

**The Hungarian Status Law:  
A new European form of Transnational politics?  
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Around 11.00 in the evening of Sunday 21<sup>st</sup> April 2002, the incoming Hungarian Prime Minister, Peter Medgyessy, took the stage in his Socialist Party headquarters to informally accept the mandate of the electorate. Announcing his intention to form a liberal-socialist coalition government, Medgyessy told his listeners that he would be the prime minister for all 10 million Hungarians. A few moments later the defeated, Prime Minister, Viktor Orbán, in the course of his resignation speech, had this to say about his outgoing conservative government:

“We have supported Hungarian culture to a degree not yet seen and we have begun the process of national reunification, so it is not as you heard just now from the seat of another party, it is not that the future of Hungary lies in the *10 million* Hungarians but in the *15 million* Hungarian nation. Let me repeat, so that it can be heard everywhere where it should be heard: the future of Hungary lies not in the Hungary of 10 million but in the Hungarian nation of 15 million” (*Magyar Nemzet Online*, at <http://www.mno.hu/index.mno?cikk=72595&rvt=2>).

To anyone unfamiliar with the landscape of Hungarian political mythology it might seem odd that on the very night of a national election the winning candidate for Prime Minister should so carelessly lose five million of his people, or the loser should claim to have knowledge of an extra 5 million. In fact by the following morning the socialist winner seemed to have found the 5 million again, reassuring a newspaper reporter that he ‘also feels responsible for 15 million Hungarians’ (*Magyar Nemzet Online*, <http://www.mno.hu/index.mno?cikk=72617&rvt=2>). Such rhetorical uncertainty is today the nature of the modern Hungarian political game.

This paper concerns some of these five million now-you-see-them-now-you-don’t ‘Hungarians’ - citizens of states which neighbour Hungary, whose ancestors, prior to 1918, lived within the Hapsburg Empire, together with the ancestors of other Hungarians whose descendants now live in Hungary.<sup>1</sup> I want to consider one recent attempt to reconfigure the relationship of these ‘Hungarians beyond the borders’ with the Hungarian state, an effort, in a sense, to make them less likely to get lost. I will examine the run up to, the debate around, and the first stages of, implementation of a law that has become known as ‘the Status Law’ or, more properly, ‘The Law Concerning the Hungarians who live in neighbouring States,’ passed with an overwhelming 93% of the votes in the Hungarian parliament on the 19<sup>th</sup> June 2001,

and registered as Law LXII of 2001. For reasons of space I will concentrate here overwhelmingly on the situation found in Romania, as both the history and current situation in Slovakia and Serbia differ in important respects and as a result debate over this Law has been more muted and less sophisticated in these last two countries.

Law LXII/2001 attempts to define, once and for all, the 'status' of these citizens of other states vis-à-vis the Hungarian state, and provides a series of concessions to these people when visiting Hungary as well as subsidies or financial supports in their own countries. In exchange for such munificence from the would-be 'mother country' the Hungarians beyond the borders have to do little more than establish their credentials as ethnic Magyars and then commit themselves to remaining as residents of their birth-state. This law, therefore, tries to establish a legal relationship between the home-state and co-ethnics abroad and in this sense sets up a 'transnational' or a cross-border form of 'citizenship'.

This paper is grounded in research undertaken as part of the British ESRC Transnational Communities Research Programme within which one aim of my project was to see if data drawn from the Carpathian basin could be profitably compared with the 'transnationalism literature', which is, of course, formally concerned with new forms of migrations and links or social fields thus formed. To put this in the jargon, is the 'homeland nationalism' (Brubaker 1996) or 'kin-state nationalism' (inter alia, Schöpflin 2000 and Fowler 2002) that I am dealing with here not rather familiar from the literature on, say, Haitians, Philipinos or Dominicans even though in my case the 'transnational' 'social field' has existed for nearly one century and has involved no migration or migratory processes in its formation? It seems to me that the use of a 'transnational model' reveals interesting features in the Hungarian case and, vice versa, that seeing these parallels suggests some questions about the nature of 'transnational' linkages elsewhere.

I should say at once that the reason for making this linkage is not just to examine recent academic claims, but also to call into question the rhetorical claims being made for new Hungarian legal practices. The then Prime Minister of Hungary, Viktor Orbán declared in March 2000 that his goal was a way of organising political space in which territorial borders became 'just like [no more than, *MS*] lines drawn on a map' (cited

in Fowler 2002: 42). A year later the Foreign Minister told the Hungarian Radio programme *168 Hours*, a few months before the passing of the Status Law, that, 'in future it will not be the territorially defined state which will decide everything....for me in the future there won't be minorities, only communities. And I believe that our continent will become a community of communities' (Cited in Fowler 2002: 5). At least one external commentator too, Brigid Fowler of the ESRC 'One Europe or Several' Programme, has suggested that the status law moves beyond modern norms of statehood which have been tied to 'absolute territorial sovereignty, singular national identities and an exclusive citizenship as the only possible legal and political relationship between states and individuals' (2002: 9). She argues that the law represents a post-modern development of a practice of 'fuzzy citizenship' (2002: 31-40). I suggest the evidence undermines these claims to novelty.

This paper makes one further contribution to the field of 'transnationalism' studies. Whereas much of the early literature treated transnational movements and linkages as popular responses to (in some cases, e.g. Basch et al. (1994), even resistance to) global capitalism, and stressed the agency of transmigrants who 'create social fields that cross national boundaries' and 'reconfigure space' (Basch et al. 1994: 22, 28, 34) this paper focuses more clearly than that earlier literature on the role of nation states in promoting and sustaining these links. The point is not that the earlier literature ignored the importance of nation states. Basch et al. at times stress the role of the state, recognising that transnational practices of immigrants are often a response to 'nationalist agendas of political leaders at home' (123) but since they tended to focus on weak, post-colonial states, construed as Jonathans standing up to the US Goliath, they presented a politically neutral appraisal of what one might call 'the mobilising home state'.<sup>2</sup> It is very striking that authors who deal with a much more powerful and significant international 'player', China, take a rather different stance to the mobilising state. Pál Nyíri (2001) and Mette Thunø (2001), in separate publications, reveal a highly manipulative Chinese state managing its links to its migrant population to minimise its obligations and maximise its benefits. In my case, dealing with legal measures to regulate transnational linkages between a powerful mobilising state (Hungary) and co-ethnics resident in weaker states (notably Slovakia and Romania), the role of the state comes unavoidably to the fore.

## **The historical context**

This paper concerns events in the past four or five years but in order to understand these and the significance of the Status law, let alone the considerable international storm it has provoked in the region, it will help to step back and consider the broader historical background. Since the construction of political frameworks, including nationalist ones, is always a contingent process, whatever actors' claims that their interpretative models are rooted in the nature of reality, it is especially important to address those local factors that have shaped available languages of identification and institutional forms around which groups come into being (Brubaker 1996: 21).

