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From Status Law to Citizenship: The Redefinition of the Hungarian Nation Concept

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"Since Trianon a couple of times Hungarians in Transylvania dreamed of a society for themselves. They dreamed of a minority community in which they can freely use their language and can cultivate their culture. This idea of a parallel minority society was not about a need by Transylvanian Hungarians to convulsively and irrationally insist on some kind of barbarian visceral identity or to preserve the essence of the nation because of a transcendental commitment (the Hungarian political camps tend to choose between the two interpretations) but about something entirely different. What they /dream about/ is that within one nation each citizen should have the same chance to succeed regardless of whether he belongs to the majority or not. What is at stake in a minority society is that no one should be forced to change himself, to use additional resources to acquire new cultural capabilities in order to succeed in the same way as the members of the majority. Equality between the minority and majority is what is at stake in a minority society."[1]

Introduction

In recent years, scholarly research increasingly came to focus on kin state policy which engaged in nation building across the borders and sought to reconstruct the nation following the collapse of communism. I intend to contribute to this research by using Hungary as a case study for transnational nation building. Hungary has implemented a new kin state policy since 2010 which is based on nation building across the borders and the institutionalization of relations to the ethnic kin through dual citizenship and voting rights. The government had for the first time since 1990 the opportunity to redefine the nation along ethno-cultural lines as it received a two-third parliamentary majority in 2010, 2014, and 2018. An analysis of Hungarian kin state policy contributes to understanding how Eastern European countries grappled with the redefinition of the nation following the collapse of communism.

There is consensus among scholars that the change of regime in Central and Eastern European countries usually involved the redefinition and reinstitutionalization of the nation to include in

[1] István Szilárd 2015. április 4. szombat, Az erdélyi magyar közösséget saját intézményei aknázzák alá http://kettosmerce.blog.hu/2015/04/04/az_erdelyi_magyar_kozosseget_sajat_intezmenyei_aknazzak_ala

the ethnic kin living outside the country. "Analysing the issue of the nation in the ECE states, we can observe that there are two periods when politics deal with the issue of the nation. In the first period, shortly after the breakdown of authoritarian/totalitarian regimes, debates concerning the constitution and laws on citizenship are accompanied by definitions of the nation. In Culic's words: '[…] new states were set as states of and for a nation, and thus state building was conceived as vigorous nation building. Constitutions and citizenship policies—which have a constitutive worth as acts whereby the body politic of the state is set and which are expressive of the nature of the state, followed the national principle. All related legislation was shaped according to remedial and assertive nationalism'. [2]

A revival of ethnic identity took place as states rediscovered their ethnic roots and new states were founded that engaged in nation building. In the countries where Hungarian minorities live nationalism survived and was, even promoted under communism and erupted with great force with the advent of democracy. Rogers Brubaker speaks of "nationalizing" states and the reframing of nationalism in the 1990s. (Brubaker 1996) (Brubaker 2006) Democratic transition and independence were widely seen as a nation-building project. In Eastern Europe, where many nations were formed as empires fell apart and national groups often became national minorities in the new states. The national groups were part of an ethnocultural nation and continued to cling to their ethnic identity. The nation building efforts of the majority represented a challenge to the minority and resulted in the strengthening of ethnocultural bonds. Minorities also engaged in nation-building and formulated not only cultural but political goals which entailed building their own institutional network to reproduce their ethnic identies. In addition, they sought transform the majority state in a way as to ensure their political representation. (Kántor 2004, 157-158)

Many of the post-communist countries sought to reconstruct narratives about the nation by strengthening their ethnic identity through the inclusion of their ethnic kin abroad in the nation. (Brubaker 1996) (Brubaker 2006)

As Halász, Majtényi, and Vizi note: 'It is an established practice in Europe that the various national legal systems offer preferences to their co-nationals living outside the borders as compared to other foreigners. Following political transition in Central and Eastern Europe, the

[2] Culic, 'State Building' In Kántor 2006:170.

regulation of support for these ethnic groups has become a characteristic feature of constitutional legislation'. [3] As Beissinger notes: '[T]he goal of nationalism is the definition or redefinition of the physical, human, or cultural boundaries of the polity'.[4]

I argue that in post-communist Central and Eastern Europe, nationalism serves as one of the fundamental organizing principles of nation states that proved to be the most important nation-building force. "One possible approach to national conflicts in Eastern Europe is to stress the parallel, often conflicting processes of nation building. Once the ideal of the nation becomes important, there does not seem to be any sign that it will lose its significance. Nationalism may be transformed, but it remains an important organisational principle in our world. Nationalist politics is oriented partially on the strengthening of boundaries of the titular/majority nation, and by more or less hostile politics against national
minorities." (Kántor, 2006 147)

For Ivan Krastev "ethnic nationalism and religion remain major driving forces in global politics. Europe's postmodernism, postnationalism, and secularism make it different from the rest of the world, not a harbinger of what necessarily awaits it. What is also visible in the context of the refugee crisis is that nation loyalties once considered dead and buried, are back-with vengeance-in contemporary Europe." (Krastev, 2017 8-9).

The common history of Central and Eastern Europe explains the countries´ relationship to each other and to Western Europe. As Krastev puts it: "History matters in Central and Eastern Europe, and very often the region`s historical experience contradicts some of the promises of globalization. More so than any other place in Europe, central Europeans are aware of the advantages but also the darker sides of so-called multiculturalism. Eastern European states and nations emerged late in the nineteenth century, and they did so almost simultaneously. While in western Europe it was the legacy of the colonial empires that shaped encounters with the non-European world, Central European states were born of disintegration of Europe`s continental empires-Germany, Austro-Hungary, Russia-and the processes of ethnic cleansing

[3] Iván Halász, Balázs Majtényi, and Balázs Vizi, 'A New Regime of Minority Protection? Preferential Treatment of Kin Minorities under National and International Law', **Chapter 12 A New Regime of Minority Protection? Preferential ... src-h.slav.hokudai.ac.jp/coe21/publish/no4_ses/chapter12.pdf**

[4] Beissinger, 'How Nationalisms Spread'cited in Kántor 2004: 38.

that followed. The nineteenth-century ethnic mosaic of Western Europe was generally harmonious, like a Caspar David Friedrich landscape, whereas that of Central Europe resembled more an expressionist canvas by Oskar Kokoschka." (Krastnev, 2017, 48).

Most home countries where Hungarian minorities live are new nation states that are undergoing nation-building processes where the nation-building of the minority poses a great challenge. In the parliamentary democracies that the home states are, the majority prevails which means that it reproduces the dominant majority culture and is not obliged to prevent the assimilation of the minority. [5]

Hungary´s case is unique in Eastern Europe because it is a largely ethnically homogeneous country which has a high number of ethnic kin across the borders. Kin state policy takes a special place in Hungarian politics because Hungary lost two-thirds of its territory because of the Treaty of Trianon of 1920 and over 3 million ethnic Hungarians found themselves the citizens of neighboring states often along the Hungarian border. The loss of its territory presented a great trauma for Hungary and the situation of the ethnic kin in neighboring countries has since been a source of great concern for all Hungarian governments prior to and after communism.

"The new states in which the Hungarians found themselves made no effort whatever to gain their acceptance and consent; rather, if anything, the minorities were treated as a potentially or actually subversive element, something that was definitely accentuated by the revisionist policy of theHungarian state. That applied equally to supposedly democratic Czechoslovakia as to Romania and Yugoslavia. If anything, various measures with an anti-Hungarian edge, like an ethnically uneven land reform, ensured that the Hungarians would at best accept their fate with inertia and passivity." Ethnic Hungarians identified with the Hungarian state and experienced their detachment from it as a loss of their political identity. "The the ethnic Hungarian population had a consciousness of its political identity and recognised the Hungarian state as the embodiment of its aspirations. Hence the Hungarian minorities were not merely detached from the Hungarian state but from their Hungarian political identity." (Schöpflin, 2006 215-216)

Since Trianon Hungarian minorities were subjected to great pressures of assimilation which reached new heights under communism when they could no longer turn to the kin state to help them. Under the communist era they were left without the support of the kin state and even their

[5] Kymlicka, Will: *Multicultural Citizenship*. Oxford: Clarendon Press. 1995.

existence was hardly acknowledged officially. The communist government of János Kádár was the only government in the region which did not pursue a nationalist policy and avoided public discussions about the issue of the nation. Generations of Hungarians grew up who were not aware that Hungarians lived in neighboring countries. Those who dared to raise the questions of nation and Hungarian minorities in neighboring countries were branded as "nationalists." This legacy still influences the views of the public and of the political camps. The "anti-national" and "national" discourses continued to shape the kin state policies of the various Hungarian governments because they ran parallel and created cohesion in the respective political camps. (Bárdi, 2004, 2013) In Hungary, the differing visions over shaping the relationship to the ethnic kin made the redefinition of the nation difficult. The controversy over the concept of nation and the role of the ethnic kin in it delayed the adoption of a new constitution as well as the institutionalization of relations through dual citizenship by ten years compared to most of Hungary's neighbors.

After 1990, the Hungarian state begun to develop a strategy to promote the rights of Hungarians abroad and supported their wish for collective rights and a form of autonomy in the region where they lived. It took up the representation of the interests of the ethnic kin toward the home states and in the international arena. Despite the support of the kin state, since the 1990s little progress had been made toward guaranteeing the minority rights needed for the reproduction of Hungarian ethnic identity such as the use of the mother tongue and a form of autonomy to manage their own affairs. Ethnic Hungarians were deeply dissatisfied with their situation and their number continued to decline.

In the late 1980s, there was consensus among Hungarian political parties and organizations that the kin state should support the institutions and culture of ethnic Hungarians and that autonomy is needed to ensure the long-term survival of the communities. Following the 1990 national elections, the consensus broke as different interpretations of the concept of nation reemerged in the political camps and a competition over the legitimate interpretation of the nation began. In Hungary, "questions of national identity and boundaries between 'us' and 'them' loom large in political life and, to a considerable extent, continue to structure party competition." (Wimmer, 2013:9) The definition of the nation relates to the sensitive topic of how the Hungarian political elite sees itself and envisions its future. Political parties regard the redefinition of the nation as vital to their self-definition and to the institutionalization of the Hungarian state on a national basis. (Bárdi, 2004, 2013)

With the reemergence of nationalism and the appearance of new states on the ruins of the Soviet Union and Yugoslavia the "minority rights discourse" gained terrain in the EU. The EU elite came to realize that "minority rights are ultimately not an issue not of state stability but of democracy and of embedding ethnic identities within broader overarching civic-political identities." (Smith, 2014, 23) Autonomy came to be seen as a legal way of preventing and managing conflicts in post-communist countries. Autonomy arrangements have been repeatedly used to assure stability in ethnically divided societies. Indeed, there is a valid argument that autonomy enhances the security of the home states and of the region since a minority which feels that its existence is guaranteed through an autonomy arrangement is unlikely to resort to radical steps to ensure its rights. Balázs Vizi points out that "in today`s Europe numerous political and international legal approaches exist, which regard minority autonomy as a solution rather than a problem." (Vizi, 2014, 12)

International and EU representatives recognized that the use of the mother tongue has crucial importance for the survival of ethnic minorities. The guarantee of the right to be educated in the mother tongue and use it in public helps ensure the cultural reproduction and survival of the community.[6] The use of the mother tongue is construed by experts as a fundamental human right, but they do not agee whether it should be considered as an individual or collective right. International treaties formulate ambiguously about collective and individual rights and allow room for a lot of interpretations.

Under the new Hungarian state policy, the concept nation moved to the center of "nemzetpolitika" national policy and sought to mobilize political support around the unified nation concept. (Egedy 2015, 79-94) The concept of nation also took a center place among the other Eastern European nations which embarked on the path to democracy. *"In fact, the 'national' idea (i.e., the idea that social and political organization should center on nation building and national sovereignty) became the most powerful common characteristic of postcommunist transitions, overshadowing alternative social and individual organizing principles, such as liberal democracy, universalism, nonnational forms of regionalism, and pan-Europeanism."* (Csergő and Goldgeier, 2004:270*)*

[6] Kapitány Balázs: *Ethnic Hungarians in the Neighboring Countries* in:
Monostori, J. - Őri, P. - Spéder, Zs. (eds.): *Demographic Portrait of Hungary 2015.* HDRI, Budapest, 2015. 225–239

The attempt to unify the nation across the borders, has been described as an expression of "transsovereign nationalism" (Csergő and Goldgeier 2004) or "transnational nationalism" (Pogonyi 2014) (Egedy 2013) According to Csergő and Goldmeier transsovereign nationalism "applies to nations that reach beyond current state boundaries but forgo the idea of border changes, primarily because it is too costly to pursue border changes in contemporary Europe. […] Thus, transsovereign nationalism shares the traditional emphasis that political organization should occur along national lines; but instead of forming a nation-state either through territorial changes or the repatriation of co-nationals within its political borders, the national center creates institutions that maintain and reproduce the nation across existing state borders." (Csergő and Goldgeier, 2004:281)

The Hungarian government adopted a trans-national strategy because the options of building a classical nation state or the repatriation of ethnic Hungarians were judged as unrealistic. The idea of border revision was not an option in the current international order, the "velvet divorce" of Czechoslovakia and the Baltic States' regaining independence were exceptions. A new policy emerged that focused on the rights of the ethnic kin and sought to institutionalize ties to them through citizenship rather than seeking to change the borders. (Waterbury 2009) The expansion of the nation beyond the country's borders fits into the Hungarian government's national identity construction and sense of ethnic affiliation as well as its vision of European integration and a future borderless Europe.[7] Hungarian kin state policy embraced transnational nation-building under the motto that not the borders, but the quality of the borders must be changed.[8] (Csergő 2007) (Csergő and Goldgeier 2013) Pogonyi describes the Orbán government's strategy toward the ethnic kin as "national reunification beyond the borders in the rhetoric framework of a borderless Europe in which individuals may cultivate transnational ties and minority rights (including cultural and territorial autonomy) /and/ are safeguarded by international treaties." (Pogonyi, 2015, 91)

[7] A Nemzeti Ügyek Politikája http://static.fidesz.hu/download/481/nemzeti_ugyek_politikaja_8481.pdf

[8] *Csergő, Zsuzsa*. 2007. Talk of the Nation. Language and Conflict in Romania and Slovakia. Ithaca & London: Cornell University Press, *2007*

Zsuzsa Csergő and James M. Goldgeier: *The European Union, the post-communist world, and the shaping of national agendas* Paper prepared for the European Union Studies Association 9th Biennial Conference, March 31-April 2, 2005, Austin, Texas. *Csergő, Zsuzsa* and James M. Goldgeier. 2004. *Nationalist strategies and European integration*. Perspectives on Politics 2 (1) (March): 21–37. Zsuzsa Csergő, March 8 , 2000 https://www.wilsoncenter.org/publication/201-hungarys-trans-sovereign-project-ten-years-after

The reunification with the ethnic kin was to take place across the borders in a borderless Europe in which the rights of the ethnic kin are protected by international treaties and by European Union institutions. (Pogonyi, 2015) Pogonyi points out: "Transborder nationalism accompanying diaspora politics, however, does not mark a return to the classical ideas of nationalism, according to which political and national borders should be congruent. Although its rhetoric is indeed often reminiscent of the irredentist slogans of the interwar period, the centre-Right Orbán government does not have revisionist inclinations. Hungary's external support made Hungarian parties in Transylvania and Slovakia more demanding in terms of minority claims-making, but the external backing of the Hungarian government has not resulted in ethnic violence or conflict. Despite its sometimes sabre-rattling transborder nationalist rhetoric, the Hungarian government has never abandoned pragmatism in inter-state relations." (Pogonyi 2017, 112)

As Myra A. Waterbury sums it up: "Since the fall of communism, we have in fact witnessed a new paradigm in which contemporary state policies concerning populations across the border in Eastern Europe are increasingly framed by the language of rights and citizenship, and the institutionalization of trans border cultural, political, and economic networks rather than active policies to change borders or reclaim populations."[9] (Waterbury 2009) Kin-state politics in Central and Eastern Europe are also influenced by internal and external considerations of nation states. A Pogonyi points out "In some cases, kin-citizenship has been offered as an external minority protection instrument. In other cases, geopolitical considerations were the primary reasons for reaching out to ethnic kinpopulations. Homelands often institutionalize and formalize diaspora and transborder relations in the hope of economic benefits and political support from the external populations. In other cases, the main rationale of engagement is internal party competition and the expectation that engaging with the diaspora will pay off at the elections. For this purpose, most governments in Central and Eastern Europe offered voting rights as part of extraterritorial citizenship." (Pogonyi 2017, 30) Pogonyi points out that engagement for ethnic Hungarians abroad does not bring the kin state economic gains. "The flow of resources in this scheme isunidirectional. While the Hungarian government allocates financial support for the maintenance of Hungarian language and culture abroad, it expects no direct economic return from the institutionalization of diaspora and transborder networks. The

[9] Myra A. Waterbury From Irredentism to Diaspora Politics: States and Transborder Ethnic Groups in Eastern Europe, Global Migration and Transnational Politics Working Paper no.6, p.1, July 2009.

institutionalization of the diaspora is not intended to help Hungary in its geostrategic interests either." (Pogonyi 2017, 112) Since geopolitical and economic considerations hardly play a role in Hungarian kin state policy, it is the internal dimension, the creation of social cohesion in Hungarian society, that plays a leading role.

The goal of the Orbán government is to unite the Hungarian cultural nation across state borders thereby expanding the Hungarian political community to encompass all ethnic Hungarians, Hungarians in the kin state, in the Carpathian basin, and the diaspora scattered all-over the world. The new policy was to facilitate social cohesion in the kin state and to help strengthen the identity of ethnic Hungarians abroad. [10]

Under the new initiative in nation-building the Hungarian state begun to represent the interests not only of those Hungarian citizens who live in the country but also took up the representation of ethnic Hungarians outside the country. A major change was that Hungarian domestic legislation applied to citizens of other countries. [11]

The new Hungarian policy defined the "single Hungarian nation" as the fundamental framework for the community which encompasses all ethnic Hungarians, those in the kin state, the Carpathian basin, and the diaspora scattered all-over the world. The borders of the Hungarian nation were designated as the sphere of influence of Hungarian educational, cultural, and church institutions which played a key role in organizing Hungarian life in ethnic Hungarian communities. Financial support to ethnic Hungarian communities abroad was greatly increased and new forums were set up for regular consultations between the kin state and the ethnic kin. The major goal of the kin state policy was defined as helping ethnic Hungarians preserve their ethnic identity and stay in their homeland. (Nemzetpolitikai Eredmények 2010-2018 :52)

The Fidesz government reformulates kin state policy in a way that differentiates it not only from the left-liberal approach but also from the previous policy of the conservative camp formulated under the government of József Antall. While Antall regarded ethnic Hungarians abroad as part of the Hungarian nation his main concern was building the rule of law following the change of regime. The Orbán government placed the concept of the Hungarian nation in

[10] A Nemzeti Ügyek Politikája http://static.fidesz.hu/download/481/nemzeti_ugyek_politikaja_8481.pdf

[11] Egedy Gergely: Nation-Building and Kin-Minorities: the Strategies of Hungarian Conservatism in: Karl Cordell & Konrad Jajecznik ed. The Transformation of Nationalism in Central and Eastern Europe Ideas and Structures, University of Warsaw, Warsaw, (2015) 79-94

the forefront of its policy and sought to use national identity to mobilize groups of society to promote national goals. This was a difficult undertaking since a large part of Hungarian society has an ambivalent attitude toward the ethnic kin and Hungarian identity.[12]

The responsibility of the Hungarian state for the fate of Hungarians abroad was enshrined in the new constitution, the Fundamental Law of 2011, which entered into force in 2012. The Law declared that there is one Hungarian nation which includes Hungarians abroad and that the Hungarian state is responsible for their well being.[13]

While earlier Hungarian attempts to institutionalize relations to the ethnic kin such as the Status Law (2001), evoked official protests from neighboring countries and from EU institutions the reactions to dual citizenship nine years later were, except for Slovakia, muted. (Kymlicka–Opalski 2001) By 2010, dual citizenship became the norm in most East-European countries as many kin states used dual citizenship with non-resident voting rights as a tool for nation-building across the borders. (Pogonyi 2017:3) Dual citizenship also became the norm in Western European countries, in fact "The number of naturalized third country nationals who were offered citizenship by an EU-15 country without habitual residence in some cases exceeds the number of third country nationals who got kin-citizenship in postcommunist countries." (Pogonyi 2017, 66)

I argue that since the democratization the nation concept that the various Hungarian governments used played a key role in shaping kin state policy. Left-liberal governments proceeded from the political concept of the nation that encompassed only the Hungarian citizens living on the territory of Hungary regardless of ethnic or national origin. Under this concept, the Hungarian state has a responsibility to support the ethnic Hungarians in maintaining their identity, but they belonged to the political nation of their home countries which have the main responsibility for their well-being including granting them autonomy. [14] The "national" oriented

[12] Gergely Egedy. Conservatism and Nation Models in Hungary Hungarian Review (Hungarian Review), issue: 03 / 2013, pages: 6675, on www.ceeol.com.Constantin Iordachi: From Disentanglement to Interdependence: State Citizenship in Romania and Hungary, 1945-2012. In: Blomqvist, Anders E. B. / Iordachi, Constantin / Trencsényi, Balázs (eds) Hungary and Romania Beyond National Narratives Comparisons and Entanglements pp.712-771. Oxford, Bern, Berlin, Bruxelles, Frankfurt am Main, New York, Wien, 2013. 847 pp., 3 fig., 2 tables Nationalisms across the Globe. Vol. 10 Edited by Tomasz Kamusella and Krzysztof Jaskułowski

[13] http://www.kormany.hu/download/a/68/11000/The_Fundamental_Law_of_Hungary_01072016.pdf

[14] Zoltán Kántor: Nemzet és legitimitás – a statustörvény és a kettos állampolgárság kapcsán In Nóra Kovács, Anna Osvát, László Szarka eds. Etnikai Identitás, Politikai Lojalitás, Nemzeti és állampolgári kötodések (Balassi Kiadó: Budapest, 2005, 223-234.)

conservative side wanted collective rights for minorities which encompasses cultural autonomy and sought to unite Hungarians across the borders through integration in the EU. Conservative governments regarded ethnic Hungarians abroad as part of the Hungarian nation and as a crucial part of their governing strategy. They were as a rule more supportive of autonomy aspirations and more likely to raise issues concerning ethnic Hungarians both on the bilateral and the international level.[15]

The controversy over who belongs to the nation has been repeatedly used to further political interests and to create cohesion in the respective political camps. The Hungarian population was exposed to rival national discourses, one for the inclusion of co-ethnics into the national community from the conservative side, the other for excluding them. (Kiss, 2018). One example is the discussion over the Status Law in 2001 under the first government led by Alliance of Young Democrats Hungarian Civic Alliance (Fidesz) (1998-2002) which allowed the issuance of Hungarian identity cards and granted preferential treatment to ethnic Hungarians in neighboring countries. (See below) The other prominent example is the failed referendum over the question of dual citizenship three years later. The conservative opposition camp campaigned in favor of the Status Law and the dual citizenship while the left-liberal camp opposed them. The left liberal political camp argued that ethnic Hungarians and other foreigners would take away jobs and social benefits from the Hungarian population. It was able to influence public opinion and the referendum was not valid because of low turnout. This reflected the ambivalent attitude of the Hungarian population toward the ethnic kin and illustrated that it is difficult to rally support for the cause of Hungarian minorities. The failure of the referendum and the political campaigns surrounding it deepened the division between the political camps and highlighted the controversy over who belongs to the Hungarian nation. The ethnic kin abroad were very disappointed over the results of the referendum and interpreted it as a sign of lack of solidarity on the part Hungarians living in the kin state. Following the referendum, the concept of a unified nation that includes ethnic Hungarians abroad and the need to help the ethnic kin gained a new urgency in the conservative camp. The dual citizenship also served to compensate for the feeling of guilt for the 2004 referendum on dual citizenship which failed because of the the proportion of votes fell short of the required.

[15] Csaba Lorincz, 'Nemzeti érdekek érvényesítése Magyarország csatlakozása során az euró-atlanti államok közösségéhez' in Zoltán Kántor, ed., A státustörvény: dokumentumok, tanulmányok, publicisztika (Budapest, 2002), pp. 185-206.

In the parliament, however, most opposition parties voted for the Status Law and for the dual citizenship. They followed the government's course because they had no alternative program to offer to the ethnic kin and were wary that a rejection would be used by Fidesz to label them anti-national. At the same time, the political discourses of the left-liberal opposition repeatedly questioned the idea of the unified ethno-cultural nation and focused on the differences between Hungarians in Hungary and in neighboring countries.

When examining Hungarian kin state policy, it is crucial to look at the situation of the ethnic kin in neighboring countries. The number of Hungarians has declined steeply since 1990 and they are deeply disappointed over how little had been achieved since the democratization to guarantee basic minority rights. At the advent of parliamentary democracy 28 years ago Hungarians placed hopes in democracy and the EU to provide guarantees for the survival of ethnic Hungarian communities. Ethnic Hungarians set up their own organisations to represent their interests, political parties, cultural and civic organizations, independent media forums and church institutions. (Kántor, 2000) They also formulated their demands visa-vis their home states and the kin state. Since the democratization, minority rights in education and language use expanded and minorities could take part in political life. Fundamental laws on minority rights and guarantees for collective rights are, however, still missing in home countries with large Hungarian communities. At the center of discussions when examining the relations to the home state and the kin state is the question of survival as an ethnic community in a state which represents the interest of the majority and seeks to assimilate the minority.

All ethnic Hungarians in neighboring countries see autonomy, self-government through their own institutions, as the way of survival for their communities. This aspiration enjoys the support of the kin state but is rejected by most home states. Ethnic Hungarian minorities feel that neither national nor international legislation guarantee them the rights to ensure their survival as ethnic communities. The influence of EU institutions, its requirements on minority rights as a condition for EU membership, were not enough to stem assimilation.

The lack of international consensus over what a minority is and Western examples of minority regimes applicable to kin minorities made it difficult to secure legal guarantees for ethnic minority rights. For autochthonous ethnic minorities who became minorities in their homelands as the borders moved around them, the growing migration to Western Europe from third world countries poses new challenges because EU minority policy increasingly focuses on the human

and individual rights of migrants and their integration.[16] (Leggewie, 2013) The concepts of nation and ethnic identity have in recent years become a focus of discussions not only in Eastern but also in Western Europe where the perception of ethnic identity has undergone major changes as a result of migration from outside Europe. In Western Europe nation-building and dual citizenship has as a rule been treated from the perspective of the political and not of the ethno-cultural nation. Migrants were granted citizenship to promote their integration into Western society after the principle that those who live on the territory of the state should have full rights as citizens.

Most ethnic Hungarians in neighboring countries welcomed dual citizenship because they felt part of the ethno-cultural Hungarian nation and their Hungarian identity could gain recognition following loss of the Hungarian citizenship of their ancestors through the 1920 Trianon Peace Treaty. By the spring of 2018 over 1 million Hungarians who live outside Hungary received Hungarian citizenship.[17]

The dual citizenship of ethnic Hungarians gave new impetus to the examination of the role of dual citizenship in Eastern Europe, an area of research which has largely been neglected especially in the West. The motivations of ethnic Hungarians for adopting Hungarian citizenship became the subject of numerous studies. Surveys found that for most ethnic Hungarians Hungarian citizenship was in the first place a marker of ethnic identity even in non-EU countries where Hungarian passports served as a gateway to the Western labor market. (Pogonyi 2017) Scholars found that ethnic Hungarians regarded dual citizenship as an expression of a sense of responsibility of the kin state toward the ethnic kin and an attempt to compensate for past injustices and for the ethnic kin`s disadvantaged position in the home states.

Research Questions and Methods

[16] http://www.karpataljalap.net/?q=2018/09/19/magyar-ep-kepviselok-az-oshonos-nemzeti-kisebbsegek-vedelmet-kerik-szamon-junckertol

[17] https://www.origo.hu/itthon/20180908-bovult-a-magyar-allampolgarok-szama.html

At the heart of this thesis is the development of Hungarian kin state policy which led to the institutionalization of relations to the ethnic kin through dual citizenship and non-resident voting rights. This amounted to a redefinition of the nation to include ethnic Hungarians who live outside Hungary and possess the citizenship of another state.

I argue that starting from 2010 transnational nation building and the ethnocultural nation concept decisively shaped the views about the Hungarian nation and changed the perceptions of Hungarians of themselves. In Hungary, increasingly not only those came to be regarded as members of the Hungarian nation who lived on the territory of Hungary but also ethnic Hungarians abroad. (Bárdi 2018)

The introduction of dual citizenship and non-resident voting rights received much media attention and highlighted the situation of ethnic Hungarian minorities. The problems of ethnic Hungarians were given publicity and aspects of their nation-building presented as a tool for the survival of their community in the face of the nation-building project of the majority which sought to assimilate it. (Brubaker, 1996) (Kántor 2014) (Bárdi 2018)

Central to my analysis are the nation concepts used in Eastern and Western Europe at a time when the role of traditional nation states is changing, and transnational forms of nation building are on the rise. One can detect two diverging attempts to redefine the nation in Europe, one along ethno-cultural lines in Eastern Europe and the concept of nation in Western Europe which envisages a postnational era where nation states and nationalism no longer play a decisive role.

This thesis seeks to answer the following questions:

1. What developments led to the institutionalization of relations to the ethnic kin? What role did the nation concept used by various governments play in kin state policy?

2. How does the new kin state policy influence the views of Hungarian political parties and public about the ethnic kin abroad?

3. How do dual citizenship and non-resident voting rights influence the ethnic identity and political activity of ethnic Hungarians in the homelands? Does it influence their strategies of survival as they balance between integration into the majority society and engaging in nation building through parallel institutions?

4. What factors influence the success of the reconstruction of the Hungarian nation to include Hungarians who live outside the borders?

I examine Hungarian kin state policy in the "quadratic nexus" of the kin state, the ethnic kin, the home states, and the European Union and international organizations. (Smith, David J. 2002).[18]

On the domestic level, since the democratic transformation the kin state sought to monitor the condition of its ethnic kin and felt obliged to help it reach its basic aspirations, collective rights and a form of autonomy in the region where it lives. At the same time, the place of Hungarian minorities in the concept of nation has caused controversy between the political camps and has been used to damage political rivals. Political parties used the issue of ethnic minorities alternately to present themselves as the protector of the interests of the nation or as a threat to the Hungarian population's standard of living. Since 2010, the Hungarian government shaped its kin state policy along the ethno-cultural concept of the nation and institutionalized relations to the ethnic kin.

The situation of ethnic Hungarians in their homelands is crucial to understanding why dual citizenship was offered to them and why many of them welcomed it. Ethnic Hungarians are greatly disappointed that the democratization failed to bring legal guarantees for basic minority rights and a form of self-government to secure the reproduction of their communities. Hungarian citizenship is widely seen as a proof of ethnic Hungarian ethnic identity and as a compensation for the pressures of assimilation that ethnic Hungarians have been experiencing. I examine the situation of ethnic Hungarians in their homelands with attention to their linguistic rights and chances of attaining a form of self-government or autonomy.

A key question is how dual citizenship and voting rights influence the ethnic identity and political activity of ethnic Hungarians in their homelands. The interests of the ethnic kin to build self-standing parallel societies may clash not only with the nation-builing efforts of the home state but also those of the kin state. Another vital question is whether the new kin state

[18] László Marácz, for example, speaks of "the nationalizing state, other language groups, the external linguistic homeland or kin state of these groups and the supranational forums." László Marácz, Transnationalizing Ethno-linguistic Hungarian Minorities in the Carpathian Region: Going Beyond Brubaker et al. (2006)1 *Transylvanian Society – Volume 13, Special Issue 3 • Focus on Transylvania)*

policy fulfills the goal of protecting the rights of ethnic Hungarians and keeping them in their homelands.

One cannot understand the interactions in the "quadratic nexus" without examining the historical background of the region. I look at the quadratic nexus in the framework of historical institutionalism which examines how past events influence current policy and point to signs of continuity and change over time. This approach can be used to examine the Hungarian debate over the concept of nation which has historical roots that reach back to the early twentieth century. (Huntington 1996) (Skocpol 1997) (Csizmadia, 2017)

The relationship of the ethnic kin and of the home states to the kin state and are still overshadowed by the memory of Trianon. Ethnic Hungarians welcomed dual citizenship because they regarded it as the kin state's attempt to compensate for their disadvantaged position in the home states. The home states often interpret the efforts of the kin-state to help the minority in its nation-building as a threat to their sovereignty. The fear of irredentism plays a key role when the home states refuse to give guarantees for minority rights or reject the idea of autonomy. "As far as the home states were concerned, on the other hand, Budapest could never be accepted as telling the truth. It was as if Hungary by definition had to be irredentist, because they themselves were living in a thought-world in which ethnic community and territory had to be co-terminous. The possibility that Hungary had moved on from this position and had come to accept that frontier revision was inconceivable, if not actually harmful, was excluded in these states. Besides, the occasional waving of the Hungarian threat was always useful in mobilising domestic support and gaining the ear of credulous Western chanceries. Simultaneously, this approach further meant that no demand
by a Hungarian minority could be legitimate, because such demands were necessarily part of a concealed irredentist strategy. Hence the civic identities of ethnic Hungarians in Slovakia, Romania, and Serbia could be defined according to the discourses of the local ethnic majorities, meaning that Hungarians could never enjoy the same rights as the ethnic majority,
though they had to bear the same obligations (e.g. as Serbian citizens, ethnic Hungarians had to fight in the Serbian armed forces)." (Schöpflin, 2006 215-216)

Relations between the home states and the kin state impact the situation of the ethnic kin. The issue of minority rights repeatedly strained Hungary's relations to the home states more so

under conservative governments who tended to raise the issue of minority more often than left-liberal governments. Tensions occured when Hungary raised the issue of minority rights in reaction to measures in the home states or enacted legislation that affected ethnic Hungarians across the borders. The home states contended that their treatment of Hungarian minorities is exemplary and regarded measures by the kin state to improve the situation of the ethnic kin as unnecessary interference in their internal affairs. The home states repeated used the "Hungarian card" in election campaigns to attract the support of majority voters. The dispute in 2010 between Hungary and Slovakia over dual citizenship created tensions in bilateral relations as well as between ethnic Hungarians and the majority. In recent years, cooperation among East Central European countries in the Visegrad Group (V4) which includes the Czech Republic, Hungary, Poland and Slovakia has increased as the countries discovered common foreign policy objectives, for instance regarding migration, and sought to closer economic cooperation.[19]

The influence of international actors such as the European Union, the Council of Europe, the OSCE was considerable following the collapse of communism when they set conditions for post-communist countries for joining Western organizations. Since then, except for the Ukraine and Serbia, the home countries became EU members and the EU and international organizations can only exert normative pressure and are not able to enforce laws on minority rights. Although Hungary has since the democratization attempted to influence EU law and international legislation to promote the protection of its ethnic kin it made little headway since the rights autochtonous minorities were hardly on the international agenda. There is still no generally accepted definition of minorities which would serve as a basis for working out a framework for minority rights.

I use the concept of nationalism defined by Rogers Brubaker as a social process under which both the majority and the minority seek to organize and institutionalize society along ethnic lines to analyse the relationship of the kin state, kin minority and the home state ("triadic nexus"). Under this approach, it is acknowledged that the three actors are engaged in nationalism in order to create and maintain the cultural identity of the nation or the national minority. (Brubaker, 1996) Nations, majority and minority, pursue their own nationalizing projects to preserve their identity and culture. (Kántor 2014)

[19] http://www.visegradgroup.eu/.

The framework of nationalism helps explain the kin-state policy of Hungary and Eastern European nations. It regards nationalism as a major driving force in Eastern Europe that influences the behavior of the home state, kin state and national minority. The efforts of the kin state to support its ethnic kin and to establish a legal or political relationship to them by granting them citizenship reflects nationalism. The nationalism of the home states clashes with the nationalism or nation building of the kin state and the minority. The "nationalizing" nationalism of the home states (Brubaker 1996) aims at de-nationalizing the minority and resists efforts by the minorities to reproduce their ethnic identity.

I use the dichotomy of the ethnic and civic or political nation which is widely employed in Western and Hungarian scholarly works to explain Hungarian kin state policy and to illustrate the differences of approach in the two parts of Europe. The ethnic conception of the nation regards the ethnic kin abroad as part of the cultural nation. The civic approach includes all those in the conception of the nation who live on the territory of the state regardless of ethnicity. Consequently, the ethnic kin are part of the political nation of their home states whose major responsibility it is to take care of them. For ethnic Hungarians the ethnic concept of the nation is essential since the survival of their communities depends on their ability to maintain their ethnic identity. The political elite of the minority grapples with the question of how to balance the strategies of integration and accommodation to ensure the survival of ethnic communities. Debates over the issue which often led to splits of ethnic parties revolved around integration into the political nation by participating in the majority government and the strategy of accommodation which allows for parallel minority institutions and nation building.

Research Sources

I examine a wide variety of data sources, census, opinion surveys, election results. An analysis of party documents and government programs as well as parliamentary and political debates throws light on the political processes behind Hungarian kin-state policy. I use numerous publications, programs, manifestos and statements of various Hungarian governments to evaluate kin state policy. The backbone of my research are the numerous books and studies published in the home states which examine the situation of the national minority. Publications on the concept of nation and nationalism published in Hungary and Western Europe are a vital source of information as they examine the topic across disciplines as varied as anthropology,

political science and sociology. Transnational nation-building and dual citizenship, the core of the Hungarian government's kin state policy, has been the focus of a great number of Hungarian and international studies. Nation-building and dual citizenship has as a rule been treated from the Western perspective of the political and not of the ethno-cultural nation. I believe that Hungarian kin-state policy and its reception on the international level can only be grasped through the concept of nation that is used to interpret it. The Western European views of the nation and ethnicity are reflected in the views of EU institutions and influence the type of minority regime the EU endorses. These views are also contained in the relevant documents on minority rights by international organizations which at the same time reveal that the EU uses different minority rights standards toward aspiring and member states.

Articles in the Hungarian language media in Hungary and in neighboring countries offer important sources of information situation of the ethnic kin and the programs of ethnic Hungarian parties. (I relied on the daily press surveys of the Hungarian media in neighboring countries compiled by State Secretariat for Hungarian Communities Abroad and the Civitias Europica Centralis foundation.) I analyzed statements on minority policy by the home state governments. I conducted interviews with political and academic elites in Hungary and in neighboring countries to learn what they expect from the new kin-state policy. I used the numerous surveys conducted by research institutes in Hungary and abroad to show the views of the Hungarian population and of ethnic Hungarians in neighboring countries on dual citizenship and ethnic identity.

Overview of the thesis

The first part of the thesis deals with the definition of minorities, and the stance of minority rights in the international arena and the EU. There is no universally accepted definition of minorities which gives states a lot of leeway in adopting their own definitions of what constitutes a minority and which groups they recognize. I define Hungarian minorities as national minorities who were forced into a minority situation because the borders moved around them. Since the separation from the kin state ethnic Hungarians continued to speak the same language and share similar traditions and maintained a strong sense of national identity.

International treaties and soft laws on minority rights serve as references and it is up to the nation states to define whom they consider as minorities and what rights they grant them. Increasingly the focus has been on the internationalization of minority protection. While all countries which joined the European Union had to accept norms on minority protection, after accession, the EU is not able to formulate "demands" on minority rights or to enforce respect for minority rights.

The second part examines the situation of Hungarian minorities in their homelands, their common aspirations, strategies for survival and the role of autonomy in the preservation of ethnic identity. There is consensus among ethnic Hungarians that they are part of the Hungarian cultural nation because they never left out of their own will. For ethnic Hungarians, Trianon is not only a loss of territory but a threat to their existence as Hungarians. The major issues of contention that all Hungarian minority communities share are language rights and the right to self-government in the areas where they live. The latter is deemed by the minority and the kin state as crucial for the cultural reproduction of minorities and is rejected by most home states because the memories of Trianon of are still present and fears of irredentism alive.

The strategies for minorities to adopt in relation to the majority can be divided into the integrative and the consociational or accommodational models. The first seeks to integrate minorities into society through participation in the majority government. The integrative approach aims to reduce ethnic cleavages and increase interaction between the majority and minority. The emphasis is on loyalty to the common political community which produces a common civic identity which transcends ethnic cleavages. The second consociational model seeks to institutionalize the ethnic cleavages and limit the interactions to the political elite. Here it is acknowledged that the minority needs protection against the homogenizing efforts of the majority and can build up its own parallel society where it enjoys some sort of self-government.

The ethnic Hungarian parties are major representatives of minority interests who play a key role in ensuring the survival of ethnic minority communities. Minority strategies of revolve around the the two models of survival, that of integration and accommodation. Minority elites face a balancing act to avoid marginalization while at the same time maintaining the ethnic boundaries. Ethnic Hungarian parties who participated in the government had to give up the project of achieving autonomy and demands for more minority rights. This created a great deal of dissatisfaction among ethnic Hungarian voters which only increased when parties no longer participated in the government and were unable to engage in deals to financially support their

ethnic communities. Against this background ethnic Hungarian organizations began to orient themselves toward Hungary even before the election of the second Fidesz government of 2010. The dissatisfaction with the established parties gave leeway to the kin state to establish and support new parties committed to a more radical course toward the ethnic majority. The greatly increased financial subsidies and the financing of the institutional framework for the processing of dual citizenship led to a growth in the influence of the kin state in ethnic Hungarian communities.

The third part looks at the language rights and autonomy aspirations of ethnic Hungarians which play in the preservation of ethnic identity. The mother tongue is the most important feature of ethnic identity and its usage is essential for the cultural reproduction of ethnic minorities. For the preservation of the mother tongue it is vital that it is spoken not only in private but also in the public arena. Under EU law, language rights fall under national jurisdiction which means that their observance and implementation depend on the will of the nation states where minorities live. In most of the states where ethnic Hungarians live the language rights of minorities are construed as individual and not as collective rights and are treated as privileges that can be taken away. Most home states interpret international and European agreements on linguistic rights in a way that stresses their limits and exemptions and seek to use them to restrict even existing language rights. Thresholds that the share of the ethnic Hungarian population in administrative-territorial units must reach restrict the use of the mother tongue in official communication. The thresholds for using the mother tongue, 20% or 15% in Slovakia, 10% in Ukraine, 33 to 20% in Romania, 15% in Serbia, 33% or one-third of its population in Croatia, do not encompass Hungarians who live in areas where their ratio falls below the threshold and who struggle the most to retain their ethnic identity. Even in countries where the level of protection of linguistic rights is high only a minority of ethnic Hungarians take advantage of their language rights because of the obstacles they face when they seek to use their mother tongue in communicating with public authorities. A major problem is the shortage of staff who speak the minority language and the discrepancy between the laws and their implementation public.

In the view of Hungarian minorities, self-government is the only way of ensuring the survival of their communities because it allows them to manage areas of competence which are essential for maintaining their ethnic identity, such as education, language rights and culture.

After the fall of communism, ethnic Hungarian parties and organizations defined self-government as their political goal and worked out numerous autonomy concepts. There are existing autonomy arrangements which serve as examples for Hungarian minorities to follow such as functioning autonomies in Belgium, Spain and Italy. In these states, the language and cultural rights of minorities are guaranteed through a legal system that incorporates the structures of autonomy.

On the European and international level, there is no consensus on the definition of minorities that could be used in determining which minorities should be afforded autonomy. Yet European and international forums in the last decades came to regard autonomy as part of the solution to resolving ethnic conflicts. Autonomy arrangements have been repeatedly used to assure stability in ethnically divided societies. In post-communist countries autonomy became a legal way of preventing and managing conflicts.

Most of the home countries where Hungarian minorities live reject all forms of autonomy. The hope of minorities that decentralization promoted by European integration would result in the territorial devolution of power and allow for a solution of their problems on the regional level, failed to materialize. In Slovakia, Hungarians are not even able to govern themselves in regions where they form a majority because the electoral districts were cut up in a way as to prevent Hungarian self-government. A similar trend has emerged in Romania and the expectations of ethnic Hungarians are that the new regional districts that will be drawn up as part of the administrative reforms will not allow for a Hungarian majority.

In East-Central Europe the concept of autonomy presents itself as a political question that is closely linked to the nation-building processes of the minority and majority. In a region where the borders have changed many times in the twentieth century there is a deeply rooted fear in many countries that autonomy, especially territorial, would be the first step toward secession. This legacy is very much alive in the home states where sizable Hungarian communities live. Suspicion toward the intentions of Hungarians plays a major role when the home states reject the minorities' demands for more extensive minority rights for example through territorial autonomy in Transylvania.

Ethnic Hungarians feel that on the way towards achieving autonomy the creation of strong civil societies is the key for the survival of the Hungarian communities. The example of Székelyland demonstrates that civil engagement which promotes national symbols can enhance the cohesion of the Hungarian community.The large resurgence of local identity in Transylvania expressed

in the presence of Székely symbols such as the Székely light blue-yellow flags strengthened regional identity and mobilized the population for the cause of autonomy.

It has been a subject of heated debates among Hungarian experts how dual citizenship influences the chances of the minority for autonomy in their homelands. One view regards the influence of dual citizenship on the chances for autonomy in Székelyland "ambivalent" and stresses that Hungarian citizenship strengthens the identity of Hungarian minority communities and helps them keep the issue of autonomy on the agenda.

There is consensus that the Hungarian minority in Romania as well as in the other countries where sizable ethnic Hungarian communities live Hungarians have always been regarded as security factors, fifth columns. Majority nation- and later state-building evolved as a rule against Hungarian nation-building and Hungarians provided the enemy picture for majority nation building. In Romania, the acceptance of Hungarian citizenship grew in recent years since the Romanian state follows a policy of dual citizenship is similar to that of Hungary. Romanians never used the issue of Hungarian citizenship as an argument against autonomy. Other scholars fear that dual citizenship could strengthen the majority's resistance to autonomy. They fear that dual citizenship weakens the ability of the minority to integrate in the political community of the state and achieve autonomous status.

The fourth part is devoted to the concepts of nation and nationalism. There is no agreement among scholars about the meaning of nationalism. Under the ethnocultural concept of the nation, the legitimacy of the nation is derived from cultural or ethnic traditions. Under the civic concept, the emphasis is on loyalty to the common political community which produces a common civic identity which transcends ethnic cleavages. Under the "essentialist" branch of the study of nationalism ethnic belonging is an objective category and inalienable and unchangeable part of human nature. At the other end of the spectrum, the "modernist" view of national identity regards nations as constructs of capitalism and the modern nation state. Nationalism is a modern political doctrine which aims to connect nation, territory and state. Another view is that nationalism means simply that the legitimacy of the executive power comes from the will of the national community and serves the national interest. The postmodern constructivist strand of research, which dominates the discourse about nations, no longer regards nations and ethnicity as clearly defined real existing entities but rather as "constructed" or "fluid.

Most scholars operate with the ethno-cultural and civic concept of the nation when examining nationalism. In contrast to the organic character of the ethno-cultural nation, the civic or political nation is conceived as a nation which is imagined and constructed from above. Under the cultural nation concept, the identity of the national community is substantiated reality based on a common ancestry or culture which forms the basis for the functioning of the nation as a political community. One is born into the nation and does not become member through requirements of participation in political life. Under the civic concept of the nation, those are the members of the nation who live on the territory of the state regardless of ethnic origin. Each person can become a citizen if he accepts the norms of the state. It is the citizenship which determines a person's nationality and entitles the members of the state to social and political participation. Studies indicate the distinction between the Western "political" nation and the Eastern "ethnic" nation is exaggerated since ethnic identity plays a key role in the citizenship policies of Western nations.

In Eastern Europe the ethnocultural concept of the nation played a key role in the reconstruction of the nation while in Western Europe the civic concept of the nation gained the upper hand against the background of the tasks of the integration of migrants from outside Europe. For Hungarians who lived their lives as part of the minority ethnic identity played a key role if they were to survive and reproduce their culture. They are reminded of their ethnic identity in their quotidian struggles with the majority as they seek to exercise their basic rights such as speaking their mother tongue.

The development of nation concepts in Hungary historically included both the ethnic and civic concepts and the two conflicting concepts continue to shape scholarly discourses even today. Changes of regime brought with them new interpretations of the identity of the nation which made it difficult to reach consensus over the nation concept and the interpretation of historical events. Hungarian history is characterized by conflicting interpretations of the concept of national identity. There is no consensus among the political camps how the question of who the members of the community are should be answered and how historical events should be interpreted. The notions of nation, identity, and the past have different which makes make the creation of common traditions very difficult. The issue of Trianon and the ways it can be dealt

with highlights the very different interpretations of history, especially 20th century history, of Hungary's political camps.

The concept of ethnic identity and ethnicity is just of controversial as that of the national identity. There is some consensus among scholars of sociology and anthropology that ethnic identity involves a process of knowing who we are, and who the others are and plays a key role in how people relate to each other. Ethnic identity is usually regarded as something cultural related to a common language and traditions. Educational institutions decide the ethnic identity of children when they teach them early on the national language, national symbols, and national history. Many scholars agree that boundaries play a key role in maintaining the ethnic identity of groups.

The legacy of communism still influences Hungarian society and its relationship to the ethnic kin. The government of János Kádár was the only one in the region which did not pursue a nationalist policy and shunned public discussions about the issue of the nation and ethnic Hungarians in neighboring countries. The Kádár government eschewed all forms of nationalism and brandmarked national attitudes as backward. The government subordinated Hungarian policy toward the home states the goal of internationalism. This "anti-national" attitude was embraced by the left-liberal political elite and still shapes their views on their relationship to the nation. The "anti-national" attitude condemned symbolic politics and national rhetoric. It placed the emphasis on individual rights and opined that the right of association was enough for minorities to articulate their interests.

The "anti-national" and national attitudes still divide Hungarian scholars and political camps. The controversy centers around whether ethnic Hungarians should be considered part of a unified Hungarian nation or whether their interests were better served if they were considered as separate parts of the cultural nation who have historically more common with their homelands as with Hungary. The nation concepts discussed encompassed ethnic Hungarians as part of mosaic communities rooted in the Hungarian cultural nation as well as the members of a unified Hungarian transborder nation that is spread out throughout the world.

The nation concepts espoused by the political camps put their stamp on their policy toward ethnic Hungarians abroad. According to the conservative view, nation-building includes all the regions where Hungarians live regardless of borders. The Hungarian nation is divided by two borders which are to be bridged, the internal border between the political camps and the external

state borders. The latter can be superseded spiritually. This view holds that ethnic Hungarians as part of the unified nation and advocates the institutionalization of relations between them and the kin state. At the other end of the spectrum, the argument is made that ethnic Hungarians who found themselves in neighboring countries after the Trianon Treaty of 1920 developed in a way which tends to divide them from the kin state. Except for 1940-44 there were no common historical experiences involving Hungary and the Hungarian minorities. Accordingly, there is no unified Hungarian nation with Budapest at the center. This view envisions a trans-ethnic identity for Hungarian minorities based on the political concept of the nation where minorities are integrated into majority society through loyalty to an overarching political framework, such as the constitution.

The fifth part is devoted to the kin state policies of various governments since the first democratic elections. Prior to and following the 1990 elections, the wish of joining the West and taking over Western solutions to problems, including those in the field of minority rights, was common to both the left-liberal and the conservative camps. Later, however, especially as Orbán took over the leadership of the conservative camp and following the 1998 elections the goal was not only to follow Western patterns but to shape Western policy in a way deemed favorable to Hungary and the Hungarian minorities. By 2010, it became clear that Orbán rejected Western policies which he interpreted as damaging to Hungary's sovereignty and sought to shape policy also on the international parket. This came to the fore during the migrant crisis of 2015 when he rejected the Western policy of distributing migrants among EU countries.

While the first democratically elected prime minister called himself "in spirit" the prime minister of the Hungarian nation including the ethnic kin in neighboring countries, his follower considered himself only the prime minister of Hungary that is of the people who live on the territory of Hungary. In 1998 the government changed, and the unified Hungarian nation became the basis of kin state policy. The first step was taken to institutionalize relations to the ethnic kin with the status law which granted ethnic Hungarians an identity card and benefits in Hungary. The failed referendum of 2004 over dual citizenship deepened the cleavages between the political camps and caused great disappointment among ethnic Hungarians. From 2002 to 2010, the Hungarian government again saw itself primarily as the representative of those who live in Hungary.

In the sixth part of the thesis, a chapter is devoted to the history of dual citizenship from its rejection to its widespread acceptance. Transnational citizenship or dual citizenship was

promoted by the process of disintegration of the traditional nation state based on the trinity of nation, state and territory. Transnational nation building came into being following the wave of democratization in Eastern European countries in the 1990s and received a boost through European integration and globalization. Most home states granted their ethnic kin across the borders dual citizenship and voting rights in order to strengthen their ethnic identity. The reactions to the introduction of Hungarian dual citizenship were muted. Only Slovakia reacted to Hungarian dual citizenship by passing legislation which stripped dual citizens of their Slovak citizenship.

In most Western European countries dual citizenship also became the norm, but it was granted primarily to migrants to promote their integration into Western society and had the effect of weakening the ethnic identity. Here ethnic identity was shaped by the non-ethnic stance derived from the political or civic concept of the nation as a group of people living together on a territory regardless of nationality. Ethnic Hungarians do not fit into the political concept of the nation which identifies people living on the territory of a state with the citizenship and nationality of that state. Espousing the political concept of the nation means in the case of ethnic Hungarians in neighboring countries that they are not allowed to decide based on their cultural heritage whether they are Hungarians others decide for them what they are based on their citizenship.

In the seventh part of the thesis, I discuss the framework of the new national policy which was introduced in 2010 when Fidesz received a two-third parliamentary majority. The new policy placed the concept of nation in the center and enshrined in the new constitution the ethno-cultural nation concept. Strongly increased financial aid and various economic programs were implemented to help Hungarian minorities preserve their ethnic identity in their home countries. The government started economic programs which target the regions where ethnic Hungarians live. The financial aid to ethnic Hungarian communities often exceeded the sum ethnic Hungarians received from their home states.

The most important Hungarian-Hungarian forum the Magyar Állandó Értekezlet the Hungarian Standing Conference (MÁÉRT) was reconvened in 2010 after a six-year break under Prime Minister Gyurcsány. The Conference meets annually and serves as a forum of discussion for Hungarian and ethnic Hungarian politicians.

In the eighth part of the thesis, I discuss how the introduction of dual citizenship and voting rights without residence brought a strategic change in the relationship of the kin minorities and the kin state. Ethnic Hungarian parties sought to adjust or readjust their strategy to consider that

their voters are also voters of the transborder political nation. While some members of the ethnic Hungarian political elite criticized dual citizenship because of the influence it gave to the kin state over ethnic Hungarian communities, most ethnic Hungarians welcomed it and the ethnic Hungarian parties helped in implementing its provisions.

In the next subchapter, I discuss the role of ethnic Hungarians as voters in Hungary. In March 2018 there were one million ten thousand new ethnic Hungarians citizens. In the two national elections that dual citizens could participate in 2014 and 2018, they voted overwhelmingly for Fidesz. A major motive was gratitude for receiving the citizenship. Under the electoral system, ethnic Hungarian non-resident voters can only cast their votes for the national list, and they are likely to win one or two mandates depending on the number of registered voters.

Ethnic Hungarians became potential constituents for Hungarian parties and part of internal Hungarian politics. Most Hungarian opposition parties sought to cater to the needs of ethnic Hungarians to gain their votes. The issue of voting rights for ethnic Hungarians was used by the oppositional party Demokratikus Koalició led by former Prime Minister Gyurcsány to campaign against the government. This resonated with the followers of the party and even beyond since voting rights for the ethnic kin are still rejected by most of the population. At the same time, an increasing number of Hungarians see ethnic Hungarians in neighboring countries as part of the Hungarian nation and most of them approve granting them dual citizenship.

In the ninth concluding part, I discuss whether the major goals of kin state policy have been achieved and chances of success of the redefinition of the nation. The success of reconstructing the nation and expanding it behind the borders, however, depends not only on the institutional network but also on the support of the political camps and the Hungarian public. Consensus over the Hungarian government's policy toward Hungarians abroad is necessary to make it a success and ensure that the institutional structure put in place will outlive possible changes of government. The international reception of the new kin state policy and the reactions of the home states to it also play a role in whether its goals are achieved.

1. DEFINITION OF MINORITIES AND MINORITY RIGHTS

There is no universally accepted definition of what constitutes a minority. The minority groups living on the territories of various countries are so different that no common definition or policy

can be formulated regarding them. Since there is no universal definition of minorities, states have a lot of leeway in adopting their own definitions of what constitutes a minority and which groups they recognize. (Porter, 2003)

One distinction which is often made between minorities is between those who have lived on a territory for a long period of time and can be referred to as the "old" or "autochthonous" minorities and the "new" minorities who decided out of their free will to leave their own society and migrated into a new one. In my view, Hungarian minorities belong to the "autochtonous" minorities who stayed in their homelands and became minorities as the borders moved around them. Some scholars reject the use of the terms "old" and "new" minorities arguing that the time requirement for a minority to live on a specific territory is arbitrary and goes against universalistic principles. (Packer,1999; Sasse 2005) In my analysis, I distinguish between "national minorities", and "ethnic minorities" or migrants. I use the definition of Kymlicka for minorities, according to which national minorities are "distinct and potentially self-governing societies incorporated into a larger state", and ethnic minorities are "immigrants who have left their national community to enter another society." [20] "In contrast with migrant diasporas, transborder kin-minorities created by shifting international borders have received relatively little attention in transnationalism scholarship. But despite their different historical background, transborder kinminorities are not at all different in terms of transnational engagement from the classic migrant diasporas that emerge in border regions. It could even be argued that transboder kin-communities are the paradigmatic examples of transnational engagement. From a normative liberal point of view, national minorities created by shifting international borders have stronger moral claims for the maintenance of their national culture and ties with their homelands than expatriate diasporas. Transborder kin minorities never moved; their minority status should not be seen as a result of their deliberate action, and thus they have more compelling claims than immigrant minorities to maintain and reproduce their minority culture and language." (Pogonyi 2017:81)

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[20] *Will Kymlicka, Multicultural Citizenship: A Liberal Theory of Minority Rights (1995) 19.* Porter, Kirsten --- "The Realisation of National Minority Rights" [2003] MqLawJl 4; (2003) 3 Maquarie Law Journal 51 http://www.austlii.edu.au/au/journals/MqLawJl/2003/4.html

The EU and international organizations are little help in formulating what constitutes a national minority and how minority rights are to be interpreted. On the international level, the only point of consensus is that everyone has the right to regard himself a member of a given minority but should not be forced to see himself as such if he does not want to. A binding definition of minorities is, however, necessary for the implementation of an effective legal framework that protects minority rights.

