acquiring Hungarian dual citizenship could be deprived of their Slovak citizenship. Though since the Slovak elections the diplomatic relations between Hungary and Slovakia seemed to have improved, the new Slovak government has not succeeded in abolishing the ban on dual citizenship. The Hungarian government, nonetheless, encouraged ethnic Hungarians in Slovakia to apply for Hungarian citizenship by assuring them that the Hungarian state will not share the list of naturalized non-resident citizens with foreign authorities, implying that Slovak citizens can keep their Hungarian naturalization in secret. To make things even more problematic, the new Hungarian Constitution (effective of January 1, 2012) states that Hungary bears responsibility for the fate of Hungarians in the Carpathian Basin.

An attack on sovereignty?

The nature of the Slovak-Hungarian debate resembles to the disputes over dual citizens in the 19th century, when dual citizens were considered a major threat to state sovereignty and also the cause of interstate armed conflicts. One may ask whether the awkward dispute could not be resolved by the application of international norms of citizenship legislation. Unfortunately, there is no reason to assume so.

According to various international treaties, sovereign states should have the right to formulate their citizenship legislation. Even within the European Union, every member state may determine the requirements for naturalization. Although ethnic selectivity is not allowed, EU member states may offer preferential treatment for individuals with cultural affinity. Among others, any state may have special naturalization requirements for residents of former colonies, descendants of former citizens and individuals who speak the national language. As for the Hungarian non-resident citizenship act, citizenship is offered upon individual request to Hungarian speaking, non-resident descendants of former Hungarian citizens, or of ancestors with origins in Hungary. Though the wording makes sure that no ethnic selectivity is involved, there is little doubt that in effect only ethnic Hungarians will have access to non-resident citizenship. Nevertheless, the Hungarian legislation is fully in-line with the international formal norms of citizenship policies. Interestingly, Hungarian government politicians defending the inclusion of non-resident Hungarians often claim that the new legislation not only meets the international expectations, but also fits well into the most progressive and transnational trends in citizenship policy, which is the growing toleration of dual citizenship.

Slovakia, on the other hand, also refers to the principle of state sovereignty in relation to citizenship policies. As Hungary has the right to determine whom to offer membership, Slovakia is also free to ban dual citizenship. Despite the proliferation of multiple citizenship, no international treaties require that states allow dual citizenship for those who voluntarily take up citizenship in another country. If neither statelessness, nor the loss of EU citizenship is involved, EU member states may deprive their citizens of their membership if they decide to naturalize in another country.

Intensifying nationalism

As for the practical consequences, the case of O.Boldoghy shows that the Slovak-Hungarian citizenship disputes serve the nationalists on both sides. The introduction of non-resident citizenship for ethnic Hungarians fit well into the nationalizing rhetoric (borrowing a lot from the vocabulary of irredentist politics) of the Hungarian right-wing government, while the Slovak ban on dual citizenship effectively mobilizes the Slovak public along the xenophobic and anti-Hungarian sentiments. Dual citizenship politics in this context should be interpreted as the continuation of the old nationalist politics

by other means.

If and how O.Boldoghy's case will be resolved is absolutely unclear. At this point, neither government can easily retreat and reverse their citizenship policies without losing their nationalist face. Such a retreat would most probably risk the loss of the support and sympathy of nationalist voters in both countries, which would provide an opportunity for radical right-wing parties.

Though it is not likely that more serious interstate clashes will follow the diplomatic conflict, one may wonder what happens if large numbers of Hungarians inhabiting the transborder region in Slovakia will naturalize in Hungary, and will consequently be deprived of the Slovak citizenship. According to international treaties, they will have the right to turn to Hungary requesting diplomatic protection if they think their rights are being violated by Slovakia. How would Hungary react? What would Hungary's responsibility towards its non-resident citizenry entail? Would such a conflict strengthen radical nationalists in Hungary, who in the past suggested that Hungary should reclaim the territories belonging to the pre-1920 Greater Hungary by creating a buffer zone of Hungarian citizens in the transborder region? One can only hope that such questions will not become actual political dilemmas.

Notes :

[1] Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

[2] http://index.hu/kulfold/2011/11/19/elveszitetten_szlovak_allampolgarsagat_a_magyar_miatt/

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