The ethnic Hungarians, whose fate today causes so much anxiety in Budapest, were, until 1918, citizens of the Hapsburg Empire, and more specifically residents in the eastern region that had been Hungarian administered since 1867. While the western, Austrian, half of the empire had been rather loosely run, the Hungarians ran their part of the so-called Dual Monarchy with an administrative iron fist from Budapest and a fiercely nationalistic policy towards its ethnically very heterogeneous subjects. In the 19<sup>th</sup> century the infamous 'Magyarization' policy involved systematically stuffing the bureaucracy with ethnic Hungarians and pursuing a pitiless policy of cultural assimilation towards all minorities.<sup>3</sup> In 1920, amidst the ruins of the Hapsburg Empire, the Treaty of Trianon legitimated a land grab that Romania, Serbia and the Czech Republic (the new states of South Eastern Europe) had carried out in late 1918 and early 1919, at the expense of the former Hungarian state. As a result of Trianon three-fifths of Hungary's pre-war population and two-thirds of its territory were seceded to neighbouring states. The overwhelming majority (c. 70%) of the population thus shifted were in fact non-Magyars, but the remaining 30% represented some 1.7 million Hungarians in Transylvania, now incorporated in Romania, nearly half a million in Vojvodina now in Yugoslavia and over a million in Slovakia and trans-Carpathian Ruthenia which became part of the new state of Czechoslovakia, over three million persons in toto. In Romania in particular the Hungarian minority was subject to intensive 'nationalising policies,' involving the forbidding of language-use at time and moving, in the 1930s with the rise of the Iron Guard, into outright repression (Livezeanu 1995).

These facts per se might not have determined Hungary's post-Trianon international policy, but the large scale emigration of those Magyars who had lost most (gentry, landlords, state officials at all levels down to postmasters and railway employees) from the successor states to the rump mother state helped ensure that inter-war foreign policy in Hungary never moved far from revisionist and irredentist thinking.<sup>4</sup> This uncompromising policy of return to the *status quo ante* finally brought results when the Hungarian elite threw its cap in with Hitler's Germany (alongside its old rivals, Slovakia and Romania) at first in 1938 and then finally in November 1940 as part of a major redrawing of international borders. According to the two 'arbitrations' of Vienna, Hungary did not reacquire all its lost land, but with Southern Slovakia (in 1938) and the northern half of Transylvania (in 1940) thrown to it, nationalist cravings were satisfied.<sup>5</sup> The redivision of the Trianon states by Hitler and his allies is a crucial moment in the twentieth century history of the region. It led, firstly, to a series of horrific massacres and population transfers, mainly by the Hungarians at the outset and then by their victims at the end of the war. The story of these massacres and upheavals is still carried across the region and taught as part of national curricula and revisited in state sponsored ceremonies. The clamour throughout spring and early summer 2002 over the Beneš decrees of the Czech republic in both Hungary *and* Germany is one small example of this sort of 'unfinished business' in the region – though in this case the 'litigants' are states that former 'victims' still see as 'perpetrators.'<sup>6</sup> Secondly, the 1940 carve up brought into being a spectre of some substance that has haunted the region ever since – that of violent irredentism – a spectre which much symbolic political work has aimed to exorcise since 1990.

Communist rule after 1948 did not fundamentally alter the pattern of the ethnicisation of regional animosities. The end of World War Two saw, grosso modo, a return to the borders of Trianon, confirmed at the Paris Peace Conference in 1945,<sup>7</sup> but in accordance with communist ideology the states in the region were now supposed to be organised on non-ethnic, internationalist principles. Nor was this all just rhetorical hogwash. The success of the Romanian Communist party was in no small part thanks to the decision of large parts of the ethnic Hungarian, including the Hungarian-speaking Jewish, intelligentsia to seek solace in internationalism rather than irredentism after their second 'historic defeat' and the inter-war experience of fairly systematic persecution at the hands of a fiercely nationalising state (Schöpflin 2000:

385). Initially the communist regime took a somewhat ‘anti-ethnic’ stance. For instance, Romania was designated a multinational state – formed of co-inhabiting nationalities - to stress the fact that multiple nations constituted its unity. It was only after the Hungarian uprising of 1956, which unleashed a wave of anti-Russian and anti-Soviet fervour in Hungary, that moves were made to reconfigure the relationship between the Hungarian minority and the Romanian majority in Transylvania. The Bolyai university, which had taught in the Hungarian language alone was merged with the Romanian-speaking Babeş university and this marked the initiation of a policy of Romanianisation of public life across the country. In 1965 the Romanian constitution was changed to reflect a view of the state as a Romanian one (though the phrasing ‘unitary national state’ only came in 1990). In 1968 the autonomous Hungarian region of Mureş was dissolved. By 1972 Nicolae Ceausescu was proud to tell the party congress that “Romania is a unitary national state in which only one nation lives, the socialist Romanian nation, which is building a socialist society in brotherly unity with the national minorities” (cited in Süle 1988: 141). These high level pronouncements were paralleled by all kinds of petty changes in the regulations of schools and other public institutions. One particularly notorious restriction forbade the offer of accommodation to foreigners, thus, or so it seemed to Romanian Hungarians, restricting their connections with their co-ethnics across the border.<sup>8</sup>

As important for the nature of cross-border ties between Hungarian co-ethnics were developments in Budapest. After years of ignoring the issue, from 1969 onwards there was a gradual shift in Hungarian official policy to the ‘Hungarians abroad,’ especially those in Romania. In 1969 a working group of the Central Committee of the Hungarian Socialist Workers (Communist) Party ‘recognized in an unpublished paper, that cultural relations must be built up with Hungarians living in the neighbouring countries’ (Ara-Kovacs et al., Report 144). In the press more articles began to appear on conditions among ‘fraternal neighbouring peoples’ and above all interest grew within the Hungarian youth movement in the condition of their ‘kin’ across the borders. Thanks to the relatively liberal stance of János Kádár’s and György Aczél’s cultural policy, dance clubs (*táncház*) had come into being inside Hungary which were relatively free of party control. And since the historic roots of Hungarian dances (and folk culture generally) were said to lie in the distant Transylvanian hills, quasi-pilgrimages to this font of Hungarianness became increasingly common at this time.

In this way the ‘dance house movement’ turned its collective head to the living past that they believed they saw in Transylvanian villages.<sup>9</sup> Thirdly, because the very nature of the dances and especially the link to ‘kin’ across the borders could be construed as either nationalist or, worse, irredentist, by less liberal figures within the state apparatus, such movements of young people became increasingly subject to police surveillance and attempts at repression. One of the Hungarian civil servants who has worked longest in the office for Hungarians abroad was, along with many others, repeatedly called in for questioning by the police in the mid-1970s and asked to engage in surreal symbolic analyses of the nationalist sub-text of ancient Szekler songs.<sup>10</sup> Finally, the increasingly paranoid, dictatorial and nationalising style of the Ceaușescu leadership, especially after his trip to China in 1972, meant that such visits across the borders gradually won not only widespread popular support but a degree of official legitimacy. In the 1980s, Hungarian border guards, for instance, would often turn a blind eye to Hungarians taking scarce goods across the border (contraceptive pills, Hungarian language books, soap and so on); their Romanian counterparts were in turn only too thrilled to receive the obligatory packet of Kent cigarettes in order to turn a blind eye to this illicit ferrying of goods). In the dying days of the Kádár regime, as Hungary began to fill up first with ethnic Hungarian intellectuals in flight from Ceaușescu’s anti-Hungarian policies and then, in 1987, with refugees from all ethnic groups, it became possible publicly to criticise the ‘brotherly regime’ next door. Newspapers began to carry articles on an almost daily basis that attacked the policies of the Romanian regime and émigré circles began to organise in public in Hungary and publish their own media.<sup>11</sup>