Under the current circumstances, states have unlimited discretion over minority rights and no international instrument is available that can be used to enforce minority rights also against the will of the nation states. Nation states reject external interference on behalf of minority rights because it touches upon their sovereignty. According to Agarin and Cordell, guarantees for minority rights are "undermined by the EU's preference for devolving to nation states decisions on who was to be designated as a minority, factually allowing the exclusion of potentially problematic groups from the remit of minority protection." (Agarin and Cordell, 2016:74)

The definition of minority became a matter of categorization and was often driven by political interests. The state's definition of who belongs to the minority is crucial for a minority's cultural development since state recognition is required for access to resources. The official census that determines the number of minorities who live in a country also directly effects the rights and resources that minorities receive. (Dembinska 2014)

Will Kymlicka explains that: "There is no universally accepted definition of a national minority because of the diverse situations in which such minorities exist. However, from the multifarious definitions posited by TNIs, academics and minorities themselves, it is possible to discern objective and subjective criteria which may characterize a national minority. The objective criterion is the empirical presence of a distinct societal culture in the form of a common language, religion and ethnicity. The subjective criterion requires that the national minority think of themselves as collectively possessing a separate identity that they wish to preserve."[21]

"Members of the national minority still consider themselves as belonging to the former ethnocultural nation, emphasising the common culture and language. They used to perceive themselves as one nation, and still conceive of themselves in such a way. However, they also

[21] Will Kymlicka quoted in Marlies Galenkamp, 'The Rationale of Minority Rights: Wishes Rather than Needs?' in Juha Räikkä (ed), Do We Need Minority Rights? Conceptual Issues (1996) 42, 52.

perceive themselves as a national minority. These two complementary but nevertheless competing images characterize national minorities. National minorities are institutionalised on the same ethnocultural basis as the nation in the external homeland, but the framework and resources are different. The particular principle of nationality is identical, and therefore there is no reason to seek other explanations of why a national minority is engaged in a nationalising process. The nationalising minority's politics is oriented toward strengthening and maintaining ethnocultural boundaries. This is done by the creation of institutions for achieving the above-mentioned aims. It involves the creation of a parallel social and political system and striving for a legal setting in which nationalising can continue in more favorable conditions. Institutions have an exclusive, ethnocultural character. Similar to the nationalising state, the nationalising minority faces competing goals, which are channeled by its institutions and its public sphere." (Kántor 2006:159)

According to Brubaker a minority is *"not simply a 'group' that is given by the facts of ethnic demography. It is a dynamic political stance, or, more precisely, a family of related yet mutually competing stances, not a static ethno demographic condition. Three elements are characteristic of this political stance, or family of stances: (1) the public claim to membership of an ethno cultural nation different from the numerically or politically dominant ethno cultural nation; (2) the demand for state recognition of this distinct ethno cultural nationality; and (3) the assertion, on the basis of this ethno cultural nationality, of certain collective cultural or political rights."* (Brubaker, 1996: 60)

Under Resolution 1985 (2014) "The situation and rights of national minorities in Europe" adopted by the Council of Europe (CoE) Parliamentary Assembly confirms and takes over the definition of national minorities adopted in Recommendation 1201 (1993) whose essence is that ''national minority" refers to a group of persons in a state who (…) maintain longstanding, firm and lasting ties with that state."[22]

The definition of minority introduced by Francesco Capotorti, former UN Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities is the most widely accepted. It defines minorities as: *"non-dominant groups, not always numerically inferior to majorities, whose members possess ethnic, religious, or linguistic characteristics*

[22] http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20772

that differ from the rest of the population and show, if only implicitly, a sense of solidarity directed towards preserving their culture, traditions, religion or language"[23]

1.1 NATIONAL MINORITIES

I define the Hungarian minorities in neighboring countries as national minorities. They belong to an ethno cultural nation which is different from the majority nation and are in a numerical minority, they want to be recognized by the state as a distinct ethno cultural nationality and claim collective cultural or political rights on this basis. Hungarian minorities inhabit a historical homeland and have a kin state. Their relationship to the state where they live is longstanding. (Bárdi, 2013) Schöpflin points to the importance of Hungarian identity to ethnic Hungarians in neighboring countries. "The starting assumption is that these minorities have definitely not abandoned their political and cultural aspirations to be Hungarian and this in a relationship with Hungary, which is the primary—though not the monopoly—site of Hungarian identity construction. The contrast with the German-speakers of, say, Switzerland is evident. Minority Hungarians may well construct their identities in part against or in collaboration with their home states, but their wish to remain Hungarian is incontrovertible. The result is that there will always be a relationship between Budapest and the minorities. The relationship may be uneven, it may elicit complaints from the minority that Budapest treats them badly (there is precedent for this), but the Hungarian-Hungarian relationship will be marked by a cultural intimacy that is not true of relations with the home state ethnic majority. Ethnic Hungarians in neighboring countries participated in Hungarian nation building and not in the nation building of their home states." (Schöpflin, 2006:220)

Key to the definition of Hungarian minorities is that their situation is asymmetric in relation to the majority in terms of power. This is also the case when they participate in majority governments. Nation and nationalism, the ethnocultural identity plays a key role as national minorities strive for an institutional system of self-government within the home state. They engage in nation-building and strive to set up their own parallel societies with their own institutional networks which make a high level of social and political organization possible. (Székely, 2014:22) The concept of parallel minority society that the Hungarian minorities use today was developed between the two world wars.

[23] 1. Minority RightsGroupInternational: WorldDirectory of Minorities.London: MRG, 1997.XV.

“The essence of this concept is that the minority should create the institutions that enable it to conduct its affairs in Hungarian surroundings. These together signify the creation of a Hungarian parallel society, the institutionalisation of the Hungarian ‘sphere’ in Romania. The final goal is to create a parallel society…The nationalizing process of the national minority has characterized Hungarian social and political life in Romania since 1918. In addition to striving for different forms of autonomy and self-government, the political elite, with the help of the intelligentsia, has been engaged in the establishment of separate Hungarian institutions. The idea behind this practice is that without such institutions, Hungarian culture cannot be preserved and promoted. The nationalising process of the national minority has been influenced both by the ‘nationalising state’ and by the ‘external national homeland’.” (Kántor 2006, 151) “Minority nation building can also be described as the creation of a parallel society on an ethnic basis. The RMDSZ, /Hungarian ethnic party in Romania/ as a mixture of an ethnic party and an organisation, uses its two faces to achieve these goals. This is an attribute only of ethnic parties and not of other types of political party.” (Kántor 2006, 162)

“The idea of a pillar consisting of a dense institutional network has been central to Transylvanian Hungarian political thinking since the interwar period. In the political rhetoric and self-representation of the Hungarian elites, the idea of the pillar (and institutionalized ethnic parallelism) emerged under the notion of the “Minority Society” (*Kisebbségi Társadalom*). Transylvanian Hungarian political thinkers envisaged this Minority Society as an ethnically integrated institutional structure that would enable the members of the community to live their lives inside a “Hungarian world” (without having to consider that they live physically within the borders of Romania). This institutional structure, or parallel Hungarian world, is also of central importance for the ethno-cultural reproduction of the Hungarian community.” (T. Kiss et al., 2018, 19)

The building of a parallel Hungarian society with the goal of self-government has failed to materialize. “After 1989, a Hungarian system of institutions was gradually created and by the mid-1990s two things had became clear: a) there are no partners in the political elites of the majority nations for the implementation of national autonomies envisioned in a consocial model; and b) the system of minority institutions cannot be sustained from the resources of the Hungarian minority alone.” (Bárdi 2004, 66)

Zoltán Kántor introduced the concept of "nationalizing minorities" to describe Hungarian minorities in neighboring countries. "Nationalizing minorities" differ from minorities which are not engaged in building their own societies. He points out that: *(1) A nationalizing minority is sufficiently numerous to have a real possibility of achieving a number of its goals; (2) nationalizing minorities express political goals, not only cultural goals. Their goal is not only the preservation of national/cultural identity, but also its promotion and institutionalization. The creation of institutions that resemble those of a state is essential, as is the establishment of a minority 'life-world'; and (3) nationalizing minorities attempt to transform the political structure of the state and struggle for political representation at the state level."* (Kántor, 2006:157-158)

In recent decades, the concept diaspora which originally referred to the migration of a group of people from their ancestral homeland to another country has been considerably broadened to include national minorities who have a kin state. Some authors began to regard Hungarian minorities as the diasporas of Hungary. (Sik, 2000; Waterbury, 2010; Salat, 2011) (Székely 2014:30)

The idea of diaspora is at odds, however, with goal of ethnic Hungarians to promote and institutionalize their distinct political community. In contrast to diaspora communities, ethnic Hungarians did not migrate from an ancestral homeland to another country. They stayed in their home countries as the borders moved around them. Ethnic Hungarians reject for these reasons applying the concept diaspora to them. The concept diaspora has been used by Levente Salat as a negative scenario that could occur as a result of the institutionalization of ties through dual citizenship and non-resident voting rights. Salat fears that the institutionalization of ties would make ethnic Hungarians too dependent on the kin state and prevent them from standing up for their rights in the home state. (Salat, 2011)

In her analysis of the relationship of ethnic Hungarians and the kin state Myra Waterbury refers to ethnic Hungarians as "transborder ethnic groups – or ethnic diasporas who reside in and possess the citizenship of states in which they may not be regarded as full members of the majority nation. At the same time, they maintain important cultural, economic, social, and even membership ties to an external state and nation." (Waterbury 2010:2) She argues that the main consideration of the kin state when engaging itself for the ethnic kin abroad is "not ties of ethnicity but elite political competition." (Waterbury 2010:3) In her view, "the diaspora policies of the kin states serve a specific political and strategic purpose." Namely to take advantage of

the resources offered by the ethnic kin elite. The first resource is economic which seeks to take advantage of ethnic kin as a source of labor and to slow the demographic decline. The second resource is related to the ethnic kin's culture and language which the kin state uses for "state building, national identity construction, and cultural reproduction." The "ethnic diasporas can serve prominently in the construction of national myths, which are used to legitimize nationalist political agendas." The third resource offered by the ethnic kin is political as the kin state aims to increase its legitimacy in the eyes of the population by acting as a protector of minority rights and hopes for additional votes from ethnic Hungarians in national elections and referenda. (Waterbury 2010:6-9)

István Székely suggests that both the concept of national minority and of diaspora be used to describe the relations of the ethnic and the kin state. The concept of national minority would serve to analyze the situation of the ethnic kin in the home state while the diaspora concept could be used to examine the ethnic kin's relation to the kin state. The two concepts would deal with the internal and external aspects of minority existence. (Székely 2014, 32-35)

The historian Nándor Bárdi defines ethnic Hungarians as "Hungarian minority communities" since they share not only a common language but a common identity but also participated in the Hungarian nation building process until 1918. (Bárdi 2013, 531). He divides up Hungarian minorities in East-Central and Eastern Europe into three groups. The first group consists of national minorities who feel that they belong to a national community and regard this as the most important element of their national identity. This group includes the Hungarians of Romania, Slovakia, Ukraine and Serbia. The second group Bárdi designates as ethnic minorities who were separated from their kin state a long time ago but share a common origin and language. Hungarians in Croatia and Slovenia fall into this category as well as a number of Gypsies who live in Hungary. The third group is made of regional minorities who only speak the language of the majority but are aware that Hungary is their country of origin. Their identity is tied to the locality where they live. These are Hungarians living in Austria Burgenland and most of the minorities in Hungary. The latest 2001 census showed that of the 278,000-people living in Burgenland 6,641 used Hungarian as an everyday language. (Kapitány, 2015, 237) The fourth category is made up of emigrants many of them migrant workers, the Hungarian Diasporas in Austria, Germany and Great Britain. (Bárdi 2013, 531)

1.2 Minority Rights in the International and the EU Arena

1.3 Collective and Individual Rights

Collective rights play a key role in the ability of minorities to preserve their ethnic identity. Collective rights are essential for using the mother tongue and for forming a self-government which enables minorities to decide about their own affairs.

Following World War II, West European legislation concentrated on promoting individual rights which came at the expense of collective rights. Ethnic-cultural identities which needed collective rights to survive were viewed as outdated in liberal democracies where the state was to guarantee fairness and equality to everyone. This was the dominant view even though regional opposition and ethnic minority issues were also present in Western Europe, for instance in Northern Ireland and Cyprus. There are also sub-state regions such as the Basque region and Catalonia in Spain which seek greater autonomy or even independence. (Agarin and Cordell, 2016:34)

According to Balázs Vizi, "the doctrinal approach adopted after 1945 has basically not changed since. The international minority protection documents use the individualistic language of human rights, and emphasize individual rights versus group rights etc. At the same time, a large part of the states held on to the goal of homogenization, and with and without reason, also clung to their security concerns toward minorities. " (Vizi 2019, 3-4) The opinion of Gáspár Biró from 1995 concerning the issue of minority rights that "the primacy of politics is very visible" is still valid. (Bíró, 1995,7, cited in Vizi 2019,4,)

The legacy of Trianon and decrees enacted during the communist era still weigh heavily on the relations between minority and majority. "Before, during, and after the Second
World War, collective solutions were fairly widespread. The Hungarians of Slovakia were explicitly subjected to very serious harassment on the basis of an official declaration of collective guilt (Košice programme and subsequent Beneš decrees). The after-effects of these collective punishments live on, even while collective rights continue to be denied" (Schöpflin 2006 218) Under the Beneš Decrees, named after post-war Czechoslovak president Edvard Beneš, 2,6 million ethnic Germans and some 40,000 Hungarians were deported to Germany, Austria and Hungary. They lost their Czechoslovak citizenship and their property was confiscated. The Decrees are based on the notion of collective guilt and are still valid in Slovakia. While collective rights to the Hungarian minorities are still being denied, collective

guilt still serves as a source of discrimination against ethnic Hungarians in Slovak society. (Schöpflin 2006: 218) In 2007, the Slovak parliament confirmed the Beneš Decrees, and EU Parliament regarded them as not incompatable with Slovakia´s accession to the EU. "Any question of incompatibility of the Benes Decrees with modern day EU law and principles should not prevent accession as any incompatible legal provisions will be rendered inapplicable on the basis of the supremacy of EU law once the Czech Republic has acceded to the EU."[24]

"Ethnic Hungarians regard as a major grievance that neither the EU nor the European public objected to the reaffirmation of the Benes decrees by Slovakia although this is based on the principle of the collective guilt of the Hungarian minority during the World War II. Hungarians regard this as a double standard since collective guilt is as a rule condemned by the international community." (Schöpflin 2016:10) Zsolt Németh, the head of the Hungarian Parliament's Foreign Relations Committee, urged the Slovak and the Hungarian presidents to restore the rights of ethnic Hungarians who were deported from Slovakia. As he put it: "The things which were taken away from Hungarians from Slovakia should be restored: their property, citizenship, their minority, community rights and their basic human rights." Németh stressed that the principle of collective guilt should be abolished and removed from the legal system, a step that Serbia had taken which shows that a solution can be found.[25]

Vizi identified three frame works in which minority rights are treated in international and EU documents which run parallel to each other and are open to various interpretations. The first frame work interprets minority rights from the perspective of human rights. The problem is that the norms of international minority rights protection cannot fully rely on the human rights regime. There are many questions relating to minority rights that cannot be resolved based on universal human rights and individual rights. This is especially true for national minorities who are autochtonous minorities and live in their homelands. The second frame work in which minority rights are dealt with falls in the category of "security discourse" and looks at demands for minority rights from the perspective of stability. The "security discourse" dominates the discourse about minorities. Its roots reach back to the system established following the two world wars. The institution of the OSCE High Commissioner on National Minorities was created with the goal of conflict prevention. The third framework in which minority rights are

[24] Legal Opinion on the Benes-Decrees and the accession of the Czech Republic to the European Union. (74) http://www.europarl.europa.eu/RegData/etudes/etudes/join/2002/323934/DG-4-AFET_ET%282002%29323934_EN.pdf

[25] MTI, 12 April 2019

interpreted is the discourse of cultural values. This emphasizes that the language, culture and traditions of minorities have a special value for Europe and obliges states to preserve them. The protection of cultural diversity is incorporated in EU legislation and policy. The meaning of cultural diversity is, however, difficult to define. As Vizi puts it: "It has not been decided how it relates to existing minority protection principles, in the first place to nation states, and to differences between migrant and historical minorities. (Vizi, 2019, 8)

"The three intertwined but different discourses about minority rights makes the creation of a coherent normative minority legal doctrine difficult." Many states sign international documents which aim at minority protection but fail to implement them in the praxis. Nation states often interpret the documents by nation states differently and there is also no consensus among international organizations on how and whether the states comply with the documents' provisions. Vizi points to the Ukraine to illustrate how easily minority protection measures can be dismanteled in a changing domestic political environment. International minority protection institutions can do little to exert pressure on countries that violate minority rights or threaten minorities. (Vizi, 2019, 8)

"The formulation and interpretation of minority rights by governments, minorities and international actors takes place in a framework of discourses influenced at least as strongly by international developments (for example today, migration), and political interests as by international standards of minority protection." (Vizi, 2019, 14)

Vizi points out that the 2017 EU-MIDIS II: Second European Union minorities and discrimination survey examined only the situation of the Roma and migrants not those of traditional national minorities. [26] This suggested that ethnic discrimination and the unjust treatment of muslims were the major sources of discrimination in EU countries. Many historical national minorities, however, experience discrimination when they use their mother tongue. This type of discrimination requires an approach from the point of view of collective rights and from the perspective of individual human rights. The concentration on individual rights can hardly be reconciled with the requirements for the protection of minorities adopted by the European Commission during negotiations with EU candidate countries. (Vizi, 2019, 11)

[26] https://fra.europa.eu/en/publication/2017/eumidis-ii-main-results

Mass migration from outside Europe in the 1960s and 1970s greatly increased the number of new minorities in Western Europe and triggered a reconsideration of minority strategies. West European countries adopted a more proactive approach to minority rights. Ethnic identity again became a topic of discussion and minority protection legislation was introduced that endorsed the idea of ethnic diversity and multiculturalism.

After the collapse of communism and of multi-ethnic federations ethnic tensions and old territorial conflicts challenged the almost exclusive focus on individual rights. West European countries were confronted with the problems of ethnic minorities and minority protection became an important human rights issue. They became aware of the existence of national minorities who lived as autothonous minorities in their homelands and found themselves on the territory of another country as the borders changed around them. The efforts of kin states to engage themselves for their ethnic kin outside their borders were recognized. (Agarin and Cordell 2016)

The 1993 Copenhagen Document was the first document of the post-Cold War era that codified minority rights and served as reference for other documents.[27] It referred to collective rights by declaring that "Persons belonging to national minorities can exercise and enjoy their rights individually as well as in community with other members of their group." (32.6) (Chapter IV) The Document codified the right of minorities to preserve their ethnic identity and their right "to use freely their mother tongue in private as well as in public; (32.2)" It also addressed the issue of self-government of minorities by calling on the home states to promote the identity of national minorities "by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities." (35)

The Copenhagen Document lays down the criteria that applicant countries must meet to ensure the respect of minority rights, but they leave a lot of room for interpretation and stress the need for conformity with national legislation.[28] The criteria are soft laws that cannot be enforced, moreover the EU controls their fulfillment only prior to and at the time of accession to the EU. After that the control mechanism of the EU proved ineffective and different levels of minority

[27] http://www.osce.org/odihr/elections/14304?download=true
[28] http://www.osce.org/odihr/elections/14304?download=true

protection mechanisms came to light. The Document nonetheless provided a point of reference and basis for the following documents on minorities.

The United Nations Minority Rights Declaration was the first international document to deal with national minorities. It referred to minorities as "persons belonging to minorities" and stated that they may exercise their rights "individually as well as in community with other members of their group." (Article 3 1) It called on states to create conditions under which minorities can develop among others their culture and language but warned of "specific practices /that/ are in violation of national law and contrary to international standards." (Article 4 2) It used ambiguous language when referring to education in the mother tongue speaking of "opportunities to learn their mother tongue or to have instruction in their mother tongue." (Article 4 3) [29]

The High Commission on National Minorities (HCNM) has been established in 1992 after years of internal consultations on how to deal with conflicts between ethnic majorities and minorities in Eastern Europe. The HCNM was conceived of as diplomatic tool to warn of and prevent ethnic conflicts before they escalated in violence. Consequently, its investigations have been limited to Eastern Europe sending the signal that it was this area of the world which was still plagued by problems of ethnicity. The recommendations of the HCNM have no binding force so its success is dependent upon the cooperation of the parties involved. It hardly differentiates between minority communities which came about through migration and ethnic minority communities made up of historical minorities.

The Council of Europe's 1995 Framework Convention for the Protection of National Minorities (FCNM) is devoted to minority rights and has a mechanism of monitoring. Here the notion of collective rights took second place to individual rights and anti-discrimination. It requires the signatory states to ensure minority participation in all parts of public life. [30] As Balázs Vizi formulates: "the framework Convention gave the opportunity for courts, the authorities of the signatory states to apply it, refer to it indirectly not only in relation to concrete decrees but also to the basic principles reflected in the Convention, however, until now hardly any state took advantage of this opportunity." (Vizi 2019, 5)

[29] http://www.un.org/documents/ga/res/47/a47r135.htm

[30] https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800c10cf

Under Article 16 of the Framework Convention: "The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention." This article has been ignored by many participating states. Many home states sought to reduce the minority/majority ratio through territorial and administrative reorganization. The reorganization cut into areas where Hungarians lived as a majority and transformed them into minorities. This ethnic engineering had direct consequences on whether minorities were able to use their mother tongue in the public domain. Districts were often tailored in a way as to prevent the meeting of the threshold required for the usage of the Hungarian language. The goal was also to prevent minorities from fielding candidates in the local and national elections. (Ukraine, Slovakia for example)[31]

The European Charter for Regional or Minority Languages (CRML) was the first document that the Council of Europe issued that touched upon minority rights.[32]
It has been signed by most EU states including those where ethnic Hungarians live and requires the signatory states to ensure minority participation in all parts of public life. Signatories of the Charter are obliged to introduce domestic legislation to comply with the CRML criteria of cultural diversity and heritage. While as its name suggests it protects the status of regional and minority languages, protecting languages indirectly involves protecting minority speakers. The CRML's language was, however, very flexible giving the participating states a great deal of leeway in carrying out its measures regarding the promotion of languages.
The CRML put in place a monitoring system that consists of a committee of experts that evaluates the situation and requires the participating states to publish periodical reports on their progress in protecting regional and minority languages.[33] The CRML has, however, diluted the right of minorities to use their mother tongue in public in the areas where they live
by the formulation that "if those persons so request and where such a request corresponds to a real need, the Parties shall endeavor to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities." (Article 10 2) Many participating states choose to ignore both the Framework Convention and the European Language Charter.

[31] Csernyicskó István, Szilvia Szoták and László Molnár Csikós, Termini Magyar Nyelvi Kutatóhálózat (The Hungarian Language Termini Research Network) 24 November 2011.
[32] https://www.coe.int/en/web/european-charter-regional-or-minority-languages)
[33] https://www.coe.int/en/web/european-charter-regional-or-minority-languages/text-of-the-charter.

The 1996 Strasbourg Framework Convention aims at guaranteeing and protecting the unobstructed use of autochthonos minority languages. Members of ethnic minorities can turn to the European Court of Justice (Luxemburg Court) for remedy against discrimination.[34] Individual members of ethnic minorities have protection against discriminatory practices, but collective rights of ethnic minorities are not covered. By 2012, transnational organizations increasingly promoted an approach that focused on the norms of discrimination and individual rights.[35]

Such an approach "encouraged nation states to empower individuals rather than groups." Preferring individual rights over collective rights put the majority at an advantage while disadvantaging members of minorities and those who had no access to the resources of the state. (Agarin and Cordell, 2016:73) Minorities had to use the language of individual rights in order to taken seriously by transnational organizations. They had to fight against the prevalent view that regarded the empowerment of minority groups as a negative development that strengthened ethnic boundaries and institutionalized segregation. (Kiss, Székely, Toró 2018: 124) Minorities were viewed as sources of internal and external threats especially if they were sizable and enjoyed the protection of an activist kin state. In this atmosphere, the measures of traditional nation states to protect the titular ethnic majority against minorities were accepted. (Csergo et al 2017 5-16) Under these circumstances, while many EU accession states employed policies that invoked minority protection their actions went in the opposite direction.

Many fundamental rights of national minorities can only be realized if wide ranging language rights are guaranteed. International treaties dealing with minority and linguistic rights, however, formulate ambiguously and make it difficult for minorities to implement their linguistic rights.[36]

1.4 The European Union and Minority Rights

The European Union and the institutions affiliated with it, the European Commission, OSCE High Commissioner on National Minorities, the Venice Commission, the Parliamentary

[34] http://www.ijrcenter.org/regional-communities/court-of-justice-of-the-european-union/
[35] OSCE-HCNM 2012 https://www.osce.org/hcnm/ljubljana-guidelines?download=true

[36] Eplényi Kata and KántorZoltán (eds.): *Térvesztés és határtalanítás, A magyar nyelvpolitika 21. Századi kihívásai, Loss of Space and Removing Borders, Challenges of Hungarian language policy in the 21th century* Lucidus Budapest: 2012.45

Assembly of the Council of Europe, and the High Commissioner on National Minorities are important transnational actors who seek to influence the behavior of the home state, the kin-state and the minority. The EU took up the issue of minority rights in reaction to the rise of ethnic conflicts following the collapse of communism. It made the fulfillment of basic minority rights a requirement for EU accession. Except for Serbia and the Ukraine, the countries where Hungarian minorities live are members of the European Union (EU). Minority rights became one of the requirements that aspirants for membership in the European Union must fulfill along with the requirement of the rule of law, human rights a functioning market economy and the incorporation of EU laws and regulations into its own legal system. Respect for minority rights became for the first time a prerequisite for joining Western democracies. The minority protection regime supported by the EU outlawed open discrimination against minorities. Minorities could no longer be excluded from political life and often participated in the majority government and gained access to state resources.

During the negotiations toward EU membership, EU officials have the means to exert some pressure on the home states to respect minority rights. After the countries become EU members, the EU has no means to enforce minority rights and lacks legislation that would set out clear cut criteria for minority rights. (Kymlicka-Opalski 2001) The EU lacks the norms for minority protection, was not consequent enough in endorsing existing norms and often improvised. The European Commission could not formulate clear normative expectations toward EU candidates since there was no consensus among EU member states on which groups they recognize as minorities. (Vizi, 2019) This is also the reason why there is no Western legislation or collective example of best practice on minority rights that other countries could aspire to.

The EU requires those countries aspiring to be members of the EU to adjust their national legislation on minorities to European standards (the Copenhagen criteria of 1993). Throughout the years, the EU's expectations toward countries wishing to join it became more stringent than toward its old members. Some old EU countries would not be able to meet the criteria of respect for minority rights that the EU imposes on EU candidate countries. A system of double criteria was established.

The EU often stepped in to mediate between the kin and home states but has limited power or will to influence the policy toward minorities. It has historically given good-neighborly relations priority over issues concerning minority rights. As a rule, stability is regarded by the

EU and other international actors as more important than the democratic credentials of the home states and how they treat minorities living on their territory.

Schöpflin points out that the EU as well as other international organizations have consistently given stability primacy over minority rights and thereby weakened their democratic credentials. He remarks that "What the international organisations cannot and
will not recognise is that the state power of the home state is used systematically against the Hungarian minorities, undercutting their civic rights, because the majorities themselves understand home state citizenship in ethnic terms…. The home states cannot be regarded as serious agencies of civic behavior and, hence, the very stability that the international organisations are supposed to underwrite is vitiated." (Schöpflin 2006, 219) He cites as example of the unwillingness of EU organizations to take a stance on minority rights, the case of the University of Cluj (Kolozsvár, Klausenburg). "The attempt to convert the University of Cluj, Babes-Bolyai University, into a multi-cultural, multi-lingual university was premised on the idea that the Romanian majority's verbal commitment could be taken as a guarantee of goodwill and readiness to listen sensitively to Hungarian wishes. Hence the minority's demands either for an autonomous Hungarian-language university, though this was promised by the 1996 Bucharest government, could be ignored, as could the alternative of separate Hungarian-language faculties. The outcome is that despite the HCNM's intervention, very little has changed at Babes-Bolyai and the HCNM's reputation has plummeted." (Schöpflin 2006, 219) In a current case, ethnic Hungarians have for years been denied the right to set up an independent Hungarian faculty within the University of Medicine, Pharmacy, Sciences and Technology of Marosvásárhely/Târgu Mureș an institution which was founded in 1945 as a Hungarian language university. Ethnic Hungarians make up 43% of the town's population. The University leadership approved, however, the setting up of an English language faculty. The oldest Hungarian member of the University Senate Professor, Imre Benedek commented: "I think this decision of the University leadership, which is not followed by the foundation of the Hungarian faculty as well, tells a lot about the leadership's attitude towards us, Transylvanian Hungarians. This is simply humiliating for us." [37]

[37] http://transylvanianow.com/yes-for-the-english-no-for-the-hungarian-faculty-in-marosvasarhely/ 26 January 2019, http://itthon.transindex.ro/?hir=54213 https://kronika.ro/erdelyi-hirek/az-onallo-magyar-orvoskepzes-ugyenek-alaasasa-ellen-tiltakozik-az-erdelyi-muzeum-egyesulet)

The EU and the political institutions affliliated with it see their task in keeping the activities of ethnic minorities in check. International organizations represent the view that minorities should be integrated into the countries where they live and reject the accommodation of minorities that gives room for preserving their ethnic identity. They tend to take up the idea of accommodation following bloody ethnic conflicts.[38] One can conclude that "the engagement of the EU in and promotion of individual-focused, non-discrimination rules has under-run the potential implementation of minority protection at large, while strengthening the group-based rationale of nation-state functionality in countries where ethnicity has remained the most salient identity of all politically relevant ones." (Agarin and Cordell, 2016:69)

The EU accession involved a loss of sovereignty for the nation states in major policy areas which made them reluctant to comply with EU regulations in fields where the EU has little influence. Minority rights protection is such a field because it belongs to the home states' jurisdiction.[39] As Agarin and Cordell summarize it: "/the EU/ mandated the nation-state with ultimate say over the remit of support and protection allocated to groups that the nation-state itself was to designate a ´minority on its territory and that formed the key to the emerging European minority rights regime." (Agarin and Cordell, 2016, 62)

Moreover, EU reports about minority rights often described the situation of minorities in positive terms which made it even more difficult for minorities to call the countries where they live to account over neglecting their rights. In the EU constitution, there is no provision for implementing minority rights and no procedure for submitting minority complaints. Since the standards of minority protection vary from state to state the EU is not in a position to formulate "demands" on the issue toward other states or to supervise whether the norms that countries accepted at the time of accession are being respected. It tends to accept as a fact the EU legal and institutional standards are respected in neighboring countries.

International treaties and soft laws on minority rights serve as references for the kin states and for national minorities in their efforts to enforce minority rights. In the long run the Copenhagen

[38] See McGarry, John – O'Leary Brendon – Simeon, Robert: Integration or Accommodation? The Enduring Debate in Conflict Regulation. In S. Choudhry ed.: *Constitutional Design for Divided Societies: Integration or Accommodation?* Oxford: Oxford University Press, 2008, 41–88.

[39] Dr. Tárnok Balázs**:** Régi és új kisebbségek Európában**,** A migrációs válság lehetséges hatásai az őshonos/hagyományos és bevándorló kisebbségek jogaira in Gömbös Ervin ed.: A Kisebbségek Jövője a Globalizálódó Világban, Magyar ENSZ Társaság 2016 (80-88)

criteria to guarantee "respect for and protection of minorities" and the engagement of the Council of Europe (CoE) or the Organization for Security and Co-operation in Europe (OECD) most likely made some difference in the treatment of minorities. The resolutions of the CoE and the OECD on issues affecting minority rights have a reference value for EU governments and special relevance for the rights of traditional ethnic or autochthonous minorities. Without these resolutions minorities would probably have less rights and opportunities to redress their grievances. (Vizi, 2014)

The hopes that the EU membership and democratic institutions could halt the process of assimilation of national minorities were disappointed. No EU system of minority protection was put in place to shield the rights of the national minorities against the nationalizing majority. The state was not restructured to meet the needs of the minorities. Under current EU legislation at the most the identity of the minority could be maintained which would surely lead to assimilation over the long run. Short of revision of the borders only a system of minority protection backed by international pressure can influence the policy of the titular majority where ethnic minorities live. (Kántor, 2014*)* One can conclude that neither international treaties nor membership in the EU can guarantee the protection of the linguistic rights of national minorities.

The home states where ethnic minorities live no longer feel the pressure to improve the rights of their minorities and tend to allow the concept of the monolingual nation state override their responsibilities towards them.[40] There is a conflict between the value the EU places on linguistic diversity and the practice of its member states.[41]

A major problem facing EU policy is that lacks the effective enforcement mechanisms needed when confronted with the violation of minority rights in EU countries. One suggestion to resolve this contradiction is to integrate the two most comprehensive treaties, the Framework Convention and the European Language Charter, into the EU's legal system. This would give the EU controlling and sanctioning mechanisms towards the violators of linguistic rights and

[40] János Péntek: *Language Rights in Romania* in Csaba K. Zoltani, *Transylvania Today: Diversity at Risk*. Osiris Budapest, 2013. 236

[41] Rainer HOFMANN: *Minderheitenschutz in Europa: Entwicklung und Aktueller Stand, Minority Protection in Europe: Development and Current Stance* in: Politik und Zeitgeschichte*: Fremd in der Heimat? Stranger in the homeland?* Bundeszentrale für Politische Bildung Volume 67. 11-12/2017, 13 März 2017,.9-15.

contribute to reducing tensions between ethnic minorities and the home states, and the kin-state of the minorities.[42]

Today the emphasis is on setting up standards and know-how with the help of the experts of the Organization for Security and Co-operation in Europe, (OSCE) and the European Council. EU citizens have dual citizenship because they are citizens of the member states and of the EU which amounts to a major empowerment of the citizen vis-à-vis the state.

[42] László Marácz: *Towards a European system guaranteeing linguistic minority rights protection: including the Hungarian cases.* In: Z. Dika (ed.): *Concepts and Consequences of Multilingualism in Europe 2*. Universiteti i EJL Tetovë 2011. 25-53.

1.5 EU Platforms for Hungarian Minorities

While the EU did not meet the expectations of Hungarian minorities to shield their rights against the nationalizing minority its institutions offered platforms for Hungarians to take a stand for minority rights. The EU functioned as a trans-sovereign institution and provided a framework for Hungarians to live in a transnational community as if there were no borders separating them. This is fully in line with the EU principles of minority protection and promotes the EU policy of the shifting of sovereignty to supra- and sub-state level.

Representatives of minorities can participate in supranational decision-making bodies such as the European Parliament (1999 Lund Recommendations on the Effective Participation of National Minorities in Public Life of the OSCE High Commissioner on National Minorities). Since 2004 the European Parliament offered Hungarian representatives from the Carpathian Basin an opportunity to promote the rights of the national minorities. From 2004 not only, Hungarians from Hungary but also ethnic Hungarians of Slovakia were able to send representatives to the Parliamentary body of the European Union. In 2007 the Romanian accession to the EU opened the way for Hungarians in Romania to delegate representatives as well. Hungarians from non-EU countries, from Serbia and Ukraine/Subcarpathia Transcarpathia, became through their Hungarian citizenship citizens of the EU because under EU rules all citizens of member states are also citizens of the Union.

At the EP elections of 2014 (22-25 May) the Fidesz-KDNP party coalition placed on its national list representatives of Hungarian communities abroad. This underlined the government's intention to virtualize the borders. Since the Fidesz-KDNP coalition received about 1.2 million votes (51.48%) and won 12 out of the 21 seats, it gave five of the seats to ethnic Hungarian candidates from abroad. The former MEP László Tőkés was third on the list and represents the interests of the Hungarian community of Transylvania (Romania) György Schöpflin, former professor at the London School of Economics, received the seventh place on the list and will represent the interests of the Hungarian diaspora living outside the Carpathian Basin. Schöpflin has been a Fidesz MEP since 2004 and is a renowned scholar in the fields of political theory, nationalism and national identity. Andrea Bocskor was ninth on the EP list and comes from the Hungarian community of Transcarpathia (Kárpátalja) (Ukraine). Bocskor is professor of Ferenc Rákóczi II Transcarpathian Hungarian Institute and the director of the Tivadar Lehoczky Institute (a local research institute for social sciences in Transcarpathia Subcarpathia). The tenth

candidate on the list was Andor Deli from Serbia the vice-president of the government of the Autonomous Province of Vojvodina and Secretary for education, public administration and national communities of the province. László Gubík from Slovakia was given the symbolic twenty-first place on the list. Gubik was the first to publicly declare that he had acquired Hungarian citizenship and was in turn deprived of his Slovak citizenship. He called himself "a symbolic Hungarian from Slovakia (who) was nominated for a symbolic position".[43]

László Tőkés represents the interests of the Hungarian community of Transylvania as the leader of the Hungarian National Council of Transylvania (Erdélyi Magyar Nemzeti Tanács) a civil organization whose goal it is to establish autonomy for Hungarians in Transylvania which criticizes the policy of the major Hungarian ethnic party the RMDSZ. Criticism has been expressed that the transborder politicians chosen by Fidesz for its list were members of pro-Fidesz ethnic parties or organizations and were not elected by the ethnic Hungarian electorate. (Pogonyi, 2017: 110) It was, however, to be expected that the politicians chosen for the Fidesz-KDNP list would be those who are close to the party.

Ethnic Hungarian parties sent an additional four representatives to the European Parliament. From Romania the Democratic Alliance of Hungarians in Romanian (RMDSZ) sent two representatives, from Slovakia two MEPs came from of the Party of the Hungarian Community (MKP). Hungarian-Slovak interethnic party Most-Híd represents the interests of both nations. The MKP and Most-Híd representatives both sit in the faction of the European People's Party (EPP). The MKP representative Pál Csáky was deputy prime minister responsible for human rights and minorities for eight years and has worked in the past decade closely together with Hungarian MEPs from the Carpathian Basin for the recognition of autochthonous minorities. The Most-Híd MEP József Nagy has made himself a name in environmental protection and seeks to set up a system of European regulations for the protection of autochthonous minorities. It is an open question whether the two MEPs will cooperate because relations between the two parties have been full of tensions since the party schism of 2009. Altogether 9 MPs from the Carpathian Basin will represent and promote the rights of the Hungarian ethnic communities in the upcoming parliamentary term of 2014-2019.

[43] Quoted in *Gergely Illyés – Krisztián Rákóczi* European Parliamentary Elections in the Carpathian Basin in 2014 in Minority Studies 17, 4. 4 Gubík László a Fidesz EP-listáján ("László Gubik on the Fidesz EP list

The Hungarian MPs keep minority issues and the most important problems of national minorities abroad alive on the agenda of the EP and its special committees. Hungarian deputies can pass resolutions in the Council of Europe that concern the interests of Hungarian minorities. The issue of autonomy was taken up again in the CoE Resolution 1985 (2014) on "The situation and rights of national minorities in Europe." (See below)
Beside plenary speeches, one of the excellent possibilities to represent minority claims has been the work of the Minority Intergroup (i.e.: Intergroup for Traditional Minorities, National Communities and Languages). Although the Intergroup is only an informal forum it offers an important platform for cooperation with other MEPs who represented minority interests or were concerned about minority issues. The ethnic Hungarian representatives and the MEPs of the Fidesz-KDNP coalition sat in the same European People´s Party's faction which made close cooperation between them possible. (Illyés and Rákóczi 2014)

A major problem that ethnic Hungarians faced in fighting for their rights in the EU is that in the EU constitution, there is no provision for implementing minority rights and no procedure for submitting minority complaints. The Federal Union of European Nationalities (FUEN) an umbrella organization for European minorities sought to create a European legal framework for minority protection with the help of EU institutions. In 2013 FUEN initiated with the participation of Hungarian ethnic party RMDSZ the European Citizens´ Initiative for minority rights, Minority SafePack – one million signatures for diversity in Europe - which aims to offer more protection to national minorities and language groups to maintain Europe`s linguistic and cultural diversity. The Treaty on the European Union (Article 8 /3/) recognizes forms of direct democracy "every citizen shall have the right to participate in
the democratic life of the Union." According to Article 11 (4): "not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties."[44] (Tárnok 2016, 490)

The Initiative's goal is to have legislation enacted at the EU level that monitors minority rights violations and applies sanctions to violators. The Initiative calls for setting up a framework that ensures that minorities are treated equally in education, culture, regional development and are

[44] http://data.europa.eu/eli/treaty/teu_2012/oj

ensured political participation and have access to information and media services.[45] The EU Commission rejected the Initiative on the ground that it fell outside its competence. In February 2017, however, the European Court of Justice ruled that the EU Commission had no legal grounds to reject the registration and the Commission registered the Initiative in March 2017. The Romanian and Slovak governments sued the EU Commission for registering the initiative because in their view, minorities need no additional protection since the countries where they live guarantee their rights. [46]

The organizers of the Initiative collected some 1,3 million signatures from seven EU member countries. The verified signatures, 1,128,385, will be presented to the European Commission which will form its opinion on the matter and arrange a public hearing in the European Parliament. This gives minorities hope that the Commission will deal with the Initiative.[47] Tárnok points out that "even if an ECI is successful and has the support of at least one million European citizens, the Commission can simply ignore it and decide not to propose a legal Act" (Tárnok, 2016, 503)

The EU Commission also rejected the European Citizens' Initiative of the Székely National Council for the Equality of the Regions and Sustainability of the Regional Cultures.[48] The European Court of Justice again ruled that the EU Commission had no legal grounds to reject the registration of the Initiative. The Initiative referred to the cohesion policy of the European Union which aimed at reducing the difference in the level of development between EU regions and aimed at increasing their economic and social cohesion. The Initiative asked for special attention for national minority regions. Described as "geographical zones that exhibit unique national, ethnic, religious or linguistic characteristics, through being inhabited by an indigenous national minority that forms a majority on this particular territory and is historically linked to it." (Balázs Izsák, 'Special status for national regions'. www.izsakbalazs.blogspot.hu. Quoted

[45] http://ec.europa.eu/citizens-initiative/public/welcome

[46] https://www.nordschleswiger.dk/de/daenemark-politik-international/ihr-habt-schon-jetzt-geschichte-geschrieben

[47] http://curia.europa.eu/jcms/upload/docs/application/pdf/2017-02/cp170010en.pdf http://www.kronika.ro/belfold/vincze-pozitiv-fordulat-az-unios-torvenyszek-dontese https://www.fuen.org/…/1128385-c... https://www.fuen.org/news/single/article/toebb-mint-640-ezer-a-minority-safepacket-tamogato-alairast-iktattak-magyarorszagon/ http://www.minority-safepack.eu/ https://www.fuen.org/de/schwerpunkte/europaeische-buergerinitiative/) https://www.fuen.org/fileadmin/user_upload/congress_2017/2017_FUEN_Resolutions_All_EN.pdf, Figyelo, 12-19 April 2018, 2018/15, 35.

[48] http://www.nationalregions.eu/

in Tárnok, 2016, 492) The Székely National Council will ask the European Commission to register the Initiative with the original text of 2013. [49]

2. SITUATION OF ETHNIC HUNGARIANS

2.1 DEMOGRAPHICS

Hungarian minorities are situated in the "Carpathian Basin" which made up most of the territory of the Hungarian Kingdom until 1920 (See Figure 1). "These Hungarian communities can be considered autochthonous ethnic communities because they did not arrive in the territory of these states as a result of migration. These territories inhabited by Hungarian communities were part of the former Hungarian Kingdom and became part of these neighbouring countries as a result of border changes. The status of the ethnic Hungarian groups living in the neighbouring countries are somewhat different from other European ethnic minorities that emerged as a result of migration (for example Turkish communities in Germany or Hungarians in England) or have never established a state of their own before (for example Bretons in France or the Sorbian in Germany)." (Kapitány 215, 226)

[49] http://itthon.transindex.ro/?cikk=27698

Figure 1: Territories in the neighbouring countries that were the part of the Hungarian Kingdom until 1920

Source: Balázs Kapitány: Ethnic Hungarians in the Neighboring Countries in: Monostori, J. - Őri, P. - Spéder, Zs. (eds.)(2015): *Demographic Portrait of Hungary 2015.* HDRI, Budapest: 226.

"According to the aggregated results based on 2011 census the total population of the Carpathian Basin, the area which part of the Hungarian Kingdom until the Trianon Peace, amounted to 26 million and 15 thousand of which some 10 million 400 thousand named Hungarian as ethnic origin which is circa 40% of the population of the region. On this territory approximately 12 million and 54 thousand persons belonged to the majority nations (Transylvanian Romanians, Slovaks in Upper Hungary etc.) According to the aggregated results, the proportion of the latter was 46.3%." (Kapitány 2013, 58) The number of Roma or gypsy is considerable in most of the countries of the Carpathian Basin. A high proportion of the Roma in Romania, Slovakia and the Ukraine speak Hungarian and have a Hungarian identity. It is estimated that at least half of those who are considered Roma by their environment declared themselves members of the Hungarian or the majority community. (Kapitány 2013 27)

Today over 90 years after Trianon some 2.4 million ethnic Hungarians live in Romania (Transylvania), Slovakia, Serbia (Vojvodina) and Ukraine (Transcarpathia/ Subcarpathia). The number of ethnic Hungarians had declined sharply between the 1990s and the 2000s because of low birth rates, migration and assimilation. This fits into the general trend of decline of major kin minorities in Eastern Europe. (Dumbrava, 2017:9) In Romania, the major cause of the demographic decline of ethnic Hungarians is emigration, in Serbia low birth rates and in Slovakia assimilation. In Slovakia, the assimilation rate is high not only in scattered communities but also in areas where Hungarians form a majority where less and less people declare themselves Hungarian. (Balázs 2015, 225, 233) (Kapitány, 2015 236)

The data about the number of ethnic Hungarians come from censuses which must be treated with caution since the authorities have an interest in keeping the number of the registered minorities as low as possible because of the implications for minority rights such as the percentage of Hungarians in each area needed to use their mother tongue. “Questions concerning ethnicity are considered an extremely sensitive issue in almost every country of the region. The main cause of this is that answers given to this question do not only, moreover, do not primarily serve statistical purposes. In the countries of the region, different rights related to language use as well as other rights and state supports are usually determined on the basis of the ethnic data of censuses. As a result, it is typical in the region that serious campaigns similar to electoral ones take place with respect to the questions on ethnic affiliation, typically led by some minority organizations. The primary aim of these campaigns is to persuade people who belong to an ethnic minority group to declare their ethnicity at enumeration. Furthermore, in some countries there is some covert and overt pressure on ethnic minority respondents to declare themselves as members of the majority group or not to respond.” (Kapitány 2015, 227)

There are also methodological difficulties in interpreting the results of censuses. The countries involved in taking the censuses do not rely on Eurostat standards and there are differences in the questions pertaining to ethnicity as well in the procedure for collecting and publishing data. (Balázs 2015, 225) The political and linguistic environment in which people declare their nationality at the time censuses are taken influence their choice of ethnic self-identification. Those whose ethnic identity is not stable who, for example, come from or live ethnically mixed families are particularly vulnerable to outside influences. Thus, the political mood at the time, the nationality of the enumerator, the availability of census forms in minority language influence the answers of the respondents even under democratic conditions. (Kapitány 2013 27)

The number of persons who do not reveal their ethnolinguistic affiliation in censuses has increased in Central Eastern Europe in the period between 2001 and 2011. In Hungary, 2001 only 541–629 thousand persons (5.3–6.2% of the population depending on the census category) opted for concealing their ethnolinguistic identity, in 2011 the number increased to 1443–1487 thousand persons, which was the 14.5–15% of the population. This was in line with regional trends. Among the possible reasons for the development are “the hidden minority identity; the enumerators' intentional sabotage of registrating some people affliated with certain minorities; the extensive mistrust of the census and supplying of data in general; and the diminishing willingness to answer these questions due to the selfcompletion census questionnaires. Although all of the above-mentioned factors could have a greater or lesser impact, in our view

only the latest two factors could have a really significant effect." (Tátrai 2015, 92 citing a study by Balázs Kapitány (2013. 28–29) Tátrai concludes that:" the ethnic self-classification of the minorities and the willingness to respond depend as much on the methodology of the census as on the actual social relations." (Tátrai 215, 93)

"Ethnic status is a very subjective social structural element. It relies on the personal beliefs of the individual and is much influenced by the prevailing ideological and political system. For this reason the number of individuals making up the various ethnic groups is determined by many factors: natural increase or decrease of population and migration, fluctuations in the declaration of ethnicity at censuses, demographic processes such as assimilation, and differences in data relating to the mother tongue, the language used at home, ethnic origins, etc." (Károly Kocsis and Eszter Kocsis-Hodosi, 1998, 19)

According to the 2011 census, half of the Hungarian minorities approximately 1.2 million people live in Romania where they make up roughly 6,6% of the population. According to the last 2011 census in Slovakia 459,000 people (8.5% of the total population) identified themselves as Hungarian. In Serbia 253 899 people declared themselves as Hungarian in the 2011 census who make up 3.53% of the population. (Kapitány, 2015 231-232, 234)

In Romania, ethnic Hungarians are spread out over a very large area many of which are not located near the Hungarian border and are often in multiethnic areas. According to the 2011 census, of the 20 million people who live in Romania 6.8 million people live in Transylvania and ethnic Hungarians make up 20,46% of the population. "The number of ethnic Hungarians living in Transylvania was 1.217 million people while in the other parts of Romania only 11,000 people declared themselves Hungarian." In Harghita/Hargita2 and
Covasna/Kovászna) counties s the proportion of Hungarians is over 80 percent and 70 percent, respectively, and Hungarians make up more than half of the town or city population. In four other counties in Transylvania ethnic Hungarians make up 20 to 50% of the population. In the remaining eight Transylvanian counties, Hungarians live in scattered communities. (Kapitány 2015, 228-230)

The census documented a continuous decrease in the size of the Hungarian community in Transylvania and Romania. Compared to the the last census less than a decade ago the number of respondents who identified themselves as Hungarians declined by 200,000 (13.6%). In the

same period, the Romanian population also declined significantly, thus the percentage of ethnic Hungarians in Romania has hardly changed (it changed from 6.6% to 6.5%) (Kapitány 2015, 229)

In Slovakia and Ukraine ethnic Hungarians live within a range of 30 kilometers from the Hungarian border. Although they clearly form ethnic blocs the administrative borders of the areas where they live are divided in a way that their presence is not acknowledged. According to the census of 2011, the population of Slovakia was 5,397,000, and 459,000 people declared themselves Hungarian, which amounts to 8.5% of the total population. The number of those who identified themselves as Slovak was 4,353,000 or 80.7% of the population. Of those who declared their ethnic affiliation 106,000 were Roma who make up the second largest minority group in Slovakia. Compared to the census data of 2001 the number of Hungarians decreased by nearly 12% the 2011 census data while those of Slovaks by 6%. The number of those who failed to declare their ethnic affiliation increased from 55,000 in 2001 to 382,000 or 7.1% of the population. The share of those who refused to reveal their ethnicity is most likely high among members of the ethnic Hungarian community. "The results show not only the decreasing number of ethnic Hungarians, but their diminishing proportion as compared to the total population of the country as well as to that of ethnic Slovaks. Moreover, this phenomenon characterizes not only Hungarians living in diaspora communities (their number is low in Slovakia) but also those areas and communities where Hungarians live in majority. For instance, in Komarno/Komárom and Dunajská Streda /Dunaszerdahely in the very centre of the Hungarian speaking area, both the number and percentage of ethnic Hungarians are declining. In the DunajskáStreda/Dunaszerdahely district the percentage of ethnic Hungarians decreased by 6,000 people (from 83% to 75%) while the number of Slovaks grew from 16,000 to 23,000 people." Compared to the development of the population in Transylvania this is an alarming development for the Hungarian community. "In Slovakia the main cause of population decrease in ethnic Hungarian communities is assimilation, and natural population
decrease comes only second. By contrast, in Transylvania the main causes are emigration as well as natural population decrease, and assimilation is stronger only in diaspora towns." (Kapitány 2015, 232-233)

In Serbia, ethnic Hungarians live predominantly in Vojvodina, officially in the Autonomous Province of Vojvodina, most of the Vojvodina Hungarians, 62.6 percent, live in the border region of Hungary and among the River Tisza/Tisa in an ethnic bloc. The population of

Vojvodina dropped to under to two million (1,932,000 people) in a country with a total population of 7,187,000. The total number of Hungarians in the entire Serbia was 254,000 which 3.5% of the population. In Vojvodia, they are the largest ethnic minority making up some 13% of the population, this is a decrease of some 13-14% compared to the last 2002 census when ethnic Hungarians numbered 290,207. Emigration is mainly responsible for the decrease in the number ethnic Hungarians in Vojvodina many young Hungarians left during the civil wars in the 1990s. This changed the age structure of Hungarian communities greatly increasing the proportion of old people. The ethnic composition of Vojvodina changed considerably through the arrival of Serbian refugees from Croatia and Bosnia. (Balázs 2015, 225, 233) (Kapitány, 2015, 232-233, 237)

According to the last available 2001 census, in Transcarpathia minorities made up about 20 per cent of the population. These include Hungarian, Romanian as well as Russian, Roma, Slovak, and German communities. It is difficult to obtain data on the ethnic composition of the region because of the great number of multilingual individuals who have several identities. Here declarations of ethnic identity depend to a great extend on the political situation of region at the time when the census is taken. (Kapitány 2015, 236. In 2001, 152,000 people identified themselves as Hungarians and the total population of Transcarpathia was 1,255,000. Hungarians make up some 12% of the population and are the largest officially recognized minority group. Over 92% of the ethnic Hungarians concentrated in 124 settlements located in a strip about 20 km wide along Ukraine's border with Slovakia, Hungary and Romania which makes them a regional national community. [50] According to the last census figures show that 95.4% of ethnic Hungarians regard their mother tongue as the language of their nationality and 60.1% stated that they only know Hungarian. [51] The rate of assimilation among Transcarpathian Hungarians is very low.

[50] Ferenc Viktória**:** Magyar vagy ukrán nyelvü ügyintézés? Jogismeret, jogtudatosság és nyelvválasztás összefüggései a kárpátaljai magyarok körében Az ukrajnai nyelvpolitika tágabb kontextusa (Hungarian or Ukrainian language administration? Contexts of legal knowledge, consciousness and language choice among Hungarians in Transcarpathia, The wider contexts of the Ukrainian language policy) Prominoritate, 2015, 54-68 http://www.prominoritate.hu/folyoiratok/2015/ProMino-1503-04-Ferenc.pdf
Mihály Tóth: Hungarian National Minority of Ukraine: Legal and Practical Aspects of Realization of *Minority Rights* ACTA UNIV. SAPIENTIAE, LEGAL STUDIES, **1**, 1 (2012) 143. 143–148.

[51] TANDEM 2016 – Kárpátaljai szociológiai felmérés, http://bgazrt.hu/npki/rendezvenyeink/a_tandem_2016_karpataljai_szociologiai_felmeres_eredmenyeinek_bemutatasa/ http://hodinkaintezet.uz.ua/a-tandem-2016-karpataljai-szociologiai-felmeres-eredmenyeinek-bemutatasa

Demographers estimated that the current numbers of ethnic Hungarians in Transcarpahia are considerably lower than in measured 2001 because of emigration promoted through war and poverty. The Transcarpathian demographers József Molnár and István D. Molnár put the number of ethnic Hungarians at the beginning of the civil war at around 141,000 people. (Kapitány, 236)

Even though the state authority has changed several times during the 20th century, the peripheral position of Transcarpathia remained constant under any state formation. Its ethnically diverse population structure made Transcarpathia susceptible to and subject of neighbouring states' politics." (Tátrai P. et al. 2014, 204)

Hungarians in Transcarpathia and Voivodina traditionally lacked strong middle and professional classes and live in local rural communities. The institutions needed to create these classes were not created after 1989. This is reflected in the lower rate of ethnic Hungarians with university or college degrees compared to the majority population. Ethnic Hungarians are also underrepresented in the service sector. The social economic conditions of ethnic Hungarians deteriorated because of the disadvantages of minority existence and the efforts of the majority to take over key positions in the process of nation building. Ethnic Hungarians still live in economically backward areas because the home states favor majority populated areas when investing in a region or distributing EU funds. (Bárdi 2004 60)

As a result of the changes of the last ten years, migration to Hungary has affected the middle and professional classes of the Hungarian minority living in Ukraine and the Yugoslav Voivodina. "Hungarians in these two regions had not had strong urban middle classes and professional classes even before 1918 (This situation deteriorated further in the territories re-annexed to Hungary during World War II, because of the deportation of Jews carried out by Hungarian state authorities there). Not even after 1989 was an institutional context created to produce new members for the middle and professional classes (The ratio of Hungarians with university or college degrees is far below the national average in all the neighbouring countries, and Hungarians are also under-represented in the service sector). This problem means that ethnic Hungarians in these regions lead their lives in *local, rural communities."* (Bárdi 2004, 60)

The size of the ethnic Hungarian communities plays a key role in shaping the policy of the home state towards them. In Slovenia and Croatia, the number of Hungarians is small, they are not perceived as a threat to the majority. In Croatia according to the 2011 census 14,048 Hungarians live, in 2001 they numbered 16,595. In Croatia the integration of the Serb minority was priority. In Slovenia (Prekmurje), the number of Hungarians declined from 7,657 to 5,544 between the censuses of 2001 and 2011 due to assimilation. Today the number of Hungarians is estimated at some 4,000. (Kapitány, 2015, 237)

2.2 Common Hungarian Aspirations

All Hungarian minorities are in an asymmetric position visa-vis the majority and therefore share common aspirations regardless of their size or standard of living or whether they live blocs or scattered in their home countries. There is a widespread feeling among ethnic Hungarians in all the regions where they live that they are not equal to the majority in their chances to reproduce their ethnic identity. This gives them a feeling of uncertainty and hopelessness as far as the future of their ethnic community and their cultural survival is concerned. Thus, while Hungarians have the same obligations as every other citizen, to pay taxes and bear arms, they do not have the same rights. (Bárdi, 2013)

Ethnic Hungarians in neighboring countries would like their language to be an official regional language in the areas where they live. They would like to manage their own educational and cultural institutions. In the field of education, ethnic Hungarians would like to decide questions concerning their institutional system. In cultural life, they would like to have the same funding for their cultural institutions as for the institutions of the majority and the right to freely decide about institutional development. Administrative borders which are tailored in a way that as few Hungarians as possible are left outside the Hungarian administrative unit. Hungarians want the region where they live to be included in the economic development of the home state but in a way that state investments do not cut into their settlements and change the region`s the ethnic proportions. They want the right to political representation and to be treated as a partner nation that has a right to national autonomy. Hungarian national symbols should be officially recognized and allowed to be publicly displayed expressing the home state`s respect for the national dignity of the minority. Ethnic Hungarians would like to participate in political life at all levels and be included in the government. Ethnic Hungarians wish for good relations

between their home state and the kin state Hungary. They want the kin state to stand up for their minority rights and to treat them in the same way as Hungarian citizens living on the territory of Hungary. They want institutional guarantees for equal opportunities in Hungarian educational and cultural life. [52]

The first requirement is not fulfilled in most home countries. In the areas where Hungarians live they must in most cases make up at least 20% of the population to be eligible to use their mother tongue in the state administration. Even if they fulfill this requirement often they are not able to use their mother tongue is because of lack of personnel or unwillingness of public officials. Thousands of Hungarians who live in cities such as Cluj/Kolozsvár cannot use their mother tongue because they do not reach the 20% ratio. The display of national symbols is restricted. There are constant controversies over the display of bilingual signs in Romania and Slovakia. Often administrative borders in home countries are drawn up in a way that cuts into Hungarian populated areas and prevents ethnic Hungarians from governing themselves even in areas where they are in the majority, a prominent example is Slovakia.[53] In general, areas inhabited by ethnic Hungarians are less likely to be chosen for development. The wish to be recognized as "partner nations" has for the most part not been realized. There is no mention of a "partner or constituent nation" in the constitutions of Romania and Slovakia. The Romanian constitution speaks of the "unitary and indivisible National State" and of "persons belonging to national minorities." [54]The Slovak constitution speaks of the "Slovak Nation" and speaks of "citizens representing national minorities or ethnic groups."[55] The majority language is the official language in both countries.

Except for Romania, the states where Hungarian minorities live are newly independent states that regard themselves as the representative the "core nation" made up of the majority which they define in ethnocultural terms. The home states as a rule regard the position of the "core nation" as weak in the fields of culture, economy, and/or demography and seek to defend it against the minority. They perceive themselves as the legitimate "owner of the state" and engage in nationalism to assimilate the minority. (Brubaker 2011) The home states declare that

[52] Bárdi Nándor: Magyarország és a kisebbségi magyar közösségek 1989 után Metszetek vol.4 2015 No.3. 03_Bardi_Nandor_0.PDF1.2.
[53] Krisztián Rákóczi "Autonómia helyett önkormányzatiság Az önrendelkezés kérdése Szlovákiában in Századvég Autonómia, 2016 no.4 p.88
[54] http://www.ccr.ro/en/constitutia-romaniei-2003
[55] http://www.slovakia.org/sk-constitution.htm

the minorities have all the rights they need to maintain their culture. Romania, for example, regards its treatment of minorities as "exemplary".

2.3 Strategies of Survival for Minorities

A key question is what options are available to the minority vis-à-vis the majority that enable it to preserve its ethnic identity. Common to the situation of all minority Hungarian communities is the asymmetry between the minority's and the majority`s position. The asymmetric relationship between the majority and minority enhances the continuous process of the redefinition of the political community as the two sides create boundaries in terms of "we" and "they" or "friend" and "enemy". (Bakk, Nemzet 69) (Schmitt,1932) The asymmetric power relations between the minority and majority, the "we" and "they", result in the construction of national identity. (Bárdi 2018: 157) Salat points out the national discourses that are dominant in Hungary and Romania need an enemy image "in order to know who we are, we also need to know who our enemy is. It is a sad fact that in Romanian discourse Hungarians and in the Hungarian discourse Romanians take on this role." The memory of Trianon plays a decisive role in this development. Levente Salat suggests that the solution of the conflict lies in a common agreement to gradually distance themselves from the narratives that dominate the public discourse of both countries. He mentions as an example the French-German reconciliation. (Salat 2018) In Germany, however, it took decades of political education to convince the public of the benefits of a non-nationalistic rhethoric and the commitment of the German government to "constitutional patriotism" which places the constitution above ethnic identity in view of the German experiences with nationalism.

The pressure to assimilate weighs heavily on all Hungarian minorities and is a source of conflict between the majority and minority. According to Salat, the national minority must choose between three strategic alternatives: "isolation, integration or assimilation and engagement in a process of building their own societal culture"[56] (Salat, 2002:191, 198) According to Salat, „a member of a minority in fact has to lead two lives, which is a great burden, it involves twice as much work as for a member of the majority." He concludes that those who cling to their culture

[56] Salat 2002:191, 198.

and home land have to take on the double burden." It is the task of the majority state to create the conditions for easing the assymetry that stems from the double burden. (Salat 2018)

Will Kymlicka sees, "assimilation, mass exodus, renegotiating the terms of integration into the polity and marginalization" as the major strategies available to minorities who are confronted with the nation state's homogenizing efforts. (Kymlicka, 2001)

Among the options available to Hungarian minorities to escape minority existence involve switching identity, establishing a double identity and settling in Hungary. The switching of ethnic identity is as a rule not a conscious decision and takes place in the process of one or two generations. The major reasons for the switch include mixed marriages, living in housing estates in large cities and attending majority language schools. For the younger generations the question of whether the minority or the majority community offers greater carrier chances also plays an important role. The other option is establishing a double or multiple identity. The likelihood is that this option also leads to assimilation if not in the short then in the long run. Settling in Hungary is an option that frees ethnic Hungarians from the disadvantages of being a minority and promotes their social mobility by offering them better educational and job opportunities. Ethnic Hungarians settling in Hungary do not have to learn a new language and culture. In contrast to the classical case of migration where the migrant is a member of a minority in his new home, ethnic Hungarians give up their minority status by settling in Hungary. (Ablonczy and Bárdi 2010:21)

There is a long-standing debate among the ethnic Hungarian political elite over which strategy is best suited to ensure the long-term survival of Hungarian national minorities. According to Kiss "a major dilemma facing minority elites is how to maintain the ethnic boundaries (without which ethno-cultural reproduction is jeopardized), while also preventing perpetual marginalization in a centralized majoritarian, nationalizing state." (T. Kiss et.al 2018, 11) Salat Levente warns that "a minority policy that seek to maintain a minority identity which is isolated from the environment in which it lives- which has for some time received conspicuous and effective support from the kin state in framework of a gravely misguided nation political concept- will result in the self-liquidation of the existence of Hungarians in Transylvania." (Salat 2018)

Recent studies indicate that ethnic Hungarians in Romania are best able to reproduce their ethnic identity in regions, such as Székely land, where they live in blocks that are separated from the Romanian majority and have their parallel society. As the sociologist Zsombor Csata

summarized it at the latest “Days of Sociology” in April 2019, in Kolozsvár /Cluj “in Transylvania the indicators of reproduction are the best in regions where Hungarians are in a majority. "[57]

The younger generations of ethnic Hungarians grew up consuming the Hungarian language media of the kin state and are not as much at home in the language of the majority. (Ablonczy and Bárdi 2010:21) Latest surveys show a gradual decline of the level of knowledge of Romanian among ethnic Hungarians especially among young people. In the last 10 years the number of young ethnic Hungarians who reported that they speak Romanian perfectly fell from 40% tp 26% which corresponds with the results of other similar studies. Zsombor names the deficiencies of the educational system, the decline in motivation in view of the increased attractivity of other languages since the opening of the EU labor market, less opportunities to use the Romanian language in everyday life as the major reasons for this development. Zsombor spoke of the ethnic pillarization of society and the trend toward “small Hungarian worlds, island formation.”[58]

[57] Interview with Zsombor Csata on 19 April 2019 http://penzcsinalok.transindex.ro/lokalis/20190418-mennyivel-keres-kevesebbet-az-aki-nem-tud-romanul?fbclid=IwAR0cdpg5_8B8IeK5vhpC1udR0gvY5Udd1IuDDbqBqgFt8Wg41Dp7ATZhwHs s

[58] Ibid.

Bauböck lists the possible options ethnic minorities have who can rely on the help of the kin state.

Minority strategies and possible external-homeland support for them, according to Bauböck

Basic strategical possibilities	Intermediate alternatives	Type of external homeland support
Emigration		Supporting "return" (repatriation)
	Diaspora identity	Maintenance of linkages toward ethnic homeland and the possibility of "return"
Assimilation		-
	Ethnic identity	Cultural support
Autonomy		Political support
	Condominium	Offering external citizenship
Secession		Territorial incorporation

Source: Bauböck 2007: 75 in (Kiss, 2016)

Other scholars identified two key approaches that can help conflicts between the minority and the majority. One arrangement that can be defined as integrative the other as consociational or accommodation oriented. (McGarry *et al.*, 2008; Wolff and Cordell, 2004) The integrative approach aims to reduce ethnic cleavages and increase interaction between the majority and minority. Here competition takes place along non-ethnic lines. The emphasis is on loyalty to the common political community which produces a common civic identity which transcends ethnic cleavages. The integrative approach places individual rights before collective rights and seeks to implement an election system which promotes pre-election coalitions across ethnic divides. (Horowitz,1991, 2002, 2003) The line between integration and assimilation is very thin. According to Salat, „we can speak about integration when acceptance is not dependent on conditions, does not produce results that endanger the linguistic, ethnic, cultural or religious

identity of minorities." Salat differentiates between „community integration" when the minority has legitim spokesmen who represent the interests of the community and are able to create the institutional framework through which the minority becomes part of the majority political community in a way that it is able maintain and reproduce its own identity. There is also an individual version of integration when the majority refuses to accept the minority as a community by giving it collective rights. In this case, members of the minority are integrated as individuals into majority society while they possess on a theoretical level the conditions to preserve their culture and identity. Often individual integration leads to assimilation because the minority identity is not ensured through collective rights. Through assimilation the person is accepted into the majority society and pays the price of giving up his identity. Assimilation is to a great extent the decision of the individual. Persons who assimilate are tired of the quotidian struggles of minority existence and find it simpler to give up their identity in return for being treated as a member of the majority community. The assimilation of a great number of individuals could result in the dissolution of the minority community and indicates the failure of the minority elite to guarantee the cohesion of the minority community. (Salat 2018)

The accommodationist or consociational approach seeks to institutionalize the ethnic cleavages and limit the interactions to the political elite. Here it is acknowledged that the minority needs protection against the homogenizing efforts of the majority and can build up its own parallel society where it enjoys some sort of self-government. This approach advocates congruence between borders and ethnic divisions making ethnically homogenous units possible where territorial boundaries and ethnic cleavages coincide. (Aisling 2013)
Aarend Lijphart set up the theory that forms the basis of the consociational approach. He envisioned a consociational or power-sharing model of democracy for societies where deep divisions were present. Such a power-sharing model could be successful if 1) the elite is willing to put its differences aside and enter a grand coalition 2) the right of mutual veto is accepted 3) if society is willing to accept the depolitization of various segments and institutions 4) the acceptance of proportionality 5) granting autonomy to different groups. (Lijphart, 1969, 1977, 1996) Under Lijphart`s concept, both the majority and minority can have their parallel societies which can serve as the pillars of society.

Most of the conditions named by Aarend Lijphart for adopting the consociational approach are missing in the home countries. The most important are the the depolitization of various segments and institutions and the acceptance of proportionality and autonomy. The building of

parallel societies ran counter to the aspirations of the majority to strengthen its national institutions through a policy of assimilation. The building of own majority and minority institutions is bound to cause conflicts since both the majority and the minority seek to promote solidarity between members of their community and enable their society to reproduce its ethnic identity.[59] The experience of Hungarian minorities showed that Lijphart`s model does not work. The depolitization of state institutions failed to take place and the legal guarantees for minority rights are still missing. In the early 1990s, the Hungarian political elite sought to establish a parallel "minority society" where the institutional system of the minority played a key role in its reproduction as an ethnic community. (The traditions of a parallel minority society go back to the interwar era.)

The type of integration model, practiced in Romania since the 1990s, has been called "unequal accommodation." (T. Kiss et al. 2018:75) Kiss describes the "unequal accommodation*"* of minorities as a treatment situated between the integrationist and consociational arrangements. According to Kiss "From the perspective of the integrationist–accommodationist continuum, one may argue that unequal accommodation grants minority elites more power than integration but less than (constitutional) accommodation. In this framework, minority organizations are recognized as the legitimate representatives of the concerned groups and minority elites are co-opted into executive power structures. However, this happens without the full constitutional recognition of ethnocultural diversity and without institutional guarantees of power-sharing among ethnic groups." (T.Kiss et al. 2018, 14) Since the institutional guarantees needed are missing the majority nation can change the rules of the game and put the minority at a disadvantage. "Consequently, the governmental participation and the bargaining power of the minority elites depend on the political constellations of the day and are often of an ad hoc nature, as there are no constitutional or legal guarantees for
this. " (T.Kiss et al. 2018, 14)

Tamás Kiss finds Smooha´s "ethnic democracy" useful in explaining the concept of "unequal accomodation." In an "ethnic democracy" the home states act as the protector of the interests of the majority nation as they seek to enhance the nation-building of the majority at the expense of the minority. They seek to create a homogenous nation and can be described as "ethnic democracies" since they extend civil and political rights to those who live on their territory, but the titular nation dominates the state and uses it to give its members a privileged

[59] http://www.jsri.ro/old/html%20version/index/no_3/levente_salat-articol.htm JSRI No. Winter 2002,

status. (Smooha 2001:7) "According to the Romanian constitution, the source of sovereignty is the Romanian people in an ethnic sense, and the state is designed to protect the culture and the interests of this people. As a consequence, the main characteristic of Romanian institutional order is asymmetry between the categories of minority and majority, which is obviously reproduced in various everyday settings. It should be emphasized that the (quasi-)hegemonic control of the state by the dominant
ethnic group is univocally supported by all relevant Romanian political actors. None of the political parties that have entered the Romanian parliament (except for RMDSZ) has ever criticized this setting." (T. Kiss et al. 2018, 80)

Minority rights granted to the Hungarian minority are widely regarded by the Romanian public as privileges granted by the Romanian state which the minority is not entitled to. "Romanians overwhelmingly support and take for granted the characteristics of the institutional environment that affirm the mono-ethnic nature of the state (or at least the dominance of the titular nation), and reject most characteristics that tend toward ethnic pluralism. From the majoritarian perspective, the politically active nature of the Hungarian ethnic minority is an anomaly." (T. Kiss, et al. 2018, 86). Polls indicated that "A vast majority of Romanians not only perceive autonomy as an illegitimate claim (in 2016, barely 14% accepted this claim), but also consider existing minority language rights to be illegitimate privileges. Around half of respondents believe that it is not appropriate that Hungarians are educated in their mother tongue. Only one-third of Romanians can accept Hungarian-language education at the tertiary level, and only 13–27% the use of Hungarian in official settings. The widespread rejection of minority language rights hinders considerably the implementation of legal provisions concerning this issue." (T. Kiss et al. 2018, 90). Tamás Kiss of the Romanian Institute for Research on National Minorities explains the results through Romanian stereotypes about Hungarians which are based on two basic assumptions, Romanians see Hungarians as higher in the social hierarchy as Romanians and regard Hungarians in Transylvania as an internal enemy. The latest polls show that the proportion of Romanians who approve of education in the mother tongue hardly reaches 50 percent and there is no support for any model of autonomy. Transylvanian Romanians are not more tolerant toward minority rights than in other parts of the country. Overall, Romanians have not become more tolerant toward minority rights in recent years.[60]

[60] https://www.maszol.ro/index.php/tarsadalom/110690-kiss-tamas-nem-igaz-hogy-a-roman-tobbseg-egyre-megenged-bb-a-kisebbseggel-szemben

Salat explains the Romanian attitude by pointing out that „Romanians conclude from our communication that these Hungarians constantly criticize and demand but show no signs that they consider themselves part of the /Romanian state/ which they would like to improve. The discourse about autonomy sends the message to the Romanian public that Hungarians are only interested in things which they can directly and exclusively control." (Salat 2018)

Addressing the centennial celebrations of 2018 of Romania's unification with Transylvania , Salat regretted that no state official took the opportunity to present a new political project for the next 100 years. Such a project could have been initiated by the President's Office and reached out to all significant segments of society including the minorities. Representatives of the Hungarian minority could have asked the Romanian authorities how they imagine the role of the Hungarian community in the next 100 years. "It would have been useful to learn what the state president who belongs to the Saxon German minority which is in the last phase of its liquidation says about the fate of Hungarians in Transylvania whether a similar fate awaits them as the Saxon Germans or it makes sense to consider how Transylvanian Hungarians could also be guaranteed a place in Romania´s future."[61] (Salat 2018) The self-definition of Romanians as a homogeneous nation state hardly allows room for the aspirations of Hungarians. Romanians have no qualms that two major minorities the Jews and the German Saxons were liquidated through Romanian nation building. Salat concludes that „it is in every interest of Transylvanian Hungarians to be part of a Romanian political project that gives them guarantees that Hungarians in Romania will not have the same fate as the Jews and the German Saxons."[62] (Salat 2018) The legacy of Trianon makes it for Hungarians especially difficult to be part of a Romanian political project.

2.4 Strategies of Ethnic Hungarian Parties

Ethnic minority parties play a key role in the political participation of minority groups and their integration into the political system. They are major representatives of minority interests who play a key role in ensuring the survival of ethnic minority communities.

Ethnic minority parties are in a difficult situation because they play different roles in the political arena as political parties and in the minority community where they act as minority

[61] http://itthon.transindex.ro/?cikk=27587&8222
[62] Ibid.

organizations which represent the interests of the minority community. The ethnic Hungarian party in Romania RMDSZ, for example, "acts in the Romanian political sphere, and is organised and functions as does any other party. In the political arena, the party participates in elections, takes part in parliamentary life either as part of the government, or in opposition.
As is characteristic of any ethnic party, the RMDSZ also fulfils a double function. On the one hand, as a political party, it participates in Romanian political life, while, on the other, it performs tasks of organising the society. In the focus of the program and the political activities of such parties stands the representation of the interests and values of the relevant national/ethnic group/community. Like other parties, the RMDSZ also behaves as a party and its leaders also have their own particular interests, which do not always coincide with the interests of the group represented." (Kántor 2006, 162)

Through years of participation in the majority government, the RMDSZ came to look at the Hungarian electorate as clients who vote for the party in return for material benefits. (Székely, 2014) (Kiss-Barna-Szekely, 2013) Its political leaders oriented themselves toward Bucharest as the source of financial support. While the party still paid lip service to building a parallel society in reality its relationship to the electorate was transformed from community building to clientelistic. The RMDSZ lost the community activists who played a major role in mobilization in the elections. As the RMDSZ no longer participated in the majority government and could not engage in political bargaining to get funding for minority projects the role of the Romanian central government diminished. Against this background ethnic Hungarian organizations began to orient themselves toward Hungary even before the election of the second Fidesz government of 2010. As funds from the kin state greatly increased starting from 2014, Hungary transformed itself from a marginal into an influential actor and ethnic Hungarian communities increased their orientation toward Budapest.[63]

The model of "unequal accommodation" which oriented the RMDSZ toward Bucharest and relied on informal bargains with majority political actors could experience a change through kin state activism. Decreasing funds from the home state and increased support from the kin state could undermine the model. A second factor that could contribute to the erosion of the model is that a change in the norms of transnational organizations has taken place. In the 1990s

[63] HTTPS://ERDELY.ATLATSZO.HU/2018/04/05/NERDELY-1-IGY-HODITOTTA-MEG-AZ-ERDELYI-MAGYARSAGOT-A-FIDESZ/

international actors supported the participation ethnic minority parties in the majority government as well as informal and political elite-level bargaining as a form of conflict resolution. This strategy was, however, not followed up by demands for institutional guarantees of power-sharing to protect the minority. (T. Kiss et al. 2018 15) By the 2000s the integrationist approach gained the upper hand in international organizations and the focus shifted to "norms of nondiscrimination and individual rights, while emphasizing the dangers of empowering minority groups and that such empowerment strengthens ethnic boundaries and leads to permanent institutional segregation." (T. Kiss et al., 2018, 124) Civic groups who formulated the issue of minority rights in terms of the rule of law and human rights could "emerge as a serious alternative or complementary strategy to claim-making based exclusively on political bargaining." (T. Kiss, et al. 2018:75-76, 124) OSCE High Commissioner on National Minorities launches guidelines on integration of diverse societies.[64]

The debate between ethnic Hungarian parties centered around which was the better strategy of survival, integration which involved participation in the majority political field and entailed the danger of assimilation or the consociational approach which gives more room to autonomy and parallel society building. The type of integration that ethnic Hungarian political parties were involved in Romania and Slovakia after 1990 brought no progress toward achieving more guarantees for minority rights. In both countries ethnic Hungarian political parties participated in the majority government and made asymmetric deals with majority politicians and paid the price of giving up their aspirations for autonomy. This meant that the Hungarian political elite became a part of the majority political field but received no legal guarantees for ethnic power sharing. At the same time, the ethnic parties were relegated the practice of institution and community building to the background. As ethnic Hungarian parties no longer participated in the government and could not make informal deals to receive funds the ethnic Hungarian communities felt even more dissatisfied. New ethnic parties appeared which vowed to implement a new policy toward the majority which took up the widening of minority rights and the issue of self-government. Starting from 2014, Hungary greatly increased funding to support ethnic Hungarian communities and transformed itself from a marginal into an influential actor and ethnic Hungarian communities increased their orientation toward Budapest.

2.5 Fidesz and Ethnic Hungarian Parties

[64] https://www.osce.org/hcnm/96929 , https://www.osce.org/hcnm/ljubljana-guidelines?download=true

By 2010 when Fidesz launched its new kin state policy many ethnic Hungarians were dissatisfied with the ethnic Hungarian parties because these had to give up the concept of autonomy and demands for more minority rights when they participated in the majority governments. Fidesz supported and helped establish new parties which took up the issue of autonomy and the demands for more rights. In Romania and Slovakia, the RMDSZ and the Magyar Koalíció Pártja split following differences over the best course to follow.

In Transylvania, Fidesz helped establish two new rival parties, in 2008 the Hungarian Civic Party (MPP) and in 2012 the Hungarian People's Party in Transylvania (EMNP) which sought to better represent the rights of the Hungarian community. The EMNP was headed by the reformed bishop László Tőkés, a close ally of Orbán, and took up the issue of territorial autonomy for the Hungarian populated areas of Transylvania.[65]

In Transylvania, many members of the political elite opposed Fidesz`s new kin state policy. Former RMDSZ chairman Béla Markó Markó openly declared that he would not take advantage of the offer of Hungarian citizenship and criticized the Hungarian state for making citizenship for the ethnic kin available. He also opposed the granting of voting rights to Hungarian citizens who lived outside Hungary on the ground that it would orient the ethnic kin toward the kin state and reduce their claim-making potential in their homelands.[66]

Several elections, showed, however, that the RMDSZ enjoyed more popular support than its pro-Fidesz rivals and the Fidesz government was pragmatic enough to give the RMDSZ access to funds and invited it to help voter registration and the recruitment of new applicants.[67] The RMDSZ along with other ethnic Hungarian parties and organizations participated in the registration of voters for the Hungarian parliamentary elections and for the 2016 referendum. (Kiss TL 2016:18) In 2015, the RMDSZ took over the implementation of the citizenship legislation. This brought the party closer to the Hungarian community and increased the number of personal contacts to its members. "The position of RMDSZ also became very favorable with regard to resource allocation, because besides the resources extracted from Romania, it also obtained a monopoly over financial flows from Hungary." (T. Kiss et al. 2018:131) In reaction

[65] MPP: Az RMDSZ terjessze a parlament elé az autonómiatervezetét 2014. augusztus 27. https://mandiner.hu/cikk/20140827_mpp_az_rmdsz_terjessze_a_parlament_ele_az_autonomiatervezetet
Tőkés László: 2013 legyen az autonómia éve! 4 January 2013. https://mandiner.hu/cikk/20130104_tokes_laszlo_legyen_2013_az_autonomia_eve

[66] http://nepszava.hu/cikk/380701-marko-bela-egyelore-nem-igenyel-magyar-allampolgarsagot. http://www.szatmar.ro/Marko_a_magyaorszagi_szavazati_jog_ellen/hirek/42622. quoted in Kiss TL (2016):18

[67] Az erdélyi magyar politikum és a magyar nemzetpolitika közti ütközési pontok Kiss Tamás 2014. április 17. 10:05, utolsó frissítés: 15:54 http://welemeny.transindex.ro/?cikk=23138

to the demands of the two rival parties, the RMDSZ made the issue of autonomy a central part of its program and also submitted its own draft on autonomy to the Romanian parliament in 2014 which was promptly rejected. Most analysts agree that the draft was not well thought out and served only the purpose of replying to criticism from the RMDSZ's rivals. A Kiss puts it, "while autonomy was reinserted as a central element of the political program and the internal political rhetoric of RMDSZ, no real strategy was associated with it concerning implementation. Formal programmatic elements, however, have little relevance in shaping the political strategy of RMDSZ. This situation raises also relevant theoretical questions. The shift from the formal programmatic moderation of ethnic claims to a dual rhetoric was caused by the emergence of intra-ethnic competition, and the situation." (T. Kiss et al. 218:122)

While the RMDSZ managed to remain the dominant ethnic Hungarian party, in Slovakia the party split resulted in two parties of similar strength whose intra-ethnic struggles weakened the representation of the Hungarian community. One ethnic Hungarian party that emerged from the split in Slovakia the Magyar Közösség Pártja took up the issue of autonomy and minority rights and the other party Most-Híd became a multi-ethnic party which included Slovaks and Hungarians. / Most-Híd is led by Hungarian elites who left the when the party split in 2009 and it is estimated that 40% of the Most-Híd voters are ethnic Hungarians. (Székely 2014)./ The leader of the multi-ethnic party Most-Híd Béla Bugár in Slovakia objected to dual citizenship and non-resident voting rights on the ground that this would give too much influence to the kin state over minority communities. Bugár has consistently criticized Fidesz's policy and gave priority in the relations of ethnic Hungarians to the home state instead of the kin-state.

In the last three parliamentary elections only Most-Híd made into the parliament and participated in the majority government but was in the eyes of many voters not able to achieve much in terms expanding minority rights. Current polls show neither the MKP nor Most-Híd would make it into parliament. [68] Several members of the Hungarian political elite called on the two parties to unite and create a Hungarian bloc to run in the next parliamentary elections in order to gain parliamentary representation. The common Hungarian bloc is needed because: „the past thirty years clearly showed that fire-extinguishing, small changes with partial results

[68] Gábor Zászlós: Hungarian Electoral Bloc, 7 April 2019, https://ujszo.com/kozelet/magyar-valasztasi-blokkot-mvb

narrowly defined by the coalition partners we will not achieve anything. If our goal is to survive and progress, we have to change our pace and think in entirely different dimensions." [69]

The Fidesz government refused to recognize Slovakia's multi-ethnic Most-Híd as the legitimate representative of ethnic Hungarians and chose the ethnic Hungarian Community Party Magyar Közösség Pártja (MKP) as its strategic partner. At the Hungarian Standing Conference in 2018, Orbán called Most-Híd "a thorn in our side: a thorn in the shape of a "bridge" [Híd, the Hungarian-Slovak party]. The existence of this party isn't a problem for us, as in the past [its leader] Béla Bugár has displayed his merits: some people like him, others don't, and one can have any of a number of views on the matter. Our problem is a structural one, because the existence of a mixed ethnicity party in Felvidék raises the question of whether from the viewpoint of strategy for the nation it is necessary, good and desirable to have parties in the Carpathian Basin which are formed on an ethnic basis, or if it is better to form mixed ethnicity parties. To date this is government's position – which I suggest we maintain – is that it would present an existential danger if we switched from ethnically-based political representation to mixed ethnicity political representation. I think that this is a very grave danger and a trap which we must avoid stepping into – even if sometimes it breaks one's heart to see fine Hungarians running as candidates for Híd, whom we should oppose by supporting an ethnically Hungarian party. Our opposition is not a matter of personal preferences – although that is not irrelevant – but primarily because structurally we mustn't allow representation on an ethnically mixed basis to supplant single-ethnicity representation"[70]

This statement explains why Fidesz refused to cooperate with Most-Híd despite its electoral successes which made its presence in parliament and in the majority government possible.

3. PRESERVATION OF ETHNIC IDENTITY THROUGH LANGUAGE RIGHTS

[69] Szabolcs Mózes: Instead of Division Hungarian List with Real Contents, 2019 april 21, https://ujszo.com/kozelet/megosztottsag-helyett-magyar-lista-valodi-tartalommal

[70] Speech by Prime Minister Viktor Orbán at the 17th session of the Hungarian Standing Conference, 30 November 20118, https://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/speech-by-prime-minister-viktor-orban-at-the-17th-session-of-the-hungarian-standing-conference

3.1 PRESERVATION OF THE MOTHER TONGUE

The asymmetric relationship between the majority and minority is best illustrated in the use of language which plays a central role in reproducing ethnic identity. Those belonging to the majority regard the language of communication per definition as the majority language and feel that they don't need to learn Hungarian not even in areas where half or more than half of the population is Hungarian. This asymmetry is reflected in personal interactions between members of the majority and the minority. The mother tongue is the most important feature of ethnic identity and its usage is essential for the cultural reproduction of ethnic minorities.[71] The usage of minority languages is regulated through the constitution and legislation lays down the criteria for their usage and implementation. When assessing the language policy of states, the use of minority languages in the public arena on the local and regional level indicates to what extent the minority can use its the mother tongue. [72] For the preservation of the mother tongue it is vital that it is spoken not only in private but also in the public arena. Experts argue that: "*While teaching and learning a language guarantee its survival (or help in this respect, as oral transmission within families is the main requirement), its use in dealings with the administrative authorities reflects a higher status for the language than its teaching in school."*[73] The guarantee of the right to be educated in the mother tongue and use it in public helps ensure the cultural reproduction and survival of the community.[74]

International treaties dealing with minority and linguistic rights do not unambiguously state whether the use of the mother tongue is an individual or collective right.[75] With few exceptions,

[71] Judith KESSERU NÈMETHY ed.: 21st Century Hungarian Language Survival in Transylvania Helena History Press Reno, NV USA 2013.

[72] Eplényi Kata and Kántor Zoltán (eds.): Térvesztés és határtalanítás, A magyar nyelvpolitika 21. Századi kihívásai, Loss of Space and Removing Borders, Challenges of Hungarian language policy in the 21th century Lucidus, Budapest, 2012. 103-228.(Oltay, 2019)

[73] Giovanni Poggeschi: *The Use of Regional and Minority Languages in the Public Administration and the Undertakings of Article 10 of the European Charter for Regional or Minority Languages*
Revista de Llengua i Dret, núm. 57, 2012, 163. (Oltay, 2019)

[74] Kapitány Balázs: *Ethnic Hungarians in the Neighboring Countries* in:
Monostori, J. - Őri, P. - Spéder, Zs. (eds.): *Demographic Portrait of Hungary 2015.* HDRI, Budapest, 2015. 225–239

[75] Eplényi Kata and KántorZoltán (eds.): *Térvesztés és határtalanítás, A magyar nyelvpolitika 21. Századi kihívásai,* Loss *of Space and Removing Borders, Challenges of Hungarian language policy in the 21th century* Lucidus Budapest: 2012.45 (Oltay, 2019)

the states where Hungarian minorities live, the home states, regard the language rights of minorities as individual and not as collective rights. They treat language rights for minorities as privileges that can be taken away. Most home states interpret international and European agreements on linguistic rights in a way that stresses their limits and exemptions and seek to use them to restrict even existing language rights. Most conspicuous are the restrictions on the use of the Hungarian language in the official and public arena. This creates an atmosphere of mistrust between minority and majority and divides societies along ethno-linguistic lines.[76]

The European Language Charter was the first document that the Council of Europe issued that defined the concept of regional or minority language rights. Under article one of the Charter *"regional or minority languages" means languages that are: traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and different from the official language(s) of that State; it does not include either dialects of the official language(s) of the State or the languages of migrants"*[77] The European Language Charter takes, however, is silent on whether these rights are individual or collective rights. The European Language Charter has been signed by most EU states including those where ethnic Hungarians live and requires the signatory states to ensure minority participation in all parts of public life. The Charter is, however, formulated in a way that gives the signatories almost a free hand in deciding how they carry out measures to promote languages and which commitments they honor.[78] Terms such as "if it is possible," "in any given case" and "if the number of minority speakers makes it necessary" allow states a lot of leeway in interpreting language rights.[79]

In most of the states where ethnic Hungarians live the language rights of minorities are construed as individual and not as collective rights. Home states seek to restrict the use of Hungarian in the public arena and divide societies along ethno-linguistic lines.[80]

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[76] Marátz László: *Towards a European system guaranteeing linguistic minority rights protection: including the Hungarian cases.* in: Z. Dika (ed.): *Concepts and Consequences of Multilingualism in Europe 2*, Universiteti i EJL Tetovë 2011. 25-53.

[77] https://www.coe.int/en/web/european-charter-regional-or-minority-languages

[78] Giovanni Poggeschi: *The Use of Regional and Minority Languages in the Public Administration and the Undertakings of Article 10 of the European Charter for Regional or Minority Languages* Revista de Llengua i Dret, núm. 57, 2012, 163-205

[79] János Péntek: *Language Rights in Romania" in* Csaba K. ZOLTANI, *Transylvania Today: Diversity at Risk,* Osiris Budapest, 2013. 236

[80] Marátz László: *Towards a European system guaranteeing linguistic minority rights protection: including the Hungarian cases.* in: Z. Dika (ed.): *Concepts and Consequences of Multilingualism in Europe 2*, Universiteti i EJL Tetovë 2011. 25-53. (Oltay, 2019)

The European Language Charter puts in place a monitoring system that consists of a committee of experts that evaluate the situation and requires the participating states to publish periodical reports on their progress in protecting regional and minority languages.[81]

The Framework Convention is devoted to minority rights and has a mechanism of monitoring. It requires the signatory states to ensure minority participation in all parts of public life.[82] A key provision of the Framework Convention is that the signatories "recognize that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing." (Article 10)

The right of minorities to use their mother tongue in public administration in the areas where they live is diluted by the formulation that "if those persons so request and where such a request corresponds to a real need, the Parties shall endeavor to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities." (Article 10 2) This article illustrates why the FCNM has been criticized for its vague and cautious formulation that makes it easy for the participating states to ignore it. The home states often fail to fulfill their obligations under the European Language Charter and the Framework Convention.

EU treaties recognize the right to use the mother tongue as a fundamental right which encompasses the right of minority members to use their mother tongue in private and in public, and the right to mother tongue education. [83] There are, however, no provisions for implementing minority rights and the right to use of the mother tongue. There is also no procedure for submitting minority complaints.

Under the Copenhagen Document minorities have the right "to use freely their mother tongue in private as well as in public; (32.2)" The Document lays down the criteria that applicant

[81] https://www.coe.int/en/web/european-charter-regional-or-minority-languages.

[82] https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800c10cf

[83] See: http://conventions.coe.int/Treaty/en/Treaties/Word/157.doc for the full Convention
http://ec.europa.eu/enlargement/archives/ear/sectors/main/documents/EAR_Practical_Guide_on_Minority_Issues_Mainstreaming.pdf

countries must meet to ensure the respect of minority rights but its wording leaves a lot of room for interpretation and stresses the need for conformity with national legislation.[84]
Under EU law, language rights fall under national jurisdiction which means that their observance and implementation depend on the will of the nation states where minorities live. EU affiliated institutions can make suggestions, but these are not legally binding and therefore carry little weight. The EU lacks effective control mechanisms and means of enforcing legal commitments to minority rights among EU members. The EU was not consequent enough in endorsing existing norms for minority protection and often improvised. It has throughout the years relied on the experts of the Organization for Security and Co-operation in Europe, (OSCE) and the European Council to develop non-binding criteria for the guarantee of minority rights that can be used as guidelines.

Most current language laws in the home states restrict the use of the mother tongue by introducing thresholds that the share of the ethnic Hungarian population in administrative-territorial units must reach to enable the minority to use its mother tongue in official communication. The thresholds for using the mother tongue, 20% or 15% in Slovakia, 10% in Ukraine, 33 to 20% in Romania, 15% in Serbia, 33% or one-third of its population in Croatia, do not encompass Hungarians who live in areas where their ratio falls below the threshold and who struggle the most to retain their ethnic identity. In Transylvania for example, a quarter of the Hungarian population lives in administrative units in which their share is under the ratio of 20% and they cannot use their mother tongue. The linguist János Péntek suggests that instead of thresholds the "critical level of language use" should be considered "the point at which the small community would need positive discrimination, along with favorable conditions to maintain its ethnicity." [85]

The use of minority/majority thresholds also reduces the minority`s chances of communicating in its mother tongue on the regional level. A major problem is that a threshold of for example 20% is often met on the local level in villages but not in towns where the county seats are. Thus, it can happen that in a village of 100 people 20% belong to the minority and receive language

[84] Horváth István: *România: a kisebbségi nyelvi jogok és intézményes érvényesülésük (Romania: minority language rights and their institutional efffectiveness)* in Eplényi Kata and Kántor Zoltán (eds.): *Térvesztés és határtalanítás, A magyar nyelvpolitika 21. Századi kihívásai, Loss of Space and Removing Borders, Challenges of Hungarian language policy in the 21th century.* Lucidus ,Budapest 2012. 176

[85] János Péntek: *Language Rights in Romania* in Csaba K. Zoltani, *Transylvania Today: Diversity at Risk*. Osiris Budapest, 2013. 236

rights while thousands of minority speakers in regional capitals cannot communicate in the minority language at all because they do not reach the threshold. [86]

Legislation offering guarantees for the exercise of minority language rights is, however, only a prerequisite for widening the usage of the minority language. The implementation of the laws plays a key role in the exercise of language rights. The presence or absence of bilingual signs the possibility to communicate orally or in writing in public administration are the most visible signs of whether the laws are being implemented.

There are great problems with the enforcement of the language rights. The majority language has for decades dominated the public sphere and minority language rights have been restricted. This influences the attitude of the minority and the majority toward language use. Laws are often formulated ambiguously and allow for varying interpretations which instills a fear of reprisals among the minority. For the implementation of rights ethnic Hungarians must know what their rights are and take advantage of them. In many cases, however, Hungarians fail to take advantage of their rights in areas where they reach the threshold required to use their mother tongue in public administration.[87] In many regions, Hungarian lost much of its functionality compared to the majority languages because is has not been used for decades in public administration. There is no adequate official register of the Hungarian language and the lack of modern Hungarian terminology relating to public administration makes the reliable translation of majority language legislation and documents very difficult. In many cases, there are no bilingual forms and information sheets. Often public servants do not speak Hungarian and must translate Hungarian language applications into the majority language which involves delays in processing them.[88]

Ethnic Hungarians enjoy cultural and or territorial autonomy and have forms of cultural or collective rights Croatia, Slovenia and Serbia. Hungarians in these former Yugoslav republics have extensive rights over the use their mother tongue. In all three republics Yugoslav traditions

[86] Gerencsér, Balázs Szabolcs: *Nyelvében él …" in Kárpát-Medencei Körkép A Határon Túli Magyarok Hivatalos Anyanyelvhasználati Jogairól, (The nation lives through its language…" Roundup in the Carpathian Basin concerning the Rights of Hungarians Abroad to use their mother tongue in Public)* Nemzetstratégiai Kutatóintézet, Kárpát-Haza Könyvek, Budapest 2015. 278. http://mek.oszk.hu/15500/15516/15516.pdf

[87] Csernyicskó István, Szilvia Szoták and László Molnár Csikó,Termini Magyar Nyelvi Kutatóhálózat (The Hungarian Language Termini Research Network) 24 November 2011.

[88] Eplényi Kata and Kántor Zoltán (eds.): *Térvesztés és határtalanítás, A magyar nyelvpolitika 21. Századi kihívásai, (Loss of space and Removing Borders, Challenges of the Hungarian language policy in the 21th century).* Lucidus Budapest 2012. 199-228

play a role. In Croatia and Slovenia, the number of Hungarians is very low, and Serbia seeks to fulfill the requirements for membership in the EU.

Serbia is the only country where a substantial number of ethnic Hungarians which grants them cultural non-territorial autonomy and collective rights. Under the Serbian constitution, the minorities can set up their own National Minority Councils through which they exercise cultural autonomy. [89] In Serbia Hungarian is one of the eight official languages in Vojvodina and is used in 31 of Vojvodina's 45 municipalities. [90]

While the National Councils embody the expressions of the collective rights of minorities their jurisdiction over cultural autonomy, education, information, and the official use of language is not clearly defined.[91] This means that the majority government can interpret the collective rights as special rights and can easily take them away.[92]

Minority language rights are more restrictive in Slovakia and Romania than in the former Yugoslav republics. In the these countries, minorities have no collective rights or a form of autonomy and the Hungarian language has no official status.

The Slovak constitution declares Slovak the sole official language of Slovakia and fails to acknowledge the existence of minorities.[93] In 2001 the Government Decree 131/2001 declared the Slovak language "*'a basic identifying mark' of the Slovak nation and that it was thus logical for the 'language of the state-forming nation' to be declared as the state language. Slovak language was a means for the state to uphold domestic stability in cultural, social, and political sense."* [94]

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[89] LAW ON THE NATIONAL COUNCILS OF NATIONAL MINORITIES ("Official Gazette of the RS", No. 72/2009, 20/2014- the Decision of the Constitutional Court and 55/2014 LAW ON THE NATIONAL COUNCILS OF NATIONAL MINORITIES ("Official Gazette of the RS", No. 72/2009, 20/2014- the Decision of the Constitutional Court and 55/2014

[90] Losoncz Márk: Merre tartasz, vajdasági magyar? (Which way are you going Hungarians in Vojvodina?) 29 August 2015, http://hu.autonomija.info/losoncz-mark-merre-tartasz-vajdasagi-magyar/
Christina Isabel ZUBER, Jan Jakub Muś: Representative claims and expected gains. Minority council elections and intra-ethnic competition in Serbia, East European Politics, 2013. 52-68, DOI: 10.1080/21599165.2012.757737

[91] Law on National Councils of National Minorities, Official Gazette of the RS, No.72 /2009, Article 116.

[92] http://www.seio.gov.rs/upload/documents/ekspertske%20misije/protection_of_minorities/law_on_national_councils.pdf

[93] Constitution of the Slovak Republic www.nrsr.sk/web/Static/en-US/.../constitution.doc

[94] Ágnes Vass: If Yes, Why Not? Minority Language Use and Accommodation of Minority Language Rights in Slovakia Institute for Minority Studies, Hungarian Academy of Sciences Acta Univ. Sapientiae, European and Regional Studies, 8 (2015) 43–56 DOI: 10.1515/auseur-2015-0012

Ethnic Hungarians can only use their mother tongue at the local level since in most regional capitals they do not reach the threshold of 20%. Under the language law, official forms are available in minority languages but because of the threshold requirement this too applies only to the local level. Similarly, to the other countries where Hungarian minorities live, minority languages are hardly used in written official communication and minority language public notices are as a rule missing.[95]

In 2009, Slovak State Language Law was amended in a way that severely limited the use of minority languages. It designated Slovak as the sole language of official communication without providing guidelines what constitutes official communication and how the requirement that Slovak be used "in public" or for "official communication" is interpreted.

The law violated EU norms and the treaties and covenants of the Council of Europe and the OSCE by stigmatizing citizens for speaking their mother tongue. Many Hungarian speakers were discouraged from using their mother tongue and feared reprisals.[96] An amendment to the law on state symbols and their usage adopted by the Slovak parliament in April 2019 criminalizes the singing of a foreign country's national anthem unless an official delegation of that state is present. This means singing the Hungarian anthem is subject to a Eur 7,000 fine. There is a tradition of singing the Hungarian anthem at the start of football games. The 9 out of 13 parliamentary deputies of the Slovak-Hungarian party Most-Hid voted for the legislation, out of oversight as they later explained.[97]

Under the constitution of Romania "Romania is a sovereign, independent, unitary and indivisible nation state…The official language is Romanian." (Article 13). [98] A constitutional provision reaffirms the Romanian language as the „political symbol of Romanian national fulfillment." (Article 152) (Varga, 2006: 30). Minority languages cannot have official status

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95 http://kitekinto.hu/karpat-medence/2009/09/14/fico_semmit_sem_valtoztatunk_a_nyelvtorvenyen/#.VxO8M_mLRD8 "Slovak Language Law: Slap in the Face", *Transitions Online*, July 14, 2009.

96 http://foruminst.sk/staff/fiala-janos/ The Forum Institute for Minority Research http://www.kerekasztal.org http://alppi.vedeckecasopisy.cz/publicFiles/00131.pdf http://kitekinto.hu/karpat-medence/2009/09/14/fico_semmit_sem_valtoztatunk_a_nyelvtorvenyen/#.VxO8M_mLRD8

97 https://infostart.hu/tudositoink/2019/04/04/a-felvideken-akkor-is-lesz-magyar-himnusz-ha-fizetni-kell-erte?utm_source=infostart&utm_medium=email&utm_campaign=hirlevel https://www.bumm.sk/belfold/2019/04/06/on-olvasta-mar-a-botranyt-kavaro-modositast?fbclid=IwAR3_hUOKgXOtJl6l-g_ThLOHrmjETfVYCy7x8ZWlcajBDI8o1AnXbOX5i8k

98 http://www.ccr.ro/en/constitutia-romaniei-2003

but are allowed to be used in situations which are specified by law.[99] In other words, "Romanian is viewed as the natural basic language of the Romanian state, public sphere and services, and the Romanian state also makes occasional concessions so that minority languages can also be used." [100]

Article 120 (2) of the Romanian Constitution allows the right to use minority languages in institutions of public administration and the usage of the mother tongue in both local and regional institutions.[101] The Constitution stipulates that '[i]n the territorial-administrative units where citizens belonging to a national minority have a significant weight, provision shall be made for the oral and written use of that national minority's language in relations with the local public administration authorities and the deconcentrated public services' (Art. 120(2)).

Under the Law on Local Public Administration 215/2001, in administrative districts in which the minority represents at least 20% of the population it can communicate in its mother tongue. (Public Administration Law (215/2001, Governmental Order 1206/2001) Under the Law's provisions where 'the authorities of local public administration, the public institutions subordinated to these, as well as the deconcentrated public services shall assure, in rapport with these [i.e. the minorities], the use of the mother tongue, as well.' (Art. 19)[102]

On the local level, if the proportion of minorities is higher than 20%, minorities can use their mother tongue and are entitled to receive an answer in Romanian and their mother tongue. (Law Article 76(2)) Local authorities are required to ensure that street signs and public signs on public institutions as well as public announcements are also displayed in minority languages. (Law on Local Public Administration 215/2001).[103]

In practice it depends on the good will of the authorities whether the provisions of the public administration law are implemented. In many localities where the ratio of Hungarians exceeds 20% the local authorities refuse to allow bilingual signs. In the town of Marosvásárhely/Târgu

[99] Kontra Miklós, Szilágyi N. Sándor: *A kisebbségeknek van anyanyelvük, de többségnek nincs. (Minorities have a mother tongue, but not the majority has none")* in KONTRA Miklós – Hattyar Helga, (eds.) *Magyarok és nyelvtörvények (Hungarians and Language Laws*), Teleki László Alapítvány, Budapest 2002.3-10

[100] Horváth István: *România: a kisebbségi nyelvi jogok és intézményes érvényesülésük Romania: minority language rights and their institutional effectiveness* in EPLÈNYI Kata and Kántor Zoltán (eds.): *Térvesztés és határtalanítás, A magyar nyelvpolitika 21. Századi kihívásai, (Loss of space and Removing Borders, Challenges of the Hungarian language policy in the 21th century)*, Lucidus Budapest 2012.176

[101] . http://www.ccr.ro/en/constitutia-romaniei-2003

[102] Lilla Balázs and Guido Schwellnus: *Decoupled Empowerment: Minority Representation and the Implementation of Language Rights in Romania*. Journal on Ethnopolitics and Minority Issues in Europe Vol 13, No 2, 2014, 104-131 http://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2014/Balazs.pdf

[103] Ibid.

Mureș, for example where the ratio of ethnic Hungarians is 42% the authorities of allow nur monolingual Romanian signs as street signs and signs on public buildings. Volunteers of a civil organization were fined by the local police for installing bilingual street signs on some buildings.[104] Large Hungarian communities who live in towns, but their ratio is below 20% cannot use their mother tongue in public administration and have no Hungarian signs. In Kolozsvár /Cluj-Napoca, for example, some 50,000 ethnic Hungarians live who make up 16% of town's population (2011 census) have no topographic signs in Hungarian. Ethnic Hungarians have tried for decades to have multilingual signs installed in the town to reflect the locality's Hungarian, German and Romanian traditions.

Large Hungarian communities who live in towns but do not reach the 20% threshold cannot use their mother tongue in communicating whith the authorities and have no topographic signs in Hungarian. A case in point is Kolozsvár /Cluj-Napoca where 50,000 Hungarians live which is 16% of the city's population according to the 2011 census. For decades Hungarians in Kolozsvár sought to have multilingual sign in the city which has a rich Hungarian, German and Romanian tradition. In 2017, the mayor of Kolozsvár/Cluj-Napoca agreed replace Romanian place names with trilingual ones in reaction to the pressure exerted by the civil action group Musai-Muszáj which launched advertising campaigns for bilingual signs. [105] The civil initiative 'Igen, tessék!' "Da poftiți! "Yes, Please" promotes bilingualism by placing bilingual signs at the entrance to shops where Hungarian is spoken..[106]

The Romanian policy of not complying with the right of minorities to have bilingual signs, however, continues. In April 2019, the Marosvásárhely/Târgu Mureș Court of Appeals fined the mayor of the Transylvanian Korond village Mihály Katona to RON 463,884 (EUR 97,471) for failing to remove the Hungarian "Községháza" "village hall" inscription from the building of the local municipality.The mayor of Corund/Korond was fined to take down the "Községháza" (meaning town hall in Hungarian) inscription from the forefront of the

[104] https://dailynewshungary.com/5000-ron-fine-for-bilingual-street-signs-in-romania
[105] https://kronika.ro/erdelyi-hirek/musai-muszaj-akad-meg-tennivalo-a-valos-multikulturalitasert
[106] www.igentessek. http://www.hirek.sk/belfold/20160222172322/Ketnyelvusito-kuzdelmek-a-gyakorlatban-es-a-digitalis-terben.html Magyar civil jogvédelem Erdélyben (Hungarian Civic Legal Defence in Transylvania), 21 February 2016 http://kronika.ro/szempont/magyar-civil-jogvedelem-erdelyben

building.[107] According to the latest 2011 census, the village has a population of 5,228, of which 4,869 are ethnic Hungarians. [108]

Many Hungarians are reluctant to submit Hungarian language applications to local governments because they are uncertain about the usage of Hungarian terms and feel that their applications will be processed more quickly if they submit them in Romanian. Many ethnic Hungarian mayors, even those elected under the banner of The largest ethnic Hungarian party the Democratic Alliance of Hungarians in Romania, RMDSZ, (Romániai Magyarok Demokratikus Szövetsége), also give preference to Romanian over Hungarian as the language of communication in public administration.[109]

In Ukraine, the relationship to the large Russian minority determines the language policy and the Hungarian minority is caught in the Ukrainian-Russian conflict. The struggle around minority language use revolves around the most widely spoken languages Ukrainian and Russian. According to the 2001 census, those with Ukrainian and Russian mother tongue make up 97.1% of the population. The largest ethnic minority in the Ukraine is the Russian (17.3%) and 30% of the population have Russian as their mother tongue. 77,89% of those citizens who belong to a minority have Russian nationality. The language policy of the Ukrainian government aims at securing the dominance of the Ukrainian language against the Russian language. Other ethnic and linguistic minorities play a marginal role. According to the 2001 census, ethnic Hungarians make up 0.3% of the total Ukrainian population. [110]

While article 10 of the Ukrainian constitution declares Ukrainian the state language, it also states that „*In Ukraine, the free development, use and protection of Russian, and other languages of national minorities of Ukraine, is guaranteed."* [111]

The 2012 Law "On the principles of the state language policy" created opportunities for a wider use of minority languages. Under the law, in regions where the proportion of those who speak a minority language reaches 10%, the minority language acquires official status. Hungarian

[107] http://transylvanianow.com/transylvanian-mayor-fined-eur-18883-for-hungarian-village-hall-inscription/
[108] https://www.mikoimre.ro/en/the-mayor-of-corund-korond-received-a-fine-of-nearly-100-thousand-euros-for-a-hungarian-inscription/
[109] http://www.maszol.ro/index.php/belfold/67300-nyelvi-jogok-ervenyesitese-valtozast-remel-az-ujratervezest-l-az-rmdsz
[110] Ferenc Viktória –Tóth Norbert: *Autonomy ambitions in Subcarpathia* in: Zoltán Kántor (ed.): *Autonomies in Europe. Solutions and Challenges.* L'Harmattan, Budapest
2014.165-174.
[111] Constitutional Court of Ukraine, http://www.ccu.gov.ua/en/doccatalog/list?currDir=12083

thus became a regional official language in Transcarpathia that could be used in public administration and in the courts. [112] The law encountered resistance from the local authorities which hindered its implementation. Often local governments refused written communication in the mother tongue. Here as in Hungarian communities in other countries, many ethnic Hungarians chose to give up their language rights because they feared the using the mother tongue would slow down the processing of their applications.[113]

Since 2014, several Ukrainian MPs submitted draft laws which aimed at abolishing the Law and to severely restrict the use of minority languages. This corresponded with the wish of the Ukrainian elite to use Ukrainian as an expression of Ukrainian independence and the basis for the creation of the Ukrainian political nation. After decades of Soviet rule where Russian was the dominant language, there was a strong wish to replace Russian with Ukrainian.[114]

In 2017 a new Ukrainian law on education was passed by the Ukrainian parliament that would severely restrict instruction in the mother tongue beyond the primary school level.[115] Hungarian

[112] MTI (2012): *Csapon nem lesz hivatalos a magyar nyelv. Hungarian will not be official language in Chop.* October 11, 2012.
and MTI (2012): *Regionális nyelv lett a magyar Beregszászon. Hungarian became the regional language in Berehove* September 7, 2012.
Ferenc Viktória**:** *Magyar vagy ukrán nyelvü ügyintézés? Jogismeret, jogtudatosság és nyelvválasztás összefüggései a kárpátaljai magyarok körében Az ukrajnai nyelvpolitika tágabb kontextusa (Hungarian or Ukrainian language administration? Contexts of legal knowledge, consciousness and language choice among Hungarians in Transcarpathia, The wider contexts of the Ukrainian language policy)* Prominoritate, 2015, 54-68 *http://www.prominoritate.hu/folyoiratok/2015/ProMino-1503-04-Ferenc.pdf*
[113] Ferenc Viktória: *Across State Borders and Within Language Borders. Minority Language Rights and Inspiring Civil Movements in Neighboring Countries, The Paths of Survival – A Diagnosis of Hungarians Abroad.* Lecture on 30 May 2016.
Ferenc_Nön_konf_majus30.pdf. . *http://www.hunineu.eu/hu/2016-junius-1-respecting-linguistic-diversity-language-discrimination-in-the-eu/*
Ferenc Viktória**:** *Magyar vagy ukrán nyelvü ügyintézés? Jogismeret, jogtudatosság és nyelvválasztás összefüggései a kárpátaljai magyarok körében Az ukrajnai nyelvpolitika tágabb kontextusa (Hungarian or Ukrainian language administration? Contexts of legal knowledge, consciousness and language choice among Hungarians in Transcarpathia, The wider contexts of the Ukrainian language policy)* Prominoritate, 2015, 54-68 *http://www.prominoritate.hu/folyoiratok/2015/ProMino-1503-04-Ferenc.pdf*
Csernyicskó, István: *A magyar nyelv használata Kárpátalján: jogok és gyakorlat, (The use of the Hungarian language in Transcarpathia: rights and praxis*) , Romániai Magyar Jogtudományi Közlöny, IV. 51-62.

[114] Csernyicskó, István*: Nyelvpolitika a háborús Ukrajnában, (Language Policy in the Ukraine at war"),* Autdor-Shark Ungvár, 2016, 74.
[115] http://dx.doi.org/10.17355/rkkpt.v24i3.131 Law of Ukraine «On Education» № 2145-VIII, September 5, 2017

organizations gathered 65,000 signatures against the law which they presented to the governor of Subcarpathia/Transcarpathia.[116]

In January 2017 the Parliamentary Assembly of the Council of Europe (ET) adopted a resolution after a debate held on Ukraine's country report, in which the Council of Europe declares that the rights of national minorities in Ukraine must not be restricted. Hungarian Foreign Minister Péter Szíjjártó called on the Ukrainian government to "guarantee the rights of ethnic Hungarians living on its territory."[117]

Since the passing of the Ukrainian law on education, Hungary has blocked issues of major importance to Ukraine in international organizations such as Ukraine's European and NATO integration. (Tátrai et al 2016) [118] Foreign Minister Péter Szijjártó vowed to continue blocking the NATO-Ukraine Committee meeting as long as the Ukraine restricts the rights of ethnic Hungarians living there. He stressed that „we are under great pressure to give up our position. But if we give up, we will have no other tool for protecting the interests of ethnic Hungarian communities." Szijjártó pointed out that the protection of minority rights is inseparable part of security and stability. This was the reason why the Ukraine committed itself to the maintenance, expansion and respect for minority rights in its yearly national program. He vowed to stop using the power of veto only if the Ukraine restores the rights of ethnic Hungarians and honors the minority rights enshrined in bilateral agreements and international treaties. [119]

Prime Minister Viktor Orbán also vowed to continue to block cooperation with the Ukraine at EU and NATO forums including the convening of Ukraine-NATO council. He stressed that

[116] 17 March 2017, Hatvanötezer aláírást gyüjtöttek Kárpátalján az ukrán nyelvtörvény ellen, Sixtyfive thousand signatures were collected in Transcarpathia against the Ukrainian language law http://www.maszol.ro/index.php/kulfold/78202-hatvanotezer-alairast-gy-jtottek-karpataljan-az-ukran-nyelvtorveny-ellen

[117] 12 April 2017, HUNGARY'S FOREIGN MINISTER EXPECTS UKRAINIAN GOVERNMENT TO PROTECT HUNGARIAN MINORITY RIGHTS

http://hungarytoday.hu/news/hungarys-foreign-minister-expects-ukrainian-government-protect-hungarian-minority-rights-32922

Zsolt Németh: Ukraine must guarantee minority language rights January 26, 2017 https://dailynewshungary.com/zsolt-nemeth-ukraine-must-guarantee-minority-language-rights/

Kopogtató: tűzzel-vassal-nyelvtörvénnyel az ország ellen, (Knocker: with fire and sword against the country with the language law), 29 January 2017, http://www.karpatalja.ma/karpatalja/nezopont/kopogtato-tuzzel-vassal-nyelvtorvennyel-az-orszag-ellen/

[118] https://www.reuters.com/article/uk-ukraine-crisis-education/hungary-threatens-to-block-ukraines-eu-progress-in-language-row-idUKKCN1C12BT

http://uzhgorod.in/en/news/2018/avgust/istvan_grezsa_transcarpathians_know_that_we_are_reliable_neighbors

http://www.atlanticcouncil.org/blogs/ukrainealert/why-is-hungary-blocking-ukraine-s-western-integration

[119] https://hungarytoday.hu/szijjarto-hungary-to-keep-monitoring-ukraine-minority-policies/

"we shall make it clear that Ukraine's path to NATO and the European Union can only lead through Hungary and Budapest. End of story." [120]

In April 2019, Ukraine's parliament passed a law which makes the Ukrainian language compulsory in public life. This means that minority languages can only be spoken in private and during religious services. This evoked protests from representatives of Hungarian minority organizations and of other minorities who pointed out that the law takes away their right to speak their mother tongue. Foreign Minister Péter Szijártó condemned the language law as "unacceptable." [121]

One can conclude that only a minority of ethnic Hungarians take advantage of their language rights. Even in countries where the level of protection of linguistic rights is high ethnic Hungarians face obstacles when they seek to use their mother tongue in communicating with public authorities. A major problem is the shortage of staff who speak the minority language and the discrepancy between the laws and their implementation public. The enormous loss of prestige of Hungarian language and culture which reached its pinnacle under communism still influences majority/minority relations and many Hungarians feel that they are second class citizens in their own homeland. In Hungarian communities, civil movements were founded with the goal of helping ethnic Hungarians take advantage of their linguistic rights. These movements provide information about existing legislation and give advice on how to use their mother tongue in public administration. Many experts point out that the raising of Hungarian to the status of a regional language in the areas where ethnic Hungarians live in blocs would help the expansion of minority language rights.[122] The status of regional language would raise the prestige of Hungarian language and culture in the Carpathian Basin and promote the survival of Hungarian communities. (Gerencsér, 246)

3.2 Preservation of Ethnic Identity through Autonomy

[120] 16 November 2018 http://www.miniszterelnok.hu/speech-by-prime-minister-viktor-orban-at-the-17th-session-of-the-hungarian-standing-conference/

[121] https://hungarytoday.hu/ukrainian-parliament-passes-language-law-angering-minorities/

[122] Horváth István: *România: a kisebbségi nyelvi jogok és intézményes érvényesülésük Romania: minority language rights and their institutional effectiveness* in EPLÈNYI Kata and Kántor Zoltán eds.: *Térvesztés és határtalanítás, A magyar nyelvpolitika 21. Századi kihívásai, (Loss of space and Removing Borders, Challenges of the Hungarian language policy in the 21th century),* Lucidus Budapest 2012.176

László MARÀCZ: *Towards a European system guaranteeing linguistic minority rights protection: including the Hungarian cases.* In: Z. Dika (ed.): *Concepts and Consequences of Multilingualism in Europe 2*, Universiteti i EJL Tetovë 2011. 25 -53.