An equally essential element of today’s picture derives from the stances taken by ethnic Hungarian leaders and elites within Romania during the 1970s and 1980s. Though it would be wrong to suggest that the Hungarian national minority was in any way homogeneous, there was perhaps one recurrent and dominant interpretation of Ceaușescu’s rule which took the *conducator*’s own stress on (socialist) nation building as the key to interpreting their experience of the half century since World War Two. General features of Romanian life like social atomisation, ubiquitous surveillance, poverty, cultural repression were all talked off as part of the nationalizing drive of the *Romanian* state, which was seen by Hungarians as ‘simultaneously an autocratic and an ethnocratic state’ (Ara-Kovács 1988: 62). And

when an opposition emerged amongst the ethnic Hungarians (around a journal called *Ellenpontok*, or Counterpoints, which appeared from 1981-2 until its main editors were forced abroad) it was in large part conceived as a *Transylvanian* rather than a Romanian movement. In part this reflected geographical facts, but in part it represented a retreat into a kind of historical fantasy about Transylvanian ‘uniqueness.’ In 1989 when I came to make an undercover film for the BBC I found myself taking on just such a perspective, misleadingly representing Transylvanian peasants going to church in elaborate folk costume as form of ‘resistance’ to communist policy (Blake 1989). In part such interpretations were based on observation of a society where, ‘discoursing on the Nation was how groups of intellectuals drew their boundaries and sought their advantages’ (Verdery 1991: 303). Or as a local has recently put it, this was a society where ‘whether a person was a communist or not, their interests and commitments – and of course their fears and worries as well – could only be articulated through the categories of nation or merely through the setting off of tribal instincts’ (Ara-Kovacs 2000: 359). So, there were indeed intense pressures to interpret Ceaușescu’s rule in the nationalist terms that he himself used, but by giving into these the Hungarian opposition were effectively condemned to singing from the dictator’s score. For instance, as George Schöpflin has pointed out urbanisation of Transylvania in the 1960s and ‘70s, which was achieved in large part by bringing Romanians from elsewhere in the country (as well as from the rural hinterlands of Transylvania) into previously rather Hungarian dominated Transylvanian towns, was represented by the regime as a ‘nationalist obstacle course’. Conversely, from the Hungarian side, this inevitable process of industrialising could appear as if its aim ‘was to defeat the Hungarians by excluding them from the towns’ (Schöpflin 2000: 402). This style of nationalist interpretation of all Romanian phenomena was especially common in Budapest circles, where, for instance, the forced modernisation policy of ‘systematising’ villages into quasi-urban conglomerates was seen as a form of ethnocide (whereas in fact the bulk of systematised villages were ethnically Romanian).<sup>12</sup> There was a sense then in which Hungarian elites at least lived communism as a Romanian imposition on themselves and retreated into a particular ethnic form of internal exile. It was entirely symptomatic of the mood at this time that András Keszthelyi (then anonymously) should have asked the question ‘to what extent can one consider the Hungarian population of Transylvania [i.e. as a whole] as an opposition?’<sup>13</sup>

Of course, the presentation of Ceaușescu's rule in largely ethnic terms ran wholly against the experience of the role of the Hungarian intelligentsia in implanting communist rule and then collaborating in the construction of the Romanian state. But since throughout this time the entire intelligentsia in one way or another relied on links with Hungary for access to scarce goods but especially books and journals, after 1989, expectations of what the content of 'liberty' might be were decisively shaped for Transylvanian Hungarian intellectuals by a desire for closer ties with Hungary. The notion that links Hungary were links with a country that represented a tradition of 'western thinking' or at least a more libertarian understanding of the relation of state and citizen, was thus grounded in part in the way experiences of communism were interpreted and represented between 1956 and 1989.<sup>14</sup>

### **Post communist Developments**

The events of 1989 through to 1991 when Gorbachev fell from power and the Soviet Union was dissolved, introduced a phase in our continent's history when a radical reconfiguration of political structures has, once again, been called for. The very sources of political legitimacy were to be found anew and, though this mostly happened peacefully, there were times, and perhaps more often than we like to remember, when fundamental restructuring has also involved throwing into question the geographical shape of states or the composition of populations who live in them. Some of the less remembered movements in population – to take a fairly random sample as illustration of the widespread nature of the phenomenon - include the departure of 25% of the Bulgarian Turkish population to Turkey in 1989, of the remainder of the German population from Romania to Germany in 1990 and the departure of nearly 100,000 Meshketian Turks from their Uzbek homes in 1989 and after as well. But most famously, the wars of Yugoslav secession represent the locus classicus where the issues and conflicts of this time come most clearly to the surface. As Rogers Brubaker demonstrated with unparalleled clarity, the nature of this conflict involved a tripartite relationship among 'national minorities,' the states in which they lived which were pursuing 'nationalizing' (that is assimilationist nation building) policies and the external national homelands of the national minorities, homelands which themselves were pursuing 'nationalizing' politics on their own territories

(Brubaker 1996: 55-59). Through brilliant manipulation of the anxieties of national minorities and the moral legitimacy of supposedly (and at times actually) persecuted minorities, the leaders of the Croatian and Serbian states were able to wage a war of partition in Bosnia under cover of supposedly 'spontaneous' and 'popular' military action to protect 'human' or minority 'rights' (Little and Silber 1995). But in our fondness for othering such behaviour onto 'outsiders,' it should be remembered that an interest in reconstructing political legitimacy around protection of the mother nation and re-drawing borders or shifting populations was not just a 'Balkan' phenomena. The first Hungarian government of József Antall (1990-94) took the opportunity of the wars of Yugoslav secession to float the idea of revisions to Hungary's southern border with Serbia to the president of Italy. The Hungarians briefly suggested that since the border had been agreed at Versailles with a state that would no longer exist if Yugoslavia broke up, Vojvodina should not be 'treated automatically as part of Serbia'.<sup>15</sup>

From the point of view of the Hungarian homeland's relations with its national minorities the outbreak of war in Yugoslavia and the reaction of the EU that no country could expect to proceed towards admission without resolving its territorial and historical disputes with its neighbours, brought an end to irredentist fantasies.<sup>16</sup> The first fruits of this surprising clarity of thought in Brussels came in 1992 when Hungary signed a 'basic treaty' with the Ukraine, admittedly the country with which Hungary had the least problematic relationship among its neighbours. The socialist-led government that came to power in 1994 followed this with two, rather more elaborate, Basic Treaties, first with Slovakia in 1995 and then with Romania in 1996. These established the inviolability of borders as well as official fora for negotiating conflicts. But, in both treaties the longest clauses dealt in detail with the treatment of national minorities and the framework of international agreements within which disputes over their condition could be resolved – relying in large part on work prepared by the Council of Europe.

Despite the precision and care with which these treaties dealt with the situation of national minorities, the signing of the Basic Treaty was, from the point of view of both Hungarian politicians and ethnic Hungarian leaders in the neighbouring states, by no means the end of the story of re-ordering international relations. Focussing here

primarily on the situation in Romania, while there were demands for various forms of territorial autonomy from the radical nationalist wing of the Hungarian Democratic Federation of Romania (U.D.M.R.), associated with Bishop László Tőkés of Timișoara uprising fame, and for regionalisation of the Romanian state (primarily from Gusztáv Molnár) which have not gone away, the issue most relevant here was the suggestion that ethnic Hungarians ought to receive some form of dual nationality or double citizenship as an expression of their links both in Romania and in their kin-state of Hungary.

Now, as Steve Vertovec has pointed out the very idea of dual citizenship has only recently come back into political favour after nearly two centuries of obloquy (2001: 12-13). In fact the reputation of this concept has changed so dramatically that it reads somewhat surprisingly today that the Council of Europe actively set about discouraging this status in 1963 seeing it 'as a source of conflict and confusion and thus as something to be minimised' (cited by Fowler 2002: 14). The shift within the Council of Europe after 1993 towards a more favourable stance on what some prefer to call co-nationality found a rapid echo in eastern Europe, most particularly in the circles of the World Association of Hungarians (*Magyarok Világszövetsége*).<sup>17</sup> This is an organisation whose leaders tend to come from Hungary and the region but much of whose dynamism and radicalism comes from the western diaspora.<sup>18</sup> At the time of the Hungarian elections in 1994 this generally radical and nationalist organisation started to campaign vociferously for the creation of dual citizenship. After the signing of the Basic Treaties with Slovakia and Romania this campaign was carried on with vigour, notably during 1998 just before and after a new conservative government led by The Federation of Young Democrats (FIDESZ) came to power. The President of the World Association, the prominent Hungarian poet Sándor Csóori was particularly active in this regard. An article circulated at the time and republished several times in Hungary, that appeared to carry the blessing of the Union, laid out the thinking behind this demand. The paper described dual citizenship as 'a kind of potential protection in a threatening situation' (Csapó 1985). Quite what constituted the threat was never clearly established, neither in this article, nor elsewhere. But the general sense hinted at (it could not be explicitly articulated) can be understood from the way this same article later talked of Trianon as 'the most unjust act of revenge in world history, that has *blocked every chance of establishing a lasting peace* in this region and still does

so today' (Csapó 1985, emphasis added). In the international climate of the time it would have been ludicrous to argue the need for dual citizenship on the basis of a possible outbreak of war, hence the need to keep the precise nature of the threat opaque.<sup>19</sup>

The real goal of double citizenship (there was also of course a rhetorical goal of raising an idea which would generate a certain type of divisive debate in which some parties could appear as the betrayed but true heroes of the national spirit) becomes somewhat clearer later in the same article when the author rehearsed the old losses but put them in a new legal context or interpretation. The losses of Trianon were identified as being due to 'international law, which is based on etatist principles, [and] does not accept any [legal] relation other than that which binds the individual to the state.' As a result the Hungarian state has had no legal connection to its fellow nationals who were put beyond its borders. And from this flowed the fact that:

National cohesion was obstructed ... after the lost [i.e. Second] war by the anti-national and anti-Magyar practice of the Soviet-Bolshevik occupation. As a result in the social life of the dismembered (*csonka*) country the feeling of unity and belongingness went almost totally to sleep. This circumstance contributed in large part to the assimilation of the Hungarians in the parts of the country (sic!) that had been chopped off. However, the persecution of Hungarians everywhere worked against this process, making them remember their national belongingness. So, in conclusion, in the successor states [by which the author means Hungary too, *ms*] Hungarians could find a space for themselves neither within the category of co-nationals nor as citizens" (Csapó 1985).

Dual citizenship was directed, then, to reconfigure not just cultural relations but also, if somewhat vaguely, the political configuration of the 'Carpathian basin'.<sup>20</sup> While in 1994 the central Hungarian political parties without exception rejected both the language and the details of this proposal of the World Union as too threatening and impractical, the centre right Federation of Young Democrats expressed an understanding of the desires articulated in such demands and stated that room should be found to accommodate some new form of relationship.<sup>21</sup>

Today's Status Law is the child of that recognition. It is also testimony, if more were needed, to the continuing political imagination and innovation of the forces around the Federation of Young Democrats. Indeed, the very way in which the law was drafted was innovative - formed not directly through the agency of the Hungarian governing party but through a *transnational* quango established by the new government, the Hungarian Standing Conference (*Magyarok Állandó Értekezlet*). This organisation is formed from the elected representatives of the Hungarians in neighbouring countries, representatives of the western diaspora, of the World Association, members of the parties represented in the Hungarian parliament and of the government (Csuday 6). As Brigid Fowler points out, membership of *non-citizens* is the norm here, not the exception as is found in west European expatriate councils (43). And yet, on paper at least, it was at the request of the standing conference that the Hungarian government and parliament drafted legislation and on the basis of the former's expert committees as well as following the goals they had laid out (Csuday 200: 7, 10).<sup>22</sup>

### **The Status Law**

The Status Law defines a number of goals (especially in the preamble and Article 3) which can be summarised under the headings of cultural-political, economic and cultural *strictu sensu*. Culturally the aim is to preserve the national identity of Hungarians beyond the borders; economically the aim is to improve the living standards of these same persons and the cultural politics comes down to the ambiguous idea of 'the unification of the Hungarian nation'.<sup>23</sup> The means to achieve these goals are firstly and primarily the provision of a range of benefits such that in some areas of life (mostly cultural) the beneficiaries can expect 'rights identical to those of Hungarian citizens' (article 4). In many cultural areas, such as receipt of national honours and prizes, beneficiaries will be treated like any Hungarian citizen. Notably also, beneficiaries would be able each year to receive a work permit for three months and when in employment they would pay national insurance and pension contributions and later receive payments 'out' in line with these contributions. A number of other concessions, not available to Hungarian citizens in general, such as subsidised travel are also included. Naturally, such a law also needs means to define

who is to benefit from the concessions. The practical means here involve the provision of an identity card, a Certificate of Hungarianness/Hungarian Certificate– or at least this is what the law proposed. According to the Law these are to be issued if ‘the applicant is in possession of a recommendation which has been issued by a recommending organisation representing the Hungarian national community in the neighbouring country concerned and being recognised by the Government of the Republic of Hungary as a recommending organisation’ (Article 20, <http://htmh.hu/law.htm>). In order to qualify for such a recommendation, it appears from Article 1 that a person has to declare themselves to be of Hungarian nationality, nothing more. But in practice this had to be validated by a ‘recommending organisation’, which meant, in Romania, either the Church or the Party (Democratic Association of Hungarians of Romania, or DAHR for short).

The explicit aim of the Law is to promote the well-being and general happiness of those Hungarians who find themselves born outside of what is conceived as the mother country and to ensure their ability to stay there. One condition of receiving the certificate of nationality is that one is *not* applying for settlement in Hungary. For this reason the more ‘radical’ advocates of dual citizenship continued to raise objections to the law through 2000 and 2001 opposing what they saw as its illiberal attempt to restrict the choices of co-ethnic Hungarians. But already in 1998 the Hungarian Prime Minister, had argued that dual citizenship would lead to the emptying of the neighbouring states of their Hungarian minorities and this position continued unchanged.<sup>24</sup>

The proposal and then approval of this bill led to an often remarkably fierce but also often strikingly intelligent debate in political circles and the media of the region. Thanks also to the requests from the governments of neighbouring states for official international fora to assess the law, there has also been significant international legal commentary on the law.

I wish to draw attention to a number of features of these debates. Firstly, and somewhat to the surprise of many observers, it emerged that far from being path-breaking and a novelty in the regional political scene, in many respects Hungary’s initiative merely repeated much less well publicised laws already activated by the

Croatian, Slovakian and Romanian states. This in part explains the second notable feature of the debates, especially in Romania: the tone of the political debate. With the exception of the populist, ultra-rightist party of Corneliu Vadim Tudor, contributions were, in general, remarkably restrained and much of the commentary rather objective by local standards. In particular one of the most widely distributed quality Romanian papers, *Adevărul*, distinguished itself throughout the period in its reports and commentaries and in other quarters there were high level, 'cross-ethnic' debates, as in the Romanian journal *Provincia* which appears in two editions, one in Romanian and one in Hungarian. The contribution of Traian Tef to this journal deserves particular mention. In May 2001, as the first Romanian contributor to the debate, he raised the suggestion that in its actual effects the Status Law would improve the conditions of all Romanians in Transylvania at least and possibly throughout Romania (Tef 2001: 4). Most strikingly he refrained from any attempt to raise the spectre of irredentism and colonialism, the spectres that Ceaușescu had kept alive so systematically through to the end of the 1980s and which continue to animate the ultra right in Romania. Interestingly, Tef's main criticism of the law was pragmatic: it was based on an unrealistic attempt to make Hungary the centre of the world of his fellow Hungarian citizens – whereas, as he saw things, for Romanian Hungarians, just as for Romanian Romanians, Hungary was just a stepping stone to the real destination, one of the western European countries (Tef 2001: 4).