Hungarian minorities have in the past 25 years sought autonomy or self-government for their communities in the countries where they live. They hope that autonomy would halt the rapid assimilation their communities underwent under decades of communism, a process that continued under democratic conditions. In the view of Hungarian minorities, self-government is the only way of ensuring the survival of their communities because it allows them to manage areas of competence which are essential for maintaining their ethnic identity, such as education, language rights and culture.[123] Only as a group exercising their collective rights can minorities participate in deciding issues that directly concern the maintenance of their ethnic identity and prevent the violation of their ethnic rights.[124] Autonomy is key to helping ethnic Hungarians prosper and stay in their homelands. (Edith Oltay Hungarian Quest for Autonomy, Manuscript, 2017, 1)

As Levente Salat explains "The right to *autonomy or some sort of self-government* is claimed and generally obtained by national minorities that demand different forms of regional power or of political autonomy because they consider that their survival as a community and the development of their own culture can only be ensured in this way."[125] At issue is not only the right to preserve the minority language and culture but to ensure the cultural reproduction of the minority against the monopoly of the majority. "On the one hand, it is a goal to be realized, which when accomplished allows Hungarian communities abroad to decide over matters that concern them thereby assuring the survival of their communities. On the other hand, it is a vision for the future based on which the community can be mobilized to realize the autonomy."[126] (Oltay, 2017 1-2)

There is still no universally accepted definition of autonomy or legislation concerning the right to autonomy. I use the definitions of autonomy which are accepted by most scholars.

The general features of the autonomy definition involve:

[123] Vizi Balázs Létünk, A kisebbségi autonómiáról a politikai részvétel és az önrendelkezés metszopontján… 2014 Special Edition, 11-19.
[124] Vizi Balázs A Nemzeti Kisebbségek és az Autonómia Kommentár 2006 1. 54-61.
[125] http://www.jsri.ro/old/html%20version/index/no_3/levente_salat-articol.htm JSRI • No.3 /Winter 2002 p.200 Levente Salat: The Challenge of Diversity Answers and Dilemmas

[126] Zoltán Kántor: Autonómia: cél vagy eszköz? In: Századvég Autonómia, 2016 no.4 p.7

„„the legally established power of distinctive, non-sovereign ethnic communities or ethnically distinct territories to make substantial public decisions and execute public policy independently of other sources of authority in the state, but subject to the overall legal order of the state'' [127]

Essential for minorities is the definition of autonomy as "an instrument for approval for ethnic or other groups to maintain their distinct identity and exercise direct control over issues that are of special interest to them, while allowing the greater entity to have the powers over common interests." [128]

Autonomy as a rule involves the transfer of some powers from the central government to the autonomous entity. This involves power-sharing with the nation state in those fields which are essential for maintaining the identity of the minority such as education, language use or in the case of territorial autonomy in local administration. According to J. Smith, "Devolution of power to minority bodies offers important guarantees against cultural assimilation while boosting minority representation and opening the way to greater participation in the public life of the state."[129]

Scholars define autonomy as the highest level of collective rights because it allows minorities to govern themselves. "collective rights may encompass a wide range of issues important for minority life. If collective rights amount to some form of essential self-determination (political, cultural or other) they become autonomy."[130] Key to achieving autonomy is the clear separation of the jurisdiction of the nation-state and of the areas[131] or levels that enjoy autonomy. One can designate the level that a minority needs to preserve its existence and identity as the minimum of autonomy while the optimum can be interpreted as much autonomy as possible without endangering the territorial integrity of the national state. (Oltay, 2017)

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[127] Pieter van Houten (University of Cambridge) and Stefan Wolff (University of Bath), the International Politics of Autonomy Regimes, 2004 4.

[128] Maria Ackrén. – Conditions for Different Autonomy Regimes in the World, 64, Åbo: Åbo Akademi University Press, 2009.
https://www.doria.fi/bitstream/handle/10024/47244/Ackren_Maria.pdf 49-50 referring to Yash Ghai (2000). 'Ethnicity and Autonomy: A Framework for Analysis', pp. 1-26 in Yash Ghai (ed.): *Autonomy and Ethnicity*. Cambridge: Cambridge University Press.

[129] *David J. Smith:* Minority Territorial and Non-Territorial Autonomy in Europe:
Theoretical Perspectives and Practical Challenges in Autonomies in Europe in Zoltán Kántor (ed.) Autonomies in Europe: Solutions and Challenges, Research Institute for Hungarian Communities Abroad, Budapest L`Harmattan 2014, 17.

[130] Georg Brunner and Herbert Küpper European Options of Autonomy: A Typology of Autonomy Models of Minority Self-Governance in Minority Governance in Europe,19, 32 Kinga Gál ed. Local Governmentand Public Service Reform Initiative Open Society Institute Budapest 2002.

[131] Christoph Pan, Beate Sibylle Pfeil, Paul Videsott, Die Volksgruppen in Europa, Handbuch der europäischen Volksgruppen Band 1, 2., überarbeitete und aktualisierte Auflage, (Wien: Verlag Österreich) 2016 25

The concept of autonomy revolves around personal autonomy, functional or cultural autonomy, and territorial autonomy. There is consensus among scholars that personal autonomy is granted to a group of persons based on their ethnic identity regardless of where they live in the home state. According to Brunner and Küpper, "personal autonomy can be defined as a form of self-government granted to a group, with organs or organizational structures that exercise the various rights and powers of autonomy.[132] (Oltay, 2017)

Personal autonomy allows the national minority to preserve its ethnic identity by governing itself through its own institutions without interference from the center. Scholars also refer to it as cultural autonomy that seeks to promote the preservation of collective identity by allowing minorities to set up minority self-governments and have funds to exercise public functions relating to education, language and culture. [133] Hungary implemented since 1993 an autonomy regime on a non-territorial basis that offered far-reaching protection to minorities living on its territory. Hungary's 13 minorities elect by popular vote and operate a system of local, regional and national self-governments. They also have the right to establish their own foundations, run their own cultural, educational and media institutions locally and nationwide. In 2014, minorities received a form of preferential parliamentary representation, fulfilling the long-standing requirement based on a ruling of the Hungarian Constitutional Court. (Decision 35/1992)[134] (Oltay, 2017)

Under the Hungarian constitution, the minorities living in Hungary are regarded as "constituent parts of the state" and have collective rights. [135] These stipulations reflect the wishes of Hungarian minorities in their home countries. Hungary's model of elected minority self-governments is widely regarded by scholars as exemplary. It sends the message to neighboring countries that minority rights can be enhanced through self-government even if minorities do not live in compact blocs. (Pan and Pfeil 2003)

[132] Georg Brunner – Herber Küpper: European Options of Autonomy: a typology of autonomy models of minority self-governance. In Gál Kinga (ed.): Minority Governance in Europe. Open Society Institute, Budapest, 2002. 26. /LGI/ECMI Series on Ethnopolitics and Minority Issues

[133] Lapidoth, Ruth (1997) *Autonomy. Flexible Solutions to Ethnic Conflicts*. Washington, D.C.: United States Institute of Peace Press 175.

[134] Dobos Balázs, "The Minority Self-Governments in Hungary", Online Compendium *Autonomy Arraignments in the World*, January 2016, at www.world-autonomies.info.

[135] The Fundamental Law of Hungary – http://www.kormany.hu/download/4/c3/30000/THE%20FUNDAMENTAL%20LAW%20OF%20HUNGARY.pdf]

Under territorial autonomy, a region of the country where minorities live and form the majority receives a special status in relation to the other regions of the state that confers on it legislative and/or administrative powers to enact laws and statues in matters that are directly related to maintaining its cultural identity. "Key to the success of territorial autonomy for national minorities is that they receive the means, accomplished through a transfer of power from the center, to exercise direct control over their educational system, cultural institutions and programs. The territorial unit is granted a special status that allows the minority to regulate their own affairs. This includes granting the minority language official status within the territory alongside the majority language." (Smith, 2014: 23) Maria Ackrén defines territorial autonomy as "a geographically defined area which differs from other sub-regions, (like municipalities, federal states, etc.) in a specific country and has received special status with legislative and/or regulatory (administrative) powers." (Ackrén 2009:20 in Oltay, 2017)

Functioning autonomies in Belgium, Spain and Italy show that autonomy presents an important opportunity for ethnic minorities. In these states, the language and cultural rights of minorities are guaranteed through a legal system that incorporates the structures of autonomy. David J. Smith points out that any "functioning autonomy…requires trust on the part of the actors involved as well 'considerable political crafting' within states." [136] Autonomies can be ethnic based or non-ethnic such as in Spain (e.g. Andalusia, Madrid) or Italy (Sicily). States which have a federal structure showed more openness toward autonomy. In centralized France, for example, there are no territorial autonomies and the existence of minorities is not recognized. But even France moved toward an autonomy arrangement in Corsica in the 1980s.[137] In Eastern-Europe there is a Gagauz Autonomous Region in Moldavia which can be examined as a model for other countries. (Oltay 2017)

Similarly, to the concept of national policy, I examine the concept of autonomy on four levels each of which strongly affects whether an autonomy arrangement can be realized. The home

[136] Linz J. and A. Stepan: Problems of Democratic Consolidation: Southern Europe, South America, and Post-Communist Europe within states. Baltimore: John Hopkins University Press 1996.17 quoted in David J. Smith: Minority Territorial and Non-Territorial Autonomy in Europe: Theoretical perspectives and Practical Challenges David J. Smith: Minority Territorial and Non-Territorial Autonomy in Europe: Theoretical perspectives and Practical Challenges in Zoltán Kántor (ed.) Autonomies in Europe: Solutions and Challenges, Research Institute for Hungarian Communities Abroad, Budapest 2014, 22-23. On the meaning of self-government and self-determination in international law see: Tóth Norbert : A kisebbségi közösségek területi autonómiához való jogának kérdése a releváns egyetemes nemzetközi jogi normák fényében in: Századvég Autonómia, 2016 no.4 p.51-70. Tárnok Balázs**:** Régi és új kisebbségek Európában**,** A migrációs válság lehetséges hatásai az őshonos/hagyományos és bevándorló kisebbségek jogaira in Gömbös Ervin ed.: A Kisebbségek Jövője a Globalizálódó Világban, Magyar ENSZ Társaság 2016 (80-92)

[137] Pan, C. and Pfeil, B.S.: *National Minorities in Europe: Handbook, Vol. 1*. Vienna: Braumüller ETHNOS. 2003.

states, the states where Hungarian minorities live, Hungary the kin state, Hungarian minorities and the international environment strongly influence the chances of autonomy. The concept of nation that a state embraces determines its attitude toward autonomy. This concept is reflected in the legislation a state adopts toward its ethnic kin, law on citizenship and the place of co-nationals in the constitution.[138] (Oltay 2017)

In East-Central Europe the concept of autonomy presents itself as a political question that is closely linked to the nation-building processes of the minority and majority. Autonomy thus plays a great role in the domestic policy of the home and kin states.

Hungary and the home states have a long common history in the Hungarian Kingdom and the Austro-Hungarian empire where Hungarians had the role of a dominant nation. In addition, the historical legacy of the region, the former status of the minority, and the involvement of external actors play a key role in how autonomy concepts evolve and which arrangements are implemented.[139] Existing autonomy arrangements serve as examples for Hungarian minorities to follow.

In a region where the borders have changed many times in the twentieth century there is a deeply rooted fear in many countries that autonomy, especially territorial, would be the first step toward secession. This legacy is very much alive in the home states where sizable Hungarian communities live. Suspicion toward the intentions of Hungarians plays a major role when the home states reject the minorities' demands for more extensive minority rights for example through territorial autonomy in Transylvania.[140] This is the case even though following the democratic transformation no major Hungarian party supported the idea of revising the borders and the governments aimed at "virtualizing" borders through integration in the European Union. (Oltay 2017)

[138] Egedy Gergely 2007: Gondolatok a nemzetről. A politikai és a kulturális megközelítés. In: Szarka László – Vizi Balázs – Majtényi Balázs – Kántor Zoltán (szerk.): Nemzetfogalmak és etnopolitikai modellek Kelet-Közép-Európában. Gondolat Kiadó, Budapest, 70–79.
www.kisebbsegkutato.tk.mta.hu/uploads/files/archive/197.pdf

[139] Maria Ackrén. – Conditions for Different Autonomy Regimes in the World, 64, Åbo : Åbo Akademi University Press, 2009. https://www.doria.fi/bitstream/handle/10024/47244/Ackren_Maria.pdf

[140] Brubaker, Rogers, Feischmidt, Margit, Fox, Jon Nationalist Politics and Everyday Ethnicity in a Transylvanian Town (Princeton, University Press 2008) pp.346-347, p. 349, p. 379.

By the mid-1990s, controversy broke out between the political camps over the best way to support the ethnic kin which was rooted in the differing conceptions over the concept of nation. Left-liberal governments pressured Hungarian minority leaders to moderate their demands on autonomy. They stressed the high value of regional stability and pointed out that demands for autonomy, particularly regional autonomy, are rejected even by moderate political parties in neighboring countries. Conservative governments supported autonomy and brought the issue to international forums. In Hungary`s case, there is no de-facto recognition of its role in protecting its ethnic kin as there is between Austria and Italy (de Gasperi-Gruber agreement of 1946) or between the Irish Republic and Northern Ireland. (Schöpflin 2016:9)

After the fall of communism, Hungarian governments agreed that the kin state should support the institutions and culture of ethnic Hungarians. There was consensus that autonomy is needed to ensure the long-term survival of Hungarian minority communities. The Hungarian constitution (6.3) stated that the Hungarian state was responsible for the well-being of Hungarians abroad. Hungarian governments began to present the issue of autonomy in bilateral negotiations and at international forums. (Bárdi Nándor - Éger György 2000 21-44)

In 1996, the first important meeting between the Hungarian government and political parties and the organizations which represented the interests of ethnic Hungarian communities took place. Entitled Magyarország és a határon túli magyarság (Hungary and Hungarians living abroad) the conference issued a declaration of support for autonomy. A joint declaration published at the end of the meeting expressed support for autonomy aspirations and underlined that "the creation of self-government, of autonomy is fundamental to preserving the identity of Hungarians abroad and to their survival and development as a community and to their staying in their homelands, in harmony with the current European praxis and the spirit of national norms. They offer coordinated support to the autonomy aspirations of Hungarian communities abroad that are in accordance with these principles as the means of settling their situation based on principles of constitutional equality."[141]

[141] http://adatbank.transindex.ro/html/alcim_pdf1088.pdf

After the fall of communism, ethnic Hungarian parties and organizations defined self-government as their political goal and worked out numerous autonomy concepts.[142] These revolved around cultural autonomy based on an individual basis, local self-government by the local Hungarian majority, and regional minority self-government made up of the association of local self-governments. (Bárdi, 2004; Gál, 2002; Szarka, 2004)

Hungarian minorities seek territorial autonomy for areas where they live in compact settlements. Cultural or personal autonomy is a goal for minorities who are not concentrated in an area but live scattered throughout the country. These autonomy goals were reflected in the Kolozsvár declaration (1992) and Brassó congress 1993 of the largest Hungarian ethnic party in Romania the Democratic Federation of Hungarians in Romania (Romániai Magyar Demokratikus Szövetség, RMDSZ). The party supported a combination of autonomies based on cultural, local and regional elements and aimed at establishing a Transylvanian Hungarian self-governing entity.[143] Various Hungarian parties and civil organizations have since presented their proposals for territorial autonomy in Szeklerland. The Hungarian National Council of Transylvania (Erdélyi Magyar Nemzeti Tanács, EMNT) and the Szekler National Council (Székely Nemzeti Tanács, SZNT) worked out proposals to establish autonomy for Hungarians in Transylvania. [144]

In Slovakia in Komárom Komarno which "at the time had the largest Hungarian population in Southern Slovakia, ethnic Hungarian parliamentary representatives and local officials declared in 1993 and 1994 their support autonomy as they called for a special status for regions where Hungarians were in majority. The government, however, refused to deal with the topic. [145]

In the mid-1990s ethnic Hungarian parties participated in the Romanian and Slovak governments and had to pay the price of giving up their demand for autonomy. (Bárdi, 2000; Csergő, 2007) The government participation did not, however, promote acceptance of moderate

[142] Bárdi Nándor - Éger György (szerk.) (2000): Útkeresés és integráció. Válogatás a határon túli magyar érdekvédelmi szervezetek dokumentumaiból 1989-1999. Teleki László Alapítvány, Budapest, 21-44.

[143] *A rendszerváltás utáni erdélyi magyar politika története http://www.hunsor.se/bzsatudositasai/bzsa_rvutanierdelyimapolitika.pdf* NÁNDOR BÁRDI Cleavages in Cross-Border Magyar Minority Politics, 1989-1998, Regio 2000, pp.3-35.

[144] Csapó I.József (1995) Székelyföld Autonómiastatútuma, Magyar Kisebbség 1.2. http:// adatbank.transindex.ro/html/cím_pd499.pdf
http://sznt.sic.hu/fr/index.php?option=com_content&view=article&id=15:szekelyfoeld-autonomia-statutuma&catid=10:statutum&Itemid=14

[145] Géza Tokár Autonomy in Slovakia – difficulties and problems in Zoltán Kántor (ed.) Autonomies in Europe: Solutions and Challenges, Research Institute for Hungarian Communities Abroad, L'Harmattan Budapest 2014 pp.141-150.

Hungarian claims for more rights in education and self-government.[146] Recent surveys in Romania indicate that the 25 years of democracy and Hungarian participation in majority governments failed to significantly influence the views of Romanians on the rights accorded to ethnic Hungarians. The number of Romanians who accept existing minority rights such as Hungarian language education and greater autonomy in counties where Hungarians live remains low. [147] The disappointment of ethnic Hungarian communities was reflected in the sharp decline of votes that they cast for ethnic Hungarian parties. At the same time, new ethnic parties were founded who took up the cause of autonomy.[148]

There is consensus among scholars and experts that personal autonomy is granted to a group of persons based on their ethnic identity regardless of where they live in the home state. Scholars also refer to it as cultural autonomy that seeks to promote the preservation of collective identity by allowing minorities to set up minority self-governments and have funds to exercise public functions relating to education, language and culture. [149] Hungarian minorities seek territorial autonomy for areas where they live in compact settlements. Cultural or personal autonomy is a goal for minorities who are not concentrated in an area but live scattered throughout the country.

Under territorial autonomy, a region of the country where minorities live and form the majority receives a special status in relation to the other regions of the state that confers on it legislative and/or administrative powers to enact laws and statues in matters that are directly related to maintaining its cultural identity. The two-third of the Hungarian minority meet the prerequisites of a ethnic territorial autonomy "where the ethnic area of the given minority is (more or less) contiguous and where the ethnic minority constitutes the absolute (demographic) majority (that is in the area the members of the titular nation represent a demographic minority)… All other

[146] (Salat 2012) quoted in (Kiss 2017) Tamás Kiss Increasing Marginality, Ethnic Parallelism and Asymmetric Accommodation. Social and Political Processes Concerning the Hungarian Community of Transylvania, Minority Studies, http://bgazrt.hu/_dbfiles/blog_files/2/0000012452/Minority%20Studies_18_beliv%202015.33-69.pdf

[147] Kiss, Tamás (2017) Unrelieved ethnic hegemony but increasing transnationalism? Romanian public perceptions of Transylvanian Hungarian ethno-political claims and Hungarian kin-state policies In. Tom Lantos Institute Yearbook 2016.

[148] István Gergő Székely *István Székely, Phd Thesis Dynamics of Party Politics, Electoral Competition and Cooperation within the Hungarian Minorities of Romania, Serbia and Slovakia,* April 30, 2014, www.etd.ceu.hu/2014/szekely_istvan-gergo.pdf

[149] Lapidoth, Ruth (1997) *Autonomy. Flexible Solutions to Ethnic Conflicts*. Washington, D.C.: United States Institute of Peace Press 175.

minorities /in the Carpathian Basin/ basically fight for survival on linguistic islands and in diasporas." (Kocsis 2013, 3)

In Western Europe, territorial autonomy was divided into local or regional forms and the concept of non-territorial autonomy on a cultural basis was introduced. Regional or local self-governance were options available to ethnic minorities. (Vizi, 2014, 15) Functioning autonomies in Belgium, Spain and Italy demonstrated that autonomy presents an important opportunity for ethnic minorities. In these states, the language and cultural rights of minorities are guaranteed through a legal system that incorporates the structures of autonomy. The Hungarian government and its allied pro-autonomy Hungarian minority parties in theneighboring countries (similar to separatist groups in Scotland, Catalonia, and Basque Country) claim that their aspirations are fully in line with the EU principles of regionalization, decentralization, devolution, subsidiarity, and the protection of minority cultures. By doing so, they reframe nationalism in transnational and postnational terms, which is fully in line with the shifting of sovereignty to the supra- and sub-state levels in the EU (Csergő and Goldgeier 2004). In fact, the Hungarian government has also said that the EU accession of the neighboring states is an important step in the reunification of the Hungarian nation (Pogonyi 2011; Salat 2011). The reunification of the Hungarian nation across the borders has been called transnational nationalism and used as its foundation the norms recognized and promoted by the EU.

In the early 2000s many scholars expected that autonomies can grow out of an administrative reform in cases where a nation-state is open to federalism and regionalization.[150] This view was supported by the strong process of devolution that took place in (UK) Scotland, Spain and Belgium. It was expected that decentralization would lead to more minority rights and to more economic and regional cooperation with the states where ethnic Hungarians lived. According to László Szarka: "The regionalization of the Carpathian Basin could lay the ground for developing multiethnic regional cooperation frameworks and identities, which gradually dissolve the linguistic, cultural, political barriers and bonds that were characteristic of the Hungarian and non-Hungarian minority existences in the twentieth century."[151]

[150] Győri-Szabó Róbert: *Kisebbség, autonómia, regionalizmus*. Budapest: Osiris, 2006.
[151] László Szarka: Identitás és lojalitás nemzetállami konfliktushelyzetei In Nóra Kovács, Anna Osvát, László Szarka eds. Etnikai Identitás, Politikai Lojalitás, Nemzeti és állampolgári kötodések (Balassi Kiadó: Budapest, 2005, 115, 93-119.)

A group of Romanian and Hungarian intellectuals and public personalities sought a joint approach to achieving a devolution of power to the local and regional government. They published articles in the journal Provincia which examined how a Transylvanian- common Romanian and Hungarian- consciousness could be formed that could represent Transylvanian values and be used for the basis of a joint regional program. These ideas were, however, not followed up.[152]

The hopes for regionalization were, however, disappointed. The decentralization promoted by European integration also failed to create the opportunities for regional cooperation which would solve the problems of ethnic Hungarians and provide them with regional solutions. While the EU encouraged decentralization in the countries where Hungarian minorities live this was not conceived as a means of protecting minority rights or establishing autonomous regions. Thus, while the EU provided new financial resources to sub-state regions and promoted regional decentralization of power the member states retained the right to determine the political position of regions. As Agarin and Cordell put it: "the state's political resources remained firmly in the hand of the majority political elites who could-and have-dispensed some of these to minority-populated regions, thereby sanitizing the national politics of ethnic factionalism." (Agarin and Cordell, 2016,63) The territorial devolution of power that would have allowed for regionalization, however, has not taken place. The hopes of minorities that the decentralization promoted by European integration would create the opportunity for regional cooperation which would solve their problems and provide them with regional solutions were disappointed.

The bilateral treaties that the Hungarian governments signed with neighboring countries failed to include the right to autonomy. This was a major source of grievance for ethnic Hungarians. The Hungarian-Slovak bilateral treaty signed in 1995, for example, included the Recommendation 1201 of the Council of Europe´s Parliamentary Assembly which stated that "In the regions where they are in a majority the persons belonging to a national minority shall have the right to have at their disposal appropriate local or autonomous authorities or to have a special status, matching the specific historical and territorial situation and in accordance with the domestic legislation of the state." (Article 11)[153] The provisions of the treaty were, however, interpreted differently by the two sides, with then Slovak Prime Minister Vladimir Meciar

[152] Kántor Zoltán -Matényi Balázs: Autonómia modellek Erdélyben Magyar Kisebbség, IX Évfolyam 2004, 1-2, (31-32) Szám, 3-27.
[153] http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=15235&lang=en

renouncing the clause referring to the Recommendation and stressing the priority of individual rights in relation to the minorities. All opposition parties including Fidesz rejected the treaty and spoke of the capitulation of the left-liberal government of Prime Minister Gyula Horn. The opposition argued, as it turned out correctly, that there will be no sincere effort on the Slovak side to implement the provisions of the treaty. (Saideman and Ayres 2015, 116, 117) Reacting to the criticism, Horn convened in July 1996, shortly before the Hungarian-Romanian treaty was signed, the first Hungarian-Hungarian summit to demonstrate that the Hungarian government took the opinion of ethnic Hungarians into account in its negotiations over their rights with the countries where they lived.[154] At the 1996 conference, Orbán called on the government to support the Hungarian minorities in their efforts to present their plans for autonomy at the international arena and to give them the right to veto international agreements which affect their lives. He made a proposal that an Autonomy Council be set up with the aim of institutionalizing meetings discussing the subject of autonomy. Orbán's support for the rights of ethnic Hungarians in neighboring countries and his criticism that the Hungarian-Romanian bilateral treaty was signed without the approval of the ethnic Hungarian party positioned him on the conservative side. (Bárdi 2016, 31) Orbán gained a reputation for taking up the cause of the ethnic kin and helped create the cohesion of the Hungarian right. [155]

In the end, the treaty with Romania was signed without the approval of the ethnic Hungarians living there. The treaty included the Recommendation 1201 but an annex to the treaty declared that was not to be interpreted as granting the Hungarian ethnic minority "collective rights" or the right to set up autonomous territorial structures based on ethnic criteria.[156] At the summit, Orbán called on the government to support the Hungarian minorities in their efforts to present their plans for autonomy at the international arena and to give them the right to veto international agreements which affect their lives.

In the end, the Horn government failed to include minority leaders in the negotiations of the Hungarian-Romanian bilateral treaty. The government supported the EU accession of Slovakia and Romania without asking for more rights for minorities in return because it gave priority in its foreign policy to Hungary's integration into the EU. The basic treaties Hungary signed with Romania and Slovakia incorporated the Council of Europe's 1201/1993 Recommendation which referred to the rights of minorities to "autonomous authorities" but the Hungarian

[154] http://www.prominoritate.hu/folyoiratok/1996/ProMino96-2-13-Regionalis.pdf
[155] Waterbury, Myra A.: Between State and Nation Diaspora Politics and Kin-state Nationalism in Hungary, Palgrave, Macmillan: New York, 2010, 79-80.
[156] https://treaties.un.org/doc/Publication/UNTS/Volume%201966/volume-1966-I-33604-English.pdf

government agreed to an interpretation of the two countries that precludes "collective rights" or the right to set up autonomous territorial structures based on ethnic criteria. (Bárdi 2016, 31)

Scholars point out that the time when the home countries strove to be members of NATO and the EU was the only time when Hungary had leverage and the opportunity to exert some pressure on them to respect the right of ethnic Hungarians. It is a matter of controversy how much this leverage was and whether it was fully used. Viktor Orbán the leader of the Alliance of Young Democrats Hungarian Civic Alliance (Fidesz) represented the view that Hungary's support for its neighbors' bids to join the European Union and NATO should be tied to the improvement of the situation of Hungarians beyond the borders.[157]

One can summarize that Hungary gained little for the Hungarian minorities through the bilateral treaties. Hungarian leaders were subjected to criticism domestically and abroad among Hungarian minority communities. While the bilateral treaties were passed with overwhelming majorities in the Hungarian parliament criticism continued to be voiced. The pattern of passing controversial legislation in parliament with near uninamity repeated itself time and time again and reflects the controversy among Hungarian political camps about the policy toward the ethnic kin.

In the end, the Slovak and Romanian governments failed to implement the provisions on autonomy. The minority protection clauses that were included in the treaties had little affect on the countries`minority policies. (Kántor, 2014) Demands by the ethnic minority for autonomy, particularly territorial autonomy is often regarded "as a convenient tool for the majority to protect 'their' state from minority claims and/or the renegotiation of statewide institutional arrangements." (Agarin and Cornell, 2016:41)

On the European and international level, there is no consensus on the definition of minorities that could be used in determining which minorities should be afforded autonomy. Yet European and international forums in the last decades came to regard autonomy as part of the solution to resolving ethnic conflicts. Autonomy arrangements have been repeatedly used to assure stability in ethnically divided societies. In 2014, shortly after the annexation of Crimea through Russia and the reelection of his governing coalition in the national elections Orbán reiterated

[157] Géza Jeszenszky Kísérlet a Trianoni Trauma Orvoslására (Attempt to Remedy the Trianon Trauma), Magyarország szomszédsági politikája a rendszerváltás éveiben (Hungary's Neighborhood Policy at the Time of the Regime Change) Budapest: Osiris 2016 http://www.prominoritate.hu/folyoiratok/1996/ProMino96-2-13-Regionalis.pdf

the need for autonomy for the Hungarian community in the Ukraine. He stated that "we are interested in a stable and democratic Ukraine … the fact is that Ukraine can be neither stable nor democratic when it doesn`t grant the minorities, national communities, among them the Hungarian communities, what they are entitled to. That is double citizenship, collective, that is community rights and the autonomy." Orbán underlined the importance of declaring this now when the "new Ukraine" is in the process of being built. He also reiterated Hungary's support for the Ukraine in view of the violation of its territorial sovereignty by Russia. [158] The call for autonomy was rejected by Ukrainian officials. In post-communist countries autonomy became a legal way of preventing and managing conflicts. "Today, based on positive international experiences, we believe that territorial autonomy is the most developed asset of minority protection and the most modern form of internal self-governance, which can be considered as a compromise between the given state (the titular nation) and the national minorities, which ensures autonomy – a fundamental human right – to the minorities and ensures the preservation of the territorial integrity and the intangibility of the borders to thestate." (Kocsis 2013, 4) The resolutions of the Council of Europe paved the way for establishing the framework for a European minority regime where autonomy is regarded as a means of conflict resolution and protection against assimilation.[159]

The CoE recommendation 1201 (1993) was the first to address on the international level the special status of national minorities and their right to autonomy. Article 11 declares that "In the regions where they are in a majority the persons belonging to a national minority shall have the right to have at their disposal appropriate local or autonomous authorities or to have a special status, matching the specific historical and territorial situation and in accordance with the domestic legislation of the state." [160]

In 2003 the Gross report (1334) addressed the idea of collective rights and autonomy for minorities. Andreas Gross found that "Autonomy allows a group which is a minority within a state to exercise its rights, while providing certain guarantees of the state´s unity, sovereignty and territorial sovereignty." [161] In Article 7 the report (resolution) stresses that "the positive

[158] http://www.kormany.hu/hu/miniszterelnokseg/hirek/orban-viktor-ujra-kiallt-a-karpataljai-magyarok-autonomiaja-mellett 2014. május 16.
[159] Timofey Agarin and Karl Cordell: Minority rights and Minority Protection in Europe, London: Rowman & Littlefield, 2016, 71, 77-78.
[160] http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20772
[161] CoE Parliamentary Assembly, Report on behalf of the Political Affairs Committee, Doc.9824, 3 June 2003.2. Quoted in Balázs Vizi, Does European Integration support the minority quest for autonomy? 29 Zoltán Kántor

experience of autonomous regions can be a source of inspiration in seeking ways to resolve internal political conflicts."[162] Here for the first time, autonomy is presented as a model to follow to solve conflicts instead of a source of conflict. The stance of autonomy was also strengthened through the resolution 361 (2013) of the Congress of Local and Regional Authorities. **(**Regions and territories with special status in Europe) In Article 1 the resolution declared that: "A number of Council of Europe member states have granted special status to specific regions as a means of addressing the specific identities and the common wish of their populations to have a greater say in the management of their own affairs." The resolution pointed out that this greatly contributed to enhancing regional democracy. It stated that "The Congress believes that special regional autonomy status can be an effective counterbalance to secessionist tendencies and that the peaceful and prosperous development of the European space will depend on making greater progress in internal conflict resolution. This will require the political will to pursue peaceful political dialogue to identify and negotiate suitable legal and constitutional solutions and develop satisfactory models of decentralized democratic governance for the regions concerned." [163]

In 2007 the UN General Assembly adopted a resolution (Resolution 217 A (III)) on the rights of indigenous people. Article 3 of the resolution states that "Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." Article 4 confirms that "Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions." While there is a difference in the legal status of indigenous people and autochthonous national minorities the emphasis on the right of self-determination could serve as a basis of reference for forms of autonomy for national minorities.[164]

(ed.) Autonomies in Europe: Solutions and Challenges, Research Institute for Hungarian Communities Abroad, Budapest 2014 L´Harmattan

[162] http://www.hunsor.se/dosszie/thegrossreport.pdf

[163] https://wcd.coe.int/ViewDoc.jsp?p=&id=2107887&Site=COE&direct=true
Stefan Wolff, "Territorial Autonomy and Political Participation of National Minorities", research summary, distributed at the hearing of Committee on Equality and Non-Discrimination, Strasbourg, 1 October 2013.
45 (Kalmár 2014) 75 (Kántor 2016)

[164]http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf
http://www.un.org/press/en/2007/ga10612.doc.htm

The European Charter of Local Self-Government (ETS No. 122) of the CoE laid down the principles of local autonomy and how they should be safeguarded. The Charter declared as its core principles "the right of citizens to participate in managing public affairs; the key rights of communities to enjoy autonomy and self-government, elect their local bodies and to have their own competences, administrative structures and financial resources; or the right to judicial recourse in case of interference from other levels." [165]

The CoE Resolution 1985 (2014) on "The situation and rights of national minorities in Europe" based on the report by Ferenc Kalmár goes a step further and describes autonomy as a means of preserving the ethnic identity of minorities. It states that: "with a view to relieving internal tensions, central government must react with understanding when minority groups, particularly when they are sizeable and have lived in an area for a long period of time, demand greater freedom to manage their own affairs independently".[166]

The resolution relies on "positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe, which states that the establishment and operation of an autonomous entity can be regarded as part of the democratisation process." It acknowledges that "the special status enjoyed by regions of some European States has brought stability and prosperity to those regions and States."

It recommends the best practices used by states that grant their minorities collective rights such as Alto Adige/South Tyrol and Finland.[167]

According to Kalmár: "This is the first CoE document which explicitly discusses the rights of national minorities to their identity and declares that they have the right to defend and develop their own institutions and that they should be accorded collective protection. It defines autonomy not just as a conflict resolving structure, as the Gross Report does, but also as an instrumental set-up against assimilation. It calls for collective rights and draws attention to the practices of those countries which guarantee these rights. Education is analyzed from the perspective of collective rights. For the first time a CoE Report explicitly provides a clear and strong stand for autonomy and calls on autonomy agreements." [168]

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[165] http://www.coe.int/t/congress/Texts/conventions/charte_autonomie_en.asp thttps://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/122 https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168007a088

[166] http://www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=20561&wrqid=0&wrqref=&ref=1&lang=EN http://website-pace.net/documents/19879/165819/20140313-SituationMinorities-EN.pdf/8c5a0357-9a9a-4a00-aab2-324c1e9dca25

[167] http://www.assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20772&lang=en

[168] Zoltán Kántor ed. The situation and rights of national minorities in Europe Budapest: L`Harmattan 2016 :11

The CoE Resolution 1985 (2014) resolution based on the report by Ferenc Kalmár and described autonomy as a means of preserving the ethnic identity of minorities. It states that: "with a view to relieving internal tensions, the central government must react with understanding when minority groups, particularly when they are sizeable and have lived in an area for a long period of time, demand greater freedom to manage their own affairs independently".[169] The resolution relies on "positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe, which states that the establishment and operation of an autonomous entity can be regarded as part of the democratisation process." It acknowledges that "the special status enjoyed by regions of some European States has brought stability and prosperity to those regions and States."
It recommends the best practices used by states that grant their minorities collective rights such as Alto Adige/South Tyrol and Finland.[170] Kalmár praises the report for explicitly providing for the first time "a clear and strong stand for autonomy and calls on autonomy agreements." [171] The resolutions of the Council of Europe are, however, not legal binding and autonomy remains in the jurisdiction of the home states.

In the countries where Hungarian minorities live only the former Yugoslav states, Serbia, Croatia, Slovenia granted minorities any form of autonomy or self-government. (Hungarians in Austria also have a form of self-government) Serbia is the only country where sizeable ethnic Hungarians live which grants them cultural non-territorial autonomy and collective rights.[172] Serbia had a tradition of cultural autonomy and collective rights for minorities under the communist regime. A milestone in relations to Hungary and to the ethnic Hungarian community was the annulment of a law by Serbia in 2014 on the collective guilt of ethnic Hungarians in three villages in Vojvodina. http://dailynewshungary.com/hungary-welcomes-annulment-of-law-on-hungarians-collective-guilt-in-serbia/

The EU formulated in the case of Serbia the criteria for joining the EU far more clearly than in the case of the previous 13 candidates who joined it. Serbia had to accept the minority protection framework of the EC, modify laws on citizenship which entail discrimination and adopt laws against discrimination in general. For the first time, an action plan was worked out with the

[169] http://www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=20561&wrqid=0&wrqref=&ref=1&lang=EN http://website-pace.net/documents/19879/165819/20140313-SituationMinorities-EN.pdf/8c5a0357-9a9a-4a00-aab2-324c1e9dca25
[170] http://www.assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20772&lang=en
[171] Zoltán Kántor ed. The situation and rights of national minorities in Europe Budapest: L`Harmattan 2016 :11
[172] Tóth Norbert: Quo Vadis Szerbia?: Új fejlemények a szerb kisebbségvédelmi szabályozásban. Pro Minoritate, 2010. 1.sz.47-66

participation of the minorities which provides a guideline for how minority rights can be implemented most effectively.[173]

Under the Serbian constitution, minorities can exercise cultural autonomy through their own National Minority Councils. [174] Hungarian is one of the eight official languages in Vojvodina and is used in 31 of Vojvodina's 45 municipalities.[175] The National Councils have the right to promote the use of the minority language, for instance, in transaction with the public authorities by proposing, for example, the translation of legal documents and laws into minority languages. [176] A key problem is that the sphere of authority of the Councils in the four major areas under its jurisdiction as part of the cultural autonomy, education, information, the official use of language and correspondence is not clearly defined. Thus, while the National Councils embody the expressions of the collective rights of minorities these rights are regarded by the home state as acquired special collective rights that can be taken away easily.[177]

The home states as a rule regard their policy toward ethnic Hungarians as "exemplary" and view calls for autonomy with suspicion. They often use the existence of Hungarian minorities and their demands for more rights, especially for autonomy as a tool in political campaigns to

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[173] http://ec.europa.eu/enlargement/pdf/key_documents/2014/20140108-serbia-progress-report_en.pdf http://socijalnoukljucivanje.gov.rs/en/action-plan-for-exercising-of-the-rights-of-national-minorities-adopted/ **www.srbija.gov.rs** https://www.mpravde.gov.rs/files/Report%20no.%203-2017%20on%20implementation%20of%20Action%20plan%20for%20Chapter%2023.pdf

[174] LAW ON THE NATIONAL COUNCILS OF NATIONAL MINORITIES ("Official Gazette of the RS", No. 72/2009, 20/2014- the Decision of the Constitutional Court and 55/2014 LAW ON THE NATIONAL COUNCILS OF NATIONAL MINORITIES ("Official Gazette of the RS", No. 72/2009, 20/2014- the Decision of the Constitutional Court and 55/2014

[175] Losoncz Márk: Merre tartasz, vajdasági magyar? (Which way are you going Hungarians in Vojvodina?) 29 August 2015, http://hu.autonomija.info/losoncz-mark-merre-tartasz-vajdasagi-magyar/
Christina Isabel Zuber & Jan Jakub Muś (2013) Representative claims and expected gains. Minority council elections and intra-ethnic competition in Serbia, East European Politics, 29:1, 52-68, DOI: 10.1080/21599165.2012.757737

[176] Law on National Councils of National Minorities, Official Gazette of the RS, No.72 /2009, Article 116.

[177] http://www.seio.gov.rs/upload/documents/ekspertske%20misije/protection_of_minorities/law_on_national_councils.pdf
Christina Isabel Zuber & Jan Jakub Muś (2013) Representative claims and expected gains. Minority council elections and intra-ethnic competition in Serbia, East European Politics, 29:1, 52-68, DOI: 10.1080/21599165.2012.757737
http://voiceofserbia.org/content/relation-between-state-and-national-minority-councils#sthash.19Gah7kR.dpuf
György Szerbhorváth Language politics and language rights in the territory of the former Yugoslavia and the today's Serbia/Vojvodina HAS Institute for Minority Studies http://real.mtak.hu/31794/1/Vajdasag_nyelviJogok_SzHGy_EN_2_u.pdf
Szerbhorváth György A KISEBBSÉGI NYELVI JOGOK A VAJDASÁGBAN – A JOG ÉS A VALÓSÁG*, Prominoritate, 2015 69-81

rally the titular nation against the "Hungarian threat." [178] In Romania and Slovakia, the concept autonomy has especially negative connotations and is used by the Romanian and Slovak state to mobilize the majority against the minority. This mobilization in turn nourishes the mistrust of the Hungarian minority toward the majority.[179] There are no public discussions over what autonomy or self-government means in practice and its implications for society. In Slovakia, the ethnic Hungarian party replaced the concept of autonomy with self-government to make it more acceptable to the majority. In Slovakia, Hungarians are not even able to govern themselves in regions where they form a majority because the electoral districts were cut up in a way as to prevent Hungarian self-government.[180] A similar trend has emerged in Romania and the expectations of ethnic Hungarians are that the new regional districts that will be drawn up as part of the administrative reforms will not allow for a Hungarian majority. [181]

Some scholars and members of the Hungarian political elite in Slovakia and Romania and in Hungary argued that since the titular nations reject autonomy minorities should view positions in public and local administration, economic positions and Hungarian language institutions as the mosaics that make up autonomy. (Bárdi 2016, 31-32) Other scholars point out, however, that autonomy is not simply local self-administration but the sharing of powers between a region and the center on a permanent basis that makes self-government possible. (Thomas, 2006: 5-6)

Other experts recommended that minorities should focus on developing a strong local identity based on tourism and agricultural products. This is, however, not an arrangement that can ensure the national reproduction of Hungarians in the long run. As Miklós Bakk points out "Tourism built on local identity, local industry, the development of services to serve community goals are not possible, beyond a certain limit, without the means that the autonomy regime

[178] Timofey Agarin and Karl Cordell: Minority rights and Minority Protection in Europe, London: Rowman & Littlefield, 2016, 71, 77-78.
[179] Levente Salat: A politikaelmélet néhány sarkalatos fogalma és a kulturális megosztottság körülményei között uralkodó identitásszerkezetek közötti feszültség In Nóra Kovács, Anna Osvát, László Szarka eds. Etnikai Identitás, Politikai Lojalitás, Nemzeti és állampolgári kötodések (Balassi Kiadó: Budapest, 2005, 9-51.) Géza Tokár Autonomy in Slovakia – difficulties and problems in Zoltán Kántor (ed.) Autonomies in Europe: Solutions and Challenges, Research Institute for Hungarian Communities Abroad, L'Harmattan Budapest 2014 pp.141-150.

[180] Géza Tokár Autonomy in Slovakia – difficulties and problems in Zoltán Kántor (ed.) Autonomies in Europe: Solutions and Challenges, Research Institute for Hungarian Communities Abroad, L'Harmattan Budapest 2014 pp.141-150.
[181] A szakértők szerint középtávon sincs esély a magyar autonómiák létrejöttének a Kárpát-medencében – Háttér, 12 March 2006, (MTI) Krisztián Rákóczi "Autonómia helyett önkormányzatiság Az önrendelkezés kérdése Szlovákiában in Századvég Autonómia, 2016 no.4 pp.87-97.

offers. Only autonomy has the set of tools which are viable in the long run for the development of a community."[182]

One argument of ethnic Hungarians is that on the way towards achieving autonomy the creation of strong civil societies is the key for the survival of the Hungarian communities. The example of Székelyland demonstrates that civil engagement which promotes national symbols can enhance the cohesion of the Hungarian community. In the past 10 years, Székelyland introduced regional symbols such as the light blue-yellow Székely flag and hymn. These strengthened regional identity and mobilized the population for the cause of autonomy. The community drew strength from past traditions and the idea of establishing self-government. [183]

In Székelyland and elsewhere in Romania the display of Hungarian regional symbols such as the Székely flag is often punished. In many cases, the authorities remove the flag and impose fines on those who hoisted it on the ground that the flag served commercial purposes and needed official approval. [184] These measures increased the flag's popularity a great deal advancing it to a symbol of resistance toward monocultural Romania.[185]

3.3 Székelyland for Autonomy

In 2003, László Tőkés founded the Hungarian National Council of Transylvania (Az Erdélyi Magyar Nemzeti Tanács) (EMNT) a civil organization to promote the issue of autonomy in Transylvania. The Council revived the concept Transylvanianism to emphasize the traditions of Transylvania whose roots reach back to the early 20th century when Transylvania was a multi-lingual region. There is a large resurgence of local identity in Transylvania expressed in the presence of Székely symbols such as the Székely light blue-yellow flags. The Council sought to call attention to the need to establish an "undivided" autonomous Szeklerland by mobilizing the Hungarian population. It organized various marches in support of Szekler autonomy. In 2013, for example, the Council organized a 53-kilometer walk between two villages in Transylvania (Bereck and Kökös) which was attended by tens of thousands of

[182] Miklós Bakk: Mozgalomra mindenképp szükség van Székelyföld autonómiának eléréséhez in Tamás Borbély Van-e élet a
z autonómia után? Cluj-Napoca: Koinónia, 2014 p.51.
[183] Interview with Izsák Balázs in the daily Krónika cited in PATAKFALVI-CZIRJÁK ÁGNES REGIO 23. évf. (2015) 2. szám 41-76. ∗ Szimbolikus konfliktusok és performatív események a „székely zászló"1 kapcsán
[184] Szilágyi István**:** Államnacionalizmus és kisebbségi nacionalizmus Romániában in Magyar Kisebbség, 2016 3/4 201-244
[185] https://444.hu/2017/01/06/toke-legyozte-a-csikszeredai-csendoralakulatot-lengetheti-a-szekely-zaszlot

supporters. All Transylvanian Hungarian political parties and historical churches supported the march. [186]

"Successive Romanian parliaments and governments have put the Autonomy Statute for Székelyland aside arguing that it is unconstitutional and hence illegal. These objections by the Romanian authorities to Székelyland`s claims have contributed to an acceleration of the political aspirations for an autonomous Székelyland complete with its own national symbols, like the Székely flag and even the name "sic" which is an abbreviation of the Latin term for Székelyland "Siculitas" as a top-level domain for the domain name of the Internet."[187]

The example of Székelyland demonstrates that civil engagement which promotes national symbols can enhance the cohesion of the Hungarian community. In Székelyland, the Hungarian People's Party in Transylvania EMNP and the civil organization Székely National Council SZNT which are strong supporters of autonomy took the lead in initiating the introduction of regional symbols. In the past 10 years, the light blue-yellow Székely flag and hymn proved to be important symbols of Székelyland. They strengthened regional identity and mobilized the population for the cause of autonomy. The head of the SZNT, Balázs Izsák explained the relevance of regional symbols: "These symbols became the modern expressions of regional self-identity, Székely community cohesion, because the autonomy aspirations adopted and represented by the SZNT were accepted by the community…." The community drew strength from past traditions and the idea of establishing self-government. [188]

[186] http://www.magyartudat.com/szekelyfold-kialtvany-magyarorszag-kormanyatol-azt-kerik-hogy-kerje-romania-kormanyatol-a-ket-orszag-kozti-alapszerzodes-tiszteletben-tartasat/

[187] Zsombor Csata and László Marácz: Regulatory Environment, Linguistic Inequalities, and New Opportunities for Hungarian Minority Interest Representation in Romania: Economic, Philosophical and Sociolinguistic Approaches In: M. Gazzola et al. (eds.), *Language Policy and Linguistic Justice*, Springer Nature 2018 417

[188] Interview with Izsák Balázs in the daily Krónika cited in PATAKFALVI-CZIRJÁK ÁGNES REGIO 23. évf. (2015) 2. szám 41-76. ∗ Szimbolikus konfliktusok és performatív események a „székely zászló"1 kapcsán

https://hungarytoday.hu/wp-content/uploads/2015/10/SdBpnvftPhAfhky-800x450-noPad-749x4151.jpg

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The EMNT and the SZNT organized annual demonstrations for more minority rights and autonomy. (Big March of the Székely, the Day of Székely Freedom, Day of Székelyland Autonomy)[191] In March 2018, the SZNT addressed a petition to the Romanian government and parliament as well as to the Romanian president. The petition reiterated Székelylands´right to autonomy. "We insistently affirm: the autonomy of Szeklerland does not violate the territorial unity and sovereignty of Romania, it does not violate the interests of the Romanian people living in Szeklerland, and it does not contradict the constitution of the country! The autonomy of the Szeklerland - as per the European practice - means that the Szekler-Hungarian community, who make up the majority population in their homeland, would have the right and the actual capacity to manage, on their own responsibility and in the interests of the region, a substantial share of

[189] Szilágyi István**:** Államnacionalizmus és kisebbségi nacionalizmus Romániában in Magyar Kisebbség, 2016 3/4 201-244
[190] https://444.hu/2017/01/06/toke-legyozte-a-csikszeredai-csendoralakulatot-lengetheti-a-szekely-zaszlot

public affairs, in accordance with the principle of subsidiarity, and in the interest of all national communities living on its territory. This also serves the interests of Romania. The 1 / 3 Petition on the Day of the Szekler Liberty autonomous region has a democratically elected body between the state and the collectivity, exercises the powers of self-administration, and has the corresponding public status and competence."[192]

In the past hundred years, the Hungarian minority repeatedly referred to the Alba Iulia/Gyulafehérvár Declaration of December 1, 1918 as it sought autononomy and minority rights. The Declaration expressed the collective will of Romanians in Transylvania to unite with Romania and Romanians promised Hungarians and the peoples who live in Romania: "Full national freedom for all the co-inhabiting peoples. Each people will study, manage and judge in its own language by individual of its own stock and each people will get the right to be represented in the law bodies and to govern the country in accordance with the number of its people."[193] This was interpreted by Hungarians as a promise of self-government and comprehensive rights to minorities. Romanians, however, never regarded the Declaration as legally binding and not only failed to enact legislation to guarantee minority rights but often curtailed even existing rights.

The declaration lapsed in 2018 under international costumary law. In the opinion of some experts, the Hungarian government could have called attention to the non-fulfillment of the terms of the declaration by asking for the opinion of the United Nations General Assembly or the International Court in the Hague concerning the legislation. [194] In the centennial year of 2018, the RMDSZ submitted a draft law to the Romanian parliament which sought to enact the minority rights provisions of the Declaration. The draft law was rejected by an overwhelming majority of the parliament. According to Attila Korodi the parliamentary group leader of the RMDSZ, „Even after 100 years Romanian politicians and society are not grown up enough to a confront a fact of history which served as the real basis of the Romanian union, and to act in a European way by creating new means of minority protection based on the norms of the Council of Europe. " Nándor Bárdi pointed out that the rights of the minorities have as a rule been subjected to Romanian nation building both in royal Romania and under communism. The

[192] http://sznt.sic.hu/en/index.php?view=article&catid=12%3Afolyamodvanyok&id=368%3Apetition-on-the-day-of-the-szekler-liberty-&format=pdf&option=com_content&Itemid=16

[193] http://www.worldlibrary.org/articles/union_of_transylvania_with_romania Imre Mikó, Huszonkét év Budapest, 1941 p.265

[194] http://www.rubicon.hu/magyar/oldalak/1918_december_1_a_romanok_gyulafehervari_nagygyulese_kimondja_erdely_elszakadasat/
http://www.rft.foter.ro/cikk/20160211_a_magyar_nemzetpolitika_ahogyan_a_szakertok_latjakde

government in power never regarded the statements of the Declaration as a promise of autonomy. Thus, „in the past hundred years Hungarians referred to the text of the Declaration as they sought autonomy, Romanians, however, never accepted this interpretation." [195] According to a poll conducted by the INSCOP Research institute between September 10 and 15, 2015 where 1085 persons participated only 7,1% approved the draft law of the RMDSZ on territorial autonomy while 72,2% had a negative opinion of self-government in the regions where Hungarians live in blocks.[196]

3.4 Dual Citizenship and Autonomy

It has been a subject of heated debates among Hungarian experts how dual citizenship influences the chances of the minority for autonomy in their homelands. Pogonyi argues: "States whose population includes ethnic minorities that are targets of extraterritorial citizenship policies by neighboring states regard extraterritorial citizenship as an obstacle to considering claims for minority autonomy, because they fear that autonomous territories might then be controlled by a foreign state. Thus, it is far from evident that transborder kin citizenship is an effective means of external minority protection." (Pogonyi 2017: 31)

Gergő Székely István regards the influence of dual citizenship on the chances for autonomy in Székelyland "ambivalent." He explains that on the one hand, Hungarian citizenship strengthens the identity of Hungarian minority communities and helps them keep the issue of autonomy on the agenda. This helps Székelyland in the construction of its regional identity. On the other hand, in Romania as well as in the other countries where sizable ethnic Hungarian communities live Hungarians have always been regarded as security factors, fifth columns.[197]

Miklós Bakk explains that the reason for the Romanian attitude of suspicion is that "historically Romanian nation- and later state-building evolved against Hungarian nation-building and Hungarians always provided the enemy picture needed for nation-building. This is a 'we' and 'they' confrontation identified by leading scholars of nationalism as the constitutive contrast present in the mode of existence of all nations."[198]

[195] https://infostart.hu/kulfold/2019/03/28/ujabb-csatat-vesztett-a-szekely-autonomia-ugye
[196] https://infostart.hu/kulfold/2015/09/29/romaniaban-ennyien-tamogatjak-a-szekely-autonomiat-761529
[197] Arsboni Politika Erdélyben – Interjú Székely István Gergővel, 2. Rész http://www.arsboni.hu/politika-erdelyben-interju-szekely-istvan-gergovel-2-resz.html
[198] Fidesz–RMDSZ, avagy a diaszpóralét stratégiája Posted by Bakk Miklós https://reflektorium.wordpress.com/2014/04/21/fidesz-rmdsz-avagy-a-diaszporalet-strategiaja/

According to Székely, key to the reaction to double citizenship is how quickly dual citizenship will spread and become accepted in the region. In recent decades, the acceptance by the Romanian public of dual citizenship has increased. The acceptance was enhanced through Romania's policy of handing out some hundreds of thousand passports to ethnic Romanians in the Republic of Moldova. Moreover, an estimated 1 million Romanian citizens who work abroad and some of them also acquired a second citizenship.[199]

Surveys indicate that the percentage of those Romanian citizens who had a positive response to the question whether they accepted double citizenship increased from 33,4 percent in 2002 to 58,7 percent in 2012. Another survey found that 69 percent of Transylvanian Romanians approved double citizenship for ethnic Hungarians.[200]

Rainer Bauböck outlined in a study on the effects of dual citizenship three strategies that ethnic minorities can follow towards the state where they live. (Bauböck 2007) One strategy is that the ethnic minority concludes that being different from the majority is a burden and opts for adapting and assimilating. The second strategy is for the minority to define itself as a "diaspora" whose ethnic interests are represented by the kin-state. The third strategy is that the minority defines itself as a separate political community on the territory of the state where it lives and seeks autonomy. If the latter strategy is adopted, the dual citizenship is counterproductive because it weakens the ability of the minority to integrate in the political community of the state and achieve autonomous status.

Bakk points out that the relationship between the Romanian state and ethnic Hungarians in Transylvania does not fit into Bauböck's concept. In the debates over autonomy the Romanian elite never used Hungarian citizenship as a reason to reject demands for autonomy. The reason for this is most likely that the Romanian state follows a policy of dual citizenship which is similar to that of Hungary and cannot raise objections to something which it itself practices. In Bakk's opinion, the view that double citizenship and minority autonomy exclude one another that is those who want dual citizenship must give up their autonomy program is a normative

[199] Arsboni Politika Erdélyben – Interjú Székely István Gergővel, 2. Rész http://www.arsboni.hu/politika-erdelyben-interju-szekely-istvan-gergovel-2-resz.html

[200] Kiss, Tamás (2017) Unrelieved ethnic hegemony but increasing transnationalism? Romanian public perceptions of Transylvanian Hungarian ethno-political claims and Hungarian kin-state policies In. Tom Lantos Institute Yearbook 2016 25

approach that cannot be proven. It is difficult to decide whether dual citizenship or territorial autonomy best serve the general interest of the minority.

Bakk sees the roots of this very normative approach in the view dating back to the 19th century view of citizenship which sees loyalty, identity and territorial authority as tight unit. When this 19th century view is taken as the basis then autonomy in Romania can only be achieved if ethnic Hungarians attain it as Romanian citizens. In his view, the approach in the 21th century is based on the acknowledgement that the unity of loyalty, identity and territorial control no longer exists. New concepts are used to describe citizenship, post-modern, non-territorial, transnational, "fuzzy" (Fowler 2002), stakeholder which all signal the transformation of the concept of citizenship from the 19th century. One example of the new type of citizenship is the European Union citizenship which allows citizens of the EU to vote in elections in their place of residence. Bakk argues that the Hungarian citizenship of ethnic Hungarians is secondary if they reside in Transylvania or Romania.

4. NATION(ALISM) CONCEPTS

I deal at length with the history of nationalism because it helps explain how the nation concepts evolved which shape our understanding of nationalism today.