There were a number of other interesting positions raised in this debate, positions which were often shared by Romanians and Hungarians. Thus both the leading human rights activist from Bucharest, Gabriel Andreescu and a Hungarian sociologist Nándor Magyar László, shared the sense that the law could overturn the remarkably successful balance that had been achieved since 1990 between the party representing the Hungarian ethnic minority (the DAHR) and the rest of the Romanian political class. As Magyar put it, the DAHR - which was a formal part of the 1996-2000 coalition; which introduced and saw through such path-breaking measures as an anti-discrimination law during the rule of this coalition government; which established itself as a champion of all minorities in the country, especially the huge Romany minority and thereby undermined the suggestion that it was merely an ethnically exclusivist and separatist organisation; which more generally became recognised as a defender of human rights, and which has continued as a stabilising force since 2000

supporting the Iliescu government's budgets in return for compromises on minority and other issues - had been posed a difficult, possibly impossible challenge by the Status Law: how could it continue to act as the most stable and coherent political force in the country if it seemed to be a part of a unified Hungarian nation centred in Budapest and so open itself to accusations of being a mere agent of the Hungarian state (Magyari 2002: 3).<sup>25</sup>

There were, of course, a number of considerably more critical voices raised. One particularly interesting one was the complaint by one of the leaders of the Romany community, Florin Cioba, self-appointed King of the Gypsies in Romania that the law would lead to the Magyarization of the entire Romany population who, living in the depths of poverty, would seek out the benefits offered in return for declaring themselves to be Hungarians. The reality of the situation among Roma in Transylvania is too complex to enter here. Let it just be said that Cioba's prediction produced its desired effect: howls of outrage from Romanian-speaking Gypsy leaders that they would never be bribed into selling their birthright. Cioba's own close links with the DAHR, however, both before and after, suggest that this was all just part of a game of political posturing and constituency formation (several articles in *Krónika*, July 21-22 and *Jurnal National*, Tuesday, 28 August, 2001).

Others critics came from the right and, especially in the town of Cluj, from journals and parties associated with the ultra-nationalist mayor, Gheorghe Funar. Here irredentist imagery did indeed come into play (being a regular feature of the landscape since Funar's rise to power after the system change) and at times this proved capable of dominating the political landscape. It was striking that in the late summer of 2001 when the Hungarian educational minister invited his Romanian counterpart to attend the opening of a private Hungarian language university in Transylvania, politicians from across the Romanian political spectrum squealed about colonisation and Hungarians carrying out their electoral campaigns on Romanian soil (see *Adevărul*, 6-7 October 2001, p. 1 and *Adevărul de Cluj*, 6-7 October, p1, 3).

By contrast, inside Hungary the political debate was characterised by an overwhelming consensus, with socialists and conservatives lining up behind the

slogan of 'unification of the nation'. It was left to the small Association of Free Democrats (SZDSZ) and its spokesperson Tamas Bauer to articulate a sense that the aim of the law was to make Hungarian ethnics see Hungary as their true 'haza' (home) and not the countries where they actually lived. Being aware that in Hungary there are at least 500,000 non-Magyar Hungarian citizens (Roma or cigány), Bauer pointed out that the Hungarian political nation includes all Hungarian Citizens and should not be drawn on ethnic grounds (*Népszabadság*, January 10, 2001).<sup>26</sup>

Despite the passions roused, in some senses the whole debate around the law proved in the long run to be without results. This was thanks to the canny call by the Romanian government on June 21 2001, later supported by its Visegrad neighbour Slovakia as well as Serbia, for the Venice Commission for Democracy through Law, a section of the Council of Europe, to examine the legal status of 'preferential treatment of national minorities by their kin-state'.<sup>27</sup> To cut a long story short, the commission did what all diplomatic bodies are designed to do, it devised a face saving compromise for all concerned.<sup>28</sup> While the Hungarians were told that their interest in their cross-border kin was entirely legitimate and had a noble history in European law (including but not restricted to measures introduced in the Austrian, Italian, Polish, Slovak, Bulgarian and Slovenian and Greek legislatures), the detail of the Hungarian status law left something to be clarified and indeed altered. In particular the Commission determined that the 'absolute priority' in defending the rights of national minorities lies with the government of the country where they live and any provision of material support to a national minority by its homeland nation state must be within a framework agreed with the other state. In this respect Hungary had overstepped existing international practice and convention.

The Venice declaration was made on the 19<sup>th</sup> October and for the next two months intensive diplomatic contacts and an equally intense media campaign were sustained by both sides. Poker-faced to the end, both Romania and Hungary finally cut a deal two days before Christmas. In essence this stated that the entire procedure of granting certificates should take place on the territory of the republic of Hungary; the 'representative organisations' on other territories should not issue any recommendations concerning ethnic origin, but only offer information to applicants of

a non-legally binding character and finally that the certificate would *not* contain any reference to the ethnic identity of its bearer. Curiously, unlike other such inter-state agreements between Hungary and Romania this one was ‘done’ only in English – there being no official Hungarian (or Romanian) translation – by such small differences is face saved or lost. These changes just listed were all in conformity with the Venice commission’s recommendations. The real turn up for the books, however, was the second clause of the new agreement which demonstrated a remarkable coup for the Romanian prime minister Adrian Nastase. This stated that ‘all Romanian citizens notwithstanding their ethnic origin will enjoy the same conditions and treatment in the field of employment on the basis of a work permit’ (Point 1.2 in Memorandum of Understanding). It is hard to see how this fitted with the whole ethnically-centred drive of previous Hungarian policy, but by this stage such a concession was clearly felt necessary in order to get the ‘Status offices’ opened in Romania before the Hungarian Parliamentary elections in April 2002.

With hindsight it seems that Orbán’s government fell into a carefully constructed trap here. The very same day this agreement was announced the socialist (and the neo-fascist) parties in Hungary denounced it as a threat to Hungarian jobs and a betrayal of the national interest.<sup>29</sup> This cynical political gesture paid immediate and, it seems, lasting dividends. At the very moment when the governing party, FIDESZ, should have been celebrating hand-over-fist at the symbolic reversal of Trianon (which is how they were playing the law to their supporters), their ratings were tumbling in the polls for the first time since they came to power in 1998. On January 11<sup>th</sup> 2002 the first Hungarian Certificates were handed out in Bratislava with something of a fanfare. Ten days later the first offices providing the means to obtain the certificates in Romania also opened to considerable acclaim in the Hungarian press. But on 22<sup>nd</sup> January *Sonda-Ispos* published a poll which showed that FIDESZ had dropped five points in the polls since December. Though these voters had become ‘uncertain’ (rather than supporters of the socialist opposition) it was with a lead of 5% that the socialist and liberal parties took the first round of the election in April twelve weeks later.<sup>30</sup>

**Cui bono?**

As I write in summer 2002, the former governing party of Hungary claims that the Status law has been a great success. The new socialist government is inclined to agree and has stated its intention to carry on much the same policy with respect to the ‘Hungarians beyond the borders’.<sup>31</sup> But what of the beneficiaries of the concessions? On Wednesday April 17th, just four days before the second round of the general election the Chair of the Office for Hungarians beyond the Border claimed that 300,000 applications had been received (Életképes státustörvény, Magyar Nemzet, p.10). But independent evidence suggests that 140,000-170,000 (out of 2 million potential applicants) is a more likely figure in April 2002. After this, it is hard to estimate as the flow of applications seems to have declined and the number of staff in employed in the local offices has been slightly reduced in consequence.<sup>32</sup>

Our research carried out in two villages near Cluj as well as the ethnic enclave of Szeklerland shows a diversity of response both regionally and by social position within regions, especially as regards negative sentiments. In general, the terms of expression of approval and willingness to participate in the new status ‘regime’ are rather consistent. First and foremost the aspect of the law that was aimed at making a symbolic gesture seems to have paid off, especially, but not only, with the elderly.<sup>33</sup> There exists among the Transylvanian Hungarian population what one might call a ‘Trianon-syndrome’ and the new law offers a kind of spiritual-symbolic restitution to those who suffer from this. Sometimes old people have told us that this is a sign that the Hungarian state ‘bothers about me too’ (*törődik velem*), that despite Trianon ‘we are not forgotten’. For some, the act of coming to the office to submit the application offers an opportunity to relieve themselves of a burdensome past and, if a willing audience is found, individuals may recount their life stories at some length – events from the war (known as ‘the time of the Hungarians’ (*magyar idő*), from prison or labour camps in the post-war period (often in the Soviet Union), the expropriation of land, garden-land or houses (and continuing problems with re-acquiring them or receiving compensation in lieu), the flattening of their homes to build the vast ‘block houses’ of Ceaușescu development and so on. For people such as this there seems to be an aspect of emotional compensation in the receipt of a ‘Hungarian identity card’. Unlike a vague sense of connectedness to unknown others, the card can be held in the hand, shown to acquaintances and friends. There is one’s own picture in it with the Hungarian crown on the cover, an official stamp *from Hungary* and a signature of

an official from there. It is proof that ‘they really do care about us...’ As evidence of this kind of feeling, a report from Serbian Vojvodina tells of an old man, among the first in line to apply, who told those around him ‘I’ve waited sixty years for this moment when I can carry an official Hungarian document over my heart’ (*Hunsor Hirfutár*, January 6<sup>th</sup>, Subject 3).<sup>34</sup>

Apart from the elderly, one other group who have felt particularly ‘called’ to apply for the card has been the ‘cultural elite.’ At a concert in Budapest in the summer of 2001 one of the singers of the leading Slovakian Hungarian folk band, Ghimes, at the end of a song about a wicked king told its audience this:

For sure you have heard that in our direction [in Slovakia] a big storm has been brewing about a certain thing, the name of which is the Hungarian Certificate. Well, all we can say about this is that the fearful farmer [the Slovakian state] is the farmer whose fence isn’t firm enough, because the stakes are not pushed in deep enough....Well, we’re not scared, and we’ll go and get our Certificates!” [Applause in the audience].<sup>35</sup>

We also heard various people, mostly younger, express a desire for the concessionary treatment and subsidies that are available. In the Szeklerland a family with several children in Hungarian school (but so poor that they did not even have a passport as they had never travelled abroad) looked forward to ‘the *forint* [unit of Hungarian currency] for the children’s’ schooling’. Young people and university students we spoke to were keen to be informed about scholarships and the possibility of studying abroad. And among those who had already been to Hungary, collected their Card and used, for instance, the free travel concession, there was a clear sense of gratitude that their visit to Hungary was made easier in this way.

It is hard at the present time to assess precisely who is taking up the opportunities offered in the law. We made no systematic study of who was coming to the offices across the region, but from conversations with officials in Cluj, it seems that it has been the elderly rather than the young who have come in for application forms, as well as a certain layer of the Hungarian cultural élite (teachers, culture-house workers) who see it as their duty to respond to this ‘national awakening’. The sentiments of the latter came out strongly in relation to one, well publicised, case in

which a Hungarian-Romanian Senator (from the most overwhelmingly ‘Hungarian’ town in the country) announced that he was not going to collect a Card as he did not need the money. Some denied that this man could be Hungarian at all, many questioned whether he was not really ‘Bucharest’s man’.<sup>36</sup>

At the same time it is among similarly élite (if more liberal minded) Hungarians that the sharpest criticisms of the law are articulated. Leaving aside those who participated in the media debates discussed above, we found a symptomatic response of ‘feeling offended’. On numerous occasions we were told, ‘I’m still a Hungarian without an identity card,’ or ‘we’ve lasted eighty years as Hungarians without a card and we’ll survive a bit longer too without’. Others find that the role of the church and party in administering the process of application (and above all in providing the primary evidence to be sent to Hungary that the person ‘is Hungarian’) deeply offensive and reminiscent of the procedures of 20<sup>th</sup> century totalitarianism: ‘I don’t need the church or DAHR to prove who I am.’ One middle-aged, intellectual acquaintance said that as far as he was concerned, the card should not be called the ‘Hungarian’ but the ‘Good Hungarian Card’ (*jómagyar*) – since one had to prove one’s loyal affiliation to (and membership in) various ‘Hungarian’ institutions in order to qualify for the card. Others have encouraged Romanian friends of theirs (who do not speak Hungarian) to join the Hungarian political party (open to any and only Romanian citizens of any ethnic background) and then apply for a Card, declaring themselves to be Hungarian – as means to make fun of the whole institution and show the ‘senselessness’ (as it was put to us) of the whole procedure. One Hungarian elite figure in one of the main towns also succeeded in arranging for a friend of his to obtain the Card (to travel to Hungary for medical treatment) without having to declare in the office that he was Hungarian (a procedure which the sick person held to be humiliating). As they say, ‘anything can be arranged’. It is also among this circle that stories circulate of the (actually *very rare*) complications which the offices have encountered. In this way I have heard of two cases of persons who, with some ‘protection’ from on high obtained Hungarian cards even though they formally did not qualify on any of the requirements. The persons concerned were religiously (and in Romania this means to some extent ‘ethnically’) Jewish and so unwilling to declare themselves as ethnically Hungarian in the sense of the law, educated in Romanian Schools, and not members of the DAHR. However, in all other respects in the town in question these two elderly

figures were wholly part of the ‘Hungarian community,’ spoke Hungarian at home and raised their children speaking Hungarian to them and considered themselves Jewish Hungarian-Romanians!

If it is only among this liberal elite that one finds outright opposition to the idea of a status law, this is by no means the only group who feel reticent about turning up to the offices and cracking open the champagne, as some were reported to do when the first offices opened in January 2002 (*HUNSOR Hírfutár*, January 22, ‘Dawn of Status in Transylvania’). While a few people said that they did not want to commit themselves to remaining in their birth state, and some (especially the poor – and therefore relatively immobile - and those old people who are no longer physically mobile) just could not see what ‘use’ (*haszon*) they could make of the card, many, many more, including several interviewed in Hungary from both Slovakia and Szeklerland in Romania, explained that for them the three months work permit was not long enough and, since they were already working far longer than that in Hungary each year, they would not wish to draw the authorities attention to themselves by appearing on a list of people only entitled to work for three months per year. For them it appears as if the goal of the Status Law’s that people should ‘seek happiness in the land of their birth’ translates as ‘take the money and go home!’