The concept nation and nationalism has been discussed by thinkers since the 18th and 19th centuries and various theories emerged that shape the scholarly discourse about it to this day. There is agreement among scholars that nationalism has existed for at least two hundred years and laid the foundations of every European society/state via institutions, laws, and politics. The desire for institutional self-government in a nationally defined homeland is fundamental to all nationalisms. (Brubaker 1996)

"One may interpret the history of modern Europe (also) as the history of national based institutionalisation. There is no single state in Europe that is not based in a way or in another on the principle of nationality. In different places, in different historical periods, nationalism was, and is, present in various forms."(Kántor 2006, 147)

Most scholars regard nationalism as a modern political doctrine which aims to connect nation, territory and state. The development of the modern state and nation is closely intertwined. There is also some agreement that the concept of nation is central to the development of nationalism

because the nationalizing state organizes itself around the concept of nation which it interprets and uses in a way as to engender loyalty toward itself. According to Bakke :"All national identities are in fact chosen at some point in the sense that in the early stages of the nation-forming process an elite defined what it meant to be a nation, by proposing elements that were supposed to unite the members of the nation-to-be, and at the same time distinguish them from the (important) others. As Fredrik Barth (1969: 14) has argued, not all features are seen as equally relevant; some (cultural) features are used as emblems of differences, others are ignored, and in some cases radical differences are played down and denied." (Bakke 2000, 5)

Key to the existence of nation states is the principle of territorial sovereignty which has dominated the international system since the peace of Westphalia in 1648. This sovereignty has increasingly been questioned through processes of globalization, migration, and regionalization. (Leggewie, 2013) Post-nationalist scholars deem the nation-state as something antiquated and mention the concept national only with the prefixes 'post-', 'trans-' and 'supra-' to indicate the decline of the nation state. As they predict the demise of the nation state, they also detect a crisis of legitimacy around the concept of `nationality´ and of national citizenship. (Pogonyi 2011)

There is no universally accepted definition of what a nation is. "Social scientists, the state, the 'members of the nation', and the international institutions/organisations define the nation. As is well known, no one definition is accepted unanimously. Nevertheless, social sciences operate with definitions and typologies." (Kántor 2006, 173) According to Zoltán Kántor, "The nationalisms we encounter are a multiplayer game of institutionalizing and defining the nation. The political interests, the ideologies, and the vision of the future Europe each contribute to shaping a "legitimate" conception on the nation. Nationalism, as a perpetual, multiplayer, institutionalizes the polity invoking the nation and involves a permanent definition and redefinition of boundaries. Since modernity, societies are institutionalized on national basis valid for both majorities and minorities." (Kántor 2006, 28)

Under the "essentialist" branch of the study of nationalism ethnic belonging is an objective category and inalienable and unchangeable part of human nature. Nations are unique and offer a source of stability in the world. The "primordialist" view of this branch regards nations as ancient and natural communities. The individual becomes a member of a nation or an ethnic community through birth and national identity will be his primary identification. The

“perennialist” branch of scholarship holds that the formation of national identity preceded the formation of nations. Greenfeld regards nations as timeless historical categories and ethnicity as the most stable form of social organization that has survived centuries. Accordingly, the idea of nationhood and the phenomenon of national consciousness and its expression in nationalism have appeared in various forms throughout much of the history of literate civilization. Ancient Jews, Athenians, the Middle Ages and sixteenth century England serve as examples of premodern nationalism. (Greenfeld,1992) (Kántor et.al. 2004)

The ethnic-symbolist view of national identity holds a common ethnic past, myths, and symbols rooted in a shared history essential for identity formation and nation-building. (A.D. Smith, 1986, 1991,1998, Armstrong, 1982). In A.D. Smith´s view, the ethnic myths, narratives and symbols of nations predated nationalism and formed the basis of a common cultural heritage which is unlikely to disappear in the foreseeable future. (Smith, 1987, 1991) In his view modern nations developed from pre-modern ethnic communities, called 'ethnies.' National identity is always tied to a political community, it is made of the historic common territory, common myths and historical memories, common mass culture, common rights and duties, common economy. (A.D. Smith, 1991:14). According to A.D. Smith, nationalism was born out of the nation and became “an ideological movement for attaining and maintaining autonomy, unity and identity on behalf of a population deemed by some of its members to constitute an actual or potential “nation.” (A.D. Smith, 1991: 51) Autonomy, unity and identity play a key role here. (A.D. Smith 1991 72)

At the other end of the spectrum, the “modernist” view of national identity regards nations as constructs of capitalism and the modern nation state. Nationalism is a modern political doctrine which aims to connect nation, territory and state. Ernest Gellner was the first to develop a theory of nationalism and to identify modernization and industrialization as the reasons for the emergence of nationalism. As feudal societies disappeared a new source of cultural cohesion was needed to meet the requirement of the modern age marked by social mobility and competition. (Gellner, 1964, 1983, 1987) (Anderson 1983) The printing of books under capitalism made the construction of the nation possible by creating a common discourse understood by members of the group. (Anderson, 1983). National identity was constructed by the nation-building elite, who introduced symbols such as the national anthem, national flag which are accepted by the population and came to personify the nation. (Hobsbawm and Ranger, 1983). Eric Hobsbawm rejected the idea that nations emerged from historic ethnic communities. In his view, the emerging capital markets helped the creation of nationalism by

introducing the myth of common historical roots and establishing the nation. The community which defines itself as the nation has since the French revolution the goal to establish a state on a designated territory which it controls, and which has clearly demarcated borders and a homogeneous population. (Hobsbawm,1993)

According to other scholars the desire for liberty is the driving force behind nations. The Marxist interpretation regards nationalism is a bourgeois ideology adopted by the ruling class to instill national loyalty to it and keep the proletariat from revolting against its rule. In this interpretation, the definition of the nation has an ideological function and is used by political groups in a way that corresponds to their political interests. Nations can be manipulated by the political elite to establish or strengthen its power.

The postmodern constructivist strand of research, which dominates the discourse about nations, no longer regards nations and ethnicity as clearly defined real existing entities but rather as "constructed" "contingent" "contested" or "fluid." (Wimmer 2013) The nation is a socially "constructed" "invented" or "imagined" community of a group of people who perceive themselves as belonging to the same group. Richard Jenkins warns that "As social scientists we must continue to talk about nationalism in an abstract ideal-typical sense. We can only do so, however, in full recognition of the limitations of such a discourse. The 'real' world is full of nationalisms." (Jenkins, 2008: 167)

Rogers Brubaker regards the nation as a discursive construct, defining it "not as substance but as institutionalised form; not as collectivity but as practical category; not as entity but as contingent event" (Brubaker, 1997: 16). According to Brubaker, "nations are real in the sense that individuals perceive, articulate, and identify both themselves and social reality in national terms. Nations are not entities and they do not have an essence. Nations are real because they are imagined, projected, and assumed. The reality of the nation lies in its use as an instrument of political action, legitimation, and mobilization, or as a frame of perception, articulation, and identification." (Brubaker et al. 2004, 32) (Brubaker 1996, 16) (Brubaker 1994, 3-10)

According to Wimmer, "all forms of nationalism share the same two tenets: first, that members of the nation, understood as a group of equal citizens with a shared history and futures political destiny, should rule the state and second, that they should do so in the interest of the nation." (Wimmer 2019, 27)

In his view, nationalism means simply that the legitimacy of the executive power comes from the will of the national community and serves the national interest. Democracy, the welfare state, public education had their origins in nationalism. Democracy was born in states "where national identity was able to superse other identities, such as those centred on religious, ethnic or tribal communities. Nationalism provided the answer to the classic boundary question of democracy: Who are the people in whose name the government should rule? By limiting the franchise to members of the nation and excluding foreigners from voting, democracy and nationalism entered an enduring marriage." (Wimmer, 2019, 30) The basis of nationalism is the consensus that the members of the nation are united along common goals and responsibilities. Nationalism appealed not only to the political elite but also to the common people because it could offer them equality before the law. "And instead of perpetuating elite contempt for the uncultured plebs, nationalism elevated the status of the common people by making them the new source of sovereignty and by moving popular culture to the center of the symbolic universe…Nationalism, in other words, entered into a symbiotic relationship with the the principle of equality. In Europe, in particular, the shift from dynastic rule to the nation-state often went hand in hand with a transition to a representative form of government and the rule of law." (Wimmer, 2019, 30) As Stefan Wolff and Karl Cordell summarize: "Supranational pressures exist, but the apostles of European unity have still not managed to supplant the seductive power of the nation-state. In fact, if anything the debate on the future of the nation-state shows no signs of dissipating in any part of the continent. In a sense, the debate upon the origins of nations is sterile. The doctrine has proven to be so successful that national identity is taken as being a common-sense notion. We have to deal with what that reality is as opposed to what ought to be or might have been." (Wollf and Cordell 2004:17)

Chances are that nations and nationalism will continue to play an important role in the modern world where people are confronted with the consequences of globalization and migration and increasingly lose faith in the established political parties. Nationalism will continue to be a powerful force of the modern age which is capable of mobilizing people. As A.D. Smith put it: "Belonging to a nation is what fulfills a person or put negatively, without belonging to a nation, one is "lost" or "alienated" in the world."[201] Wimmer concludes: "The challenge for both old and new nation-states is to renew the national contract between the rules and the ruled by building-or rebuilding -inclusive coalitions that tie the two together. Benign forms of popular nationalism follow from political inclusion. They cannot be imposed by ideological policing

[201] http://www.e-ir.info/2013/09/03/interview-anthony-d-smith/

from above, nor by attempting to educate citizens about what they should regard as their true interests. In order to promote better forms of nationalism, leaders will have to become better nationalists, and learn to look out for the interests of all their people." (Wimmer 2019:30)

4.1 ETHNIC AND CIVIC NATION

Depending on the view embraced by researchers of nationalism, nations are divided into ethno-cultural or civic or political nations. Under the cultural nation concept, the identity of the national community is substantiated reality based on a common ancestry or culture which forms the basis for the functioning of the nation as a political community. One is born into the nation and does not become member through requirements of participation in political life. Under the civic concept of the nation, those are the members of the nation who live on the territory of the state regardness of ethnic origin.

Many scholars differentiate between ethnic and civic nationalism and use this dichotomy as one of the conceptual building blocks in nationalism research. Nationalism theories revolve around the concepts of the ethnocultural and civic nation and continue to shape the discourses both in Western Europe and in Eastern Europe. There are differences in the interpretation of the concepts of nationalism and nation in Western and Eastern Europe because the historical development of the two regions diverged. In the West the state formed around the already existing nation in Eastern Europe the nation established itself around a state formation. Understanding the conflicting nation concepts is key to explaining the institutionalization of ties to the ethnic kin and the redefinition of the nation. European organisations such as PACE, HCNM, and the EU operate with the political concept of the nation eventhough this view is not shared by the Eastern Central European countries. "They consider every ethnic, or ethnocultural definition as dangerous, and conflict-prone. …It is a normative approach based on the idea that stability and peace can be secured only in such a way." (Kántor, 2006:173)

The migrant crisis of 2015 brought the differences between the nation concepts of Western and Eastern Europe to the fore. Krastnev identifies the crisis as the major reason for fears that the EU will disintegrate. "The refugee crisis has made it clear that eastern Europe views the very cosmopolitan values on which the European Union is based as a threat, while for many in the

West it is precisely those cosmopolitan values that are at a core of the new European identity." (Krastev, 2017 47) In Krastev's view "it is the east-west divide that reemerged after the refugee crisis that threatens the future survival of the union itself." (Krastev, 2017 44)

Ethnic identity stems from a common origin inherited throughout generations and as a rule corresponds to the national identity. A characteristic of cultural nations was the high level of ethnic homogeneity and an "organic" character shaped by historical development. Conservatives see a great need for the engagement of the kin-state to help the ethnic kin against the assimilatory pressures of the majority which threaten their existence.

In contrast to the organic character of the ethno-cultural nation, the civic or political nation is conceived as a nation which is imagined and constructed from above. The political concept of the nation derives its legitimacy from the political community not from cultural traditions but from a „social contract" with the state where the place of residence, taxation and the rule of law form the basis of the political community. Scholars argue that under such circumstances ethnicity plays only a secondary role and the concept of nation can be defined as a community of citizens living on the territory of a state. (Bakk, 2007:55) Under civic nationalism, the state becomes a community of citizens held together by a common territory and government. Each person can become a citizen if he accepts the norms of the state regardless of his ethnic origin. It is the citizenship which determines a person's nationality and entitles the members of the state to social and political participation. The citizens develop loyalty toward the nation state and a modern political community emerges. (Shulman 2009)

In Eastern Europe the nation is as a rule regarded as a distinct ethno-cultural entity. In this region, many nationalities became minorities in their historic native land following wars and the disintegration of empires, the ethno-cultural recognition came to play a key role in the conceptions of citizenship (Kohn 1944, Meinecke 1962). The dichotomy of civic and ethno-cultural nation received a new boost in the wake of the violent ethnic conflicts in Central and Eastern Europe after the collapse of communism.

The German historian Friedrich Meinecke was the first in 1907 to make the distinction between political and cultural nations. In the German-French debate over the belonging of Alsace-Lorraine, he spoke of the French "state nation" (Staatsnation) and the German "cultural nation" (Kulturnation). (Meineke, 1970)

The Czech scholar Hans Kohn addressed the dichotomy between East and West in his discussion of civic and ethno-cultural nationalism in the aftermath of World War II. Kohn argued that civic nationalism was prevalent in Western Europe while ethnic nationalism was confined to Eastern Europe and to peripheral areas of Western Europe. Kohn presented civic nationalism as "liberal, civic" and ethnic nationalism as "illiberal, ethnic." (Kohn, 2005 [1944]) Indeed, different standards were applied towards minorities in Western and Central or Eastern Europe. Schöpflin notes that "during the first ten years of its existence, the High Commission on National Minorities (HCNM) did not carry out a single investigation in Western Europe, as if to underwrite the proposition that the West was comfortably post-national and demons of nationalist excess lurked only in the areas east of the Elbe." (Schöpflin 2006, 218)

Alain Dieckhoff summarised the two conceptions of the civic and the ethnic: 'It has become usual in the growing literature devoted to nationalism to oppose two conceptions of the nation. The first type is presented as the result of the free association of citizens and as a rational and voluntary political construction. This civic, contractual, elective nation is the basis of the French idea of the nation, conceptualised by the philosophers of the Enlightenment and realised by the Great Revolution. In contrast, the second type is seen as the concretisation of a historical community, the expression of an identity feeling, the reflection of a natural order. This cultural, organic, ascriptive nation is the basis of the German idea of the nation, nurtured by romanticism and embodied by the Second and the Third Reich'. (Dieckhoff 2005, cited in Kántor: 2006:146)

Ethnic nationalism came to be identified in intellectual discourses with backwardness. It formed around the ethno-cultural nation in which the governing elite left little room for free expression and social mobility. One was born into the ethno-cultural nation. The civic nation came to be associated with progress. Under civic nationalism, citizens' loyalty is reserved for the state where they live which in turn provides them protection and equality before the law. Here the governing elite was less suppressive and welcomed technological progress and social mobility. The term civic still appears in the dominant political and social science discourse as something positive as opposed to the ethnic-national which has been given negative connotations. Ethnic nationalism came to be identified with "ethnic nationalists" and civil nationalism with "civic democrats." (Kiss, 2015:5) (Yack, 1996) The concept of "constitutional patriotism" of Dolf Sternberger or the civic nationalism of Jürgen Habermas exerted great influence among scholars. (Sternberger 1990, Habermas, 1992) Sternberger and Habermas

developed the concept of “constitutional patriotism” against the background Germany’s involvement in World War II. The idea behind “constitutional patriotism” was that Germans should identify with Germany’s constitutional system instead of the German nation which had brought them war and destruction. Under this concept, the development of a European identity was preferred to the German identity.

The Czech historian Miroslav Hroch also stressed the role of social transformation, such as mobility, communication and education in the different development of nations in Western and East-Central Europe. He argued that Western nations were products of a long process of nation-building that reached back to the Middle Ages. When national movements formed around 1800, they took place under constitutional conditions and at a time when capitalism began to take roots. Nationally relevant conflicts could find an expression in political terms. This promoted the development of well-functioning democracies in Western Europe and a high legitimacy of the state.

In contrast, in Eastern and South-Eastern Europe nation-building began around 1800. The elite groups mobilised the nation around ethnicity before the state was formed, and the ethnic origin (ius sanguinis) principle was given priority. Membership in the nation was defined in ethno-cultural terms, taking common descent and heritage as its basis. (Hroch 1985) Mobilisation around ethnicity was necessary to achieve national independence from the empires in which the nations were incorporated. In Hroch’s view, in East-Central Europe the elite groups lacked the political experience and could only articulate conflicts in national categories. (Hroch 1985)

Most scholars agree that no states exist which embody the idea of pure civic and ethnic nationalism. There are no examples of states which can be regarded as purely political nations and are ethno-culturally neutral. The criteria of civic nationalism are difficult to fulfill even in Western countries. (Shulman, 2002) “There is no one state that employs only one of the conceptions. Usually, an ethnocultural conception is employed regarding the titular nation and the kin minorities, while a political conception is employed regarding the national minorities and ethnic groups living in the particular state.” (Kántor, 20016, 145)

Bakke summarizes the concepts of civic and ethnic nations quoting Anthony D. Smith: “As Anthony D. Smith (1998: 126) has pointed out, the distinction is primarily analytic and normative, and the ideal typical 'civic' and 'ethnic' nations are rarely approximated in real life.

Nevertheless, the assumed characteristics of the civic and the ethnic nation are often attributed to real life nations, and moreover, these characteristics are used as a point of departure for normative judgments, usually to the effect that civic nations are preferable (Smith 2001: 41). The Habermasian tradition of 'constitutional patriotism' e.g. rests on this idea." (Bakke 2000, 1)

Studies indicate that nationalism also plays a key role in the citizenship policies of Western nations and that the distinction between the Western "political" nation and the Eastern "ethnic" nation is exaggerated.The two prime examples of civic nationalism, the United States and France, have many cultural features which promote the assimilation of minorities which would place them in the ethnic-cultural category. (Harris, 2009: 172-5). Bakke reminds that "West European 'nation-states', originally culturally heterogeneous populations were welded into nations; in the great multi-ethnic empires, national movements mobilized culturally more homogeneous populations against a foreign ruling elite." Both in Eastern and Western Europe "nation-forming required a national elite with the necessary means a) to formulate the contents of nationhood, and b) to diffuse the awareness of being a nation to the people or 'the masses'. (Bakke 2000, 2) The national identity was created as the national elite formulated the new national identity "by defining the features (or rights and obligations) that separated the nation-to-be from the important others – which in turn functioned as criteria of inclusion and exclusion." (Bakke 2000, 2)

Bakke concludes that: "The description of 'civic' nations as inclusive (open), voluntary and liberal and 'ethnic' nations as exclusive (closed), ascribed and authoritarian (or illiberal) is misleading…. The distinction between 'civic' nations as '*voluntary*' and 'ethnic' nations as *ascribed* is misleading for two reasons. First, membership in nations is a matter of identification and mutual recognition more than individual choice…. in both cases, the membership criteria set limits for inclusion and thus for individual choice. Some 'civic' membership criteria may be as difficult to acquire as the 'ethnic' criteria (e.g. values)…. The dichotomy between 'civic' identities as inclusive and 'ethnic' identities as exclusive is thus far too sharp. 'Civic' nations are not open to just anybody, and 'ethnic' nations are hardly ever a matter of genetic characteristics. No nation is completely open or closed to

new members, and the degree of openness does not necessarily coincide with labels like 'civic' or 'ethnic'." (Bakke 2000, 12)

Brubaker finds the dichotomy between ethnic and civic nation misleading since "the social ontology that leads us to talk and write about ethnic groups and nations as real entities, as communities, as substantial, enduring, internally homogenous and externally bounded collectivities." Since groups and nations are not real entities, nationalism is mainly the object and product of the symbolic struggles of the political elite who seek to secure political, economic and cultural gains. (Brubaker 1998:292)

One can agree with Joppke who concludes that: "All nations are fundamentally defined by descent and origins; which makes them different from, say, class, age, sex or lifestyle as alternative (and often competing) forms of allegiance and group organization. Conversely, all nations have a `civic element, because they are by definition an association of strangers that transcend the immediate kinship nexus. Nevertheless, a ´civic nation" as being voluntary and contractual only, without reference to origins, is a fiction, meaningful only in the polemical contrast to the ´ethnic nation`." (Joppke 2005:17)

4.2 Legacy of Communism

Under the official rhetoric of Socialist Internationalism, the national question was not allowed to be discussed in the communist bloc. Nationalism was, however, present in the home states where ethnic Hungarians lived. A prominent example is Romania which experienced a large dose of nationalism under communist leader Nicolai Ceausescu. "In the communist period, Romania followed the Leninist principle of national self-determination, granting, under Soviet pressure (and military presence), a kind of autonomous status for the counties inhabited by Hungarians. In the 1960s, when Nicolae Ceausescu became the leader of the Romanian Communist party, a nationalist turn could be observed. Katherine Verdery states that Ceausescu realised that only with this nationalist twist would he obtain support for his regime from the intellectuals. The consequence was that nationalism became institutionalised in the communist system. In the 1950s, the main enemy had been the Germans, who suffered deportation by the regime. Later, especially after the German and the Jewish population left the country; the Hungarians assumed the role of enemy." (Kántor 2006: 155) (Verdery, 1991)

The experience of nationalism under communism shapes the relationship of the populations of these countries to national ideas to this very day.

The communist government of János Kádár was the only government in the region which did not pursue a nationalist policy. (Gyurgyák,2007:291–385). It avoided public discussions about the issue of the nation and was silent about the existence of nearly 3 million ethnic Hungarians in neighboring countries. The Hungarian nation was reduced to those who lived in the country and was defined along the political criteria of citizenship and residence in Hungary. Generations of Hungarians grew up who were not aware that Hungarians lived in neighboring countries. This legacy still influences the views of the public and of the political camps. (Kiss, 2015)

The 1956 uprising was widely interpreted in the region as a Hungarian national answer to Soviet domination. (Verdery 1991: 122) in: Kiss, 2015:6) Following the uprising, the Kádár regime begun to promote "socialist patriotism" which involved loyalty to the regime in exchange for higher living standards. Material well-being gained priority over national sentiment and shaped the attitude of the Hungarian population toward the ethnic kin for decades to come. Those few who dared to take up the issue of ethnic Hungarians in the 1970s and 1980s were condemned as backward nationalists.

The two contrasting "antinational" and "national" attitudes were able to prevail and shape the kin state policies of the various Hungarian governments since the democratic transformation because they ran parallel and created cohesion in the respective political camps. The cleavages that historically existed between the political camps around the concept of nation deepened. (Bárdi, 2004, 2013) The national and antinational approaches excluded each other and the two large political camps failed to find a common language. This caused a "huge deficit in political identity" especially against the background of the Kádár regime's policy of avoiding speaking openly about the minorities.[202]

In contrast to Hungary, in most of the home states there was no controversy between the political camps over the concepts of ethnocultural and civic nation. The political elite reached a minimal consensus over the concept of the nation and kin state policy. Here the debates over

[202] Túl a kásahegyen – beszélgetés Bárdi Nándor történésszel 1-2 Erdélyi Riport 2012, September 3, September 7 https://www.academia.edu/8841256/T%C3%BAl_a_k%C3%A1sahegyen_1-2._Erd%C3%A9lyi_Riport_2012._szeptember_3._szeptember_7 http://vs.hu/kozelet/osszes/a-diskurzus-nem-a-kulhoniakrol-szol-interju-bardi-nandor-tortenesszel-1205#!s2

how to support the ethnic kin were of a technical nature and hardly touched upon the national self-definition of the state.

In Romania, for example, the government's kin-state policies including dual citizenship enjoy the support of most of the academic community as well as of the major political camps. Romanian scholars as a rule do not present double citizenship and voting rights for Romanians in Moldova as a source of tension in bilateral or international relations. They tend to emphasize the civic features of Romanian legislation toward ethnic Romanians abroad and regard the majority nation as one of the ethnic groups that rightfully dominates the major fields of life. (Kiss, 2015)

4.3 Development of Hungarian Nation Concepts

To understand the nation concept that the government bases its policy on and the reactions to it from the opposition one must reach back to the historical development of nation concepts in Hungary. The dispute over the relationship of the state and the nation has a long tradition in Hungary and still plays a key role in the conflicts between the Hungarian political elite.

1. Both the ethno-cultural and political concepts of the nation were present in Hungarian history. In medieval Hungary, the community of the nobility expressed in the Latin term *natio Hungarica* referred to all nobles of the Kingdom of Hungary regardless of ethnic origins. This arrangement meant that belonging to the community was more important than nationality**.** The Natio Hungarica or Natio Hungarorum was a term for the people of the Kingdom of Hungary irrespective of their ethnic background and is thus an indication of geographic status and not ethnic origin. The Hungarian Kingdom was not a nation state in the modern sense of the word, but a multiethnic country, inhabited by Hungarians, Croats, Germans, Romanians, Ruthenes, Serbs and Slovaks, in which the Hungarian nobility held the dominant position. This situation was not unique as the medieval period does not offer examples of nation states. An individual belonged to the "Hungarian Nation" if he or she resided under the authority of the King of Hungary, in the Lands of the Crown of Saint Stephen. (Egedy 2013) (Halász, 2013 :152) (Gyurgyák, 2007:533)

According to Bakke: "the idea of a ***Natio Hungarica*** was formed in the late Middle Ages and was originally linked to the nobility. Under the influence of the Enlightenment, it became transformed into a citizen-oriented,

political nation concept. Finally, with the national revivals under way, Hungarian identity came to be understood more and more in Magyar (cultural) terms. This went hand in hand with an increasing Magyarization pressure. As long as the Hungarian nation was perceived in political terms, it was possible to be linguistically Slovak or Rumanian and at the same time a member of the *Natio Hungarica*. In the 19th century, non-Magyars were faced with the choice between assimilation into the Magyar (cultural) nation and adherence to a separate (e.g. Slovak) nation (Bakke 1999: 137-40).” (Bakke 2000, 5)

As part of the Habsburg Empire Hungary was not a sovereign state and had to rely on Vienna for maintaining law and order. As the Hungarian elite sought independence from the Habsburg Empire it turned to liberalism and the political concept of the nation as the guiding principle. The 1867 Austro-Hungarian Compromise gave Hungarians the chance to fulfill their key aspirations. (Egedy HR, 2013) Hungarian became “the only official language of the state, in the state administration, the courts, the Parliament, and higher education; even primary schools were increasingly Magyarized. At this point, the nation concept in Hungary was becoming increasingly cultural, but not 'ethnic' in a genealogical sense” (Bakke 2000, 7) (Romsics 2011:2) The loss of its territory following the treaty of Trianon presented a great trauma for Hungary. There was consensus among in Hungary and among ethnic Hungarians abroad that the treaty should be revised. The regaining of the lost territories became the major political goal and the Hungarian government used the cultural concept of the nation under which the common culture determined membership in the nation. During World War Two some of the territories that were part of Hungary during the Austrian-Hungarian monarchy briefly returned to Hungary.

Nándor Bárdi divides the national policy of the Budapest governments into eight periods which stretch from the end of World War I to the institutionalization of relations through the Status Law:

1. from 1918 to 1938/40/41 – a period between the two world wars characterised by a revisionist view of the future;
2. from 1938/40/41 to 1944 – nation policy from a majority position during World War II;
3. from 1944 to 1948 – a period characterised by a lack of means to influence nation policy;
4. from 1948 to 1966/68 – a period dominated by the propaganda of automatic resolution of the issue based on the principle of internationalism;
5. from 1968 to 1978/86 – a period of developing the ideology of dual loyalty and of minorities assuming a bridging role;
6. from 1978 to 1989/92 – attempts in Hungary to handle the problem institutionally;

7. from 1989 to 1996 – creation of a system of Hungarian institutions beyond the borders of Hungary;
8. a period starting in 1996 with the creation of Hungarian Standing Conference (HSC) and continuing with the passing of the Status Law in 2001 and onward – political institutionalisation of Hungarian-Hungarian relations and the development of a system of cultural institutions of the Hungarian nation perceived in ethnocultural terms." (Bárdi 2004 62)

The roots of the current debate over the identity of the nation go back to at least the beginning of the 20th century when intellectuals became divided over the direction that the development of the country should take. At that time, two major groups of intellectuals saw Hungary as a country that vacillates between the East and West (after the poem by Endre Ady entitled Komp Ország (Ferryboat Country). This double identity has played a key role in the constitution of a Hungarian national self-identity and reflects the discourse about East-Central Europe. (Szűcs, 1983). These intellectual groups were able play a central role in defining the concepts of the nation because in Hungary and in Eastern Europe the intellectual elite played a greater role in nation-building than in the West. Intellectuals, especially writers and poets, often perceived themselves as the voices of the nation who expressed the common heritage and took a preeminent role in national struggles for independence.

In the 1920s, Hungarian intellectuals formed around two political camps the 'urbánusok' and 'népnemzetiek.' The national ['népnemzeti'] camp holds national traditions in high esteem while the urbanite camp ['urbánusok'] stresses the importance of cosmopolitan values and models for Hungary's development. This division between the two camps was maintained during the communist period and was even used by the authorities, in the first place by György Aczél who oversaw cultural policy until the late 1980s and was taken to fomenting controversy. Since the initial stage of party formation in the 1990s, Hungarian oppositional forces defined their distinctive identities by reaching back to the traditions of the 1920s and of the communist era. The two political camps interpret Hungarian history and the role of their respective camps in it very differently. The concept of nation is regarded either as contructed through social discourse or as a social bond which plays a role in the institutionalization of ties. The term "classification struggle" has frequently been used to describe the conflict over national identity. (Kiss, 2013) (Bárdi, 2018)

The Hungarian left sees left-wing tradition as the embodiment of modernity and West European progress and brandmarks conservatives as backward looking and authoritarian. Hungarian conservatives reject this. The right wing is convinced that the left wing has a limited notion of what it means to be Hungarian and what the interests of the Hungarian state and society are because it is oriented toward universal values. The right wing believes to have a deeper understanding for the needs of the Hungarians living in the countryside and is convinced that the Hungarian peasantry has virtues that could benefit the entire nation.

4.4 From Mosaic to Unified Nation Concepts

The writer Sándor Csoóri and the head of the World Federation of Hungarians (1991-2000) imagined the Hungarian communities in neighboring countries as a "mosaic" which had common roots in Hungarian culture. He helped set up the Duna television satellite channel for Hungarians abroad whose aim was to present a whole view of the "mosaic nation" and to help preserve the language and culture of Hungarian co-nationals abroad. (Görömbei 2003) [203]

Current Hungarian Parliamentary President László Kövér emphasizes the unified nature of the Hungarian nation and favors including Hungarian co-nationals in the Hungarian political nation by giving them voting rights. Kövér branded the idea of "szétfejlődés," the divergent development of the Hungarian nation, as a "policy of national disintegration" promoted by the left liberal elite. "They explained that it is impossible to have national policy because there is no nation thus, such a policy lacks a subject," Kövér remarked. The designation "Hungarians from abroad" was in his view an attempt to deprive ethnic Hungarians from the feeling of belonging to one "Hungarian community of fate."[204]

At the other end of the spectrum, the argument is made that ethnic Hungarians who found themselves in neighboring countries after the Trianon Treaty of 1920 developed in a way which tends to divide rather than unite them. The national identity of ethnic Hungarians living in neighboring countries is influenced by the culture of their country of birth. Ethnic Hungarians are as a rule bilingual and are used to an environment where two cultures and languages meet. At issue is whether the minority communities want to be recognized as autonomous communities whose identification with the homeland, with regional communities in Transylvania, Serbia Vojvodina, and Ukraine Transcarpathia has priority over belonging to a

[203] http://hvg.hu/kultura/20150201_Csoori_Sandor_85_eves
[204] http://mno.hu/migr_1834/mi_lesz_belolunk_magyarokbol-239088

unified Hungarian community. This view also shaped Hungarian foreign policy. Accordingly: 'If, for the sake of integration, Hungary accepts the conditions of good-neighbourly relations imposed on it by its neighbours, the situation becomes problematic from the point of view of domestic politics, but if it does not, it may endanger the goal of integration'.38 (Lábody, 'Magyarország és szomszédsága', p. 295. Quoted in Bárdi 2004: 75)

László Szarka also argued that one cannot speak of a unified nation because since Trianon Hungary and the Hungarian communities abroad developed in a way which diverged to a great extent and led to significant differences between them. He embraced the idea of the mosaic and the "contractual nation" under which the individual nation parts would enter into a contract with each other and determine which are the common affairs and responsibilities of the nation. Szarka defined the next goal as the institutionalization of the cooperation between the nation parts and the achievement of autonomy to enable the democratic election of minority representatives and empower them to implement the common decisions. (Szarka, 2007)

Hungarian President László Sólyom also rejected the idea that a unified Hungarian nation exists. He wanted that the Hungarian minorities make the key decisions about the strategies they employ. Sólyom stressed that kin-state policy should consider "on the one hand, the indispensable role of the kin state, on the other hand, build upon the independence and strategies of the ethnic kin themselves. That is Budapest does not guide a united /nation/ of so-called Hungarians abroad. Such does not exist. Hungarians have several centers, and these have to be institutionalized while building the Hungarian cultural nation."[205]

4.5 Nation Concept in Policies Toward Ethnic Hungarians

The nation concepts espoused by the political camps put their stamp on their policy toward ethnic Hungarians abroad. According to the conservative view, nation-building includes all the regions where Hungarians live regardless of borders. The Hungarian nation is divided by two borders which are to be bridged. The internal border between the political camps and the external state borders. The latter can be superseded spiritually. The goal is the creation of a Carpathian Basin which builds a unified economic, cultural and political entity with Budapest as the center. The conservative camp endorsed ethnic Hungarian parties which opt for a

[205] Sólyom László beszéde http://www.felvidek.ma/felvidek/cikk/22513 Sólyom László beszéde a Nemzeti Összetartozás Nap ján az Országgyűlésben GYURKOVITS RÓZA 2010. JÚNIUS 06.

consociational approach for minority rights that allows for parallel minority institutions to reproduce the ethnic identity. They support political parties which stress the need for more rights for the minority and view autonomy as essential for the survival of the minority community. The basis of this nation concept is the ethno-cultural approach.

Those who viewed ethnic Hungarians as part of the unified nation favored the institutionalization of relations between them and the kin state. The Hungarian politician from Slovakia Miklós Duray advocated that the ethnic kin receive the individual right of citizenship in order to be able to participate in Hungarian nation-building.[206] As Duray formulated it: The key question behind this concept is how the dismembered Hungarian nation can be reintegrated without any conflicts over the unchangeable Trianon borders. […] It can be assumed that the only possibility is the creation of a new 'nation structure'. For this, three fundamental aspects must be taken into consideration: state borders, different political environments and Hungarianness. This means that borders must be bridged, the realities of politically diverse environments must be taken into account and Hungarianness must be freed from being under the 'rubble' of the way of thinking that prevailed during the post-World War II period and communism. Under such conditions, a federalist nation-structure based on local governmental authorities can develop, which, on the one hand, creates a co-national relation between the Hungarian community and the majority nation of a given country, and on the other hand, creates a culturally unified Hungarian nation consisting of politically independent units." Miklós Duray, 'Az egyetlen demokratikus kibontakozási lehetőség az önkormányzatok megerősödése' in *idem*, *Változások küszöbén* (Budapest, 2000), pp. 185-201, here p. 198. Quoted in Bárdi 2004 74-75)

According to the left-liberal political camp, there is no unified Hungarian nation with Budapest at the center. The Hungarian communities outside Hungary developed since 1918 in different ways. Except for 1940-44 there were no common historical experiences involving Hungary and the Hungarian minorities. According to this view, there is no common history between Hungary and the Hungarian minorities, and the current borders form the basis of the Hungarian-Hungarian relationship. (Lörincz 2010:145) This political camp advocates a trans-ethnic

[206] http://vs.hu/kozelet/osszes/a-diskurzus-nem-a-kulhoniakrol-szol-interju-bardi-nandor-tortenesszel-1205

identity based on the political concept of the nation where minorities are integrated into majority society through loyalty to an overarching political framework, such as the constitution.

The political concept of the nations has followers not only among left and liberal political parties but also among many scholars and journalists. A summary of the Hungarian concept of political nation as it applies to ethnic Hungarians across the borders is the following. "The key aspect is that, there is no Hungarian nation which is cut through country borders. If we treat the nation as a political category, then there is only one Hungarian nation: the community of Hungarian citizens who live together. If anyone (individually) or even everyone (of course also individually) among the Hungarians living across the borders would like to be a member of this political national community, there are procedures through which this can be done: he can move to Hungary and can receive his Hungarian citizenship after a certain not very long period of time."[207]

According to the historian Gábor Egry, the citizens living in Hungary are members of a "republic" which developed historically and its "borders are basically defined by the common affairs about which common decisions have to be made." Consequently, the "republic" distinguishes at least on a theoretical level among those who live on the territory of the state and have the right to decide about common affairs and those who do not have these rights." (Egry, 2010:159-160) Egry declares that ethnic Hungarians abroad "are under no circumstances fully fledged members of the `republican´ community since they are tied to Hungary through far fewer common interests than those living in Hungary while a number of common interests bind them to the state and its citizens where they live." Egry calls on individual ethnic Hungarians to join the community of the "republic" by moving to Hungary and taking on the responsibilities of citizenship. Egry concedes that the concept nation and nationalism is far more cable of mobilizing the masses than the concept of the "republic" because it has an emotional element that is missing by the rational considerations of the "republic." (Egry, 2010 165) Egry estimates that the number of people who embrace the mentality of the ´republic´ is very small and the "number of those who are proud of it is even fewer." (Egry, 2010 162, 166)

[207] Miklós Búr-Baky: Az alkotmány ore. Magyar Narancs XVII. Évf. 2005/35., 2005. Szeptember 1., 42, quoted in Öllös László Nemzet és külpolitika Magyar Kisebbség, 10 évfolyam 2006. 3-4 (No. 41-42) 172.

Leading Hungarian scholars also favor the political nation concept and point to the the desirability of looking at West-European traditions. György Csepeli warns that "if common history, national myths, symbolic national consciousness, the exclusiveness of language and culture build the basis of national pride this does not promote the acceptance of strangers." In contrast, under civic nationalism or "constitutional patriotism" national pride is based on "modern community values, economic success, general prosperity, social solidarity, political openness and is guided by principles that guarantee the rule of law and the rights of minorities." This type of nationalism produces "a national feeling that is already open toward foreigners, is inclusive and tolerant which opens the way toward a new conception of the nation." (Csepeli 2017, 88) Csepeli opts for the "redefinition of the nation in the 21th century…in order to create an open, inclusive and multicultural Europe." He admits that for the redefinition to be successful "deeper structural and sociopsychological changes are also needed which are capable of overcoming the rejection of minorities and groups who have different ethnic and cultural roots." Csepeli regrets that cultural differences show no sign of disappearing and "new cleavages are created between different religious and ethnic groups as well as cultural differences between the traditional nation concept and the concept of Europeanism." (Csepeli, 2017:89).

According to Ivan Krastev, the migrant crisis of 2015 "reinforces a sense of national solidarity and erodes the chances for constitutional patriotism in the union as a whole. The crisis is thus a turning point in the political dynamics of the European project. It signals a moment when the demand for democracy in Europe has been transformed into a call to defend one's own political community and thus a demand for exclusion rather than inclusion. It also creates a dynamic in which the European project is seen no longer as an expression of liberal universalism but as sour expression of its defensive parochialism." (Krastev,2017, 59) Under these circumstances: "Open borders are no longer a sign of freedom but are now a symbol of insecurity." (Krastev,2017, 36)

Margit Feischmidt supports the "post-national condition of Habermas, the multicultural nation, the new contents of patriotism in a multicultural environment." She criticizes "the debate about citizenship as the newest attempt at the redefinition of the nation while the civic contents of the citizenship are not being discussed." According to Feischmidt, "Hungarian citizenship is empty compared to these, the new Hungarian citizens vote practically out of a gesture of thankfulness, most do not think of those citizens who live in Hungary who are not Hungarian, questions of civic consciousness and activism seem to interest only scholars." Here, Feischmidt was

referring to immigrants aspiring for Hungarian citizenship who live and pay taxes in Hungary but were not affected by the law.[208]

4.6 Debates Over Identity

Hungarian history is characterized by conflicting interpretations of the concept of national identity. The historian Gábor Egry summarizes the controversy as follows: "who, how and why are they members of this community?" (Egry, 2010:159) As a rule, changes of regime brought with them new interpretations of the identity of the nation which made it difficult for the political camps to reach consensus over the interpretation of historical events. Egry explains the great differences in political identity between Hungarian political camps through their "very deep roots in Hungarian society. Prejudices inherited about the other political side and the differing traditions of history draw not only very distinct dividing lines but also place a person in a political camp. The very different interpretations of history, especially the 20th century history, make the creation of common traditions very difficult. While the interpretation of history is a permanent feature of the national narrative construction, the things that are remembered and how they are remembered is determined by the issues of today." (Egry, 2010, 175) Ildikó Szabó points out that "It is the particular heritage of Hungarian political culture that questions of national identity were in each political era intertwined with questions of political identity. Hungarian national identity had neither in the era of the party state nor after the change of regime acquired a pattern based on social consensus …The concept of the nation as a democratic political community was also not formulated after the change of regime." (Szabó 2002:16)

Hungarian party competition thus revolved not around social issues but around the notions of nation, identity, and the past which had different meanings for the two major political camps. Herbert Kitschelt argues in his highly influential work that in Hungary and Poland the intellectual elite had little chance to deal with the historical divisions because social modernization was delayed and forced modernization was carried out under communism. While in the West the main dimension of party competition takes place on the socio-economic left-

[208] Margit Feischmidt Social Researcher about the New Nationalism, Magyar Narancs, 10 July 2014, http://magyarnarancs.hu/belpol/nem-fertek-bele-a-ciganyok-90871

right in Hungary the socio-cultural left-right is decisive. (Kitschelt et al. 1999) (Oltay, 2013 42-53)

The conservative camp interprets the revolution of 1956 as an anti-communist uprising while the left liberal camp emphasizes that many participants fought for leftist values. Trianon and history after 1945 are also interpreted differently. (See below)
The left liberal wing reproaches the right wing for using "stereotypes such as responsibility for Trianon, anti-national… to prevent viewing the organizing left-wing as a political partner or a legitimate member of the nation. Such ideas were reinforced when the left wing aimed at restructuring the political community when it came to power in 1919 and in 1945." (Egry 2010, 175)

4.7 Different Interpretations of Trianon

The issue of Trianon and the ways it can be dealt with highlights the very different interpretations of history, especially 20th century history, of Hungary's political camps. As the historian Egry puts it: "In the 20th century there are hardly any events in Hungarian history which everyone could accept as his own without questioning the legitimacy of the interpretation of the other side. Thus, while the right wing can accept the first half of the century even if was part of the national tragedy /Trianon/ the left wing at most tolerates it and cannot accept it as a tradition. While for the right wing the period after 1945 is history that went amok the left wing regards it as a period whose events, regardless whether in a positive or negative way, shapes the Hungary of today." (Egry 2010:174) The historian, András Gerő comments that the Hungarian right-wing continues to dominate the discourse about Trianon because "Hungarian liberalism, the Hungarian left-wing has hardly anything to add to the subject Trianon which is a very big problem."[209]

Historians opine that Hungarian public opinion had no chance to deal with the loss of territory incurred through Trianon. Many important places of national heritage that served as the common remembrance of Hungarian history lie outside Hungary. As the historian Balázs

[209] András Gerő "Nemzeti tragédiából emléknap? From national tragedy to a day of commemoration? ATV Start 5 June 2014

Ablonczy puts it: "The treaty of Trianon legitimized such an enormous loss of territory that pushed such a large part of the nation outside the borders that neither the rationality of science nor politics could help public opinion process it." (Ablonczy, 2010:6) The historian Ignác Romsics expressed the view twelve years ago that it would in the long run help to process the national trauma of Trianon if the legal status of Hungarians abroad would be settled.[210]

Until 2010 the Hungarian state did not initiate commemorations about Trianon. The first democratically elected parliament commemorated Trianon with a minute of silence an event which was very controversial at the time among the opposition parties. Fidesz, a liberal party at the time, walked out of the commemoration because it objected that the House Speaker failed to consult the parties before calling for the commemoration. After that the civil and political organizations who remembered the 4th of June were as a rule associated with the radical right. The most spectacular commemorations were held by the radical youth organization Sixty-Four Counties Youth Movement named after the 64 counties Hungary had before Trianon. The Movement openly called for the revision of the Trianon treaty. http://www.hvim.hu/mozgalomrol In recent years the radical right party Jobbik organized commemorations throughout the country. (Feischmidt 2014: 67) Jobbik which became the third largest party in parliament in 2010, 2014 and 2018 has sought to present itself as the representative of the interests of the ethnic kin. The government, however, took the wind out of Jobbik's sails by granting ethnic Hungarians citizenship and commemorating Trianon. In the 2014 parliamentary elections, Jobbik received only 2% of the votes of ethnic Hungarians abroad while Fidesz gathered some 95%.[211]

There is one museum which is devoted to the topic of Trianon, the Trianon Museum in Várpalota 90 kilometers from Budapest which opened to the public in 2008. The museum seeks to show the natural, historical and cultural values of the Carpathian Basin, the demographic and economic conditions prior to and after the Trianon Treaty.[212] The museum has not been able to establish a reputation for itself among the historical museums and has in recent years become even more marginalized as an increasing number of monuments to the memory of Trianon were inaugurated. (György, 2013:193)

[210] "Hogyan Tudnánk Feldolgozni Trianont?" Inforádió, 4 June 2006. a nemzeti trauma feldolgozásához hosszú távon a határon túli magyarság jogi státuszának rendezése erőteljesen hozzájárulhat.
[211] http://www.valasztas.hu/web/national-election-office/24
[212] http://varpalota.utisugo.hu/latnivalok/trianon-muzeum-varpalota-87639.html

There is also a Trianon Foundation established by historians in 2007 and publishes since 2009 the journal Trianon Survey. [213] / The Survey is published irregularly and ceased publication for one year because of lack of funds.[214]

The government plans to build a Memorial of National Unity (Nemzeti összetartozás emlékhelye) by 2020 May 31 the 100th anniversary of the Trianon Peace Treaty. The Memorial will be erected not as a statue but as a landscape architecture connecting Alkotmány Street, Szabadság Square with Kossuth Square. The original memorial to Trianon, the famous irredentist statue with the country flag and the flower bed depicting Great-Hungary, at Szabadság Square, is occupied by the huge Soviet Memorial that commemorates the "liberation" of Budapest through Soviet troops.

The Memorial of National Unity will be 100-meter long with a 4-meter wide ramp with a granite block at its deeper end which can be walked around. It will be out of stainless steel and the same material used at Kossuth Square. A splintered granite block with an eternal flame will close the ramp symbolizing the division of the Hungarian nation by the Trianon Treaty of 1920. On both sides of the ramp, the names of historical Hungary`s 12,000 municipalities will be engraved. The names used will be taken from the registry of 1913 and includes not only towns and villages lost through the Trianon Treaty but also those that remained in Hungary. This was meant to symbolize national cohesion among Hungarians. [215]

According to the director of the Steindl Imre Program, Tamás Wachsler the Memorial should not document a loss but should represent the unity of Hungarians. He was surprised that there is no consensus concerning "the tragedy of Trianon" and cited one view of a well-known philosopher that "we got what we deserved." Critics also accused the government of irredentism for using the names of the municipalities of historic Hungary. [216] The historian Egry objected that "all the territories lost are placed at the center although until now the major objection

[213] http://tortenelemportal.hu/akta/trianoni-szemle

[214] http://archivum.magyarhirlap.hu/belfold/meg_is_szunhet_a_trianoni_szemle.html

[215] Zubreczki Dávid: A one-hundred-meter memorial will be built at Kossuth Square. 11 April 2019. https://index.hu/urbanista/2019/04/11/nemzeti_osszetartozas_emlekmuve_kossuth_ter_trianon_emlekmu_alkotmany_utca/ https://dailynewshungary.com/hungary-to-erect-memorial-of-trianon-peace-treaty-for-the-100th-anniversary-in-2020/

[216] László Haskó: Nothing Reveals the Real Nature of the Orbán Regime more than the Trianon Memorial which is to be built, 20 April 2019 https://magyarnarancs.hu/publicisztika/a-keszulo-trianon-emlekmunel-hivebben-semmi-nem-mutatja-meg-az-orban-rendszer-valodi-termeszetet-119099?fbclid=IwAR2X7LKWM2Ty5j8Ltm3pYFwG7x8nUBmPOo-C4j-fVux7lS3SWf1hz_2KEig

regarding the unjust nature of the peace treaty was that the national sovereignty of Hungarians was not respected, that the borders failed to follow the ethnic boundaries.". [217]

The memory of Trianon still has a strong presence in the neighboring countries where ethnic Hungarians live. For the home states Trianon was a huge territorial gain and or the basis on which they built their national state. The suspicion that Hungary's engagement for its ethnic kin is motivated by the desire to revise the borders is still alive in neighboring states where Hungarian minorities live. (Brubaker, Feischmidt, Fox 2008 346-347, 349, 379) This is the case although no major Hungarian party supported the idea of revising the borders since Hungary regained its sovereignty following the democratic transformation. All Hungarian governments also made clear that they sought to "virtualize" the borders through integration in the European Union.

4.8 Interpretations of Ethnic Identity

The concept of ethnic identity and ethnicity is just of controversial as that of the nation. Some scholars regard ethnicity as something constant which each individual and national group has, while others point to the changing and constructed nature of ethnic identity based on the myth of common ancestry. (A.D. Smith 1991). Other scholars regard ethnicity as an umbrella concept for several identities that encompasses all "races" "tribes" "castes" and "minorities." They argue that the umbrella concept is warranted since it is impossible to distinguish between ethnic characteristics and those which are related to other social dimensions for example, religion, culture and language. (Horowitz, 1985) (Max Weber [1922]/1968) (Chandra, 2005) (Wimmer 2013) Such generalization does not help in the analysis of ethnic Hungarian minorities which have a strong national consciousness and seek to maintain their parallel societies in the home state and have institutional ties to the kin state.

There is some consensus among scholars of sociology and anthropology that ethnic identity involves a process of "knowing who we are, and who others are" and plays a key role in how people relate to each other (Jenkins 2000:6). As Richard Jenkins puts it: "*If ethnicity is imagined, however, it is anything but imaginary. It is 'real', in that people orient their lives and actions in terms of it, and it has very definite consequences."* (Jenkins 2000:6) According to

[217] Gábor Egry: An Irredentist Memorial at Last? 20 April 2019, https://hvg.hu/kultura/201916_vegre_egy_irredenta_emlekmu

Fredrik Barth, "ethnicity is a set of delineated boundaries between neighboring groups, and individuals who are primarily concerned with maintaining these boundaries in order to explain one's identity, often in a relative, comparative manner." (Barth 1969: 15). Boundaries play a key role in maintaining the ethnic identity of groups.

As George Schöpflin puts it: *"every identity includes and excludes and will establish mechanisms for attaining this."* A community has a collective identity and *"will seek to secure its own existence over time and, therefore engages in cultural reproduction using a variety of instruments to secure its future."* Accordingly, *"Communities construct boundaries and filters to maintain ethnic identity and sustain the community. Boundary markers are part of the cultural matrix of a community and have the task of including and excluding at the same time. They inform members about what is acceptable or unacceptable in the community. There are an infinite number of boundary markers including diet and dress codes, but language is by far the most important."* (Schöpflin 2001:1)

Ethnic identity is usually regarded as something cultural related to a common language and traditions. It is generally accepted that ethnic identity is constructed through complicated processes of socialization, language, collective history. Often the creation and reproduction of national or ethnic identity is identified as the major goal of nation states. The strong institutionalization of national identities reflects this goal. Educational institutions decide the ethnic identity of children when they teach them early on the national language, national symbols, and national history. Numerous studies show the major role that institutions play in shaping national identity. (Kántor, 2010 66) Bakke argues that "once national identity becomes self-evident, it is more or less inescapable for the majority, because it is being reproduced through the institutions of society, including the family, the school system, the mass media, even sports." She points out that "national identities are institutionalized to a much larger degree than other collective identities like class or gender. Children are taught national identity in school from first grade on – national culture, national history, national values. Thus, for most people, being a part of the nation is a matter of upbringing and socialization rather than a matter of conscious choice." (Bakke 2000, 7)

4.9 Ethnic Identity in Eastern and Western Europe

As I showed above, in Eastern Europe, ethnic identity has historically played a crucial role in nation-building. The nations of Eastern Europe were often parts of empires and dictatorships

and had a tradition of holding on to their ethnic identities and refusing to change national allegiances. They regarded the revival of ties to the ethnic kin as part of the invigoration of the nation. (Harris, 2009: 172-5). (Hobsbawn 2006, Conversi 2017) "During the entire process of institutional consolidation in post-communist Europe, ethnic identity remained an unchallenged and central marker for delimiting groups from one another and in identifying individuals' potential allegiance to the state and, as a result, eligibility for accessing scarce resources." (Agarin and Cordell, 2016, 37)

In contrast to Eastern Europe, the ethnic identity of most Western European populations is weak. Here ethnic identity was shaped by the non-ethnic stance derived from the political or civic concept of the nation as a group of people living together on a territory regardless of nationality. A growing number of Western nation states allowed migrants, many of the from their former colonies, to become naturalized citizens based on extended residence and/ or birth in the country rather than filiation. (Kymlicka-Opalski 2001) This contributed to the erosion of the ethnic identity of the majority and prepared the way for a multi-cultural and post-national society. (Leggewie 2013)

In Hungary but also in other countries of East-Central and Eastern Europe, attitudes to the migration crisis of 2015 showed very clearly the differences between the nation concepts in the two parts of Europe. East European countries had no colonies and no experience with migration from outside Europe. The ethno-cultural nation concept they embrace includes co-nationals and excludes migrants. The policy of the Hungarian government to stop the flow of migrants by erecting a fence and introducing strict border controls was based on the ethno-cultural nation concept. The government's view was that the border was a prominent marker of sovereignty and nation states had the right to decide who enters their territory. The Fidesz government also regarded the massive inflow of migrants as a threat to the ethnic and Judeo-Christian character of Hungary and of European nations. It also used the argument that migrants would take away jobs from Hungarians and burden the Hungarian social system which was reminiscent of the slogans used by the left-liberal government which successfully whipped up feelings among the Hungarian public against the ethnic kin.

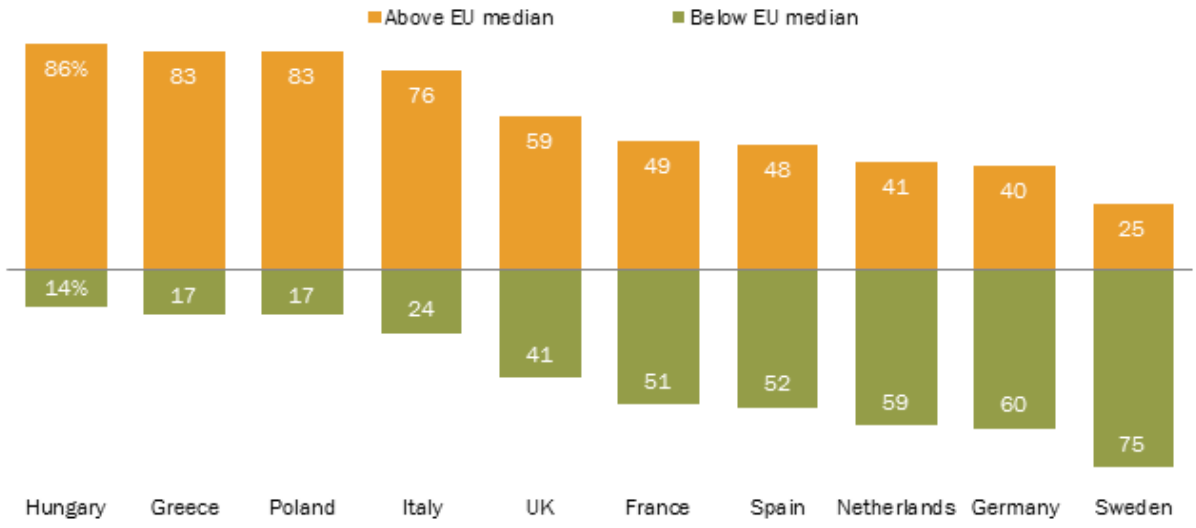
The oppositional left-wing political camp first denied the presence of migrants and then joined the Western criticism of the government for taking measures to prevent their entry into Hungary. Hungarian opinion surveys and a referendum showed, however, that the overwhelming part of the Hungarian population supports the government's policy toward

migrants. Most opposition political parties began to acknowledge that the border fence was needed. [218]

At the same time, many Western political parties began to increasingly question the open borders policy which allows the unrestricted entry of migrants into the EU. This was a reaction to the change in the ethnic composition of the populations and the problems encountered by the integration of migrants whose cultural traditions differed from that of the majority. It was debated whether ethnic identity was not only something acquired by learning a language and attaining citizenship but also entailed sharing a common ancestry. Increasingly the relationship of the nation and the state was reevaluated, and dissatisfaction voiced over how West European democracies functioned. Support grew for political parties which spoke up against migration and the de-ethnicization of the majority population. (Cordell 2015:11)

Views about national identity vary across Europe

*% of people above or below the EU median on a four-question scale**



*Attitudes are measured using an additive four-item index ranging from 4-16, with 16 representing the most exclusionary attitudes. The questions included in the index ask about the importance for national identity of being born in the country, being able to speak the national language, belonging to the dominant religious denomination of the country and sharing customs and traditions of that country. The EU median on the full scale is 12. (See Appendix A for more details.)

Source: Spring 2016 Global Attitudes Survey. Q85a-d.

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[218] Nemzeti Választási Iroda, 2016. National Election Office – National Referendum, 2 October 2016, http://www.valasztas.hu/20

4.10 Ethnic Identity of Hungarian Minorities

The ethnic identity of Hungarian minorities was strongly shaped by the fact that the territories they inhabited were part of the former Hungarian Kingdom and that they found themselves on the territory of neighboring countries as the borders moved around them. Ethnic Hungarian communities became "coerced communities" because even though they never left their homeland they were transformed from the ethnic majority into ethnic minority communities against their will. (Bárdi, 2013)

Those Hungarian nationals who opted to stay in their place of birth instead of immigrating to Hungary were divided between the territories of the newly established states and experienced pressures of assimilation from states which sought to establish their identity by forcing the dominant culture on national minorities. This treatment strongly influenced their identity and national aspirations. Hungarian minorities did not develop substantial loyalty to the states where they lived, and their history was marked by struggles to survive as national communities. (Szarka 2005: 94-95)

Ethnic Hungarians in neighboring countries view Trianon from another perspective than Hungarians in Hungary. For them Trianon entailed not only the loss of territories, it meant their transformation into minorities in their fatherland and putting them at the mercy of the majority that sought to assimilate them. The identity of most ethnic Hungarians is reflected in a statement by an ethnic Hungarian from Slovakia:

I hear the Slovak anthem for instance, every midnight on television. Just look at those photos shown in this short video. They show all of the important regions in Slovakia, except the Southern region. (…) This is a symbol for me that they think that we are not involved in their social and political systems, they think that we are just outsiders who live here, but that's all and we think that we are outsiders, too. (FGSk3)
(Iglesias-Sata-Vass 2015:26)

In a field study among ethnic Hungarians in Slovakia about citizenship and identity "almost everyone described Slovak citizenship as an empty link with the state. Citizenship by the state

of residence is interpreted mainly as a legal bond only, a group of rights and obligations. The reason is – as participants explained –that they, as citizens who have other than Slovak nationality, feel themselves outsiders, whose community is not involved in the state building process“ (Iglesias-Sata-Vass 2015:26)

For ethnic Hungarians minorities national identity played a key role if they were to survive and reproduce their culture. They are reminded of their ethnic identity in their quotidian struggles over ethnicity, for example, when they make the decision whether to speak Hungarian in public and risk disapproving comments from the majority. As Pogonyi puts it: “In the minority context, the national language or the displayof national symbols have stakes – they are potential political acts, as local majorities are likely to interpret them so. Thus, even everyday routine involving cultural choices require some deliberation and even vigilance.” (Pogonyi 2017, 148)

The concept of nation has a special meaning to ethnic Hungarians in neighboring countries because they are part of the ethnocultural Hungarian nation and are also part of the political nation of their home countries. Ethnic Hungarians do not fit into the political concept of the nation which identifies people living on the territory of a state with the citizenship and nationality of that state. Espousing the political concept of the nation means in the case of ethnic Hungarians in neighboring countries that they are not allowed to decide based on their cultural heritage whether they are Hungarians others decide for them what they are based on their citizenship. Öllös points out that if the political view of the nation is correct Swedes in Finland, Catalans and many other nationalities exist only as part of the political nations where they live and their minority rights have no foundation. Yet nationalities have rights in most countries of the European Union. (Öllös 2006:172-173)

4.11 Ethnic Minority and Civic Majority?

Rogers Brubaker`s book about relations between the ethnic majority and minority in the city of Cluj (Kolozsvár) examines ethnic relations. The book labels the minority as “ethnic” or “marked” because it diverts from the mainstream and regards the majority nation as “unmarked” because it corresponds to majority expectations. The majority is regarded as the mainstream since it has no need to continuously point to its ethnicity. As Brubaker expains: “The normative cultural homogeneity that everywhere accompanies the rise of the nation state

marks as minorities those that do not share the dominant culture; at the same time, it "unmarks" and de-ethnicizes the dominant culture." (Brubaker and Feischmidt 2008:19) However, when minorities organize demonstrations to protest restrictions in the use of the minority language, they demonstrate that the "unmarked" majority culture behaves in an ethnic way. (Kiss 2013).

The premises of the book are that Hungarians and Romanians get along very well in everyday life and the ethnic entrepreneurs the political elit are the ones to stir up tensions. This is in line with the theory of "national indifference" and of "banal nationalism." (Zahra, 2010) (Billig, 1995) (Fox, Jon E.; Miller-Idriss, Cynthia, 2008) Levente Salat the vice dean of the department of political science of the University of Babeş-Bolyai Tudományegyetem in Cluj Kolozsvár commented that while this is true in some cases, relations between Hungarians and Romanians are basically subject to tensions because the status of the minority and majority is asymmetric. In Salat´s view, the book illustrated that the "unmarked" dominant Romanian culture affected everyday interactions between Romanians and Hungarians even if these were in many cases not experienced in ethnic terms. The book documented that the two communities were able to maintain ethnic peace because they developed strategies of coexistence which systematically ignore the discussion of controversial questions in Hungarian-Romanian ethnic relations. Salat points out that Hungarians and Romanians frequently use jokes when they socialize to avoid talking about sensitive questions concerning their relations.[219] Salat warns that the attempt to sweep under the rug the problems of the relationship of the majority and minority and to ban the fears of both sides from the public discourse creates a potential for conflict that could be taken advantage of by anyone who has an interest in fueling the conflict." (Salat 2018)[220] The asymmetry of power between the majority and minority means that cooperation of the two groups is possible certain fields but in the struggle for political power the national or ethnic character of both comes to the fore. (Bárdi 2018)

The ethnicity of the majority nation tends to be considered civic even if it follows the ethnic goal of assimilating minorities. "*The minority is condemned for being ethnic and retrogressive, while the majority is rewarded for behaving in an ethnic fashion because majority ethnicity is seen as civic and thus as a force for stability."* (Schöpflin 2004:219)

[219] Mi a valódi, mélyreható oka a román-magyar etnikumközi feszültségnek? kérdezett: Ambrus István http://itthon.transindex.ro/?cikk=26902 2017. október 09.
[220] http://itthon.transindex.ro/?cikk=27587&8222

When the "civic" majority state rejects the institutionalization of ethnicity by referring to the neutrality of the state it automatically strengthens the majority culture and puts the minority at a disadvantage. In nationalizing nation states, ethnic minorities are regarded "*as a potential threat to the identity of the titular nation as well as of the nation state, and as such, also of the territorial integrity of the newly established polity. Political elites could further advocate 'nationalizing' policies with which to rule over resident minority populations. This has had a double effect on minority-majority cooperation within national institutions. First, by enhancing opportunities for titular groups, the vast majority of society was co-opted behind the ethno-national state-building project, marginalizing ethno-cultural claims of the minority from political arenas as illegitimate ethnic politicking." (*Agarin und Cordell 2016:40-41)

5. FROM REJECTION OF DUAL CITIZENSHIP TO TRANSNATIONAL CITIZENSHIP

Many European countries rejected dual citizenship well into the 20th century. The attitude of rejection toward dual citizenship underwent major changes especially on the European continent in the wake of the peace treaties following World War I and World War II which changed the borders for millions of people. The incongruence between nation-state and territory has greatly increased and many found themselves as minorities on the territories of newly formed states. With the disintegration of Yugoslavia and the Soviet Union borders changed again as new states were created and millions of people lost their citizenship. Many former Soviet citizens who settled, for instance, in the Baltic States, were denied citizenship in the newly formed states. Over one million Russians took advantage of Russia's offer of citizenship to them. These developments promoted the dilution of the classical meaning of citizenship consisting of the nation state with a well-defined territory for its nationals. (Schöpflin 2003)
Traditionally citizenship was associated with the bond and allegiance to one country. Nation building revolved around the three concepts 'nation', 'homeland', and 'self-government' where territorial authority and citizenship were closely intertwined. (Brubaker 1996) The possession of citizenship entailed status, rights, and identity. Status referred to formal membership in a state which is regulated by the state's nationality laws. The possession of citizenship also entailed the right to be protected by the state and the right to vote in parliamentary elections. Citizenship also involved collective identities shared by the citizens which draw on the concept of the nation and nationalism and served to integrate society. (Joppke, 2010:vii) Citizenship is

“a boundary creating category that distinguishes members from non-members and thus, in addition to securing status and rights, it has the potential to ground identification.” (Pogonyi 2018)

In Western Europe, for example in Great Britain and France, the building of the modern state structure and nation building took place parallel and reinforced each other. The nation was usually formed in a state framework and the concept of citizenship was derived mainly from birth on the territory of the state or naturalization. This conception of citizenship regards citizens as members of civic communities who share common political values, respect the same institutions and live on the same state territory. The role of ethnicity plays a subordinate role. (Hroch 1985)

In Eastern Europe the elites mobilised the nation around ethnicity before the state was formed, and the ethnic origin (ius sanguinis) principle was given priority. The mobilisation around ethnicity was also necessary to achieve national independence from the empires in which the nations were incorporated. As many nationalities in Eastern Europe became minorities in their historic native land following wars and the disintegration of empires, the ethno-cultural recognition came to play a key role in the conceptions of citizenship (Kohn 1944, Meinecke 1962).

Following the collapse of communism, East European countries faced the challenge of building nations and democratic regimes simultaneously. (Harris, 2009: 172-5). They used dual citizenship to strengthen their ethnic identity by re-ethnicizing the ethnic kin who live abroad as minorities or as part of the Western diaspora.

The European Convention on Nationality (adopted in 1997) was a breakthrough for the acceptance of the new interpretations of citizenship. The Convention promotes the de-ethnicisation of citizenship by forbidding differentiation between citizens based on national or ethnic origin as well as religion, race or skin colour. A country can, however, pass legislation that makes it easier to acquire its citizenship for those who belong to it culturally, linguistically or based on ethnicity. The Convention stated that “[e]ach state shall determine under its own

law who are its nationals" and that "each state is free to decide which consequences it attaches in its internal law to the fact that a national acquires or possesses another nationality." [221]

The citizenship of the ancestors and knowledge of the national language can be used by nation states to determine who its nationals are and to whom they grant citizenship. "Preferential naturalization of ethnic kin can easily by codified in nonethnic terms by requiring proof of ancestors with citizenship or former residence and knowledge of the national language. Although the wording of the Hungarian Act on Citizenship makes sure that no ethnic selectivity is involved, little doubt exists that in effect only ethnic Hungarians will have access to nonresident citizenship. Nevertheless, the Hungarian legislation seems compatible with the international norms of citizenship legislation because theoretically, ethnic Romanians and Slovaks could also apply, provided they speak Hungarian and have ancestors with citizenship in Greater Hungary." (Pogonyi 2017:89)

States adopted a great number of different approaches to citizenship policy as they set the criteria for determining whom they regard as their own citizens. Many times, they went against the norm of prohibiting ethnic discrimination granting citizenship to their non-resident nationals and passing legislation that lays down the rights and obligations (Szabó 2013). Thus, "the European norms intended to promote the de-ethnicization of citizenship by recommending internally inclusive acquisition rules that in practice open up the possibility of the ethnicization of citizenship through over-inclusive and expansionist preferential acquisition laws." (Pogonyi 2017:6)

The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations issued by the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe in 2008 made clear that ties to a national community were also grounds for granting multiple citizenship.[222] Under the recommendations, the state could take into account historical, cultural, family ties as well as linguistic affinities when granting citizenship to those who live abroad (Szabó 2013: 134). The Recommendation also warns that "States should refrain from taking unilateral steps, including extending benefits to foreigners on the basis of ethnic, cultural, linguistic, religious or historical ties that have the intention or effect of undermining the principles of territorial integrity." [223]

[221] http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm
[222] The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations (OS -CE HCNM 2008)
[223] https://www.osce.org/hcnm/bolzano-bozen-recommendations?download=true

With the internationalization of human rights, the rights dimension of citizenship gained weight. Possessing a citizenship, being a member of a political community, which protects the individual, meant the possession of basic rights or as Hanna Arendt put it the "right to have rights." Arendt 1973:230-231) Scholars saw the internationalization of human rights and residence entitlements as the basis of the postnationalization of membership in the state. They supported the decoupling of rights and entitlements from formal citizenship and advocated the rights of migrants to political participation and citizenship. Scholars and international organizations urged nation-states to implement more changes in the criteria of granting citizenship to make it easier for migrants to gain citizenship. (Kymlicka-Opalski 2001) (Leggewie 2013)

In Western countries transnational citizenship or dual citizenship came to be regarded as the harbinger of a post-national world where citizenship is no longer be tied to a particular nation. (Soysal 1995; Jacobson 1996; Fraser 2007) Pogonyi introduced the concept "citizenry sovereignty" under which state sovereignty is no longer bound by borders but is drawn from the consent of its citizens regardless of where they reside. (Pogonyi 2017) Key to superseding the nation state is a change of the concept of sovereignty to make national borders "permable" that is *"[O]ne could imagine borders being like permeable cell walls allowing people to move in and out freely until an equilibrium - homeostasis — is achieved."* (Warner, 1996 77-106) This would take place in the framework of the globalization of human rights and grant migrants access to rights and opportunities on the territory of the state where they live. Bauböck introduced the conception of stakeholder citizenship under which individuals who live on the territory of a state and have a stake in the political community receive citizenship. This involves extending residence-based rights to migrants living on the territory of a state. Bauböck reminds, however, that this can only be realized only if "European states were willing to extend democracy upwards into the EU and outwards by welcoming immigrants as future citizens." (Bauböck 2010: 444) Bauböck expressed the hope that double and multiple citizenships would help "*to overcome antiquated notions of state sovereignty and national homogeneity"* (Bauböck 2007, 70) quoted in (Pogonyi 2017:65) (Itzigsohn 2007, 132) Membership in a state influences, however, a wide range of factor including identity and living standards. One can cite the example of Germany, "the most valuable assets Germans have are their German passports; unsurprisinglythen, Germans fear the devaluation of their passports no less than they fear

inflation. All assets lose value when they become too prevalent and too widely shared. "(Krastev 2017, 30)

In Western Europe, citizenship was increasingly described as a membership in the body of citizens based on Sternberger's and Habermas' "constitutional patriotism" where ethnic identity played an ever-diminishing role. (Soysal 1995) (Bauböck 2010) Citizenship became detached from the identity dimension and the conception of citizenship as a badge of identity was hardly researched. Attention focused on the instrumental use of citizenship "the selling of citizenship, expanding provisions of external citizenship, and the rapidly evolving European Union citizenship as a citizenship without identity. While states have always been strategists in matters of citizenship, particularly in inter-state relations, the novelty is to see individuals also in this role, seizing possibilities that states have often inadvertently created for them." (Joppke 2018:62) Bauböck uses the term "denizenship" to describe the special status that EU citizens enjoy through European Union citizenship which allows EU citizens who live in another EU state to participate in the local and EU elections. (Bauböck 2005) Except for the right to participate in the national elections, EU citizens can take advantage of their full rights (Hammar, 1990 125-130) "European integration has raised the value of kin-citizenship in postcommunist member states. In the supranational EU, citizens of the member states are also entitled to most benefits and rights on the territory of the Union through European citizenship. Through obtaining citizenship in any of the EUmember states, third country nationals become full EU citizens and thus they gain access to all supranational rights in all EU member states. As the supranationalization of citizenship rights has not been paralleled by the supranationalization of acquisition policies, it seems logical to assume that relatively easily accessible EU member state citizenship becomes highly attractive for third country nationals." (Pogonyi 2017:67)

5.1 TRANSNATIONAL CITIZENSHIP AS NATION-BUILDING AND INTEGRATION

In Eastern Europe, citizenship and voting rights to the ethnic kin became the most important tools for transsovereign nation-building and for reconstructing the national community. (Csergő and Goldmeier 2013) The conception of citizenship as a badge of identity played a significant role. Szabolcs Pogonyi conducted interviews in Romania, Serbia, US, and Israel about the motivations of ethnic Hungarians for adopting dual citizenship. He also consulted an online survey on the issue. Pogonyi found that most newly naturalized citizens considered Hungarian

citizenship as a proof of belonging that had symbolic value. “When asked about their reasons for applying, some of my respondents explicitly claimed that they did not consider Hungarian citizenship an instrumental asset. The vast majority of my respondents mentioned emotive considerations as their primary reasons for naturalization.” “I always wanted to become a Hungarian citizen. After all, I was born a Hungarian,” (U3) said. “It was a relief to know that I am Hungarian, now I do not have to prove or worry about all this. It felt good to be done with all this and feel that someone cares for us,” (U5) explained. According to (R3), “it [Hungarian citizenship] means that we now know that we are Hungarians.“` (Pogonyi, 2017, 153-154) Many of those whom Pogonyi interviewed who came from neighboring countries regarded Hungarian citizenship as a compensation from the Hungarian state for past injustice. ““I just got back what was taken away from me” (S1); “They owed us citizenship” (S12); “I am entitled to it as our ancestors lived there” (I9); “This citizenship is a compensation or a reparation. We got it back as we have a right to it, after all, if those territories remained parts of Hungary, it would never have been taken away” (I2)” (Pogonyi, 2017, 155) Pogonyi concludes that “Contrary to the widespread assumption in the literature, the identitarian component of citizenship does not fade away for nonresident citizens even if citizenship has inevitable instrumental benefits. Concerning voting rights, I have found that non-resident voters considered it a duty to honor the introduction of non-resident citizenship by voting for the Fidesz party. In most cases, respondents linked non-resident citizenship to Prime Minister Viktor Orbán.” (Pogonyi, 2017, 180) There were differences between Hungarians who lived in neighboring countries and those who lived in the diaspora. In Romania and Serbia ethnic Hungarians engaged in daily struggles to be recognized as Hungarians and to preserve their culture. In contrast, ethnic Hungarians in the United States and Israel suffered no exclusion and discrimination and felt that they were part of the majority society. They even regarded their Hungarian ancestry as an asset. Pogonyi found that “Hungarians living in the neighboring countries regard Hungarian citizenship as a marker of identity, while diaspora Hungarians in the United States and Israel are motivated by more pragmatic considerations. Moreover, citizenship is also considered a valuable symbolic asset which can be instrumentalized as a means of social closure. Non-resident citizenship enables ethnic Hungarians to entrench perceived ethnic boundaries and symbolically distance themselves from titular majorities in the neighboring countries, and through this, elevate their social status.“ (Pogonyi, 2017, 125-126)

Many states where ethnic Hungarians live were established or regained their sovereignty after decades of communism and are engaged in the process of nation building.[224] The states where Hungarian minorities live are also kin states for their ethnic kin across the borders and offered them citizenship with non-resident voting rights as well as financial aid to maintain their ethnic identity. (Dumbrava 2017) (Pogonyi 2017:3) Bauböck designated the rights given by the kin state to the ethnic kin abroad such as quasi-citizenship or citizenship as ethnizenship because it is "generally granted to minorities on the basis of ethnic descent and perceived common ethnicity with an external kin state" (Bauböck 2007: 2396).

In Western Europe in contrast, connection between national identity and legal status was increasingly blurred as the simplified naturalization of a growing number of immigrants was implemented. Nearly all EU member states granted second generation immigrants as-of-right citizenship either at birth or optionally at a later stage. (Joppke, 2005:233) External voting rights are present in forty-one European countries. Though no international norm requires it, in some states external voting is available not only for citizens on temporary leave but also for expatriates without a permanent residence in their homelands. In Europe, non-resident voting has become the rule rather than the exception. As a result, votes cast by external constituencies have gained importance
(Pogonyi 2017: 134)

Numerous scholars welcomed dual citizenship for migrants in Western Europe but rejected it when kin states offered citizenship to their ethnic kin in order to strengthen their ethnic identity. (Kymlicka–Opalski 2001). The intention to use citizenship to strengthen ethnic identity by extending citizenship to the ethnic kin clearly went against the view that Europe has entered a post-national phase where nation states and national identity play a decreasing role. (Joppke, 2006, 2007, 41) Many scholars hark back to the ethno-cultural and civic distinction when analyzing the East and West European development of citizenship policies and brand the ethno-cultural approach as exclusive or illiberal and the civic approach inclusive and liberal. (Pogonyi et al. 2010, Bauböck 2013). There were calls for international opposition against the ethno-cultural citizenship laws of Eastern European states. Pogonyi wondered "*how it is possible that Central and Eastern European regimes could implement ethnically selective citizenship policies that seem to be in stark contrast with European principles of non-discrimination*

[224] The redefinition of the nation often takes place after revolutions or regime changes where the state seeks to redefine its relationship to the nation. Such redefinitions are also reflected in the constitutions of nation states. (Beissinger, 1996)

*without the intervention of the international community." (*Pogonyi 2017,51) (Orentlicher,1998:312) (Joppke, 2005:233)

Citizenship policies in Eastern and Western Europe, however, contain both ethno-cultural and civic elements. The idea of using citizenship as a tool of nation-building across state borders has precedents in Western Europe. Austria's 1979 law toward German-speakers in South Tyrol and Ireland's policies in Northern Ireland are well-known examples. The West German state granted preferential naturalisation to ethnic Germans requesting "repatriation" during the decades of communism. Israel followed a similar policy toward Jews from Ethiopia or from then communist countries. In addition, citizenship to non-residents is a wide-spread international praxis and has also been adopted by some EU member states like France, Germany, Spain and Sweden (Mabry et al. 2013).

National traditions also play a great role in Western Europe in what type of citizenship policy is adopted. France has dealt with migrants according to the republican principle of granting citizenship to those born on its territory, which arguably offered them a greater chance of inclusion but also required them to abandon their culture and refused to recognise them as ethno-cultural groups. France has also refused to sign any treaties on the protection of minorities. Other Western countries, such as the Netherlands, accept cultural pluralism and small groups of minorities can maintain their unique cultural identities.

Germany's 'policy on aliens' (Ausländerpolitik) was until recently strongly shaped by an ethno-cultural notion of national identity and citizenship. In 2000 Germany gave up its strict commitment to single citizenship to further the process of integration of the Turkish minority. Children born in Germany to immigrant parents can have dual citizenship but must give up foreign citizenship between the ages of 18 and 23 in order to retain their German citizenship. Migrants arrived in Germany as guest workers in the 1960s and were joined by many others who fled economic deprivation. Similarly, to other Western countries, Germany had increasing problems with integrating the migrants, especially the second and third generations. (Koslowski 2000).

The Western citizenship policy of easing the requirements for obtaining citizenship for immigrants amounted to a change of the Westphalian sovereignty of nation states and their claims to control access to their territory. The absolute authority of the state over its territory was broken as the human rights of migrants came to the fore and dual and multi citizenships gave citizenship a new meaning beyond the bond to a single state.

Challenges to the sovereignty of nation states through waves of migration from outside Europe, often from former colonies, encountered resistance in Western European countries and promoted protectionist nation-building. (Csergő and Goldgeier 2004:270) (Joppke 2005) The goal of protective nationalism is to safeguard the traditional national culture and to ensure its reproduction. This nation-building was often taken up by radical and extreme right movements. (Csergo and Goldgeier 2004:298) The migration wave of 2015 resulted in the strengthening of right-wing radical parties in Western Europe. In Germany, the heart of the Western "Willkommenskultur" propagated by Chancellor Angela Merkel, a new party the Alternative für Deutschland (Alternative for Germany) was formed in reaction to the arrival of some 1,3 million migrants in the country. (Sterbling, 2016) Protective nationalism also formed in most East European countries in response to migration from outside Europe and as a rule was embraced by conservative parties. East European countries were at the forefront of openly resisting the attempts of the European Union to distribute migrants among EU members.

The surge of migration in 2015 brought to light deep divisions among EU members over whether to open the borders to migration or restrict migration and defend the external borders of the EU. While West European countries were more open toward receiving migrants, in the end few countries participated in the EU plan to redistribute migrants because of the resistance of the populations.

Questions about who belongs to the nation and how those who do not belong should be handled have in recent years become hotly debated topics in Western Europe and led to the reevaluation of role of the nation and the state. (Cordell and Jajecznik 2015) Joppke sees the liberal Western state "in the crossfire of countervailing trends and forces, some pushing for its de-ethnicization" to reduce its ethnic character others instead pushing for "re-ethnicization" to strengthen its ethnic identity. Increasing acceptance of dual citizenship thus promoted both de-ethnicization and ethnicization. (Joppke 2010:32)

Many West European countries enacted legislation that sought to retain or strengthen ties to diaspora communities abroad. Citizenship rights were extended to descendants of emigrants allowing them to maintain or reacquire the citizenship of their ancestors. (Pogonyi 2017, 67) (Joppke 2010:32) Pogonyi notes that "Between 1998 and 2012, one million individuals with

Italian ancestry acquired Italian citizenship without habitual residence in the country (Tintori 2012). Many of these individuals have only one Italian grandparent, have no effective ties with the country do not speak Italian and have not even visited Italy, as applications can be submitted throughout the world." (Pogonyi 2017, 67)

5.2 Dual Citizenship in Neighboring Countries

Many states where ethnic Hungarians live were established or regained their sovereignty after decades of communism and are engaged in the process of nation building. Most home states are also kin states for their ethnic kin across the borders and offered them citizenship with non-resident voting rights as well as financial aid to maintain their ethnic identity. (Dumbrava 2017) (Pogonyi 2017:3)

Most neighboring countries offered their ethnic kin preferential citizenship at least a decade earlier than Hungary. (Sáska 2013) In 1997, the Slovak Republic passed Act No. 70/1997 on Expatriate Slovaks and was the first country in the region which offered extraterritorial citizenship for Slovak expatriates living abroad. "After 2005 preferential naturalisation of Slovak expatriates is possible only after living at least three years permanently on the territory of the country. Albeit, Slovakia tolerated the practice of dual nationality and until 2005 also offered citizenship for ethnic Slovaks residing abroad, Hungarian preferential naturalisation was unacceptable for the Slovak govern-ment. Slovak political elites did not deny that the reason for this strict amendment was not only that one could question the loyalty of ethnic Hungarians opting for the citizenship but the fear that Hungarian preferential naturalisation would endanger the security and territory of the Slovak state itself." (Iglesias-Sata-Vass:19-20)

While, except for Slovakia, no official protests against Hungarian dual citizenship were issued criticism was voiced because of the parallel and often conflicting processes of nation-building involved. The kin-state used dual citizenship to help Hungarian co-nationals retain their ethnic identity and went against the policy of assimilation pursued by the home states. This was bound to invoke criticism from the home states even if they had similar legislation for their ethnic kin. A common reproach was that Hungary did not negotiate over the laws with the government of the countries where ethnic Hungarians live even though this directly affected their citizens. Experts from the home states and from Hungary who criticized the granting of citizenship to

the ethnic kin evoked the close congruence between population, territory and sovereignty. Irina Culic cited the most frequent criticism: "Dual citizenship for members of the "people"/ nation abroad is conceived here as the most appropriate way of protecting their cultural identity, way of life, and interests within the home state, and ensuring their thriving outside the borders of the nation state. In such situations, dual citizenship provides an avenue for direct intervention over non-resident co-ethnics and formalizes an encroachment of one state over the national policies of another state." (Culic, 2009) Dual citizenship can be conceived as a "threat by an external kin state to the jurisdiction of a neighbouring state over a part of its citizen population and over the territory in which these minority citizens live" (Bauböck, R. 2007, 74, quoted in Tátrai et al. 2017:204)

The fear that the ethnic minority could with the help of the Hungarian state secede from the home state plays a major role in the criticism of Hungarian dual citizenship. The memory of Trianon is very much alive especially among young states such as Slovakia which opted for independence from the state Czechoslovakia only in 1993. This fear of border revision is still there despite declarations from the Hungarian state that it has no territorial ambitions and sought to reunify the Hungarian nation across the borders. Romania granted its ethnic kin dual citizenship since 1991 and issued no formal protest against the Hungarian dual citizenship. In Romania there was consensus about the cultural unity of the Romanian nation and granting citizenship to the ethnic kin has not been a subject of scholarly or public controversy.[225]

Romania is in a special position because it has the Hungarian national minority which is supported by its kin state but at the same time it is the kin state for Romanians in the Republic of Moldova, the Ukraine and Serbia. Romania also introduced "ethnocultural" criteria (or, in other words, the same kind of restriction that it had criticized with regard to the Hungarian Status Law) on eligibility for Romanian external citizenship for residents of Moldova and the Ukraine when it narrowed down eligibility for Romanian citizenship to ethnic Romanians. These were defined by the criterion that they must "possess knowledge of the Romanian language and elementary notions of Romanian culture and civilization" (Iordachi 2013, 16) "The Romanian state adopted a policy toward minorities who lived in the country which relied

[225] Parlamentul României Legea nr. 21/1991 a cetățeniei române
https://lege5.ro/Gratuit/geztmnrrge/legea-nr-21-1991-a-cetateniei-romane

on the political concept of the nation, and used a policy based on the ethno-cultural concept of the nation toward those beyond Romania´s borders." (Kántor 2002, 12)

Romania had little ground to complain about Hungary´s citizenship law because it had similar legislation and handed out several hundred thousand of passports to ethnic Romanians in the Republic of Moldova which is not a member of the EU. Under Brubaker´s concept, Romania played the role of the "nationalizing state" toward ethnic Hungarians while presenting itself as the "external homeland" for ethnic Romanians in Bessarabia and Bukovina.[226] The granting of citizenship to ethnic Romanians from Moldova also had the potential of reducing the proportion of Hungarians within the Romanian population with grave results for the representation of Hungarian interests. In view of this, Romania could not raise objections against the Hungarian law on dual citizenship.[227]

Croatia and Slovenia allow dual citizenship with voting rights for their ethnic kin abroad and do not perceive the low number of Hungarians on their territory as a threat. In Serbia, the 2007 amendment on citizenship granted dual citizenship to members of the Serb nation and nationalities or ethnic groups from the territory of Serbia. Dual citizens have the right to take part in parliamentary elections if they reside in Serbia or live abroad temporarily.[228]

Ukraine adopted legislation that prohibits dual nationality.[229] Since the Ukrainian state does not recognize dual citizenship and when a Ukrainian becomes the citizen of another state, he or she loses his or her Ukrainian citizenship. Those who acquired their citizenship by birth but took on a second citizenship are treated as if they were Ukrainian citizens only. The Ukrainian state tended to ignore the Hungarian citizenship of ethnic Hungarians born in the Ukraine. An estimated ninety thousand Ukrainian citizens who took on Hungarian citizenship face fine as well as imprisonment if they vote or hold public office while having two citizenships. (Kovály, Eross, Tátrai 2017) The issue of sanctioning dual citizenship has been raised by the Ukrainian government and parliament on numerous occasions. (Végh 2016) Since the outbreak of military conflict in Eastern Ukraine ethnic Hungarians used their Hungarian passport to avoid being drafted into the army and to leave for Hungary and other EU states. The Ukrainian government

[226] Country Report Romania Constantin Iordachi 2010/20 http://eudo-citizenship.eu/docs/CountryReports/Romania.pdf.
[227] http://www.refworld.org/docid/3ae6b50218.html.
[228] LAW ON AMENDMENTS AND MODIFICATIONS OF THE LAW ON CITIZENSHIP OF THE REPUBLIC OF SERBIA Published in "Official Gazette of the Republic of Serbia" No. 90/07 http://arhiva.mup.gov.rs/domino/zakoni.nsf/Amandmants%20to%20the%20Law%20on%20Citizenship.pdf
[229] *http://www.refworld.org/docid/44a280fa4.html*

raised the issue of dual citizenship of ethnic Hungarians in its conflict with Hungary over the controversial education law, which severely undercuts native-language instruction. In March 2017 Ukrainian President Petro Porosenko submitted a draft law to parliament under which dual citizenship should be outlawed. Many Ukrainians including an estimated 70 to 80 % of the parliamentary deputies have double citizenship and would be affected.[230]

5.3 Stripping of Citizenship: The Case of Slovakia

2010 Slovakia reacted to the granting of Hungarian dual citizenship by forbidding dual citizenship and enacting legislation that stripped those of their Slovak citizenship who adopted the citizenship of another state without residing there.[231]

Until 2010, a person could only lose his Slovak citizenship if he explicitly asked to be released from it. The law is possibly against the Slovak constitution which states that…. "[n]o one must be deprived of the citizenship of the Slovak Republic against his will."[232] The question is whether one can interpret acquiring Hungarian nationality as the intent to lose the Slovak nationality even if the person is aware of the consequences of his actions. The Constitutional Court of Slovakia was asked for a clarification of this question but turned the request for constitutional review down on formal grounds in September 2014. The issue still has not been resolved.[233]

Hopes on the Hungarian side that the new Slovak government that came to power shortly after the election of the Fidesz government would change the law were disappointed. (Töttős 2017) A recent amendment of the Slovak citizenship law allows persons living permanently abroad to retain their Slovak citizenship if they acquired the citizenship of that country. This means that persons who live in Slovakia and took up another citizenship would still lose their Slovak citizenship.[234]

The number of Hungarians in Slovakia who applied for Hungarian citizenship is for this reason very low and those who made their Hungarian citizenship public were stripped of their Slovak

[230] https://www.rferl.org/a/ukraine-dual-citizenship-poroshenko-nasirov/28368588.html
[231] http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=50bdddc02
[232] http://www.slovakia.org/sk-constitution.htm http://www.verfassungsblog.de/hungarians-outside-hungary-twisted-story-dual-citizenship-central-eastern-europe/#.VNEbdZ2G80E
[233] http://www.verfassungsblog.de/hungarians-outside-hungary-twisted-story-dual-citizenship-central-eastern-europe/#.VNEbdZ2G80E

[234] http://eudo-citizenship.eu/docs/CountryReports/Slovakia.pdf

citizenship. One of the victims was Olivér Boldoghy an ethnic Hungarian entrepreneur born in Slovakia. He was stripped of his citizenship, had his drivers licence, ID card and passport revoked. [235]

In one spectacular case, a 99-year-old ethnic Hungarian former teacher was stripped of her Slovak citizenship. Ilonka Aladárné Tamás was born in 1912 in Rimaszombat (Slovak name: Rimavska Sobota) and experienced three citizenship changes without ever relocating. She was born a Hungarian citizen because Rimaszombat was then the seat of Gömör County and part of Hungary. As a consequence of the Treaty of Trianon Rimaszombat became part of Czechoslovakia and Tamás became a citizen of Czechoslovakia. As Czechoslovakia broke up her citizenship changed to Slovak. After she lost her Slovak citizenship, she became a "person without registered address" on the territory of Slovakia.[236]

Two ethnic Hungarians living Slovakia István Fehér and Erzsébet Dolník sued Slovakia at the European Court of Human Rights (ECHR) in March 2012 and May 2012 respectively, over the fact that they were stripped of their Slovak citizenship contrary to their wish to retain it, as a result of their acquisition of Hungarian citizenship. [237] The ECHR found some aspects of the complaints unsubstantiated and remarked that "they decided to acquire Hungarian citizenship while being aware of the consequences which such a decision would entail under Slovak law". "Thus, they were not denied Slovak citizenship arbitrarily in view of the applicable legal provisions," the ruling, published on June 4, 2013, reads.[238] The Court rejected the complaint because it found no violation of human rights as stipulated in international documents. The decisions of the Court are based on the European Convention of Human Rights which does not deal with the right to citizenship.[239] Thus, turning to the international arena for remedy failed.

While Slovakia sought to prevent ethnic Hungarians in Slovakia from acquiring Hungarian citizenship the impact of the new law is negligible. Of the 2546 individuals who were stripped of their Slovak citizenship between July 17, 2010 and September 27, 2018 only 111 were Hungarian dual citizens. Most of those who lost their Slovak citizenship, 620, became Czeh

[235] https://spectator.sme.sk/c/20041735/hungary-criticises-slovakia-for-stripping-people-of-citizenship.html http://www.thedaily.sk/hungary-disgusted-at-slovakia-revoking-citizenship/

[236] http://ujszo.com/online/kozelet/2014/03/27/szent-istvan-dijat-vett-at-kover-laszlotol-a-felvideki-tamas-aladarne

[237] http://spectator.sme.sk/c/20047230/echr-rejects-two-complaints-by-citizens-stripped-of-slovak-citizenship.html

[238] http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-1

[239] Ibid.

citizens.[240] It is probable that the number of ethnic Hungarians who acquired Hungarian citizenship is higher, but most kept it secret for fear of reprisals.[241]

6. DEVELOPMENT OF KIN STATE POLICIES

I summarize the development of Hungarian kin-state policy prior to 2010 in order to give a background to the institutionalization of relations to the ethnic kin in 2010 through dual citizenship and non-resident voting rights. In the years prior to and at the time of the democratic transformation there was the expectation in Hungarian political circles that the advent of democracy would restore the rights of ethnic Hungarians in neighboring countries. After the first democratic elections in the 1990s there were great hopes that the situation of ethnic Hungarians would improve in their homelands.

Members of the left-liberal democratic opposition were the first ones to write about the violation of the rights of ethnic Hungarians in samizdat and to use the issue to protest communist rule. The liberal party the Alliance of Free Democrats (Szabad Demokraták Szövetsége) urged solidarity with Hungarians in neighboring countries and included the offer of non-resident citizenship for the ethnic kin in its party program.[242]

A 1990 resolution of the Hungarian parliament submitted by a member of the liberal political camp Gáspár Miklós Tamás stressed that "it is essential that the identity of national minorities is protected and developed, that the individual and collective rights of national minorities who live in the region are guaranteed by law, ensuring that they can participate in public life and in making decisions about their own affairs, the legal guarantees for the framework of their self-organization and self-government, including their cultural autonomy, the fulfillment of the needs of the nationality to use its mother tongue in the fields of education, cultural life, exercise of religion and the media."[243]

At the time of the change of regime most political parties agreed on basic principles that the Hungarian state should follow toward ethnic Hungarians in neighboring countries.

[240] https://ujszo.com/kozelet/az-allampolgarsagi-torveny-miatt-mar-2546-embertol-vettek-el-a-szlovak-utlevelet
[241] http://www.hirado.hu/2015/02/02/matol-kapjak-vissza-az-elveszitett-szlovak-allampolgarsagot/?source=hirkereso
[242] (Szabad Demokraták Szövetsége, 1989)

[243] http://library.hungaricana.hu/hu/view/KULUGY_KulPolEvkonyv_1990/?pg=244&layout=s

First, all parties agreed, except perhaps for MIÉP Party of Hungarian Justice and Life, that not the borders but their quality should be changed to allow for closer cooperation between ethnic Hungarians and their kin state. There were differences of opinion even in the beginning about the access of ethnic Hungarians to the Hungarian job market and under what circumstances they should receive permanent residence and visas. All relevant political actors supported the idea that ethnic Hungarian should be allowed to set up their own autonomous cultural institutions in their homelands. There was no consensus in Hungary or among the ethnic Hungarian political elite over the framework that would be needed to achieve autonomy. Many regarded autonomy as a self-evident right that ethnic Hungarians are entitled to, other took a more moderate approach and envisioned a gradual steps toward autonomy. There were differing opinions over which arguments to use persuade the majority nation to support the autonomy goal of the minority. All political parties agreed that the kin state should treat representatives of Hungarian minorities as equal partners. At the same time, the kin state clearly had more political influence than the minority representatives who had to negotiate with Hungary over the financial support for their communities. There was also agreement that the Hungarian government should take up the representation of the interest of Hungarian national minorities in the international arena. There was agreement that financial aid to Hungarian national minorities should be built into the state budget as a permanent feature. The question of the distribution and monitoring of the use of the aid was then and is now a topic of great debates between the political camps with each side accusing the other of using funds to build up its own clientele.

Political parties tended to financially support those ethnic Hungarian parties which were closer to them ideologically. Fidesz had stronger ties and broader clientelistic relations in ethnic Hungarian communities because it started its networking a lot earlier than the left-liberal camp. Many ethnic Hungarians who moved to Hungary joined the party and were able to influence party policy. Fidesz actively engaged in supporting ethnic Hungarian parties which were close to it ideologically and sought to help them in national and local elections in their homelands.

The relative consensus regarding kin state policy broke, however, shortly before the first democratic elections when the major political parties competed for votes. The differences of views regarding the nation that emerged during the early 1990s came to determine the kin-state policy of the governments for decades to come. While Hungarian political parties often used the issue of the ethnic kin to promote their political goals, when in government they followed kin-state policies which clearly reflected their view of the place of Hungarians abroad in Hungarian nationhood. The foreign policy goals of the various governments can be summarized

as representing the interests of Hungarian minorities, good neigborly relations to the home states and Euro-Atlantic integration. Social democratic liberal governments gave in their foreign policy priority to good-neighborly relations and Euro-Atlantic integration over minority rights and expected the improvement of the situation of the ethnic kin to come from the home countries. They regarded the integration of ethnic Hungarians in their home countries as the major goal and supported the participation of ethnic Hungarian parties in the majority government even if they received no institutional guarantees for minority rights and had to shelve the idea of autonomy. The argument was that the participation of the minorities in the majority government and good relations to the home states would result in a better treatment of ethnic Hungarians.

Conservative governments sought to represent the rights of the minorities in bilateral relations as well as in the international arena. They stressed the need for an active role of the kin-state in supporting the wishes of the ethnic kin for minority rights in negotiations with their home countries. Conservative governments tended to support ethnic Hungarian parties and actors who made legal guarantees for widening minority rights a condition for participating in majority governments. Participation in majority governments created conflicts in ethnic Hungarian parties between those who favored integration and those who wanted power sharing on equal terms.

Conservative parties often sided with the dissidents in ethnic Hungarian parties who were against those ethnic Hungarian leaders who were active under communism and favored integration. Socialist liberal parties regarded the largest ethnic parties as the representatives of the minorities and entrusted them with the task of distributing funds from the Hungarian state. They accepted as legitimate the leadership of the largest ethnic parties and gave them control over the distribution of funds while they were in government. Socialist liberal parties sought to break up conservative clientelistic relations in ethnic Hungarian communities and relegate into the background those ethnic Hungarian leaders who were critical of the parties' policy toward minorities.

6.1 PRIME MINISTER OF THE HUNGARIAN NATION

In 1990 the first democratically elected Prime Minister following the collapse of communism József Antall faced the tasks of building democratic institutions and introducing the rule of law, the Euro-Atlantic integration of Hungary and had to balance between negotiating bilateral agreements with neighboring countries while representing the interests of the ethnic kin. Antall

stated that he was “in spirit” the prime minister of the then 15 million Hungarians of the Carpathian Basin which acknowledged for the first time since the collapse of communism that the ethnic kin belonged to the Hungarian ethno-cultural nation. (Schöpflin 2000: 371).

This was the first time after decades of suppression of conservative ideas under communism that the relationship of the conservative camp to the ethnic kin had been officially addressed. The statement caused uproar among Hungarian opposition parties as well as neighboring countries where ethnic Hungarians live which envisioned a revival of Hungarian revisionism. Nationalism and irredentism were the most common charges levelled at Antall. Ablonczy, Bárdi (2010:29) Antall, however, denounced revisionism and supported European integration which he believed would help the Hungarian nation reunite by virtualizing the borders within the European Union. (Antall, 1994:47)

The Antall government’s policy was oriented toward all Hungarians, the Hungarian diaspora in the West, the ethnic kin in neighboring countries as well as those living in Hungary. The Antall government set up the Secretariat of Hungarian Communities Abroad which was under the jurisdiction of the Prime Minister’s Office. It set up public foundations to coordinate financial support to ethnic Hungarian communities. Herner-Kovács finds that “successive Hungarian governments had to, and indeed did take the Antallian foundations of kin-state policy as a point of reference, as a result of which it has never been challenged that Hungary cannot ignore its ethnic kins beyond the borders.” (Herner-Kovács, 2014, 19) The government formulated four goals regarding the situation of ethnic Hungarians abroad. First, the Hungarian government was the political and legal representative of the latter but felt responsible also for the other two groups and would use the tools of diplomacy to represent the interests of ethnic Hungarians at international forums and at the negotiations over bilateral treaties with the neighboring countries where they live. Second, the Antall government recognized the leaders of the ethnic kin`s political organizations as the legitimate representatives of the Hungarian communities and sought to strengthen their role as international actors in bilateral relations. It declared that ethnic Hungarian leaders should be consulted by the kin state when making decisions concerning their communities. While ethnic Hungarians had no veto power, a system of bilateral talks was instituted in which Hungarian political parties held talks with representatives of Hungarian national minorities and sought to take their opinion into account in the decision-making processes.

Third, the Antall government saw the existing European autonomy models as the solution to the problems of the ethnic kin. He initiated legislation on the rights of minorities which recognized not only individual cultural and language rights but sought to ensure that minorities as group could govern themselves. The 1993 Hungarian law on national minorities gave the right of self-government to minorities living in Hungary and was to serve as a model of minority protection for neighboring countries to follow. It was at this time that ethnic Hungarian parties developed their concepts of autonomy and formulated their wish to be considered state constituting factors. The Hungarian constitution stressed the importance of the rights of minorities by proceeding not from a unified Hungarian nation but designating the national and ethnic minorities as state constituting factors. (Antall 1994:37-38) (Bárdi 2016, 23)

Antall espoused a cultural conception of the nation when he gave the nation and ethnic Hungarians in neighboring countries a key role in his policy. His priority, however, was the establishment of the rule of law following the collapse of communism and the building of the democratic foundations of the state. He underlined that the "idea of the nation, democratic rights, human rights and the wish for democratic renewal" had the same weight in his party's policy. Antall stressed that the representation of the unified nation was the task of his government and described the Hungarian nation as "a spiritual, cultural community to which everyone who wants to can belong to." (Antall, 1994:9) (Egedy 2013) (Bárdi 2016)

The left-wing and liberal parties united in 1993 in the Democratic Charter to protest the Antall government's policy of "nationalism" and used "anti-national rhetoric" to criticize the government which later became one of the pillars of the left-wing political identity. The Charter paved the way for the future socialist liberal coalitions. (Gyurgyák 2007: 542)

6.2 Prime Minister of the Citizens of Hungary

Only four years after the first democratic elections in 1990, the successor to the former communist party the Magyar Szocialista Párt (MSZP) the socialists and the liberals Szabad Demokraták Szövetsége (SZDSZ) were able to form a government which had a two-third majority. Prime Minister Gyula Horn expressed the differences of views about who belongs to the nation by stating that he considered himself the prime minister of only the 10.4 million Hungarians who lived in Hungary at that time. According to Bárdi: "From the outset, the *Horn government* (1994-98) did not regard dealing with the situation of Hungarians living beyond the borders as a historic and national mission, but based its rhetoric instead on constitutional

and personal responsibility (This government saw Hungarians living abroad primarily as a disadvantaged group, and only secondarily did it consider them 'part of the Hungarian nation')." (Bárdi 2004, 69) Accordingly, the government gave the country's Euro-Atlantic integration and reconciliation with the home states priority over the treatment of Hungarian minorities. The socialist political and intellectual elite continued to adhere to the traditional socialist mentality which "basically failed to give up its indifference toward the national question." (Gyurgyák 2007:542) At the time of the political transformation in 1989 and 1990 MSZMP technocrats who took over the leadership of the government and the party who focused on economic reforms and not on the situation of Hungarian co-nationals in neighboring countries. (Kiss,2013:93) The former communist party politicians Imre Pozsgay and Mátyás Szűrös who espoused the idea of the nation as something valuable for the creation of the new democratic system lost in the fight to the technocratic faction of reform economists who were close to the liberals and adopted the slogan "modernization, pragmatism and expertise." Politicians and experts who were open to the national question such as Imre Szokai, Ferenc Kósa no longer played a role in the socialist party or were pushed to its periphery. (Gyurgyák 2007:542)

The policy of the Horn government toward the ethnic kin met with the approval of its coalition partner the liberal party SZDSZ which came to focus on individual human rights instead of collective rights and was wary of using the idea of the nation in defining the country's new democratic identity. This reflected the left-liberal view that ethnic Hungarians were the internal minorities of their home states and that Budapest should not get directly involved in their lives by working out strategies designed to help them reproduce their ethnic identity. (Csergő, 2007; Ablonczy & Bárdi, 2010). The Horn government excluded representatives of the ethnic kin from the negotiations of Hungary's bilateral treaties with Slovakia (1995) and Romania (1996). (Győri-Szabó, 2000,2012) It expected that the improvement of bilateral relations and the influence of the European Union would solve the problems of Hungarian minorities.

It is in this vein that the Horn government and the left-liberal governments supported the integration of ethnic Hungarian minorities through the participation of ethnic Hungarian parties in the majority governments. This idea had its roots in the policy of the Kádár regime in the 1960s when the ideology of double binding was introduced. According to this, ethnic Hungarians formed a "bridge" between the kin and home state which shared common socialist values and were able to overcome prejudices. (Bárdi 2013 163) (Schöpflin, 2000; Bárdi, 2000)

The conflict between the political camps over the strategy of the kin state´s relationship to the ethnic kin emerged strongly in the debate over the bilateral treaties. The major objection against the treaties was that they failed to include provisions for granting the minorities more rights. In the 1990s Hungary was a promising candidate for NATO and for the EU which gave it some leeway in foreign policy over neighboring countries who were not expected to join Western organizations soon. Yet the Hungarian government supported the EU accession of the neighboring countries without asking for more rights for minorities in return because it gave priority in its foreign policy to Hungary's integration into the EU. (Bárdi 2016, 23) The question is justified "What did Hungarians want? This is the key question again. They seemed to want to help their ethnic kin, but not to endanger other priorities." (Saideman and Ayres: 115-117)

The debate over the bilateral treaties with neighboring countries gave opposition leader Orbán the opportunity to present his views on the policy toward ethnic Hungarians. Orbán wanted to tie Hungary's support for its neighbors' bids to join the European Union and NATO to the improvement of the situation of Hungarians beyond the borders. (Bárdi 2016:23) Orbán also criticized that the Hungarian governments signed the bilateral treaties with neighboring countries without the approval of the representatives of ethnic Hungarians. These views positioned him on the conservative side. (Bárdi 2016, 31) Orbán gained a reputation for taking up the cause of the ethnic kin and helped create the cohesion of the Hungarian right. [244] (Bárdi 2002)

The Hungarian–Slovakian and the Hungarian–Romanian basic treaties played a major role in shaping Fidesz's national identity. The opposition to the basic treaties gave Fidesz the opportunity to formulate its criticism and to make its views on Hungarian minorities public and to position itself as the supporter of the rights of ethnic Hungarians in neighboring countries.

6.3 Fidesz and Hungarian Minorities

It was the Fidesz government under the leadership of Viktor Orbán (1998-2002) (2010-2022) which took up the project of reconstructing the nation after decades of communism. At its foundation, Fidesz was a liberal oriented youth organization which was the only political group which sought to stay clear of the traditional cleavages, which it condemned as antiquated.

[244] Waterbury, Myra A.: Between State and Nation Diaspora Politics and Kin-state Nationalism in Hungary, Palgrave, Macmillan: New York, 2010, 79-80.

Fidesz was quickly confronted with the conflicts around the definition of the nation and the role of ethnic Hungarians abroad in it. Its journey to arrive at its position as the leader of the center-right conservative camp in Hungary was, however, long.

Fidesz leader Viktor Orbán took a special interest in the situation of ethnic Hungarians in neighboring countries already in the 1980s. Asked about the relationship between the nation and liberalism in 1994 when Fidesz was still a liberal party Orbán made it clear that "liberalism cannot ignore the national question and has to define its relationship to it. In addition, in Hungary this question has special relevance. Several million Hungarians live outside the borders, and liberal politics must also find an answer to the problems that result from this." (Kéri 1994: 83-84)

He reiterated that in all the clubs and specialized colleges that the Fidesz's founders came from the concept nation was discussed: "Already around 1980 many people who attended these colleges regularly visited ethnic Hungarians in neighboring countries and always regarded their trips as "a kind of unspoken political mission." In these circles, it was natural that subjects were discussed from both the liberal and the conservative 'nép-nemzeti' perspective. "Thus, those who shape Fidesz`s profile today received during their university years an education and qualification in which the national thought was included." (Kéri: 83-84)

Fidesz had an advantage over the other parties because it was the first political party to establish personal relations to ethnic Hungarians abroad. These networks helped Fidesz formulate its policy in a way that the ethnic kin took a central place. Fidesz's party apparatus came to include the highest number of ethnic Hungarians from neighboring countries. These ethnic Hungarians were able to call attention to the grievances of the ethnic kin and point to the rejection by the majority of plans to establish Hungarian self-governments. They were also the ones who stressed the need to institutionalize ties to the kin state. Fidesz was able to formulate a comprehensive policy toward the ethnic kin which gave the party an advantage over the left-liberal opposition parties who lacked the contacts and know-how to formulate a minority policy of their own. (Bárdi 2016)

The emphasis on the nation and on defending national sovereignty was included in the first program published by Fidesz in 1988. (Fidesz Program 1988) The 1993 Fidesz congress signaled the turning point in the party's relationship to the nation. Fidesz redefined itself as a liberal-center group with a national commitment. As Orbán formulated it, "Our generation has no problem coordinating national feelings and liberal ideas. … For us, it is only natural that we

represent the interests of the nation in our policy. I thus maintain my view that in this region liberal politics must necessarily be committed to the nation." (MODOR 2008: 388) In 2003, Fidesz regarded the nation as "a source of revitalizing strength that comes from our common past and comprises the common plan for the future." (A Fidesz-Magyar Polgári Szövetség Alapító levele 2003, quoted in Csizmadia 2017, 196.)

Defending the nation against foreign influences reflects a a long-standing political cleavage among the Hungarian political elite. On the one side are those who seek to develop their own ideas about dealing with urgent European issues and on the other side are those who follow and copy Western solutions. This dichotomy has deep roots in Hungarian history. (Csizmadia, 2017: 26, 191, 240-259) The cleavage received new impulses in 2015 when the two political camps took up opposing positions to migration from outside Europe. The government emphasized that as a sovereign state Hungary had the right to decide whom to let into its territory. It built a fence to keep the migrants away which was condemned by the Hungarian left-liberal opposition as well as by most EU Western countries as a policy of isolation.

After the disintegration of the center-right parties, under Orbán's leadership Fidesz transformed itself into the leader of the center-right and became the motor of an active kin-state policy. Fidesz recognized that only as unified political party on the central right was it in a position to shape the discourse about the concept of nation and to use the concept to mobilize its supporters and the Hungarian population. It placed the concept of the Hungarian nation and national identity in the forefront of its policy. The rights of the ethnic kin were treated as a core issue in the party's policy. (Bárdi 2004)

There was a difference between the Antall government's concept of the nation and that espoused by Fidesz. While the concept nation played a key role in the policy of the Antall government it was not at the center of his government's policy. Antall saw Hungary not as the focus of the unitary Hungarian nation but the cultural center for ethnic Hungarians. According to Gergely Egedy, Antall had a patrician concept of the nation which was based on the civic concept as a relationship between the individual and the state. This view of the nation was skeptical of the masses and placed its trust in the rule of law. Fidesz by contrast relied on the support of the masses and spoke of the "unified" Hungarian nation with Budapest as the center of orientation for all Hungarians. There were also differences in the priorities of the Antall and Orbán governments. Following the collapse of communism, the Antall government faced the task of building the democratic foundations of the state and of joining Western institutions. At

the time when the Fidesz government took office in 1998 Hungary had already signed the basic agreements with neighboring countries. Hungary`s Nato membership increased the country geopolitical weight and gave it more leeway in foreign policy to follow its national interests. (Bárdi 2016:2) As Bárdi put it: "In this situation, the FIDESZ government, pursuing its own concept of nationality policy (in particular with the Status Law) took up a pro-active position, as opposed to the reactive neighbourhood-policy practised so far in the form of crisis management. This came as a shock to the diplomacy of Bratislava and of Bucharest, as it became especially clear in various European forums." (Bárdi 2004, 77)

Since 2010, the concept of the Hungarian nation received a strong symbolic character in Fidesz's discourse. In this narrative, the Hungarian nation was a "three-legged chair: one leg being Hungary, the second leg being the Hungarian minority communities in the neighboring countries, and the third leg being the diaspora. Frequent visits of government officials to diaspora communities for citizenship oath celebrations or for national holidays can be listed among the symbolic policies as well." (Kovács, 2017, 106)

With the adoption of the dual citizenship and voting rights Budapest became the cultural and political center for Hungarians abroad. Egedy called Fidesz's approach "mobilizing conservatism" based on the ethno-cultural concept of the nation which relies on the support of the masses. (Egedy b 2013:6675) Key to Fidesz`s approach toward Hungarians abroad is its intention to shape the domestic and international environment and not only follow Western patterns. The political elite of the European Union has throughout the years suggested that a post-national era arrived where nation states no longer play a prominent role. This view was magnified during the migration crisis of 2015 and could not be reconciled with Fidesz's views.

6.4 Prime Minister of a Unified Hungarian Nation

6.5 Toward Institutionalization

The first Orbán government (1998-2002) introduced fundamental changes in Hungarian kin-state politics. The government´s goal of shaping domestic and international policy instead of following Western policy could clearly be recognized. As Bárdi put it: "/the Fidesz government represented a 'constructivist' view, according to which conditions are in a state of constant

change and Hungary must actively participate in shaping these conditions. The government's pivotal point was the most efficient representation possible of national interests, both in the process of European integration and in regional relations. Instead of the role of a mediator, they wanted to develop an alliance-creating role by making use of their advantageous positions in respect of European integration and economic development." (Bárdi 2004:71) It is in this vein that Orbán sought to renew the Visegrad cooperation between Hungary, Poland, the Czech Republic, and Slovakia. Ervin Csizmadia points out that "the election victory of 1998 makes it clear: in Hungary the position of the government toward the West is not one of the pattern follower but of the pattern shaper, which is greatly at odds with the socialist-liberal Europe following model based on the patterns of the 1980s." This type of pattern shaping places great emphasis on the nation state and on national sovereignty (Csizmadia 2017 195-196)

Orbán echoed the wish of Prime Minister Antall when he stated that Hungary's future lies not only in the 10 million Hungarians who live in Hungary but in the 15 million Hungarians who live in neighboring countries and world wide. Orbán moved relations to ethnic Hungarians to the center of his policy and sought to redefine the relationship to them accordingly. This entailed increased support for minority rights and for the ethnic kin's claims for autonomy and collective rights.[245] Fidesz "regarded the problems of Hungarians abroad *not* as a *burden*, but as a natural fact…. as a core issue, and also a politically valuable one, because the Left was at a loss for a proper response. This had two consequences. It was in this party that experts most consistently addressed the failure of the autonomy-creating efforts of Hungarian minorities and the necessity of institutionalising Hungarian-Hungarian relations." (Bárdi 2004: 72)

Fidesz introduced program financing under which buildings and financial institutions were purchased and established a link between funds and performance. Until then funds were distributed by politicians and there was no control over how they were spent. According to Bárdi, the programs introduced by Fidesz emphasized performance and were based on "the ideal of a nation based on performance." (Bárdi 2004:72) Another innovation was the setting up special committees which dealt with the development of Hungarian-language higher education in neighboring countries and the implementation of the Status Law. This introduced "Hungarian nation policy to Hungarian public administration as an item of business to be handled professionally at office level. Getting the party apparatus interested or involved was no

[245] *Government Program: For a Civic Hungary on the Eve of a New Millenium* from 1998 <http://www.htmh.hu/govprog.htm>

longer a matter of personal knowledge or inclination – it became a legally accountable system of tasks forming a part of the responsible individuals' job description." (Bárdi 2004: 72)

In 1999 the government set up the Magyar Állandó Értekezlet the Hungarian Standing Conference (MÁÉRT) which became the most important political forum in which Hungarian politicians meet with their counterparts from Hungarian communities to discuss issues concerning the Hungarian nation. The roots of the Conference go back to 1996 when a conference was convened by Prime Minister Gyula Horn ahead of the signing of the bilateral treaty with Romania to signal that he was interested in the opinion of Hungarians abroad. The 1996 meeting was followed up by a conference in 1999 which was organized by the Fidesz led Hungarian government which transformed itself into the Hungarian Standing Conference. At the Conference Hungarian opposition parties had a chance to meet with their ethnic Hungarian counterparts and learn about their views on relations with the kin state. Through the Standing Conference the interests of ethnic Hungarians could better be represented within the Hungarian government as political state secretaries were put in charge of coordinating ethnic Hungarian concerns in the various ministries. (Bárdi, Misovicz, 2010: 204)

6.6 The Status Law

The Status Law of 2001 was the first step to institutionalize relations to the ethnic kin which aimed at expanding the Hungarian political community. (Act LXII of 2001 On Hungarians living in neighboring countries adopted by the Hungarian Parliament on 19 June 2001) Explaining the background of the law a statement by the Ministry of Foreign Affairs declares that the law "will contribute to the preservation of the identities of minorities living beyond the border and their prosperity in their homelands, stemming a considerable wave of migration." Through the new law "Hungary wishes to contribute to the fundamental European system of values, as well as to preserve and develop multiculturalism." (Ministry of Foreign Affairs 1/2002 Act on Hungarians Living in Neighboring Countries: Interests and Goals, p.1-2.)