It is particularly ironic that we found such attitudes especially strongly in the village of Mera, outside of Cluj, which we had chosen to study in part because of the central role that this village played in the Dance House Movement and revival of ‘ethnic consciousness’ in Hungary in the 1970s (Kürti 2001: 149).<sup>37</sup> Among Hungarians we found a consistent attitude of ‘those who need it are those who go to Hungary.’ In this village ‘those who go to Hungary’ happen to be Gypsies. And while there would be little to stop them applying for and receiving the card (with support from the local church and proof of having attended Hungarian school), interestingly we found only one Gypsy who expressed an interest in applying for the card. This man told us ‘we have been Hungarians, we are Hungarians, we need the Card’. However, among the rest of the twenty four Romany families in this village, interest is weak. The reason: they are all, already, engaged in long-term migratory labour inside Hungary. In fact nearly every family has at least one member who has established themselves across the border, mostly in Budapest and who has permanent residence or work permits

there. They have not, however, taken up Hungarian citizenship since they would then lose their property rights in Romania. Others maintain a more flexible implantation but live from the cross-border movement and trade. For all these people, those who genuinely use and rely on the cross-border Hungarian connection, the Card is worse than senseless, it is a positive threat to their mobility and recognised as such. It is, therefore, no surprise that far from there having been a wave of Roma seeking to 'Magyarize' themselves, as some Romany leaders had fancifully claimed, officials from the Cluj Status office at least report 'remarkably few Gypsies' in the queues.<sup>38</sup>

Such attitudes are likely to become more rather than less general. An important part of the motivation for accepting a 'status law' for Hungarians 'beyond the borders' was the threat that the introduction of 'Schengen borders' on Hungary's eastern flank would lead to what some described as 'a third Trianon', that is a third cutting of the ties between the homeland-state and its kin. The fact that Romania has now been accepted onto the list of no-visa countries for Schengen means that the need for special entry permits to Hungary has disappeared. Moreover the fact that in reality the concessions within Hungary are rather small and most of the subsidies for organisations at least are available in any case to Hungarians means that those like Gabriel Andreescu who feared the Status Law would radically alter inter-ethnic relations within Transylvania and the pattern of cross-border ties will be proven wholly wrong. At the end of the day it is hard not to see the 'Status' as one of the stunts performed in the 'theatre politics' that the FIDESZ regime increasingly moved towards during its term in office.

### **Transnational politics**

Despite a number of obvious differences with the sort of ethnographic situations typically described in the 'transnationalism' literature, the position of the Hungarians beyond the borders may profitably be compared with others who live in 'transnational social fields.' As Linda Basch and her co-authors argued a few years ago, the essential feature of 'transnationalism' is the 'multi-stranded social relations that link societies of origin and settlement' (Basch et al. 1994: 7). These social relations build 'fields that cross geographic, cultural and political borders' (Basch et al. 1994: 7) so that

people develop multiple and intense involvements in two places simultaneously. Of course, Basch et al., like most other authors in this academic field, are working with and against models derived from the study of migration and immigration studies, whereas in my case there has been no migration, only a separation of co-ethnics due to border changes. But the implications of this particular difference for the nature of the 'transnational links' are less than might be assumed. Perhaps the most important effect is that the role of global capital in the shaping of Hungarian transnational ties is much less prominent than in, say, Haiti or Dominica. FDI Capital investments in Hungary are far higher than in Romania and this has led to labour migration westwards, but it would take a great degree of economic reductionism to see the Status law and other aspects of Hungary's cross-border policies as a response to economic forces.

One implication of making the comparison is that the complex situation we find in eastern Europe is rather more general than the local discussion of 'kin-state ties', which focus on the aftermath of empire, tends to assume. These sorts of cross-border links are features of the modern world and their complications a consequence of the current division of the globe into nation states. What the Hungarian material brings to the foreground, however, in contrast to the transnationalism literature, is the role of states in sustaining the transnational linkages that arise over national borders and the way that power relations profoundly shape these linkages. 'Transnationalist' studies of countries that send migrants and then try by various means not to lose these citizens (and access to their wealth) tend to concern poor and weak states, confronted with the might and wealth of recipient countries (Basch et al. 1994, Westwood & Phizacklea 2000, for instance). In the Carpathian basin the situation is reversed: the country here that is trying to hold on to its co-ethnics is the better connected, richer and, by some crude measures, the most powerful state in the region (it is, for instance, the only NATO member among those effected by the Status Law and the only 'first wave' EU accession country). This contrast produces important reversals when comparing the Hungarians beyond the borders with, say, Haitians in New York.<sup>39</sup> Whereas the United States barely acknowledges the 'home-ties' of its immigrant populations, and the Haitians themselves, as a consequence, 'barely acknowledged that they lived in both places' (Basch et al. 1994: 17), in my case the host-states like Romania tend to exaggerate (at times grotesquely) the 'home-ties' of the Hungarians.

For some Romanians, indeed, the Hungarian minority is a fifth column undermining the integrity of the state. Conversely, the Hungarian state, too, tends to be blind to the ways in which the Hungarians beyond the borders are not just Hungarians and have a distinctive regional identity, interests and goals.<sup>40</sup> And many Hungarians in Hungary sometimes seem to behave as though they lived inside one deterritorial nation of Hungarians. A further consequence of this difference is that while in the cases studied by Basch et al. it is obvious to all that attempts by the 'home-state' to organise cross-border connections are 'fraught with complexity and internal contradiction' (1994: 143), in my case it is only through fierce academic argument and analysis that the complexity and contradictions of Transylvanian Hungarian identifications can be made to appear – so smooth does the surface of 'the united Hungarian nation' appear. So while both the Haitian state and the Hungarian state tend to ignore the incorporation of their co-ethnics into the countries in which they live (Basch et al. 1994: 3), the Hungarian state is far more able than its third world counterparts to pass this off as a fair and plausible representation of the way things really are. All this leads to a startling ethnographic contrast between the president of Grenada humbly asking the United States government's permission to appoint as Grenada's ambassador to the UN a Grenadian-U.S. Citizen who had raised millions in charity for his mother country (Basch et al. 1994: 127) and the attitude of the Hungarian government that its relationship with co-ethnics is a private matter for the Hungarian state and no one else's business.<sup>41</sup>

Despite such differences in the political games states are able to play, the underlying similarity in the strategies of states as diverse as Haiti and Hungary comes out clearly from a discussion by Basch et al. of 'nation-building' strategies in a 'transnational', third world context. Basch and her colleagues argue that there is a great difference between the condition of a traditional diaspora in which a people sees itself outside of its own territory, living in a kind of exile, and salvaging some hope in a shared identity, and the *new* form of deterritorialized nation 'in which the nation's people may live anywhere in the world and still not live outside the state. By this logic, there is no longer a diaspora because wherever its people go, their state goes too' (Basch et al. 1994: 269). But the point I notice is that this analysis can be applied word for word to Hungary's essay with the Status law. I would argue that the Status law is no more than an attempt to turn a 'traditional' diaspora into a 'new' transnational nation. And

in the very possibility of this simple shift much of the ‘novelty’ of ‘transnationalism’ dissolves.