The Status Law reinforced the special relationship of the ethnic kin to Hungary based on the idea of the nation as an ethno-cultural entity. The law elicited great controversy among scholars and in the European Union. (Breuer 2002) "By and large, as we have seen, the majority of European states has equivalent legislation for regulating their relationship with their co-ethnics,

but given the de-emphasis on ethnicity sketched above, this is mostly screened out. What the Status Law has done is to make this state of affairs transparent and this has caused a degree of embarrassment." (Schöpflin, 2004: 95)

This was the first time that the concepts of the ethno-cultural and political nation were widely debated and received international attention. According to Bárdi, "International organisations, such as the EU, the Council of Europe and the European Parliament, and the international public were not prepared for the reception of the law. …. It also became obvious that in EU politics stability and conflict avoidance have top priority." (Bárdi 2004: 83) The officials of the European Union clearly positioned themselves against the ethno-cultural or the particularistic conception of the nation embodied in the Status Law and in favor of the universalistic political concept. This indicated that "national interests cannot be effectively represented using one's own national arguments but can only be enforced in the international arena through reference to more universal values." (Bárdi 2004:83)

The EU Committee on Legal Affairs and Human Rights appointed a rapporteur *(*Rolf Ekéus) to deal with the Status Law and the OSCE High Commissioner for Minorities, who took up the issue of the Status Law. The EU and the Council of Europe intervened when the Hungarian status law offered extraterritorial benefits for ethnic Hungarians in 2001, but the same organizations raised no concerns over non-resident citizenship (Batory 2010, 43). By not contesting expansive citizenship legislation at the accession of Central and Eastern European states, the EU contributed indirectly to the legitimation and consolidation of ethnically selective kin-citizenship policies (Agarin 2015, 200). (Pogonyi 2017)

The contest between the two conceptions, the ethnocultural and political conception of the nation, or in George Schöpflin's terms, the particularistic and universalistic conceptions, has surfaced on the European agenda by virtue of the Hungarian status law. (Schöpflin 2004:181)
It called attention to the fact that apart from politics regarding Hungarians abroad,
there is also a struggle to strengthen the boundaries of the political camps. "The Hungarian status law is both a tool for supporting minorities abroad and an instrument for strengthening the boundaries of target voters, and thus deepens the cleavage between the political sides." (Kántor 2006:176)

Under the law, ethnic Hungarians from Romania, Ukraine and Serbia could enter Hungary without visa. This aimed at maintaining cross-border ties after Hungary became a member of the European Union and the eastern border of the Schengen visa regime. Hungarians in neighboring countries, except Austria, received a Hungarian identity card that provided them on an individual basis with educational opportunities, work permits, and access to health care and social security normally only granted to Hungarian citizens. Ethnic Hungarians were also to receive educational benefits in their homelands to promote their nation-building project. The aim was to "ensure that Hungarians living in neighboring countries form part of the Hungarian nation as a whole and to promote and preserve their well-being and awareness of national identity within their home country". (Bárdi, Misovicz 2010: 204)

The Status law was designed as a framework law that would be modified by decree once more specific issues had been worked out with neighboring governments. The Act defined its purpose as "*to comply with its responsibility for Hungarians living abroad and to promote the preservation and development of their manifold relations with Hungary, as well as to ensure that Hungarians living in neighboring countries form part of the Hungarian nation as a whole to promote and preserve their well-being and awareness of national identity within their home country*."[246] Although the issue of rights of and relations to the ethnic kin divided the political camps, in 2001 the Hungarian parliament adopted the Act LXII of 2001 with a parliamentary majority of over 90%. (Kántor et al., 2004)

The Status Law or benefit law became one of the pillars of a national policy based on introducing projects in ethnic Hungarian communities. Ethnic Hungarian religious, civic and party organizations played a key role in implementing the law Networks of "Status Offices" were set up to issue Hungarian Cards that served as proof that its bearer was of Hungarian origin which were financed by the Hungarian government. Such "Offices" were set up in six countries and employed close to 500 persons. This provided an apparatus and information system that could be built on to extend benefits to ethnic Hungarians. Or as Bárdi put it: "The benefit law made it possible to legally encompass 'Hungarians across the borders.' (Bárdi, Misovicz 2010: 204)

[246] Act LXII of 2001 on Hungarians Living in Neighbouring Countries," Adopted 19 June 2001 by the Hungarian Parliament. Hungarian Act LXII of 2001 on Hungarians Living in Neighbouring Countries (amended on June 23, 2003)

The policy of the Fidesz government strengthened those ethnic groups and parties which favored putting more pressure on the home government to fulfill its obligations on minority rights. This was a time when dissatisfaction over what had been achieved since the democratization in terms of minority rights already began to split the Hungarian communities.

The Status Law was an alternative to granting ethnic Hungarians „dual-citizenship" which was first suggested by the World Federation of Hungarians in 1996 and formulated the wish as a political goal in 1998. The first Fidesz government lacked the two-third majority needed for adopting a law on dual citizenship. Many in the party were also of the opinion that most of the Hungarian public would not support granting dual citizenship to the ethnic kin. A major reason for this was the lack of knowledge and interest about the situation of the ethnic kin after decades of silence about their existence under communism. The Hungarian public was also not adequately informed what dual citizenship would mean. These concerns proved to be true at the 2004 referendum on dual citizenship. (See below)

Romania and Slovakia protested the Status Law and accused Hungary of undermining their sovereignty and interfering in their domestic affairs. The Romania and Slovakia, however, had laws similar to the Hungarian status law that aimed at strengthening their relationship to their ethnic kin abroad. The Slovak status law of 1997 was the earliest in the region, the Romanian one was adoped a year later. The Slovak and the Romanian status laws apply to every ethnic Slovak or Romanian abroad, while the Hungarian status law affects only individuals and not communities. The Romanian law refers not only to individual but also to collective rights: "the Romanian law treats the Romanian communities beyond the borders as subjects of the collective rights provided to them by the status law." The Romanian law creates a fund to support Romanians worldwide. (Kántor et al. 2004:45)[247] The 1997 Slovak act "creates the status of 'Slovaks abroad', which can be applied for by Slovaks abroad and their descendants up to the third generation. "The status comes with a certificate of Slovak abroad (quasi citizenship) and offers a range of benefits for the holders (preferential settlement, labor, education, etc. opportunities) while in Slovakia. The law does not differentiate between Slovak

[247] Kántor Zoltán: The Concept of Nation in the Central and East
European 'Status Laws' **Slavic** Eurasian Studies no. 4; Sapporo, 2004:105-119

kin-minorities in the neighboring countries and the Slovak diaspora; the benefits of the Slovak abroad status is available for both groups. "(Kovács, 2017 97)

Romania and Slovakia suggested that Hungary had extraterritorial claims and breached the norms of conduct in bilateral relations. Romania and Slovakia condemned as discriminatory and "extra-territorial" the provision of the Status Law which provided educational benefits to the ethnic kin in their home countries. They turned to the European Commission for Democracy through Law of the Council of Europe commonly known as the Venice Commission to evaluate it. Since Romania and Slovakia as well as a number of other countries had laws that were very similar to the status law, Hungary asked the Venice Commission to compare the Status Law with similar European laws. According to Bárdi, "The Hungarian diplomaticposition displayed a better understanding of the *Zeitgeist* when the paper Hungary submitted to the Venice Commission asked not for 'justice', but for a comparison to be made between the Status Law and similar laws of other states." (Bárdi 2004: 77) (The Venice Commission adopted its "Report on the Preferential Treatment of National Minorities by their Kin-State" on 19 October 2001, European Commission on Democracy Through Law, 'Report on the Preferential Treatmentof National Minorities by their Kin-State', (Venice Commission Report) October 2001).

The Venice Commission compared the 1979 Austrian law on South Tyrolians, the 1997 Slovak law on Slovaks abroad, the 1998 Romanian law on Romanians around the world, the 1999 Russian law on co-nationals abroad, the 2000 Bulgarian law on Bulgarians abroad, the 2001 Italian law on Italian minorities in Slovenia and Croatia, and the 2001 Hungarian Status law. In its evaluation, the Commission reiterated the primacy of state sovereignty and upheld the notions that the states where the minorities live are responsible for protecting their rights and that the international community should monitor whether states fulfill that duty. This reflected a major concern of the EU that the intervention of the kin state on the side of the kin-minority to help it build its parallel nation would result in tensions between EU states and would be a source of conflict between the minority and the majority. The commission declared that the benefits granted by the Hungarian Status law should only apply on the territory of the kin state and can only be adopted unilaterally if bilateral negotiations fail to achieve results. This was in accordance with the stance of the EU that the perspectives of states that is cooperation between member states should be given priority over minority issues. [248]

[248] Report on the Preferential Treatment of National Minorities by their Kin-State, European Commission for Democracy Through Law (Venice Commission), 19-20 October 2001, www.venice.coe.int

At the same time, the Commission acknowledged that kin states have the right to support their ethnic kin if this reinforces good-neighborly relations. This was the first official acknowledgement that the kin state had a role to play in maintaining minority rights and prepared the ground for creating a common European regime on kin-state policies. As Halász, Majtényi, and Vizi note: 'It is an established practice in Europe that the various national legal systems offer preferences to their co-nationals living outside the borders as compared to other foreigners. Following the political transition in Central and Eastern Europe, the regulation of support for these ethnic groups has become a characteristic feature of constitutional legislation'. (In Kántor et.al.: Halász, Majtényi, and Vizi 2004: 171)

Analyzing the status law under the four criteria set out as a framework of analysis, it had consequences in terms of domestic policy, relations to the ethnic kin, bilateral relations and on the international level. Domestically, the opposition parties criticized the law because in their view it expanded the nation to Hungarians abroad and caused tensions in relation to the home states. It brought to light great differences between the political camps regarding the question of the role of the kin-state in promoting ethnic Hungarian communities abroad. The left-liberal Hungarian government that followed the Orbán government made amendments to the Status law which removed a reference to a "unified Hungarian nation" spanning borders and withdrew benefits in the field social security, health and employment.[249]

The debate over the status law exposed the struggle between the political camps over who belongs to the Hungarian nation through which they sought to define their boundaries. The Status Law contributed to the Orbán government's defeat in the 2002 national elections. Many voters believed the argument of then Hungarian Socialist Party (MSZP) leader Ferenc Gyurcsány that millions of Romanians would come to Hungary and endanger the Hungarian standard of living. Gyurcsány used similar arguments in 2004, when a referendum on dual citizenship took place. (See below) Fidesz's support for dual citizenship contributed to the party's loss of the 2006 national elections. This was a harbinger of the great conflicts and cleavages that surrounded the 2004 referendum.

[249] Doc. 9744 rev. 13 May 2003, Preferential treatment of national minorities by the kin state: the case of the Hungarian law of 19 June 2001 on Hungarians living in neighboring countries http://assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=10094&Language=EN.
'Sovereignty, Responsibility, and National Minorities,' Statement by Rolf Ekeus, OSCE High Commissioner on National Minorities, in The Hague, 26 October 2001. http://www.osce.org/hcnm/53936

Examining the controversy over the status law on a bilateral level between the kin-state and the home states the framework of nationalism serves as the basis of analysis. The home states and the kin-states viewed the status law from the point of view of nation building. The home states interpreted the Law as a form of unilateral interference in their internal affairs which implied that they were not capable of protecting the interests of the Hungarian minorities who lived on their territory. Romania and Slovakia noted that the kin-state used the Hungarian Status Law to promote Hungarian communities to prevent the assimilation of the minority. The Law went against the principle of the nation state as it was embodied in their constitutions und how it was carried out in the political practice. The promotion of the nation building efforts of ethnic Hungarians was at variance with the nation building efforts of the majority nation which aimed at ensuring the supremacy of the majority culture.

"At the time of the introduction of the Hungarian Status Law (2001/2003) Romania claimed that the problem with Hungarian kin-state policies was that Hungary employed ethnocultural criteria in identifying kin groups by including, as a criterion, knowledge of the Hungarian language. In contrast, for at least a time, Romania claimed to have used "civic" criteria in identifying kin groups as persons who had been citizens of greater Romania and their descendants. There was little that Hungary could do to move away from an ethnocultural definition of kin populations given the different histories of Hungary and Romania." (Pogonyi 2017: 30)

Hungarian minority communities welcomed the Status Law and 938.000 ethnic Hungarians received a Hungarian identity card. [250]

Following the opinion of the Venice commission, under an agreement signed by Prime Minister Orbán and his Romanian counterpart all Romanian citizens became eligible for benefits for short term employment provided by the Status Law. The opposition parties rejected the agreement and used it in their campaign for the 2002 elections to discredit Fidesz by raising the specter of millions of Romanians who would flood Hungary to obtain social benefits and take

[250] POLICY FOR HUNGARIAN COMMUNITIES ABROAD STRATEGIC FRAMEWORK FOR HUNGARIAN COMMUNITIES ABROAD http://bgazrt.hu/_files/NPKI/Jogszab%C3%A1ly/policy_2013.pdf, http://bgazrt.hu/_dbfiles/htmltext_files/5/0000000065/Magyar%20nemzetpolitika%20-%20A%20nemzetpolitikai%20strategia%20kerete.pdf

away jobs from Hungarians. The MSZP launched a media campaign in which it warned of a Romanian invasion of the Hungarian labor market.

The opposition parties spread the message through the 'whispering propaganda' often used in the Kádár era that the presence of ethnic Hungarians would lead to a lowering of the standard of living in Hungary. The propaganda was successful in mobilizing voters and contributed greatly to preventing the reelection of the Fidesz government in 2002. The socialist-liberal parties used the same argument of 'welfare chauvinism' (Habermas, 1996) in 2004 in the campaign against the granting of dual citizenship to the ethnic kin that was featured in the referendum. (Fábián,2005: 215)

In 2002, Romanian Prime Minister Adrian Năstase edited a book which criticized the Status law but supported in 2003 the enactment of legislation very similar to the status law to strengthen ties between Romanians and Romanians living abroad. (Năstase 2002) Moreover, ethnic Romanians of the Republic of Moldova were offered Romanian citizenship regardless of whether they resided in Romania or Moldova. (Iordachi 2002)

Following the loss of the 2002 elections, the welfare of Hungarian minorities gained even more prominence in Orbán's strategy. He perceived himself as the guardian of the interests of the nation and gave ethnic Hungarians a key role in his concept of a "unified nation." He began with the reorganization of Fidesz as a national movement also called "mobilizing conservatism" (Egedy). Key to the mobilization was the strengthening of Fidesz`s already substantial political networks and the expanding of media and economic networks to support his party. At the same time, Orbán sought to reinforce the collective identity of the right wing by stressing the importance of cultural identity based on a common language and symbols.

6.7 Referendum on Dual Citizenship

The referendum on dual citizenship to ethnic Hungarians in neighboring countries in December 2004 brought back the controversy over the cultural and the political nation. The question of who belongs to the nation was placed at the center and the differences over the concept of nation were magnified. The event shaped Hungarians' image of themselves in Hungary and abroad for some time to come.

The idea of dual citizenship has for a long time been controversial in Fidesz itself, opponents argued that it would promote emigration of the ethnic kin to Hungary and would go against the principle of giving priority in kin state policy to helping Hungarian communities in their homelands. Many in the party were also of the opinion that the majority of the Hungarian public would not support granting double citizenship to the ethnic kin. As the World Federation of Hungarians (Magyarok Világszövetsége MVSZ) initiated a referendum on dual citizenship in 2003, however, Fidesz had no choice but to put aside its misgivings and support it to demonstrate its commitment to the ethnic kin. The campaign for the referendum offered an opportunity for the conservative political camp to present itself as the real representative of the nation.

The referendum on double citizenship asked voters:

> Do you want the National Assembly to legislate a law on offering—upon individual request—Hungarian citizenship, by preferential naturalization, to non-Hungarian citizens, living outside Hungary, declaring themselves to be of Hungarian nationality, proving their Hungarian nationality either by a "Hungarian Certificate" under Art. 19 of the Act 62/2001 or in another way, defined in the law requested for legislation?[251]

The ruling social-liberal coalition called for a boycott of the referendum and used the issue of Hungarian minorities to mobilize against Fidesz. It envisioned that millions of Romanians would come to Hungary with whom the population had to share welfare benefits and called for a boycott of the referendum. The new chairman of the MSZP Ferenc Gyurcsány used the campaign against the referendum to show that he could defeat Orbán by using anti-nationalist rhetoric to mobilize socialist voters against him.[252]

Slightly more than 51% voted for the dual citizenship, 49% were against it but the referendum was invalid because of the low turnout of only 37% of the eligible voters. The low turnout for the referendum made clear to Fidesz that the issue of the ethnic kin was one that could not mobilize electoral support.

[251] http://www.valasztas.hu/hu/download/869/nepszav_stat_2015.pdf
[252] http://vs.hu/kozelet/osszes/a-diskurzus-nem-a-kulhoniakrol-szol-interju-bardi-nandor-tortenesszel-1205#!s2

The concerns of Hungarians about their economic well-being and the fears of a wave of ethnic Hungarian migration showed the limits of cross-border ethnic attachments. The government's campaign for boycotting the referendum was successful because the issue of Hungarian kin was low on the agenda of the Hungarian population, an attitude which has been well documented. (Csepeli & Örkény 1996: 280) (Kiss (2013, 39) (Csepeli-Örkény 2017, 78-29, 84-85)

The Gyurcsány government used the political concept of the nation as it stressed that ethnic Hungarians do not work and pay taxes in Hungary and will still have a say in how the country is governed if they are granted the right to vote in parliamentary elections. A major concern was that with dual citizenship ethnic Hungarians would receive non-resident voting rights which they would use to vote for the conservative camp in parliamentary elections. The political stakes were high. As Myra A. Waterbury comments: "Granting nonresident dual citizenship would have the practical effect of merging the Hungarian cultural nation and the political community, resulting in many intended and unintended consequences. Such a merging could potentially reshape political power in Hungary by changing the size and composition of the electorate, most likely in favor of Fidesz and other right-wing parties." (Waterbury, 2010:124) The same concern was voiced by Mária Kovács who commented that dual citizenship could influence the outcome of the elections and predicted that it "would run counter to the principle of popular sovereignty and democratic self-determination within Hungary itself, putting Hungarian democracy under pressures it may not be able to withstand."(Kovács, 2006:62 in Waterbury 2010) Kovács also expressed concern that a wave of migration could result from granting dual citizenship which could not be controlled and would put pressure on Hungary's economically weaker regions.

Fidesz interpreted the rejection by the left-liberal coalition government of the idea of granting Hungarian minorities Hungarian citizenship as a betrayal of those minorities. Many on the conservative side and ethnic Hungarians abroad saw in the defeat of the referendum a "second Trianon" for the Hungarian nation. In a speech in 2005, Orbán referred to the referendum when he said that "when it occasionally got the chance the left wing attacked its own nation." He stressed the need for a nationally oriented left wing because "there was no national unity without the participation of the left-wing." (Orbán 2007: 395–396 in Oltay 2013:42-53)[253]

[253] http://jovonk.hu/FideszPP2007_HU.pdf

Ethnic Hungarians abroad perceived the failure of the referendum as a rejection of the Hungarian communities abroad and as their symbolic exclusion from the Hungarian nation. They condemned the campaign conducted against the dual citizenship by the left-liberal coalition government but also blamed the indifference of the Hungarian population at large. For many ethnic Hungarians in neighboring countries the referendum was proof that Hungary was not willing to recognize Hungarians across the border. Pogonyi found the ethnic Hungarians he interviewed from Romania and Serbia were deeply hurt. "Although Hungarians did not consider formal citizenship essential to their Hungarian self-identification, the refusal of Hungary to extend citizenship was nonetheless perceived as the refusal to recognize them as members of the Hungarian nation. Citizenship was regarded as a marker of identity and its denial was perceived as a questioning of national identity. "It was important for me. Simply important. I do not know, it is kind of humiliating that you cannot be a Hungarian citizen, despite the fact that you speak Hungarian and you feel Hungarian," (S3) explained. "Hungarians opposed it [non-resident citizenship] because they see Transylvanians as Romanians or Vlachs" (R1). "It was painful. Here we are Hungarians, there we are Romanians, which hurts us a lot, as we have maintained our Hungarian identity" (R3) said. Similarly, (R2) remembered that "we felt that they did not consider us to belong to them". Relations between the Hungarian population and the ethnic kin soured and many existing prejudices toward each other were reinforced. Pogonyi`s respondents from Romania and Serbia expressed widely felt sentiments. ""It created a huge uproar in Székely territories, it hurt everyone very deeply" (R2); "this was a disgusting story" (S4). "That hurt me and everyone around me a lot" (S5); "we followed the developments angrily, and we were very irritated" (S8); "we considered it a tragedy" (S9)." (Pogonyi, 2017, 158) Several respondents experienced the failure of the referendum as a second Trianon. "As (S6) explained, "it was a complete Trianon lethargy, I seriously thought about publicly burning my Hungarian card". When speaking of the 2004 referendum, she recalled her grandfather's memories of Vojvodina's annexation to Serbia and noted that after the failure of the referendum "the Trianon trauma set in again. I still consider it a day of mourning". "It was a great disappointment, I felt like I had been spat in the face" (R11)." (Pogonyi, 2017, 158) Many of Pogonyi´s respondents placed the blame for the failure of the referendum on the Gyurcsány government. "(S8) consciously avoided even naming former PM Gyurcsány, and as an indication of her deep contempt referred to the former Socialist Prime Minister only as "youknow who". "That December 5th was an important event that made Hungarians in Transylvania hate that bunch [the former Gyurcsány government]," (R16) explained. "That December 5th referendum in the Gyurcsány era was extremely offensive" (S11) said.

"Everyone said that we deserve citizenship, it was only Gyurcsány who said we do not" (S12). Similarly, (S1) pointed out that "we were very angry with the Socialists. We still are". Many of my respondents said that they found it particularly humiliating that Hungarians in Hungary voted against non-resident citizenship assuming that transborder kin would naturalize to claim welfare benefits in Hungary, despite the fact that benefits and health care are conditional on contributions." (Pogonyi, 2017, 159) The abolishment of the Government Office for Hungarian Minorities Abroad (Határon Túli Magyarok Hivatala – HTMH) and of the Teleki Foundation under the Gyurcsány government (2004-2009) only underlined that there was little interest in ethnic Hungarians abroad. (Kántor 2006)

The sociologist Tamás Kiss concludes that the enemy images promoted at the time by the opponents and supporters of the citizenship for the ethnic kin contributed to the re-definition of the concept of the nation and to the strengthening of radical right discourses. (Kiss, 2013:39) Gábor Egry also admits that the themes of well-fare chauvinism used by the left-liberal government which relied on fears of a social decline were effective in preventing the approval of the double citizenship they also unleashed emotions which were used by the radical right, in the first place by Jobbik, to gain followers.(Egry, 2010:173)

7. FRAMEWORK FOR NEW STATE POLICY

7.1 FUNDAMENTAL LAW

The new constitution, the Fundamental Law forms the basis of the new national policy as it places the relationship of the Hungarian state and of the ethnic kin abroad on an ethno-cultural basis. It replaced the provisional constitution based on the extensively rewritten version of the communist constitution which stayed in effect after 1990 because the political parties could not agree on the contents of a new constitution, among others on the concept of the nation.

The plan to adopt a new constitution has been embraced by several governments since the 1990 parliamentary elections but could not be carried out because of the lack of parliamentary majority and or lack of consensus over how it should be formulated. The provisional constitution enshrined the principle that the Hungarian state had a responsibility to help ethnic Hungarians in neighboring countries maintain their ethnic identity. It was, however, not clear

what this responsibility entails.[254]The constitution also spoke of the unity of the nation expressed through the President of the Republic without explaining which conception of the nation this entailed. [255] Parliamentary President László Kövér commented that while the old constitution proclaimed the responsibility of the Hungarian state for Hungarians abroad the Orbán government took the step of actually taking over responsibility for ethnic Hungarians. [256]

The Fundamental Law defines the relationship between the Hungarian state and the ethnic kin around the cultural concept of the nation. The preamble of the Fundamental law seeks to explain the core values which pertain to the concept of the nation under which society should be integrated and national identity consolidated. The first sentence of the Law is "God bless Hungarians" which is the first line of the national anthem of Hungary, the poem Himnusz by Kölcsey Ferenc. The emphasis on the role of Christianity and religious traditions in the preservation of Hungarian nationhood stands out in a secularized Europe and contrasts with the EU constitution which made no reference to "God" or "Christianity."[257]

The Law defines in paragraph D the responsibility toward the ethnic kin as follows: *"Bearing in mind that there is one single Hungarian nation that belongs together, Hungary shall bear responsibility for the fate of Hungarians living beyond its borders, shall facilitate the efforts to preserve their Hungarian identity, the effective use of their individual and collective rights, the establishment of their community self-governments, and their prosperity in their native lands, and shall promote their cooperation with each other and with Hungary." [258]* The mentioning of the Hungarian nation and the responsibility of the Hungarian state for Hungarians abroad is clearly an increased emphasis on the nation compared to the previous constitution of 1990.

The Preamble entitled National Avowal and declares that "WE, THE MEMBERS OF THE HUNGARIAN NATION, at the beginning of the new millennium, with a sense of responsibility for every Hungarian, hereby proclaim the following…" The nation is the fundamental, principal

[254] Act XX of 1949 The Constitution of the Republic of Hungary 6. & (3) "The Republic of Hungary bears a sense of responsibility for the fate of Hungarians living outside its borders and shall promote and foster their relations with Hungary."
[255] Act XX of 1949 The Constitution of the Republic of Hungary 29 & (1) "Hungary's Head of State is the President of the Republic, who represents the unity of the nation and monitors the democratic operation of the State."
[256] Kövér: gonosz erők szorongatták a kényszerhelyzetben lévő Fideszt, 5 December 2013, MTI

[257] http://www.kormany.hu/download/e/02/00000/The%20New%20Fundamental%20-Law%20of%20Hungary.pdf
[258] Article D http://www.kormany.hu/download/e/02/00000/The%20New%20Fundamental%20-Law%20of%20Hungary.pdf "Article D" of The Fundamental Law of Hungary, 25 April 2011.

framework for the community whose most important cohesive values are fidelity, faith, and love. The National Avowal declares Hungary's intention to preserve "*the intellectual and spiritual unity of our nation.*" This forms the basis of the new kin-state policy. The Preamble explains that the Fundamental law is a *„covenant among Hungarians past, present and future; a living framework which expresses the nation's will."*[259] It is upon this "covenant" that the kin-state policy is based and the "living framework" provides for the flexibility and adjustment of this policy to new world-wide developments. Kövér called the National Avowal the most important part of the Fundamental Law because it expresses "who we were, who we are and who we would like to be." [260]

In the provisional constitution of 1990, the national and ethnic minorities are "constituent part of the state." [261] This is repeated in the Fundamental Law which in addition stresses the commitment to *"promoting and safeguarding […] the languages and cultures of nationalities living in Hungary" (Preamble) and acknowledges (Article XXIX) that „Nationalities living in Hungary shall be constituent parts of the State. Every Hungarian citizen belonging to any nationality shall have the right to freely express and preserve his or her identity. Nationalities living in Hungary shall have the right to use their native languages and to the individual and collective use of names in their own languages, to promote their own cultures, and to be educated in their native languages."* [262]

Hungarian opposition politicians and many scholars protested that the government made its concept of nation part of the constitution although there was no national consensus over its meaning. The major objection was that the Fundamental Law was based on the ethno-cultural character of the nation. The term "WE, THE MEMBERS OF THE HUNGARIAN NATION…" drew critic for referring to the nation. As Iván Halász put it "in a democratic state based on the rule of the law the source of power is basically the community of citizens not the nation which can be interpreted in many ways, for this reason it is superfluous to use expressions in the fundamental law which in the East Central European context do not cover the definition of the

[259] The Fundamental Law of Hungary – http://www.kormany.hu/download/4/c3/30000/THE%20FUNDAMENTAL%20LAW%20OF%20HUNGARY.pdf]
[260] Interview with László Kövér in Inforádio Aréna, 23 April 2015.
[261] Act XX of 1949 The Constitution of the Republic of Hungary 68. & (1) The national and ethnic minorities living in the Republic of Hungary participate in the sovereign power of the people: they represent a constituent part of the State.
[262] The Fundamental Law of Hungary – http://www.kormany.hu/download/4/c3/30000/THE%20FUNDAMENTAL%20LAW%20OF%20HUNGARY.pdf]

political community." [263] He also objects on the same grounds to the formulation in the 1992 Slovak constitution "We, the Slovak nation…" pointing out that some 15% of the Slovak population are members of national and ethnic minorities who are referred to as "we the citizens of the Slovak republic." Hungarians in Slovakia never considered themselves as members of the Slovak nation and the majority of the public ´´also do not regard them as Slovak nationals.[264]

Politicians and scholars criticized that the Fundamental Law enshrined the responsibility of the Hungarian state for the fate of Hungarians abroad and obliged future generations to adhere to the political commitment to the ethnic kin. Halász expressed the opinion of many of the critics by stating that in the Fundamental Law of Hungary the Hungarian state should in the first place feel responsible for every Hungarian citizen.[265] The critic of the Fundamental Law by leading Hungarian legal experts reflected the conflicting views on the concept of the nation: "Its lengthy preamble, entitled National Avowal, defines the subjects of the constitution not as the totality of people living under the Hungarian laws, but as the Hungarian ethnic nation: "We, the members of the Hungarian Nation ... hereby proclaim the following". A few paragraphs down, the Hungarian nation returns as "our nation torn apart in the storms of the last century". The Fundamental Law defines it as a community, the binding fabric of which is "intellectual and spiritual": not political, but cultural." [266]

This view was also expressed in the opinion of the advisory body of the Council of Europe, the Venice Commission on the fundamental law which stated that "The Constitution should be seen as the result of the democratic will-formation of the country's citizens as a whole, and not only of the dominant ethnic group. Therefore, the language used could/should have been more inclusive (such as, for example "We, citizens of Hungary…")." (para.40) The commission also "It took note with regret that no consensus had been possible - among political forces and within society - either over the process or the content of the future constitution." It objected to "statements and terms in the preamble of the constitution" were ambiguous such as the reference to the "historical constitution" stating that "there is no clear and no consensual understanding of the term "historical constitution". (Para.34)

[263] Iván Halász "A magyar politikai közösség jogi újragondolása 2012 után - kiindulópontok, eszközök, dilemmák és veszélyek" Kisebbségkutatás 2013 No.3 157.
[264] Ibid.
[265] *Ibid. p. 159;* NAGY BOLDIZSÁR Az állampolgárság mint stigma: az állampolgárság hátrányai (Mi közöm a könyvégetőkhöz?)1 Regio 22. Évfolyam (2014) 1. Szám. 36-77.
[266] Opinion on the Fundamental Law of Hungary, June 2011, 7, 10 http://lapa.princeton.edu/hosteddocs/amicus-to-vc-english-final.pdf https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2011)016-e

The Venice Commission objected to the "the statement in Article D that "Hungary shall bear responsibility for the fate of Hungarians living beyond its borders" This term may be interpreted as authorizing the Hungarian authorities to adopt decisions and take action abroad in favour of persons of Hungarian origin being citizens of other states and therefore lead to conflict of competences between Hungarian authorities and authorities of the country concerned. Such action includes inter alia support to the "establishment of their community self-governments" or "the assertion of their individual and collective rights". (Para.41)
It cautioned that the broad interpretation of the concept of nation and of Hungary´s responsibility toward the ethnic kin "may hamper inter-State relations and create inter-ethnic tension."[267] The Commission also warned that legislators should pay "proper attention to the principle of friendly neighborly relations and avoid inclusion of extra-territorial elements and formulations that may give rise to resentment among neighboring states"[268] It cited the Explanatory Report of the Framework Convention : "while the rights and freedoms flowing from the principles of the Framework Convention may be exercised individually or in community with others", "no collective rights of national minorities are envisaged". This of course does not prevent Hungary, on its territory, to provide its own minorities with collective rights. Nevertheless, it is not up to the Hungarian authorities to decide whether Hungarians leaving in other States shall enjoy collective rights or establish their own self-governments." (para.43) The Commission reiterated the opinion expressed in the "Report on the Preferential Treatment of National Minorities by their Kin-State" which stated that "responsibility for minority protection lies primarily with the home-States." [269]

A month later the European Parliament also adopted a resolution in which it called on Hungary to implement the recommendations of the Venice Commission. The Parliament called on Hungary to "explicitly guarantee in the Constitution, including its preamble, that Hungary will

[267] Opinion on the New Constitution of Hungary, European Commission for Democracy Through Law (Venice Commission), 17-18 June 2011. https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2011)016-e
[268] (Venice Commission 2011, para. 39)
www.venice.coe.int.
[269] Report on the Preferential Treatment of National Minorities by their Kin-State, European Commission for Democracy Through Law (Venice Commission), 19-20 October 2001, www.venice.coe.int

respect the territorial integrity of other countries when seeking the support of ethnic Hungarians living abroad" (Para.1 d.) [270]

The Hungarian government rejected the criticism of the Venice Commission and European Parliament and stated that the the Fundamental Law was in line with European norms.

7.2 Trianon: Day of National Cohesion

In 2010, the Hungarian government attempted to come to terms with the loss of two-thirds of the country´s territory by declaring June 4, the 90th anniversary of the Trianon Peace Treaty, Day of National Cohesion. Under a law enacted by the Hungarian parliament a national day of remembrance is to express the unity of the nation and to remember an event that was not discussed during the era of communism and was not officially commemorated since the democratic transformation.[271] The law was enacted with votes 302 votes in favor, 55 against and 12 abstentions reflecting the cleavage between Hungarian political camps regarding the interpretation of Trianon.

The Act states that "*Every member and community of the Hungarian nation thrown under the jurisdiction of different states is part of the unified Hungarian nation, the beyond borders unity of which is reality, and is also an important element of Hungarians' personal and community identity."*

In the preamble, the Act states that "*the political, economic, legal and psychological problems caused by the enforced Peace Treaty have remained unresolved for the past 90 years, at the same time rejects solutions based either on territorial revisionism supported by foreign powers or totalitarian utopias, which would lead nowhere*." It declares that the law "*breaks with approaching the issue from a perspective of grievance and tragedy, moreover, draws lessons from our past mistakes which truly offended members of other nations. The program of building a culturally unified cross border nation wishes to contribute to the peaceful future – based on mutual understanding and cooperation – of peoples and nations living in the Carpathian Basin*

[270] http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0315+0+DOC+XML+V0//EN

[271] A NEMZETI ÖSSZETARTOZÁS MELLETTI TANÚSÁGTÉTELRÕL SZÓLÓ 2010. ÉVI XLV. TÖRVÉNY, ACT NO. 45 OF 2010 ON THE TESTIMONY FOR NATIONAL COHESION.

and to the reunification of Europe dismembered by the tragedies of the 20th century. Publishing the Act in ten different languages stands as proof of our goodwill." [272]

The fourth paragraph of the law exercises self-critic and calls for strengthening "national cohesion." *The Hungarian National Assembly feels obliged to call upon present members of the Hungarian nation and those of future generations to strive for national cohesion, by forever bearing in mind the national tragedy brought about by the enforced Peace Treaty of Trianon, by taking into account our own mistakes that rightly aggrieved members of other nations, and learning from those mistakes, by drawing strength from examples of national cohesion and achievements of national revival in the struggles of the past ninety years. Thereof the National Assembly declares the 4th of June, the day of the enforced Peace Treaty of Trianon of 1920, the Day of National Cohesion."*

The law states that "The national remembrance, the enhancement of the common future of the peoples of the Carpathian Basin and the assertion of European rights bestows upon us the task of understanding and processing the decisions surrounding Trianon. At the same time, it gives the opportunity to prove that Hungarians are capable of national renewal after this historical tragedy by drawing upon their language and culture and can solve the historical tasks confronting them."[273]

The new government set up the Parliamentary Committee on National Cohesion which devotes itself to promoting ties between Hungarians in the kin-state and those living abroad. The Committee has a great symbolic meaning since it is the first independent standing parliamentary committee ever that deals exclusively with issues related to Hungarians abroad. The government saw a need for such a Committee to deal with the tasks arising out of the institutionalization of ties between ethnic Hungarians and the kin state that came about when citizenship was extended in 2010 to Hungarians abroad. This created a new situation and gave the government and parliament new tasks. The Committee took up its work in January 2011 and has a subcommittee named Autonomy Subcommittee which is devoted to helping the autonomy aspirations of the ethnic kin. The Committee has the task of establishing relations to

[272] Ibid; http://www.vajma.info/docs/Nemzeti-osszetartozas-torveny.pdf

[273] http://nemzetiosszetartozas.kormany.hu/a-nemzeti-osszetartozas-napja-2012

Hungarian political and social organizations abroad, oversees the events organized by Hungarians abroad as well as the institutions in charge of the policy toward ethnic Hungarians outside Hungary. It regularly holds sessions outside Hungary in the Carpathian Basin where Hungarian communities live. The Foreign Relations Committee deals with issues relating to ethnic Hungarians abroad and issues of constitutional, budgetary, educational and ecclesiastical nature are also discussed in the various parliamentary committees. (Kántor NPA, 2013)

The enactment of the law on National Cohesion amounted to an endorsement of the ethno-cultural concept of the nation. Those who endorsed the civic concept of the nation feared that the state will define through legislation who are Hungarians and some groups of society will be excluded. (Halász 2013)

Margit Feischmidt objects that under "national commitment" "/the law/ refers exclusively to those members of the nation who live beyond the borders and fails, for instance, to draw the consequences from the same historical mistakes for the importance of democratic principles and the recognition of minorities at home." (Feischmidt 2014:59) She speaks of a "historicizing, strongly ethnicizing national discourse which is being realized by integrating people and communities who are outside the political nation while on the other hand they emphasize the differing nature (the other) of those who are part of the political nation but can be perceived as being different based on their ethnic or phenotype characteristics." (Feischmidt 2014: 126)

7.3 Cohesion Through Cooperation

Fidesz worked out a very detailed policy toward Hungarian co-nationals prior to the 2010 elections which it expected to win. Following the 2010 national elections ethnic Hungarians abroad were included in a System of National Cooperation Nemzeti Együttműködés Rendszere" (NER). The declaration of the newly elected parliament states: "We, the representatives of the Hungarian National Assembly, declare that we are going to build the new political and economic system based on the democratic will of the people on the pillars indispensable to happiness and a respectable life, and which bond the diverse members of the

Hungarian nation. Work, home, family, health, and order are going to be the pillars of the future."[274]

NER was interpreted as "the inception of a new social contract" in which all groups cooperate in the interest of the country. At the center of this system, is the central power sphere embodied by Fidesz as a large centrist people's party which has deep roots in Hungarian society. On the left side are small leftist and liberal parties, at the right end are the radical right-wing parties. Fidesz acts as the central power which has the social base and stability to lead the country. NER serves as the symbol for constructing a new Hungarian identity and the harbinger of an era of national cooperation under which a new political, economic and social system will be built. The NER declaration recalls events in Hungarian history and labels the period from 1990 and 2010 as a period of transition after which Hungary regained its national sovereignty and can determine its destiny. The government ordered that the declaration be displayed in all ministries and public institutions. It appealed to the civic concept of the nation by addressing "everybody who lives, works or has an undertaking in Hungary," it took up the ethnic cultural conception asserting that "The National Cooperation System is open for every Hungarian. It is shared by Hungarians living in and out of Hungary." [275]

According to Nándor Bárdi, the inclusion of ethnic Hungarians abroad in NER reflects the need of the government to compensate for the lack of social cohesion in Hungary through expanding the national community. He interpreted the granting of dual citizenship to co-nationals as an attempt to make up for the deficits of the political community in Hungary.[276]

7.4 Hungarian Nation-Building and Institutionalization

Kin-state policy was defined as the "policy of the Hungarian state toward Hungarians abroad, who live in neighboring countries and other countries of the world." Kin state policy involves "nation building, society building, community building, the strengthening of identity, institutionalization …which is a precondition of the reproduction of Hungarian /identity/."

[274] http://www.parlament.hu/irom39/00047/00047_e.pdf file:///C:/Users/Edith%20Oltay/Downloads/political_declaration.pdf Office of the National Assembly Document Number: H/47 Received: 22 May The Programme of National Cooperation THE DECLARATION OF NATIONAL COOPERATION

[275] Ibid.

[276] https://vs.hu/kozelet/osszes/a-diskurzus-nem-a-kulhoniakrol-szol-interju-bardi-nandor-tortenesszel-1205#!s2

(Kántor, 2015:36) Hungarian communities abroad and the Hungarian state join efforts to promote community building and to strengthen ties to the Hungarian nation.

The policy toward the ethnic kin revolves around the concept of institutionalization which is to serve as the basis for the integration of the Hungarian nation. The government's program envisages setting up a network of institutions to ensure the survival of the Hungarian language, culture and community. A community conscious of its traditions and treasures would be better able to exercise, protect or expand their rights. The strengthening of the identity of the community plays a key role in stopping assimilation. (Kántor NPA, 2013, 174-175)

The institutionalization of relations takes place on three levels. First, on the individual level ties to Hungarians are strengthened through citizenship and the right to vote. Institutions also enhance the bonds between Hungarians. Secondly, ethnic Hungarians as a community link their organizations with those of the kin-state and present themselves in their homelands as communities with collective needs and the right to autonomy. The reproduction of the ethnic identity of Hungarian communities can in the long term only be achieved by granting them autonomy in their homeland. This would enable ethnic Hungarians to engage in society building and set up the institutional framework they need to live their entire lives as Hungarians.

Thirdly, the Hungarian nation is integrated on the individual and collective level into the European Union. (Kántor NPA, 2013, 174-175)

The new strategy focused not only on the attainment of minority rights but also on preventing the assimilation of the ever-diminishing Hungarian communities. The government's aim is to stop the decline in the number ethnic Hungarians and to achieve a growth in their number. One of the foundations of Hungarian policy toward Hungarians abroad is that they should prosper in their homelands. Addressing the issue of outmigration which is made easier through the possession of Hungarian citizenship, the official view is that "Hungary cannot and does not want to go against international trends, which indicate a growth of mobility." The positive aspects of travel such the learning of new languages and gathering professional experience are

also mentioned along with the expectation that ethnic Hungarians will return to their homelands to help their communities.[277]

The Hungarian government started large-scale economic programs and investments in the regions where ethnic Hungarians live to promote positive economic developments there. The programs have been coordinated at the legislative and administrative levels. (Kántor pm, 2015)

7.5 Law on Dual Citizenship

The first law that the newly established parliament passed in 2010 was the amendment of the Act on Hungarian Citizenship of 1993 in May 2010 which paved the way for the simplified naturalization procedure. This was to fulfill the promise of the "spiritual reunification of Hungarians." The draft of the amendment was prepared prior to the government's taking office and was submitted to parliament by Prime Minister Orbán, deputy-prime minister Zsolt Semjén, House Speaker László Kövér, State Secretary for Foreign Policy Zsolt Németh and Fidesz Deputy-President, Lajos Kósa.

The law was adopted on May 26, 2010 with 344 votes, 3 no votes came from the MSZP (Hungarian Socialist Party) and 5 abstentions (3 MSZP and 2 Lehet Más a Politika LMP Politics can be Different). The amended law and its application on 1 January 2011 made it possible for ethnic Hungarians, former Hungarian citizens and their descendants, to acquire Hungarian citizenship even if they do not reside in Hungary. Ethnic Hungarians are eligible for citizenship if they speak the Hungarian language and have an ancestor who was a Hungarian citizen. This granted ethnic Hungarians who live abroad the right to claim Hungarian nationality as a second citizenship. Before the amendment, dual citizenship was only possible if the applicant moved to Hungary and naturalization was tied to three to eight years of permanent residency. [278]

The principle underlying the amendment is that ethnic Hungarians are members of the same unified Hungarian nation even if they live abroad and are citizens of other countries. The law

[277] "Policy for Hungarian Communities Abroad: Strategic Framework for Hungarian Communities Abroad" 2013:13

[278]http://www.mfa.gov.hu/NR/rdonlyres/49FE4017-85CF-4086-8625-D61DA3C6625E/0/Act_LV_of_1993_on_Hungarian_Citizenship.pdf Judit Tóth Changes to the Hungarian Citizenship Law July 2010 http://eudo-citizenship.eu/docs/CountryReports/recentChanges/Hungary.pdf 31

entered in force on 20 August, the National Day of Hungary commemorating Hungary's first king St. Stephen and the foundation of the Hungarian state which underlines its significance. The provision of the law that speaks of the eligibility of those "whose Hungarian descent is probable" makes it possible for Csángó Hungarians in Moldva Romania to gain citizenship. Csángó Hungarians live in Romania´s Moldva province and live in isolation from other ethnic Hungarians in Romania. They have not participated in the Hungarian nation-building of the nineteenth century and their ancestors possessed no Hungarian citizenship. [279]

The draft explains that a simplified naturalization procedure would be a great help in the efforts of Hungarians abroad to maintain ties with the kin-state and to preserve their Hungarian identity. It points out that ethnic Hungarians abroad asked for a simplified naturalization procedure many times in the past 20 years. Under the law, some 2, 5 million Hungarians living in neighboring countries are eligible for external kin-state citizenship. The draft stresses that the amendment would not result in granting Hungarian citizenship to a great number of people at once since the naturalization would proceed based on individual application and several administrative burdens would be eliminated.

[279] Nemzetpolitikai Elemző - 2010. November 2, Kitekinto.hu refers to an interview with ministerial commissioner Tamás Wetzel in which he stated that this provision aimed at providing Csángó Hungarians access to Hungarian citizenship.
http://kitekinto.hu/karpatmedence/2010/09/15/ketts_allampolgarsag_nem_az_atvandoroltatas_a_cel/

Ethnic Hungarians in neighboring countries overwhelmingly welcomed dual citizenship. As a member of the Hungarian minority formulated it: "Hungarians across the borders are also Hungarians. Period. Yes, there exists a Hungarian cultural nation that reaches across borders. This nation exists without citizenship too, but if Hungary granted the citizenship (let us not forget with almost uninanimous parliamentary support) this can be means of cooperation for the nation, which many would like to take advantage of."[280] This attitude was also confirmed by Pogonyi`s respondents "Most respondents thought that the introduction of non-resident citizenship in 2010 healed the wounds inflicted on transborder Hungarians in 2004. "The rejection of the Gyurcsány government hurt a lot. But it also made it an even bigger treat that it was introduced by the Orbán government," (R9) thought. To some extent, non-resident citizenship undid or at least weakened the symbolic boundaries between Hungary and transborder kin-minorities. "Now there is only one universal Hungarian nation. You know, there are no external and internalHungarians, but only a single nation," (S1) claimed. According to (R9), "non-resident citizenship confirmed for us that they [Hungarians in Hungary] have accepted us". "Citizenship is about feeling Hungarian, it is about belonging together. It shows that they have accepted and care about us. Until now we have not been admitted, Hungarians living outside the borders have until now been outsiders. Up to now. But now we feel thatwe all belong together" (U2); "I belong here, and I had to become a citizen, I had to feel that I have been officially accepted by the state. Now I will not have to prove that I belong here" (U11)." (Pogonyi 2017, 159-160)

Surveys among ethnic Hungarians in Romania showed that only 9 percent of the Hungarians in Transylvania were against the dual citizenship in July 2012 by September 2014 the number of those opposed to the legislation declined to a negligible 2,6 percent. (Kiss 2016:18-19) The law had a symbolic value for most ethnic Hungarians in neighboring countries since they live in EU countries and can travel and work in Europe. Only for ethnic Hungarians from non-EU countries that is Serbia and the Ukraine does the Hungarian passport mean access to West-European countries. Here ethnic Hungarians can also take advantage of the opportunities offered by the US Visa Waiver Program for Hungarian citizens.

Under the Hungarian citizenship law, ethnic Hungarians apply for citizenship on an individual basis. Theoretically, five million ethnic Hungarians living in neighboring countries and the Western Diaspora could apply for Hungarian citizenship. Eight years after adopting the law,

[280] Czika Tihamér Nem mindegy Èlet és Irodalom *VISSZHANG - LXI. évfolyam, 47. szám, 2017. november 24.* http://www.es.hu/cikk/2017-11-24/czika-tihamer/nem-mindegy-.html

fears that large-scale granting of double citizenship to non-resident ethnics would result in a substantial increase in EU citizens from non-EU countries failed to materialize.

Pogonyi concludes his study of the reactions of nation states to dual citizenship in post-communist Eastern and Central Europe by stating that: "Disputes over non-resident citizenship rarely go beyond minor diplomatic friction, and violent conflict may occur even in the absence of extraterritorial citizenship. Despite the often harsh rhetoric, even nationalizing Central and Eastern European state actors do not often risk their rational interests for the sake of helping their transborder kin. If they do get involved in interstate conflict
over transborder kin, they may do so without the pretense of fulfilling their duties
towards their extraterritorial citizens." (Pogonyi, 2017, 40)

7.6 Right to Vote for New Citizens

The Law on the Election of members of Parliament was amended in 2011 to give the new citizens the right to vote in Hungarian parliamentary elections. The preamble of the Law declared that "Hungarian citizens living beyond the borders of Hungary shall be a part of the political community."[281] Under Hungary´s mixed electoral system citizens who reside in Hungary have two votes: one for territorial candidates and one for the national list. The vote of those Hungarian citizens who do not reside in Hungary may only be cast for the national party list. This means that of the 199 parliamentary mandates their votes can influence only the 93 national list mandates and have no say in the distribution of 106 territorial mandates. Non-resident citizens are required to register to vote and can also do this on line. They can cast their votes per post. Opposition parties that Hungarian citizens with residence in Hungary who work and live abroad can only cast their votes at diplomatic missions.[282]

For many Hungarian minority communities gaining the citizenship of the kin state and non-resident voting rights were a long-awaited recognition of their ethnic identity and a support for their communities. Voting rights for non-residents serves as an example of how citizens share their identities and allegiances. Iván Halász speaks of the transborderisation of elections, which

[281] ACT CCIII OF 2011 ON THE ELECTIONS OF MEMBERS OF PARLIAMENT
[282] Act XXXVI. of 2013 about electoral procedure, http://net.jogtar.hu/jr/gen/getdoc.cgi?docid=A1300036.TV http://www.jogi.hu/hirek/29792. Accessed on 27 April 2015. [282]

has reached the region of East-Central Europe and involves not only the migration of electors, but also of elections and election mechanisms.[283]

Several scholars criticized the granting of citizenship and the right to vote to ethnic Hungarians abroad for stretching the boundaries of the political community and placing a burden on Hungary`s democratic development. "The new regulations on citizenship – in keeping with the fact that the Fundamental Law indicates as the source of constitutional authority, in place of the people, an ethnically-based "single" Hungarian nation (article D) – serve to ethnicize, in the extreme, the procedure for obtaining citizenship. Although the extension of Hungarian citizenship to persons living abroad is not worded directly into the Fundamental Law, this step brings irreversible and far-reaching changes to the boundaries of the political community."… "Given that the populations of Hungarian communities abroad amount to several million people, in the electoral system of a country with 10 million inhabitants the extension of voting rights as described above could lead to substantial anomalies – consider, for example, the approval of the state budget with the supporting votes of representatives' of citizens who, at best, only bear the social and economic consequences of the decision in a limited extent. The detailed rules on the extension of voting rights abroad will greatly influence the quality of Hungarian democracy in the future." [284]

Under the electoral system, the number of mandates non-resident voters can win is one or two depending on voter participation. Votes of the ethnic kin have special significance if the results of the votes are very close. (See below) Much of the criticism of the right to vote of Hungarians abroad must be seen in the framework of the controversy in Hungary between the two political camps over who are part of the Hungarian nation. Left wing parties feared that the ethnic kin would vote for the conservative parties who made their ballot possible in the first place. In 2006, Fidesz's candidate for deputy prime minister István Mikola addressed these fears when he envisioned a twenty-year-period in government for Fidesz through granting voting rights to Hungarians beyond the borders.[285] The fears of opposition parties that non-resident votes will support Fidesz were confirmed as the overwhelming majority of the ethnic kin cast their ballots

[283] https://www.jus.uio.no/english/research/news-and-events/events/conferences/2014/wccl-cmdc/wccl/papers/ws6/w6-halasz.pdf

[284] Opinion on the Fundamental Law of Hungary, June 2011, 13 http://lapa.princeton.edu/hosteddocs/amicus-to-vc-english-final.pdf

[285] http://www.hetek.hu/hit_es_ertekek/200603/pasztorbotot_orbannak

for Fidesz in the 2014 and the 2018 elections. Newly naturalized non-resident Hungarians consider it a moral obligation to participate in the Hungarian parliamentary elections and support the party that made available citizenship and offered symbolic membership in the Hungarian nation. Non-resident citizenship enables ethnic Hungarians to entrench perceived ethnic boundaries and symbolically distance themselves from titular majorities in the neighboring countries, and through this, elevate their social status. (Pogonyi 2017)

Scholars warn, however, that the voting behavior of the kin-population is difficult to predict. Even if they prefer one political camp at the time, they are granted voting rights this could soon change. Speculations in France based on the experience of the 2007 presidential elections that electoral reform would help the center-right government were disproved when the left wing won in 2012 elections with the help of external voters.[286] Similarly in Italy the hopes of the Berlusconi government that electoral reforms would help its reelection were disappointed when the center-left won. *(*Pogonyi 2014: 136)

7.7 New Government Structure

Following the 2010 parliamentary elections, a new government structure was set up which aimed at creating the conditions for carrying out the strategic goals of the government in national policy. The aim was to create the necessary institutional framework to ensure that the policy toward the ethnic kin was taken into account at the levels of decision making and execution and was present at all levels of the public administration. The policies toward Hungarians abroad were coordinated by an inter-ministerial entity in which representatives from seven ministries participated. This reflected the increased political weight of the ethnic kin within the government and the determination that all key ministries should be involved in carrying out the policy. The government's program details how the Hungarian public administration will carry out the national policy and its implications for Hungarian communities abroad. A key element is the coordination of policy on all levels of Hungarian politics that evaluates the opinion of all actors involved. Kin state policy became part of Hungarian public administration and public servants were trained to handle it professionally. (Kántor npa, 2013, 174-175)

[286] http://hungarianglobe.mandiner.hu/cikk/20130327_citizenship_and_voting_rights

Under the new institutional framework, the State Secretariat for Hungarian Communities Abroad NFA (Nemzetpolitikáért Felelős Államtitkárság) was moved from the Ministry of Foreign Affairs to the Ministry of Public Administration and Justice and was headed by the Deputy Prime Minister. The government put Deputy-prime minister Zsolt Semjén in charge of the policy toward Hungarians abroad. The post of State Secretary for Hungarians Abroad was created. New departments dealing with Hungarians abroad were set up in several ministries (e.g. Ministry of National Economy, Ministry of National Resources).

Following the 2014 elections, the NFA was moved to the Prime Minister's Office. The Secretariat falls under the jurisdiction of the deputy prime minister in charge of national policy and its daily operation is supervised by the deputy state secretary in charge of national policy. The NFA was put in charge of coordinating the ties between Hungarian state organs and representatives and organizations of Hungarians abroad. (Kántor npa, 2013, 174-175)

The Secretariat also oversees the system which provides funds to Hungarians abroad. The NFA supervises allocations from the state budget to determine whether they are used efficiently and in a transparent way. It also coordinates the work of the Interministerial Committee for Hungarian Communities Abroad (Nemzetpolitikai Tárcaközi Bizottság – NPTB) which was created by the government to harmonize the work of the departments that deal with issues relating to the ethnic kin. The Committee is headed by the Deputy Prime Minister, while its vice-president is the parliamentary state secretary at the Ministry of Foreign Affairs. The NPTB meets at least two times a year. Among the most important tasks of the Committee is to provide information for the Government´s policy toward Hungarians abroad, to coordinate and assess the tasks needed for the policy and to harmonize the other ministries' activities toward ethnic Hungarians. The Committee is also to ensure that budget resources devoted to national policy are used in the most efficient way. The government`s aim was to restructure aid in a way that it was centralized and transparent.[287]

In 2011 the Bethlen Gábor Fund was established to manage and coordinate the financial support for Hungarians abroad. It provides grants to local governments and civil organizations in neighboring countries to promote Hungarian language and culture. (www.bgazrt.hu) The Fund finances the operation of the House of Hungarians (Magyarság Háza) and the Research Institute for Hungarian Communities Abroad. The House of Hungarians provides offices to Hungarian organizations and organizes programs that seek to show the life of Hungarian communities

[287] Nemzetpolitikai Eredmények_2010_2018pdf.pdf Miniszterelnökség Nemzetpolitikai Államtitkárság, Bethlen Gábor Alapkezelo Zrt. Budapest: Bethlen Gábor Alapkezelo Zrt. 2018

abroad to the Hungarian public. The government's Research Institute for Hungarians Abroad carries out research on ethnic Hungarians living abroad, makes suggestions for research on minorities and processes its findings for implementation by policy makers. The government also set up the Nemzetstratégiai Kutatóintézet the Research Institute for National Strategy. The Institute is devoted to researching how Hungarian identity in the Carpathian Basin and worldwide can be preserved and Hungarian heritage reformulated in a modern way.[288]

The Bethlen Gábor Fund also manages the program Határtalanul! (Without Borders!) which seeks to promote national cohesion by organizing transborder trips for Hungarian students in Hungary and in neighboring countries to visit sites connected to Hungarian historical events. The aim of the trips is to give students an opportunity to get to know historical sites, many of which lie outside Hungary, and to inculcate solidarity with Hungarian communities. (Pap, 2013) Between 2013 and 2017, 183,000 students participated in the program.[289]

In 2015 the Hungarian parliament declared November 15 as "Hungarian Scattered Communities Day." (A Magyar Szórvány Napja) The declaration stated that the scattered communities in neighboring countries were diminishing at the fastest rate and needed the help of the Hungarian government to help stop the decline. November 15 is a symbolic day that marks the birthday of Gábor Bethlen the prince of Transylvania in the seventeenth century. Transylvania prospered under Bethlen`s rule through sound economic policies that promoted industry and foreign trade. He was also a patron of the arts and implemented social policies that furthered education through the Bethlen Gábor College. He also supported the education of Hungarian academics abroad at the Protestant universities of England, the Low Countries and of Germany. The *Petőfi Sándor Program* focuses on dispersed Hungarian communities in the Carpathian Basin. Under the program, interns from Hungary are sent to help the work of Hungarian organizations living in scattered communities. Since 2015 140 interns were sent to the communities. They helped reopen Hungarian schools and offered language training. The interns also promoted the operation of existing weekend and Sunday schools. [290]

[288] http://www.nski.hu/mission.html, http://szekelyhon.ro/vilag/a-magyarsag-szolgalataban-a-nemzetstrategiai-kutatointezet?utm_source=mandiner&utm_medium=link&utm_campaign=mandiner_201302

[289] https://kronika.ro/kulfold/semjen-a-kulhoni-magyaroknak-jar-az-autonomia-az-allampolgarsag-es-a-szavazati-jog

290 Az Országgyűlés . . ./2015. (. . .) OGY határozat a a Magyar Szórvány Napjáról, 28 September 2015, https://www.parlament.hu/irom40/06390/06390.pdf

7.8 Forums for Ethnic Hungarians

The Hungarian National Assembly and Hungarian-Hungarian Forums make the decisions concerning the policy toward the ethnic kin. A major goal of the government was to increase the dialogue with Hungarians abroad and incorporate their views in its decision-making process. Here institutionalized forums between the Hungarian government and representatives of Hungarian communities play a key role.

Prime Minister Orbán reconvened on 5 November 2010 Hungarian Standing Conference (MÁÉRT) after six years of break under Prime Minister Gyurcsány. MÁÉRT meets at least once a year and has resumed its position as the most important political forum where Hungarian government officials meet with representatives of ethnic Hungarian communities. MÁÉRT currently has 4 working committees: Committee on Foreign and Legal Affairs, Committee on Education and Culture, Committee on Economy and Local Government and Diaspora Committee. In November 2011, the MÁÉRT adopted the document entitled "Hungarian National Policy – Framework of the strategy of national policy" The member organizations of MÁÉRT reached consensus regarding the basic goals of Hungarian national policy and agreed on how these goals should be achieved in practice. The document formulated goals that promote the wellbeing and growth of Hungarian communities abroad. It stated as its goal that "more Hungarians become members of prospering communities; they do not assimilate and are characterized by positive growth and a good quality of life. The identity of the members of the community which undergo a spiritual growth is strong, they accept the community's norms as their own, the knowledge that they possess is competitive in the world, they preserve and develop the cultural treasures of the community. The community experiences economic growth through coordinated development by taking advantage of the available possibilities, using networks that reach across the borders…Members of the community also experience a growth in their legal rights, use their rights with self-confidence, protect and when needed expand those rights." [291]

Another important forum is the Forum of the Hungarian Representatives of the Carpathian Basin (Kárpát-medencei Magyar Képviselők Fóruma – KMKF). The former speaker of the Hungarian Parliament and the candidate of the Hungarian Socialist Party for the Presidency

[291] http://bgazrt.hu/_dbfiles/htmltext_files/7/0000000207/cselekves_2013.pdf

Katalin Szili initiated the setting up of the Forum in 2004. [292] It first convened in 2004 and served as a forum for ethnic Hungarians in neighboring countries who were elected at the national, county or local level and Hungarian members of the European Parliament. It had a symbolic meaning to ethnic Hungarians abroad because the Hungarian parliament served as a forum for dialogue at a time when the socialist liberal governments were not interested in policy input from ethnic Hungarian parties. Throughout the years the KMKF promoted cooperation between Hungarian parliamentarians and Hungarian representatives from neighboring countries After 2010 KMKF also received the tasks of specializing in parliamentary communication and establishing long-term strategies for parliamentary cooperation. This supplements the work of MÁÉRT which takes up issues concerning political and governmental communication.[293] Katalin Szili became an advisor to Prime Minister Orbán who specializes in questions relating to achieving autonomy in neighboring countries.

7.9 Hungarian Diaspora Programs

The Hungarian saying that "Hungarians are everywhere" is reflected in the size of the Hungarian diaspora which is estimated at 2.5 million around the world which is roughly equal to the number of Hungarians who live in neighboring countries. The term diaspora encompasses those Hungarians who emigrated to the West during various periods of Hungarian history. The largest number of Hungarians outside the Carpathian Basin are found in the U.S. where some 1.400.000 have Hungarian roots. The attitude of the Hungarian state toward the diaspora, Hungarians who emigrated to the West begun to change following the political changes of 1990. The communist regime strongly limited contacts to emigrants in the West, many of whom left Hungary following the communist takeover or the suppression of the Hungarian revolution of 1956. Emigrants were often regarded as enemies of socialism and many were anti-communist with conservative views. Following the change of regime, the attention of the Hungarian government under József Antall first focused on helping autochthonous ethnic Hungarians in neighboring countries. A civic organization the World Federation of Hungarians was responsible for contacts to the diaspora and the Hungarian Standing Committee of the

[292] http://www.mediaklikk.hu/2014/12/05/10-eves-a-karpat-medencei-magyar-kepviselok-foruma/ . Ódor, Á. Szesztay (eds) (2009) *Nemzetpolitikai konszenzus dokumentumokban. A KMKF nemzeti együttműködési stratégiája és szakpolitikai koncepciói 2004–2009*. (Budapest: KMKF) 181

[293] http://www.magyarszo.com/hu/2544/kulfold_magyarsag/119328/%C3%9Cl%C3%A9sezett-a-K%C3%A1rp%C3%A1t-medencei-Magyar-K%C3%A9pvisel%C5%91k-F%C3%B3ruma.htm

Hungarian parliament. A diaspora program the aimed at Hungarian emigrants around the world was introduced under the Orbán government which sought to "reconnect" them to Hungary and make them part of the unified Hungarian nation.

In 2011 the government set up the Hungarian Diaspora Council to represent the interests of the worldwide diaspora. In its founding declaration the Council stated that "Twenty years after the political transition of 1989/90, the interests of the Hungarian Diaspora are receiving due attention in policies affecting Hungarian communities abroad. The government of national priorities is also committed to meeting the responsibilities expressed in the Fundamental Law regarding the Hungarian Diaspora." [294]The Council is an independent body made up of members of the diaspora communities that focuses on the special needs of Hungarians living in diaspora and seeks to help Hungarian communities around the world maintain their Hungarian identity and language. The Council is a forum that mediates between diaspora organizations and the Hungarian parliament. Different governmental projects launched that specifically targeted the Hungarian diaspora. The established diaspora communities became the partner organizations of the Hungarian Diaspora Council and receive most of the scholarships and grants.

Compared to ethnic Hungarians in neighboring countries far fewer Hungarians from the diaspora took up Hungarian citizenship and only a few thousand registered to vote. A key difference between the two communities that while ethnic Hungarians wage a daily battle for their ethnic identity with the majority, Hungarians in the diaspora as a rule do not feel that their identity is threatened by the society where they live. In fact, the Hungarian identity of most diaspora Hungarians is regarded by the majority as a positive feature. Hungarians in the US refer to themselves and are referred to as Hungarian Americans which reflects their integration into American society. Pogonyi found substantial differences among ethnic Hungarians from neighboring countries and from the diaspora. He concluded: "Unlike Hungarians in the transborder region, for whom Hungarian ethnicity is part of their everyday life experience, most Hungarians in the overseas diaspora have a less regular and intense relationship to Hungarian identity. Bearing in mind the diversity of migration histories and current diaspora engagement practices, the experience of diaspora Hungarians varies quite significantly. Hungarians moving to the United States and Israel from different transborder kin-minorities in different historical times have very different ethnic experiences, and the type of belonging also varies along

[294] https://bgazrt.hu/wp-content/uploads/NPKI_Analyses/elemz%C3%A9s_angol_diaspora.pdf

generational divides." (Pogonyi 217, 151) Pogonyi found that:" Because of the bigger social distance from Hungary, Hungarians in the diaspora who considered their Hungarian ancestry constitutive of their identity constructed an image of Hungary and the Hungarian nation that is homogenous, unchanging and outside regular temporalities. In the narratives of second and third generation overseas Hungarians with a sense of belonging to the Hungarian nation, the image of Hungary and the Hungarian nation mirrored the nostalgic memories and stories of ancestors rather than personal experiences or contemporary realities. To a large extent, they were interested in the Hungary their parents were acquainted with,and tried to see contemporary Hungary through the eyes and memories of their parentsand grandparents. " (Pogonyi 2017, 152)

The *Kőrösi Csoma Sándor Program* aims to develop the Hungarian language skills of diaspora Hungarians, encourage their community activity and strengthen their relations with Hungary. Within the framework of the program, Hungary sends interns to local Hungarian communities in Australia, Canada, the United States, Western Europe, and South America to help them preserve Hungarian culture, and foster Hungarian organizations' ties to the motherland.[295]

The government supported the "ReConnect Hungary" and the Hungarian Birthright Program initiated by the Hungarian-American cultural institution (Kossuth Foundation) which targets non-Hungarian speaking members of the diaspora, of the first-, second-, third or more generations. Hungarian-Americans get to know Hungary "to rediscover their Hungarian self." ReConnect Hungary focuses on young individuals in the diaspora aged 18-21. They participate in sight-seeing programs and meet with high-ranking Hungarian politicians such as Prime Minister Viktor Orbán and Parliamentary President László Kövér. The knowledge of the Hungarian language and proof of the Hungarian ancestry are not requirements for participating in the program. (Kovács, 2014, 1-63) The ReConnect Hungary program received very positive responses from the Hungarian American diaspora many of them volunteered to function as "good-will ambassadors" for Hungary. The former governor of New York and his daughter Allison Pataki embraced the program as well as László Hámos, president of the Kossuth Foundation and of the Hungarian Human Rights Foundation. "The pioneer of birthright journeys is Israel: it initiated its "home tourism" program for the diaspora in the 1990s, and by now more than 200 00 persons of Jewish ancestry have participated in it." (Herner-Kovács

[295] Nemzetpolitikai Eredmények_2010_2018pdf.pdf Miniszterelnökség Nemzetpolitikai Államtitkárság, Bethlen Gábor Alapkezelo Zrt. Budapest: Bethlen Gábor Alapkezelo Zrt. 2018: 67

Eszter, 2014, 14) The Hungarian government also launched, the *Hungarian Register* website to establish direct contact with Hungarians living in different parts of the world. The Hungarian Diaspora Council launched the Julianus program in 2012 with the objective to create a comprehensive register of the Hungarian material heritage located in the diaspora and create broad access to its data. The aim of the program is to present Hungarian material heritage which are to be found in the diaspora territories and giving an overview of how Hungarian communities living in the diaspora have contributed to the universal Hungarian culture. The Julianus Program aims at "creating a comprehensive register of the Hungarian material heritage – buildings, works of art, monuments, memorial plaques, streets, libraries, archives, museums etc. – in order to promote the wide-spread familiarization of the Hungarian culture. With the modern systematization of such Hungarian material heritage we can get an overview of how Hungarian communities living in diaspora have contributed to the universal Hungarian culture." https://www.nemzetiregiszter.hu/julianus-program-en The *Mikes Kelemen program* "focuses on preserving the diaspora's material heritage, collecting its elements in a systematic manner, transferring them to Hungary and making provision for their appropriate utilization. The program which was established with the cooperation of the State Secretariat for Hungarian Communities Abroad of the Prime Minister's Office and the National Széchényi Library, started its work on 1 January 2014. The feedbacks from diaspora organizations have shown that books, the documents of archives, correspondance, newspapers and printouts presenting the life of communities which have been collected carefully over the past decades are in serious danger, often being on the verge of destruction. https://www.nemzetiregiszter.hu/mikes-kelemen-program-en

7.10 System of Financial Aid

Since 2010 financial aid to ethnic Hungarians has greatly increased. According to the State Secretariat for Hungarian Communities Abroad, in 2009 9 billion forints was spent on Hungarian communities abroad in 2017 over 100 billion forints was allocated for this purpose. This amounts to a tenfold increase. The amount available for the year 2018 is close to 100 billion forints.[296]

Experts criticize the current system of financial aid for lack of transparency. According to them, the current structure of the financial institutional system has too many centers and parallel

[296] Nemzetpolitikai Eredmények_2010_2018pdf.pdf Miniszterelnökség Nemzetpolitikai Államtitkárság, Bethlen Gábor Alapkezelo Zrt. Budapest: Bethlen Gábor Alapkezelo Zrt. 2018:56

programs. Funds and programs come from various levels of the government such as ministries and state secretariats. Parliamentary President László Kövér, who has always taken a special interest in Hungarians abroad, supports additional parliamentary programs and funding for ethnic Hungarians. Bárdi puts the number of those institutions who are involved in carrying out kin state policy at 30 most of whom also allocate funds. The decentralization of the funds and programs makes it difficult to establish a link between subsidies and how effectively they are used.

Critic has also been voiced that the government fails to take expert opinion into account when making decisions about the financial support and investments for ethnic Hungarian communities. A main objection is that the system of financial support gives infrastructural and real estate investment priority over the development of human capital and knowledge. (Bárdi 2017:142,152)

Hungarian decision-making is also viewed as excessively centralized and not capable of assessing what type of investments are needed and how effective they are. One frequently cited case is investment in building of kindergartens in areas where there are adequate facilities. The government argued that the renovation and modernization of kindergartens also aims at attracting not only the members of the Hungarian minority but also members of the majority society. (Bárdi 2017:142,152, 153)

The left-wing governments who ruled between 2002 and 2010 placed the emphasis not on subsidies but on programs that would strengthen Hungarian communities economically through developmental programs, cross-border cooperation, programs funded by the European Union.[297] The experts of the Hungarian Socialist Party (MSZP) and the Alliance of Free Democrats (SZDSZ) "developed a view of Hungarian nation policy which focused on economic and social development. Instead of economic support, they spoke of cooperation and of creating favourable conditions for islands of modernisation in the long run. … Another potential area, in their view, was the training of managers, education and infrastructure, which could attract foreign capital to areas inhabited by Hungarians and facilitate their joining various European Union projects." They also advocated "economic cooperation along the borders with the support of small and medium enterprises as a possible field of concrete cooperation. The funds needed for such an economic revival were, however, not available and support for ethnic

[297] Erika Törzsök, ed. Szülőföld Program. Stratégiai tanulmány (Homeland Program. Strategic Study) Budapest, 2005.

communities continued to take place through agreements and deals between the political elite. (Bárdi 2004:75)

The left-wing governments recognized the dominant ethnic parties as the "legitimate representatives" of the minority communities and allowed them to distribute the Hungarian state subsidies. "By this, left-wing governments basically accepted the status quo within the political fields of the minorities, which resulted in reinforcement of the dominance of the "moderate" factions. Erika Törzsök, who had a decisive say about the policy toward Hungarians abroad during the governments of Gyula Horn, Ferenc Gyurcsány and Gordon Bajnai, "ironically but rather pertinently called the party leaders of Hungarian minorities "elected princes" (in sarcastic allusion to the prince electors of the Holy Roman Empire)." (T. Kiss et al. 2018, 130-131) Törzsök imagined the Hungarian communities abroad as a "colorful folk weave" who are basically separate and organize themselves on a rational basis.

7.11 Economic development of the Carpathian Basin

The strengthening of the economic role of Hungary in the Carpathian Basin is defined by the government as the key to the success of kin state policy. The Program of National Cooperation calls for the restoration of the "Carpathian Basin Economic Space" and for transborder economic cooperation to strengthen the economic weight of Hungarians in the region. Economic development of the regions where Hungarians live became a key part of the government's national policy. [298]

Orbán declared that the "goal is to rebuild the Carpathian Basin. To be more specific, this primarily means that we must physically interconnect the smaller territory of today's Hungary with areas of the Carpathian Basin outside Hungary. To achieve this all motorways and dual carriageways must extend as far as the country's borders, and we must build the rapid rail systems which will enable us to travel from, say, Kolozsvár [Cluj-Napoca] to Budapest. The

[298] Policy for Hungarian Communities Abroad – Strategic framework for Hungarian communities abroad (2011) State Secretariat for Hungarian Communities Abroad.http://www.nemzetiregiszter.hu/download/9/a2/00000/Magyar%20nemzetpolitika% 20A4.pdf (see excerpts in English:https://www.nemzetiregiszter.hu/download/ b/12/10000/policy_2013.pdf)

legacy of the Treaty of Trianon is clearly demonstrated by the fact that today one cannot drive from Budapest to Pozsony [Bratislava] on a single uninterrupted stretch of motorway, that there is no motorway link between Miskolc and Kassa [Košice], and that there is no dual carriageway between Pécs and Eszék [Osijek]." [299]

He also announced that parallel to building the Carpathian Basin "we should also build Central Europe. Our approach to Central Europe is channelled through romantic language-based ideas and feelings. When we seek to define what Central Europe is, we essentially think in terms of novels, films, literary works and musical compositions. By contrast, it does not exist as an organised economic region. For instance, the fact that one cannot travel from Warsaw to Budapest by motorway clearly shows that Central Europe does not yet exist as an economic reality. There are Central European countries, but these are not connected and organised into a single economic region. It is in the interest of us Hungarians that, if we manage to reorganise the Carpathian Basin, then the entire Central European region – including its territories beyond the Carpathian Mountains – should be in a single transport and economic infrastructure. And if necessary we should be able to pursue independent economic policy in both eastward and westward directions, and set for ourselves our own Central European goals. This will involve many things – from the banking system to connecting our transport systems together. In the field of politics this aim is embodied in the V4 [Visegrád Group]. [300]

At his inaugural speech following the 2018 elections Orbán addressed Hungary's neighbors "I would like to convince our neighbours that in cooperation we can transform the Carpathian Basin into Europe's safest, fastest growing, unified economic, trade and transport region. In the past few years we have provided ample evidence that there is no reason to be afraid of the Hungarians, and those who cooperate with us reap the benefits." [301]

The Strategic Framework for Kin State Policy declares that "The basic principle of the relationship between Hungary and Hungarian communities abroad, as well as the survival of Hungarian communities abroad, is that Hungary has to successfully increase its political, economic, and cultural role in the region. Only under this condition can assimilation be

[299] http://www.miniszterelnok.hu/prime-minister-viktor-orbans-speech-at-the-8th-plenary-session-of-the-hungarian-diaspora-council/

[300] http://www.miniszterelnok.hu/prime-minister-viktor-orbans-speech-at-the-8th-plenary-session-of-the-hungarian-diaspora-council/

[301] Viktor Orbán's full speech for the beginning of his fourth mandate https://visegradpost.com/en/2018/05/12/viktor-orbans-full-speech-for-the-beginning-of-his-fourth-mandate/

hindered, and vigorous, developing communities be maintained and supported" Hungary has to transform itself into the region´s "most modern and creative country" and increase the attractiveness of belonging to the Hungarian nation.[302]

Several economic plans also targeted the regions where ethnic Hungarians live. Orbán asked the Hungarian ethnic parties "to conduct negotiations with the majority state in order to reach the agreement that is essential for the continuation of Hungarian economic development programmes. A http://www.miniszterelnok.hu/central-european-regions-strength-to-gain-in-importance/ Central European region's strength to gain in importance 19. 11. 2018. Cabinet Office of the Prime Minister/MTI

The Wekerle Plan aims at coordinating infrastructural investment and creating a unified job market in the Carpathian Basin. The Plan was formulated by the Minister of National Economy György Matolcsy in 2011. The goal was to create by 2020 an economic arena in the Carpathian Basin in which the countries of the region reach the level of economic development of West European countries.[303],

The Széchenyi Plan aims at stimulating the economy through distributing resources to Hungarian small and medium-sized enterprises through a new simple tender system.[304]

The government also launched annual institutional development programs which concentrated on varying themes relating to education, training and business development. In 2012 it was kindergartens, in 2013 small schools, in 2014 secondary schools, in 2015 vocational training, in 2016 young entrepreneurs, and in 2017 family businesses.[305]

The goal is to create job opportunities and improve the standards of living of ethnic Hungarians in their homelands to prevent their outmigration to Hungary or to the West. The program identifies entrepreneurs as the key economic actors in Hungarian populated areas and focuses

[302] "Policy for Hungarian Communities Abroad: Strategic Framework for Hungarian Communities Abroad" 2013:12.
[303] http://www.maszol.ro/index.php/hatter/4046-wekerle-terv-a-szomszedok-felfedezese https://mno.hu/gazdasag/csendben-kimult-a-wekerle-terv-1332316
[304] http://gazdasagfejlesztes.gov.hu/en/new_szechenyi_plan
[305] http://www.portfolio.hu/gazdasag/karpat-medencei-tokealap-felallitasarol-dontott-a-kormany.265857.html

on supporting them. It cites surveys which show that 60 percent of the young Hungarian entrepreneurs and 76% of the family entrepreneurs have no plans to leave their homelands.[306] In 2016 the government spent 150 billion forints to help the development of regions where ethnic Hungarians live.[307] In 2016 programs were started in Vojvodina Serbia and in Subcarpathia in Ukraine. In 2017, an economic investment program started in Slovakia. [308]

At the press conference following the Serbian-Hungarian intergovernmental summit in April 2019, Orbán announced that the two governments agreed to open new border crossings and reduce the traveling time between Budapest and Belgrade by train from the current seven to eight hours to two to three hours. The two sides also agreed that Hungarian economic developmental programs will not only take place in Vojvodina but also South of Belgrade. [309]

In Slovakia, the Baross Gábor Plan will be implemented to promote small- and medium-sized enterpreneurs which will be worked out by the Hungarian ethnic party Magyar Közösség Pártja (MKP) Party of the Hungarian Community.[310]

In the Ukraine, Subcarpathia, one of the poorest and war-stricken regions where ethnic Hungarians live the Hungarian government supplements or finances the running of the Hungarian language school system as well as other social facilities.[311] Its social program supports Hungarian teaching and church staff, health workers, actors, journalists, and the staff of cultural institutions. Children in kindergarten and elementary education are provided free meals. Members of the majority nation often also benefited from the subsidies. Hungarian language courses were offered to Ukrainians to help the acceptance of the Hungarian language and promote the Hungarian language schooling of children who were born in Ukrainian-Hungarian marriages. Interest among Ukrainians to learn the Hungarian language was great since they could then qualify for gaining a Hungarian passport which opened the door to

[306] Nemzetpolitikai Eredmények_2010_2018pdf.pdf Miniszterelnökség Nemzetpolitikai Államtitkárság, Bethlen Gábor Alapkezelo Zrt. Budapest: Bethlen Gábor Alapkezelo Zrt. 2018:7.
[307] Gazdaságilag is támogatják a külhoni magyarokat, Hungarians abroad also receive economic support, 17 March 2017, http://tiszanews.org.ua/index.php?module=news&&target=get&id=17735
[308] Ibid.
[309] 19 April 2019, http://www.miniszterelnok.hu/statement-by-viktor-orban-at-a-press-conference-following-the-serbian-hungarian-intergovernmental-summit/
[310] A térségeket kell felvirágoztatni, The regions have to be revitalized, 17 March 2017, http://felvidek.ma/2017/03/a-tersegeket-kell-felviragoztatni/
[311] The Hungarian community has expressed repeatedly since the independence of the Ukraine its wish for autonomy or self-government in the regions where it lives. In 1991, ethnic Hungarians in Subcarpathia voted in referenda with an overwhelming majority for autonomy. The majority nation ignored the referendum since it was preoccupied with its own nation-building and the country's ethnic homogenization. Fedinec Csilla: Magyarok Kárpátalján (Ukrajnában) (2015) Etnoregionális szándékok elméletének és gyakorlatának néhány aspektusa Fórum Társadalomtudományi Szemle: A Szlovákiai Magyar Tudományos Műhelyek folyóirata.

Hungary and the West. [312] The "Egán Ede program" was launched in the region which provides 12 and 20 billion HUF (39 and 65 million EUR) in subsidies and preferential loans to enterprises.[313] (Tátrai et al 2017, 211) The program focuses on helping family and small and middle-sized enterprises especially in the fields of agriculture, tourism and manufacturing. Tensions between Hungary and the Ukraine over a language law that bans the teaching of minority language beyond primary school also affected economic relations. Ukraine was outraged that Hungary appointed a ministerial commissioner for the development of Transcarpathia interpreting this as an interference in Ukraine's internal affairs and put pressure on entreprenuers who took part in the developmental programs.[314]

In 2017, the government set up a Carpathian Basin investment fund to promote investments by businesses registered in Hungary. The goal was to increase the amount of Hungarian capital and the number of Hungarian owned enterprises which employ Hungarians.[315]

8. VIEWS ON DUAL CITIZENSHIP IN HUNGARY AND AMONG ETHNIC HUNGARIANS

8.1 PUBLIC PERCEPTIONS ABOUT THE NATION

While for decades under communism for most Hungarians the concept nation encompassed only those living on the territory of the nation, slowly the perceptions of the Hungarian public toward ethnic Hungarians changed. (Lázár 2013) Increasingly Hungarians see ethnic Hungarians in neighboring countries as part of the Hungarian nation and most of them approves granting them dual citizenship.

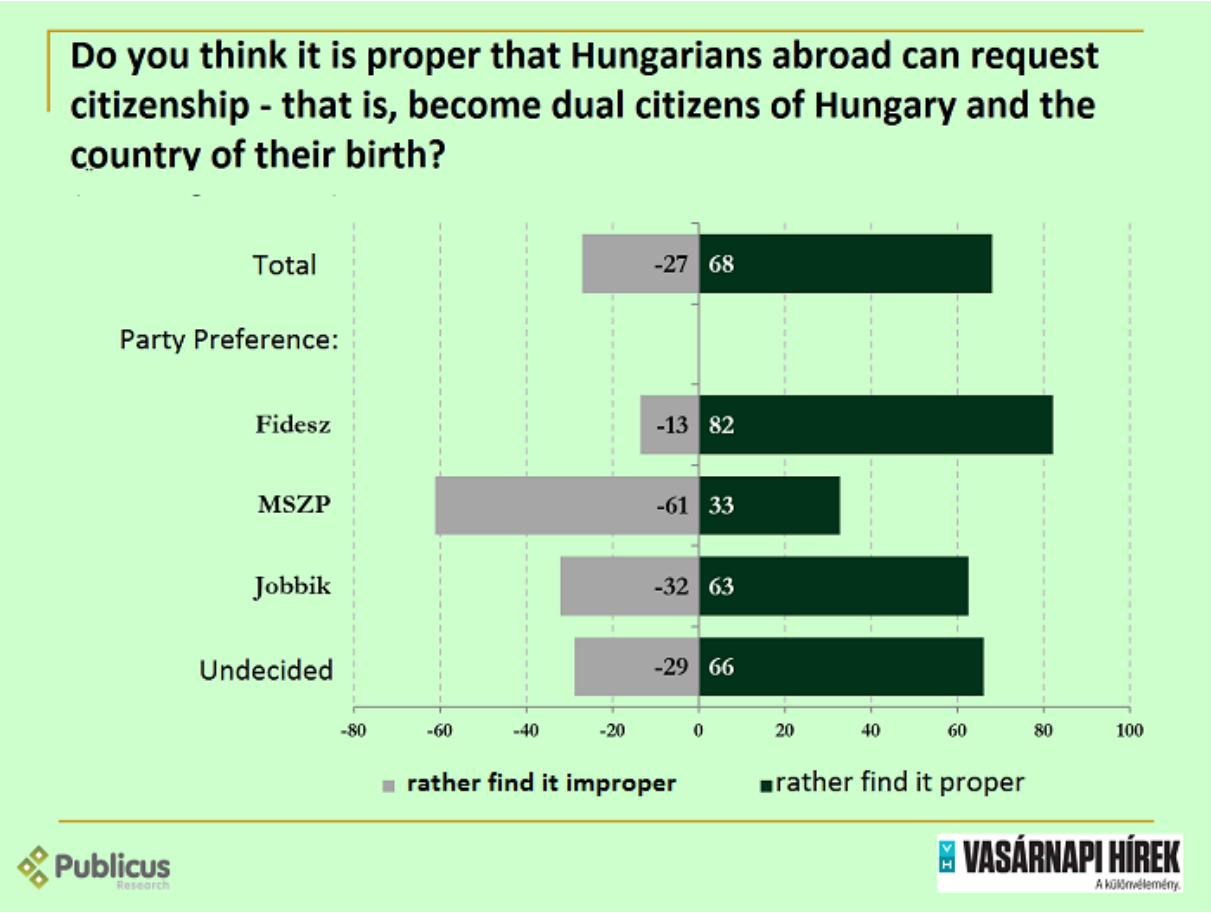
[312] Nemzetpolitikai Eredmények_2010_2018pdf.pdf Miniszterelnökség Nemzetpolitikai Államtitkárság, Bethlen Gábor Alapkezelo Zrt. Budapest: Bethlen Gábor Alapkezelo Zrt. 2018: 46,54)
[313] https://eganede.com/egan-ede-terv.pdf
[314] https://kafkadesk.org/2018/10/11/tensions-between-hungary-and-ukraine-escalate-whats-it-all-about/ http://www.origo.hu/nagyvilag/20180925-brenzovics-a-magyarok-elleni-hangulatkeltes-volt-a-kettos-allampolgarsag-koruli-botrany-celja.html http://www.origo.hu/itthon/20180923-szijjarto-peter-ha-ukrajna-konzult-utasit-ki-aranyos-valaszt-ad-magyarorszag.html
[315] http://www.portfolio.hu/gazdasag/karpat-medencei-tokealap-felallitasarol-dontott-a-kormany.265857.html MTI, 20 October 2017.

A representative survey commissioned by the oppositional newspaper Vasárnapi Hirek at Publicus in the summer of 2017 found that 68 percent of those surveyed would grant ethnic Hungarians Hungarian citizenship. Among the parties which supported the citizenship Fidesz voters scored the highest at 82 percent, followed by Jobbik at 63 percent and undecided voters at 66 percent. Only 33 percent of the voters of the Hungarian Socialist Party (MSZP) were in favor granting Hungarian citizenship while 61 percent were against it. When the question regarding the dual citizenship formulated in a way that called attention to the fact that dual citizens do not pay taxes in Hungary the number of those opposing dual citizenship was at 46 percent higher than those who favored it (44 percent). Fidesz voters scored the highest at 50 percent among those still favoring dual citizenship. [316]

Another representative survey in December 2017 found that the majority of Hungarians 54% favor giving citizenship to Hungarians abroad. Only 30 percent of those surveyed supported giving Hungarians abroad voting rights and 57% were against voting rights. (A representative survey by Závecz Research in December 2017 Elmúlt 8 Év Hirtv 3 December 2017) The latest polls of January 2018 from the Republikon Institute also showed that majority of Hungarians were against non-resident voting rights and found that 40% of those who oppose non-resident voting rights would even revoke these rights for non-resident citizens. While 31% of those who oppose non-resident voting rights have no desire to revoke it entirely. According to the poll, support for non-residential voting rights among Fidesz sympathizers was 37 percent, 32 were against it and 26 percent would revoke it. Among the supporters of Jobbik, the party which publicly expressed much support for ethnic Hungarians, 58 percent were against non-resident voting rights. According to the poll, only 8 percent of the sympathizers of left-wing parties support non-resident voting rights.[317]

[316] Vasárnapi Hírek, 20 August 2017.
https://index.hu/belfold/2017/08/20/a_tobbseg_nem_tamogatja_a_hataron_tuli_magyarok_szavazati_jogat/

[317] 11 January 2018, New Survey Shows that Majority of Hungarians Oppose Voting Rights for Non.Residents
https://hungarytoday.hu/republikon-insitute-majority-population-opposes-without-address-hungary-can-vote-51859/



http://publicus.hu/blog/hataron_tuli_magyarok_egyes_jogairol/2017-08-20

The poll was conducted among 1,002 respondents between August 10-12.

The Publicus survey found that 60 percent of the population rejected providing ethnic Hungarians free social services such as child care and travel allowances educational benefits as well as pension rights. 55 percent supported that health services be made available to dual citizens while 40% opposed it.[318] Compared to Romanian citizens this means that far fewer Hungarians are willing to grant Hungarian dual citizens social services. (Kiss, 2013:39)

The Publicus survey also found that the majority knew that most dual citizens voted for Fidesz and 57 percent opined that the gaining of votes and not a sense of responsibility for the ethnic kin was the government's major motivation in supporting ethnic Hungarians. Subventions of several billions of forints for ethnic Hungarian communities were opposed by 53 percent of the respondents. An overwhelming majority of 81 percent rejects the Hungarian investment of

[318] http://publicus.hu/blog/hataron_tuli_magyarok_egyes_jogairol/2017-08-20

1 billion forints for a soccer academy in Székelyföld (Ținutul Secuiesc) in Transylvania, Romania.[319]

Part of the Hungarian public still fears that the presence of ethnic Hungarians would put Hungarians at a disadvantage on the labor market and/or would reduce the social and educational benefits available to the Hungarian population. Even those Hungarians who care about the fate of their ethnic kin tend to have a one-sided view of Hungarian co-nationals either idealizing the conditions under which they lived or considering them competitors for jobs and social services.

It is against this background that the DK sought to attract voters by calling for abolishing the right of dual citizens to cast their votes in the campaign for the 2018 national elections. Gyurcsány argued that external voters acquire an unduly large influence over the outcome of the elections even though they do not live in Hungary and carry the political consequences of their votes.[320]

8.2 Hungarian Parties and Ethnic Hungarian Votes

As Hungarian citizens with voting rights ethnic Hungarians became potential constituents for Hungarian parties and part of internal Hungarian politics. Voting rights clearly give the ethnic kin a greater opportunity to influence the policy of the kin state toward the countries where they live and to present the needs of their communities. Voting rights to the ethnic kin induced Hungarian political parties to pay attention to the problems of Hungarians in neighboring countries. Interest in the situation of the ethnic kin is likely to increase as Hungarian politicians regard ethnic Hungarians as voters and take up their concerns. The relationship of ethnic Hungarians in neighboring countries to left and liberal parties have since 2001 the enactment of the Status Law and the 2004 referendum on dual citizenship been strained. The campaign of the then largest left-wing party MSZP against the dual citizenship burdened relations to ethnic Hungarians for many years to come and contributed to the party`s defeat in 2010. Most ethnic Hungarians voted for Fidesz in the last two parliamentary election out of gratitude for receiving Hungarian citizenship and because the left liberal parties could not present a kin state policy of

[319] Ibid.
[320] https://dailynewshungary.com/dk-voting-rights-never-lived-hungary/

their own. More ethnic Hungarians would vote for left and liberal parties if their leaders demonstrated that they care about the concerns of the ethnic kin.[321]

The MSZP tried to make amends for its campaign against double citizenship in 2004 when it envisioned that millions of Romanians would flood the country. (Pogonyi 2017, 101-105) Prior to the 2014 parliamentary elections, MSZP president Attila Mesterházy apologized for the 2004 campaign during a visit to Transylvania where he tried to woo the votes of ethnic Hungarians. The party also refrained from publicly criticizing the law on dual citizenship.[322] MSZP representatives also met with ethnic Hungarian leaders prior to the 2018 parliamentary elections. [323]

In 2018, the former MSZP leader Gyurcsány now the head of a new party Demokratikus Koalíció DK (Democratic Coalition) held on to its rejection of double citizenship and non-resident voting rights. The campaign of DK was reminiscent of its arguments in 2004 when it predicted that the new citizens would flood the country and take away jobs and social benefits from the residents. Peter Niedermüller the deputy President of the DK reiterated his party's rejection of the dual citizenship and stressed that questions involving the minority should be solved between the minority and the home state and in the wider context of the European Union. He reiterated that "it is in this spirit that we reject the dual citizenship and the right to vote that it grants."[324] This harks back to the tradition of the Kádár era and the "anti-national" discourse adopted by the left-liberal opposition. Niedermüller's argument that dual citizens who do not pay taxes in Hungary should not have a say in the country´s elections resonated with the Hungarian public most of whom are against voting rights for dual citizens.[325]

Ethnic Hungarians with voting rights are in a better position to be heard by Hungarian politicians on matters affecting their lives directly or indirectly. This is the case even if their votes usually carry only one or two mandates in parliament.

[321] Pap Szilárd István Szimbolikus bekebelezésen és sértett elutasításon túl http://vs.hu/versus/mi-kozuk-hatarontuliaknak-magyar-valasztasokhoz

[322] https://www.3szek.ro/load/cikk/56400/mesterhazy_bocsanatot_kert_a_hataron_tuli_magyaroktol&cm=85288 https://mszp.hu/video/hataron_tuli_szervezetek_velemenyere_epitve_keszit_nemzetpolitikai_programot_az_mszp

[323]https://hungarytoday.hu/meeting-hungarian-opposition-leaders-rmdsz-leader-claims-transylvanian-hungarians-know-vote-36824/

[324] http://mandiner.hu/cikk/20131026_niedermuller_a_meneteles_nem_segit_a_szekelyeken

[325] Survey conducted by Publicus Institute: The majority does not support voting rights for Hungarians abroad http://index.hu/belfold/2017/08/20/a_tobbseg_nem_tamogatja_a_hataron_tuli_magyarok_szavazati_jogat/

Some of those who initially opposed granting citizenship and voting rights to ethnic Hungarians took the position that the debate should now be ended. The position was that a reversal of the voting rights would do far more harm than benefit to ethnic Hungarians. "Independently of our value judgments, the unification of the nation propagated by the Hungarian right-wing is not only an ideological wish dream but partly precisely thanks to the double citizenship and right to vote a reality that is in the process of being realized."[326]

While, except for the DK, Hungarian opposition parties have not publicly contested dual citizenship, they continued to criticize the new kin state policy. The jist of the critic is that the harm of the new policy does outweighs its benefits because it reduces the independence of ethnic Hungarian communities, promotes outmigration and damages bilateral relations with the home countries.

8.3 Ethnic Hungarian Votes in Hungary

In March 2018 there were one million ten thousand new Hungarians citizens.[327] In December 2017 the one millionth ethnic Hungarians the Vojvodina farmer Miklós Lajkó and his wife received their dual citizenship. Prime Minister Viktor Orbán, President János Áder and Speaker of Parliament László Kövér were present at a ceremony at the presidential Sándor Palace to honor the new citizens. Lajkó said "For me obtaining Hungarian citizenship has an emotional meaning. I would really like to become a full-fledged citizen of Hungary, as my ancestors were."[328]

The great majority of naturalized Hungarian citizens voted for Fidesz out of gratitude for making dual citizenship possible. Addressing the 2014 elections, Pogonyi found: "In my sample, all the interviewees who took part in the election said they had voted for Fidesz and, as they informed me, all their friends and relatives did so too. "Everyone voted for Fidesz," (R1) said. Although nearly all of my interviewees underestimated the share of Fidesz in the votes, none of them were surprised that the center-right party got most of the transborder votes. In Romania and Serbia, interviewees in unison said that non-resident Hungarian voters supported

[326] Pap Szilárd István Szimbolikus bekebelezésen és sértett elutasításon túl Accessed on 24th April 2014, http://vs.hu/versus/mi-kozuk-hatarontuliaknak-magyar-valasztasokhoz
[327] Nemzetpolitikai Eredmények_2010_2018pdf.pdf Miniszterelnökség Nemzetpolitikai Államtitkárság, Bethlen Gábor Alapkezelo Zrt. Budapest: Bethlen Gábor Alapkezelo Zrt. 2018:7
[328] https://dailynewshungary.com/historical-moment-one-millionth-ethnic-hungarian-takes-oath-citizenship/ 17 December 2017, MTI

Fidesz because they wanted to thank them for offering non-resident citizenship. "I voted for Orbán to thank him for making all this possible. I felt that it is my duty to express my gratitude" (E5). "The decisive issue was that the Orbán government made this great thing possible" (S7). (R15) suspected that voting for Viktor Orbán's party was part of the tacit deal: "Well, Viktor Orbán wanted to be nice with us so that we can get citizenship and then in return we can also be nice with him and vote for him." (Pogonyi 2017, 168) Non-resident votes make a difference if the election results are tight. In the 2014 parliamentary elections non-resident votes won one parliamentary mandate which enabled Fidesz to win the 133 seats necessary for an absolute majority. In the 2018 parliamentary elections, the number of registered Hungarian voters was at 378 449 double the number in 2014. Of the votes cast 225 471 were valid and 216 120 were cast for the governing parties. This time, however, because of the Hungarian voter turnout of fast 69 percent non-resident votes played no crucial role. [329]

In 2016, the Orbán government held a referendum on Brussels decision to distribute migrants among EU countries. Orbán argued that the referendum was a "European solution" because "we may not adopt decisions-those that significantly change people's lives and also determine the lives of future generations -over the heads of the people …The quotas would redraw the ethnic , cultural, and religious map of Hungary and of Europe." [330] He reiterated that "Brussels cannot relocate immigrants to Hungary using any kind of EU regulation without the consent of the Hungarian National Assembly. We must clearly state that we prohibit collective mandatory resettlement. We must make it clear that this is an issue of sovereignty, and that no decision by Brussels may call into question Hungary's inalienable rights in relation to territorial integrity and population."[331] Most of the Hungarian population and ethnic Hungarians abroad were against the EU's mandatory redistribution quotas. Dual citizens participated in the referendum in line with the principle of the kin state policy that ethnic Hungarians as members of the sovereign nation have a say in what happens within the borders of Hungary. Ethnic Hungarian party leaders took part in the mobilization for the referendum. In the end, 154,145 (56.1 percent) out of the 274,627 eligible dual citizens cast their votes. The number of valid votes was low because of administrative mistakes and the high number of non-valid mail votes. In the end,

[329] https://www.maszol.ro/index.php/hatter/95057-illyes-gergely-a-hataron-tuli-szavazatok-ezuttal-nem-hoztak-mandatumot-a-fidesznek https://dailynewshungary.com/election-2018-ethnic-hungarian-leaders-vote-beyond-border-mobilised/

[330] 24 February 2016. http://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-s-press-conference

[331] 5 October 2016. http://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/viktor-orban-s-press-conference20161005

3,362,000 voters participated in the referendum and 98.4 percent of all valid votes were cast in favor of rejecting the compulsory quota, among non-resident voters the ratio was higher at 99.2 percent. The Orbán government`s argument that Hungary's national identity should be protected against the influx of migrants fell on fertile ground. The idea of protecting their national identity stood closer to the ethnic Hungarian minority than to Hungarians in Hungary. The ratio of valid votes to eligible voters was 41.3 percent which fell short of the 50 percent requirement to make the referendum valid. The votes of dual citizens made little difference. [332]

8.4 Impact of Dual Citizenship and Voting rights

The introduction of preferential citizenship and voting rights without residence brought a strategic change in the relationship of the kin minorities and ethnic Hungarian parties, and the kin state. Most ethnic Hungarian parties joined the great majority of ethnic Hungarians who greeted dual citizenship and non-resident voting rights and helped in the application for citizenship and the registration for elections. Some ethnic Hungarian leaders and scholars, especially in larger Hungarian communities as in Transylvania and in Slovakia, expressed their opposition to dual citizenship. This reflects a long-standing debate among the ethnic Hungarian political elite about the role of the kin state in the lives of Hungarian minority communities. Miklós Bakk sees the adoption of Hungarian citizenship by many ethnic Hungarians as a process which brought to light questions that have preoccupied the political elite of Transylvania for a long time before.[333] Many ethnic Hungarians are impatient with their political elite and point out that in the past 28 years they failed achieve progress in providing legal guarantees for minority rights and ensuring the cultural reproduction of their communities. This indicates that a new strategy is needed to ensure the cultural survival of ethnic Hungarian communities.[334]

The view of one group of scholars is that ethnic Hungarians should orient themselves toward the home state instead of the kin state to maintain their ethnic identity. According to his view, ethnic Hungarians rely on the home state to guarantee their rights and must adjust to the needs of the home state to gain its support for maintaining their institutions. Salat stresses the need

[332] Nemzeti Választási Iroda, 2016. National Election Office – National Referendum, 2 October 2016, http://www.valasztas.hu/20

[333] Fidesz–RMDSZ, avagy a diaszpóralét stratégiája Posted by Bakk Miklós https://reflektorium.wordpress.com/2014/04/21/fidesz-rmdsz-avagy-a-diaszporalet-strategiaja

[334] Pap Szilárd István Szimbolikus bekebelezésen és sértett elutasításon túl http://vs.hu/versus/mi-kozuk-hatarontuliaknak-magyar-valasztasokhoz

for good relations to the home state: "In reality we only have our own resources: neither international law nor those examples that we often point to can help us…..Whether we can improve our situation depends on how resourceful, inventive we are and on the empathy we use to shape our relations to the Romanian state. No matter how some would like to convince Hungarians in Transylvania of the opposite, we cannot improve our situation independently of the Romanian side and against its wishes." He regrets that „Hungarian public thinking in Romania adopted patterns that tend to feed the illusion in Transylvanian Hungarians that they can get away with it: that they can stay Hungarian in Romania without taking on the double burden /of being a minority while adjusting to the needs of the majority/." (Salat 2018)

Salat urges the minority to retain a degree of independence both from the kin state and the home states and focus on building and preserving their self-standing parallel minority societies. (Salat 2011) The fear among some scholars is that strong kin state engagement may "easily replace transborder minority actors in organizing, structuring, and mediating the interests of the transborder national minority." (Pogonyi 2017:110) Under this view, the role of ethnic kin actors in managing their affairs could be reduced if the kin state finances large volume investment programs. (Pogonyi 2017) Since 2010, especially since 2014, financial support from the Hungarian kin state in certain fields exceeded the funds provided by the home states. This increased the role of the kin state substantially in ethnic Hungarian communities. The role of the kin state has for a long time been marginal compared to the financial resources that the home states could offer. This changed as ethnic parties no longer participated in majority governments and the majority and the ethnic minority elites could no longer engage in financial deals that benefit their communities. In Romania for example, the financial deals between minority and majority politicians as well as community leaders were increasingly interrupted as they became targets of the anti-corruption prosecution agency National Anticorruption Directorate DNA.[335] "DNA and anti-corruption rhetoric have criminalized the particularistic functioning of the Romanian political system and it is not clear yet whether Romania will continue to be a patronage democracy or not. In this framework, the model of the unequal accommodation of minority claims might prove to be the "collateral damage" of the anti-corruption campaign." (T. Kiss et al. 2018, 125)

Dual citizenship and voting rights clearly impact interethnic relations in the home countries. Some analysts predict that increased support from the kin state will encourage ethnic minority

[335] https://www.business-anti-corruption.com/country.../romania/ (Kiss, Székely, Toró 2018:125)

actors to make stronger demands on the home states and thereby increase tensions and increase repression toward the minority. There is no evidence thus far that this occurred. Salat explained the lack of official objections to Hungarian citizenship from the Romanian side by the fact that Romanians have the similar legislation. He argued that the Romanian public accepted dual citizenship because they do not regard Hungarians as part of Romanian society and think that it is only natural for them to have Hungarian citizenship. Salat also considers the interest of the Romanian state in having Hungarian citizens who would be more likely to move to Hungary and reduce the number of Hungarians who live in Romania. He sees a congruence of the interests of the Romanian and the Hungarian state. Hungary`s kin state policy is motivated by the prospect of easing its demographic and labor deficit through immigration of ethnic Hungarians from neighboring countries which would bring Romania closer to its goal of creating a homogeneous Romanian nation state. (Salat, 2018) Kiss also envisions as a possible development in Transylvania "the gradual detachment of the Hungarian community from the Romanian polity and an implicit "meeting" of the interest of the two states with regard to the situation of the Hungarian community. While Hungary may increasingly regard Transylvanian Hungarians as a political resource (see Waterbury 2010), the incentives of Romania to modify its minority policy regime toward a more pluralistic arrangement and resource allocation for Hungarian community objectives may also dwindle on the justification that those are catered for from other sources." (T. Kiss et al. 2018, 127)

Kiss describes the strategy of the Fidesz government in Romania after 2010 in four points:" (1) ethnic outbidding through support for challenger ethnic parties, (2) material outbidding, (3) sponsoring factions within RMDSZ and creating a loyalty competition, and (4) establishing direc connections between Transylvanian Hungarians and Hungary." (T. Kiss et al. 2018, 131)

Another argument against dual citizenship was that since ethnic Hungarians can participate in the elections in Hungary Hungarian political parties will target them and promote the establishment of strategic alliances with ethnic Hungarian parties and organizations. Hungarian party politics have, however, been present in Hungarian minority communities for decades and each political camp established its clientelistic networks. A large part of the ethnic Hungarian communities was open to influences out of Hungary since their relationship to their own ethnic Hungarian parties has been for many years been burdened by the parties´ failure to achieve progress toward the legal guarantees of minority rights. The division of the ethnic Hungarian party landscape began in the early 2000s as disappointment over the lack of progress in

achieving minority rights grew. The intervention of the kin state occurred along the already existing cleavages.

Dual citizenship and voting rights changed the relationship of ethnic Hungarians and their parties to the Hungarian elections. While previously the Hungarian elections played little role in the lives of the minorities the stakes now changed. Ethnic Hungarian parties will need to adjust or readjust their strategy to consider that their voters are also voters of the transborder political nation. The extension of the nation beyond the borders took place in a way that the ethnic Hungarian political elite hardly played a role in setting up its institutional background. The extension of voting rights referred to elections of politicians in Hungary not to ethnic Hungarian politicians in their home lands. Thus, ethnic Hungarians could only vote for a Hungarian party.[336]

8.5 Preserving Hungarian Communities

Surveys show that while ethnic Hungarians regard themselves as part of the Hungarian nation, they perceive themselves as being different from the Hungarians in Hungary. By the same token, Hungarians in the kin state also differentiate between themselves and ethnic Hungarians in neighboring countries. These perceptions of being different create intra-Hungarian boundaries of "We" and "Them" which were only strengthened through the failure of the referendum on dual citizenship in 2004. (Papp and Vass 2014 40-58) A 2013 survey of ethnic Hungarians from four countries found that "The majority of respondents perceive members of the majoritarian population (Romanians, Slovakians, Ukrainians and Serbs, respectively), as well as Hungarians in Hungary, as having personal characteristics that are different from their own." (Veres,2013:108)

[336] NERdély 1.: így hódította meg az erdélyi magyarságot a Fidesz HTTPS://ERDELY.ATLATSZO.HU/2018/04/05/NERDELY-1-IGY-HODITOTTA-MEG-AZ-ERDELYI-MAGYARSAGOT-A-FIDESZ/ HTTPS://ERDELY.ATLATSZO.HU/2018/04/06/NERDELY-2-HOGYAN-ALAKITOTTA-AT-AZ-ERDELYI-POLITIKAT-A-FIDESZ/ Az erdélyi magyar politikum és a magyar nemzetpolitika közti ütközési pontok Kiss Tamás 2014. április 17. 10:05, utolsó frissítés: 15:54 http://welemeny.transindex.ro/?cikk=23138

Most ethnic Hungarians hold that their Hungarian identity is stronger than that of Hungarians in Hungary because they are confronted with their nationality daily. The decision, for example, whether to use their mother tongue in public and risk the disapproval of the majority serves as a reminder of their ethnicity. As Pogonyi explains: "In the minority context, the national language or the display of national symbols have stakes – they are potential political acts, as local majorities are likely to interpret them so. Thus, even everyday routine involving cultural choices require some deliberation and even vigilance. Such quotidian struggles and deliberation over ethnicity constantly remind kin-minorities of nationhood." (Pogonyi 2017:148)

Following the democratic transformation, many ethnic Hungarians expected emancipation through the kin-state from the condition of being in minority status. T-shirts with the sign "I'm Hungarian and not a tourist" send the signal that ethnic Hungarians would like to have the same rights as Hungarians in the kin-state. [337]

While a Hungarian passport offers security in the homeland when moving to Hungary the ethnic kin would be confronted with the reality of being perceived as different from the Hungarians living there. Hopes by many ethnic Hungarians that the dual citizenship and voting rights would serve to blur the boundaries between themselves and Hungarians in Hungary were often disappointed. Ethnic Hungarians from Transylvania are still often called "Romanians", from Slovakia "Slovaks" and from Vojvodina "Serbs". At the same time, Hungarians in Hungary regard the territories where ethnic Hungarians live "an integral part of the Hungarian space, the Carpathian Basin and history". (Pogonyi 2017:150) Surveys also reveal that while ethnic Hungarians are deeply hurt through the misrecognition of their Hungarian identity by Hungarians, they consider ties to Hungary very important. (Papp 2014: 119, 141) (Veres 2014:61-86)

The inter-Hungarian and even intra-Hungarian differences among ethnic Hungarian groups build "invisible barriers" which will likely prevent the turning of Hungarian communities into diasporas. The differences are likely to help ethnic Hungarians maintain the degree of independence needed to continue building their parallel societies in their homelands. They will prevent ethnic Hungarians from becoming too dependent on the kin state and allow them to

[337] http://vs.hu/kozelet/osszes/a-diskurzus-nem-a-kulhoniakrol-szol-interju-bardi-nandor-tortenesszel-1205#!s3

maintain their claims-making potential toward the home state. In this way "minority ethnocentrism" maintains cultural habits and prejudices will extend the minority existences. (Papp, 2014:119, 141)

8.6 Conclusion

The case of Hungary shows that ethnic identity plays a key role in how a nation sees itself and that the reconstruction of the nation after decades of communism under which its existence had been denied is a long process. Coming back to the "quadratic nexus," the framework of my analysis, the success of the redefinition of the nation depends on the domestic constellation of the kin state, the reception by the ethnic kin, the home state and the European Union and international organizations.

The institutionalization of relations to the ethnic kin lasted decades in Hungary because of the lack of consensus between the political camps over the question who belongs to the nation. Since the democratization various Hungarian governments took the ethno-cultural or the political concept of the nation as the basis of their policy toward Hungarians abroad. The controversy over the concept of the nation served to strengthen the boundaries of the political camps and to deepen the cleavages between them. Starting from 2010, the Fidesz government could implement a policy based on the ethno-cultural concept of the nation that included ethnic Hungarians in the cultural and political Hungarian nation. The most important result of this policy is the granting of Hungarian citizenship and non-resident voting rights to ethnic Hungarians abroad. This institutionalized relations among members of the Hungarian nation and amounted to a "national re-unification across the borders." The Fidesz led government used the ethno-cultural concept of the nation to appeal to ethnic Hungarians abroad and but also to the population in Hungary by presenting itself as the protector of the Hungarian nation. Since 2010, the concept of nation took central place in the public discourse and national symbols and practices were given a great amount of media space.

The success of reconstructing the nation and expanding it behind the borders, however, depends not only on the institutional network but also on the support of the Hungarian opposition parties and the public. The discourse over the concept of nation between the government and opposition camps remained highly politicized and continued to revolve around the conflicting

political and ethno-cultural nation concepts. The Hungarian population continued to be exposed to rival national discourses, one from the government side for the inclusion of ethnic Hungarians into the national community, the other from the opposition for excluding them. Studies and opinion polls show that increasingly Hungarians see ethnic Hungarians in neighboring countries as part of the Hungarian nation and most of them approve granting them dual citizenship. Less head way has been made toward reaching consensus over kin state policy with the opposition parties. This is, however, necessary to ensure that the institutional structure put in place will outlive possible changes of government.

Over one million ethnic Hungarians took advantage of the offer of Hungarian citizenship. Surveys show that for most ethnic Hungarians citizenship was an important marker of Hungarian identity regardless of which home countries they came from. Ethnic Hungarians regarded Hungarian citizenship as a form of compensation for the pressures of assimilation they had endured since the borders moved around them. A major motivation for welcoming Hungarian citizenship was the deep dissatisfaction felt by ethnic Hungarians for being treated as second class citizens in their homelands. Since the 1990s, little progress had been made toward achieving the minority rights they needed for the reproduction of their Hungarian identity such as the use of the mother tongue and a form of autonomy to manage their own affairs. The hopes of ethnic Hungarians were also disappointed that EU membership and democratic institutions could halt the process of assimilation of national minorities. As a rule, stability is regarded by the EU and other international actors as more important than the democratic credentials of the home states and how they treat minorities living on their territory. The EU put no system of minority protection in place to shield the rights of the national minorities against the nationalizing majority and did not recognize the collective rights of minorities.

The case of ethnic Hungarian dual citizens called attention to the role of ethnic identity in acquiring citizenship which has for a long time been neglected by Western scholars who focused on citizenship as a method to integrate migrants. In Western Europe ethnic identity has in recent years been the subject of heated debates between those who are ready to renounce it and those who seek to strengthen it. The EU and international organizations adopted the political conception of the nation as the legitimate nation definition. This went against the ethnocultural nation concepts used by ethnic Hungarians and by Central Eastern European nations which are clearly reflected in their constitutions as well as in the political practice.

One can detect two diverging attempts to redefine the nation in Europe, one along ethno-cultural lines in Central Eastern Europe and the other in Western Europe which espouses the political concept of the nation and envisages a post-national era where nation states and nationalism no longer play a decisive role. Accordingly, West European legislation concentrated on promoting individual rights which came at the expense of collective rights which national minorities need to survive. It is in this vein that international organizations welcomed dual citizenship as a tool to integrate migrants but had great misgivings when dual citizenship was used to strengthen the ethnic identity of nation states through the inclusion in the nation of their ethnic kin abroad.

For Hungarian minorities, the growing migration to Western Europe poses new challenges because EU minority policy focuses even more on the human and individual rights of migrants and their integration. The political concept of the nation served as the basis for plans to redistribute migrants among EU countries. Hungary and Eastern European countries rejected the migrant relocation plans of the EU and pointed to their sovereign right as nation states to decide who enters their territory. The positions toward migration illustrated that Eastern and Western Europe interpret the concept of nation differently.

Consensus over the primacy of the ethno-cultural nation concept resulted in increased cooperation between Central Eastern European nations. Dual citizenship with non-resident voting rights has so far created only diplomatic friction between Hungary and its neighbors. Hungary´s increased kin state activism was in general not interpreted as the revival of territorial revisionism. (Pogonyi 2017 188) Relations between the V4 countries are good and they increasingly cooperate in many strategic questions, such as security, migration, economic development. Hungary's relationship to the non-EU country Serbia is good or "better than ever." Tensions grew between Hungary and the Ukraine since that country passed legislation severely restricting the use of the Hungarian mother tongue.

The new kin state policy, especially dual citizenship, is likely to have considerable influence on the lives of ethnic Hungarian minority communities. Ethnic Hungarians who live in the non-EU countries of Serbia and the Ukraine often use Hungarian citizenship to leave their homelands and move to Hungary or the West. This diminishes the size of the ethnic Hungarian communities and goes against the government´s goal of helping ethnic Hungarians stay in their homelands.

Another major concern is that dual citizenship and voting rights as well as increased kin state activity will make ethnic Hungarian communities will be too dependent on the kin state which could reduce their claim-making efforts toward the home state. As Pogonyi put it: "This shift in minority claims-making strategies may well be exacerbated by the enfranchisement of kin-minorities. If kin-populations are granted non-resident voting rights and at the same time the kin state offers financial and institutional help, these populations will in the long run have a more rational interest in lobbying the kin state as opposed to demanding financial support and recognition from their home states. As transborder voters become active in the transborder political space, transborder minority agents lose influence as mediators and representatives of minority interests in the home states." (Pogonyi 2017, 189)

Ethnic Hungarian elites will have to balance between the kin state and the home state as they seek to formulate claims to maintain their distinct political communities. Financial aid from the kin state will not be able to replace the funding of minority institutions by the home state in large Hungarian communities such as Romania and Slovakia. Ethnic Hungarians will have to participate in the politics of their home states to achieve more minority rights. The use of the mother tongue in public and local administration are, for example, rights that must be directly addressed to the home state.

The increase in the role of the kin state could conflict with the goal of the political elite in large ethnic Hungarian communities to run their parallel political communities in their homelands. Key to preventing the transformation of the ethnic Hungarian communities into diasporas is the engagement of the ethnic minority elites for promoting the social cohesion of Hungarian communities. Civil activists in all Hungarian minority communities seek to induce ethnic Hungarians to take advantage of the rights that they have under existing legislation. [338] They started to monitor whether the rights of the minority are respected in major walks of life such as the use of the mother tongue in education, public administration, the right to display national symbols.[339]

[338] Ferenc Viktória, Across State Borders and Within Language Borders. Minority Language Rights and Inspiring Civil Movements in Neighboring Countries, The Paths of Survival – A Diagnosis of Hungarians Abroad, Lecture on 30 May 2016.
Ferenc_Nön_konf_majus30.pdf.

[339] Igen, Tessék! – Yes, Please! The movement for multilingual customer service in Romania http://hungarytoday.hu/news/igen-tessek-yes-please-movement-multicultural-costumer-service-romania-82683 www.igentessek.ro , http://www.ketnyelvu.info/
http://www.fontosvagy.sk/ (Slovakia), http://ittmagyarulis.eu/ (Subcarpathia, Ukraine)

Surveys on the possible effects of the Hungarian citizenship on the ethnic kin show that the development of diasporas is only one of the possible outcomes. Both ethnic Hungarians and Hungarians in Hungary perceive themselves as having characteristics which differentiate them from one another. This attitude and the strong attachment of Hungarian minorities to the regions where they live provide a strong incentive for maintaining their own communities.

In Székelyland the regional identity and the social cohesion of ethnic Hungarians has been strengthened as they reached back to historical traditions and symbols. The goal is the creation of a strong civil society that can articulate the demand for autonomy. The belief that autonomy is possible has the capacity to unite the ethnic Hungarian community. As Salat puts it: "It is probable that autonomy can activate energy that would otherwise remain untapped."[340] Willingness to engage for the community gives hope that ethnic Hungarians will be able to stand up for their rights and work out a clear-cut common political strategy for autonomy to present to the majority. One way of securing support for autonomy on the part of the majority nation is to involve majority experts in the formulation of autonomy concepts. This would serve as the basis for beginning negotiations over autonomy between the minority and majority.

[340] Levente Salat Az autonómia nagy esély, de egyben teher is in Tamás Borbély Van-e élet az autonómia után? Cluj-Napoca: Koinónia, 2014, 113.

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