Note also that in both the Hungarian and the ‘transnational’ cases the idiom of unity derives not from ‘hybridity’ but from the essentialised identity of nation and ethnic group which underlies the rhetoric of a so-called ‘deterritorial nation state’. In this respect too, or so it seems to me, there has been a strange tango of academic and political rhetoric. While academic commentators have often sought out the ‘counter-hegemonic’ (which in this case means the non-national) aspects of people’s representations and somewhat romantically thought that the ‘in-betweenness’ of transnational migrants makes them more likely sources of subversive thinking that transcends the ‘bounded thinking’ of the nation state, so also politicians seeking to legitimise old-fashioned nationalist political goals have adopted a ‘post-modernist’ rhetoric of thinking outside of the old frameworks.<sup>42</sup> Thus one of the consistent claims of the Hungarian government has been that the Status Law provides the ‘future for Europe’ and a model for cross-border relations with co-nationals (Prime Minister Orbán, quoted by *Népszabadság*, June 28 2001). This comes back into academic discourse with the parallel claim that the law provides an early and innovative sign of a move towards ‘deterritorialized nationality’ and ‘fuzzy citizenship’ in the region (Fowler 2002).

Part of the difficulty in getting an analytical grip here derives from ambiguity in the analytical terminology. Whereas one, perhaps the dominant, folk usage of the term ‘transnational’ is as a qualifier of a certain sort of corporation which is in many respects able to develop ‘hybridity’, work in ‘hyperspace’, operate in a ‘decentred’ fashion, coping with displacement and disjuncture and generating diasporas of its own, the cross-border ties of migrants or diaspora peoples like the Hungarians, or Haitians, are ‘transnational’ only in the sense that the links cross national borders. Ironically, it could be argued that in so far as Hungarians beyond the borders experience ‘hybridity’ it is not due to their ‘transnational’ links but in so far as they escape those and live their lives as persons with roots in and multiple affiliations to the country in which they happen to be living. The transnational links that are constructed to the home-state by Hungarians, like Haitians, are framed in deeply

conservative terms of ethno-national relatedness. There is, in this sense, precious little post-modern, about the attempt to construct ‘deterritorialized nation-states’.

Rather, it corresponds to the kind of vision of the modern state that has been so clearly articulated by liberal, nationalist critics of the ‘ethnically neutral state’ like Will Kymlicka (2001). The arguments of authors like this, who take what Chris Hann has recently called a ‘fundamentalist’ view of the human ability to act in cultural terms as dependent on and coterminous with particular local (now national) cultures, are those which ground the ideologies that promote cross border ties with co-ethnics (Hann 2002: 259). If you believe that membership in a culture ‘is a precondition of autonomous moral choices’ (Kymlicka, 2001:250) and that ‘culture’ here refers to relatively closed and bounded systems of meaning and interpretation which generates political forms peculiarly appropriate to itself, then the kind of cross-border links that the Hungarian government has promoted are indeed an appropriate response to the plight of ‘those bits of the nation who have been left beyond the borders.’<sup>43</sup>

Further, it could be argued that the transnational model inadvertently exaggerates the extent of nationalist affiliation in order to construct its opposite ‘in-betweenness’ as a feature of recent increases in international labour mobility. Our fieldwork suggests that Hungarian Romanians do not live all of their lives in terms of a ‘search for recognition’ or a ‘search for identity’ and that ‘in-betweenness’ or simple ‘nowhereness’ vis-à-vis the categories of national affiliation is a quite normal feature of human lives in all nations much of the time. People’s sense of national affiliation should be treated as contingent, achieved and socially localised and not assumed to dominate all experience (Cooper and Brubaker 2000). In the Romanian case even when conflicts take on an ethnic character this is often of a local and regional or even superficial nature. In the village of Mihai Vitezu (Szentmihály for Hungarian speakers), where my team has worked, conflicts between Hungarian and Romanian ethnics (*Moți* to be precise, former woodworkers who lived in the past in the local mountains) are mostly about access to land and the division of household plots to provide accommodation for (Romanian *Moți*) incomers during the socialist period rather than an expression of ethnic animosity and a search for ‘recognition’. Likewise social relationships in this village, as elsewhere in the locality, are decisively shaped

by stratification which often overrides ethnicity as a determinant factor in social interaction.

One of the sources of my interest in the position of the Hungarians beyond the borders was the ethnographic observation that in towns like Miercurea Ciuc that lie deep in the Romanian mountains, nearly a thousand kilometres from Budapest, and where the last time that a Budapest politician had any direct legislative influence on the lives of inhabitants was in 1944, Hungarian-speakers I have met would watch the evening news from Budapest, not from Bucharest. After 1996 the question arose as to whether with their own political party in power in Bucharest, people would turn their eyes south and acknowledge the world they actually lived in. In this context the Status Law can be seen as part of sustaining a powerful, if deeply ideological and largely fantastical rejection of the world as it is. But since daily life for the residents of Miercurea Ciuc and the rest of Transylvania depends on legal, social and cultural conditions within the Romanian state, the post-modernist fantasy of belonging to a deterritorialized nation offers, like so much else on the post-modernist stall, no more than a mirage.

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### **Notes**

<sup>1</sup> In fact, strictly speaking, the five million refer to all the Hungarian diaspora across the world including those in Europe, America and the antipodes. But even in this phrasing the notion of a 15 million Hungarian nation is truly a 'nationalist myth' which ignores, inter alia the 500,000 strong Hungarian Romany population (Schöpflin

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2000: 371). It also assumes that all those who declare themselves ‘Hungarian’ in the neighbouring countries do so unambiguously – whereas Roma in the villages we have worked in Transylvania tend to declare as Hungarian to avoid the stigma of accepting the *țigani* classification. The whole business of ‘15 million’ derives, incidentally, from an early statement by the first democratic Prime Minister of Hungary, József Antall, who on 13 August 1990 declared himself to be Prime Minister ‘in spirit’ of 15 million Hungarians (Schöpflin 2000: 386).

<sup>2</sup> Strictly speaking Basch et al. (1994) seem to adopt two potentially opposed positions, one stressing transmigrant agency and celebrating the novel counter-hegemonic strategies of these (268), and one focussing on the manipulative and interested home states (e.g. 126) who sustain very traditional ideas of the nation state alongside their transnational rhetoric (260). Likewise they do not seem to be able to decide if ‘transnationalism’ represents a new era of nationalism (30) or a phase in the history of nation states in which ‘hybridity’ and ‘in-betweenness’ will undermine ‘bounded thinking’ (268).

<sup>3</sup> See A. J. P. Taylor’s famous discussion of this (Taylor 1948).

<sup>4</sup> The number of Hungarians in Romania fell from c. 1.662 million in 1910 to c. 1.353 million in 1930 while the population of the whole country rose by just under 4%. In Slovakia while the population overall increased over 10% in the same period, nearly 300,000 (out of 884,000) left the country. See the maps and charts at [www.htmh.hu](http://www.htmh.hu).

<sup>5</sup> Romania received all the land up to and including Odessa in return for dismemberment of its North western flank.

<sup>6</sup> See, for example, the remarkable documentary film by Janos Domokos, ‘Keep it in Mind,’ (Történelmi Film Alapítvány, Budapest, 1988) which deals with the revenge massacre of scores of Romanians in the village of Ipp in 1941 and the representation of those events in the village in the 1990s. An equally good story could no doubt have been told of the ‘memory’ of the massacre of Szárazajta where Szeklers were killed in 1944.

<sup>7</sup> With some minor exceptions such as the ceding of the largely Hungarian dominated region of trans-Carpathian Ruthenia to the Ukraine.

<sup>8</sup> Effected by the State-Council’s law-decree No. 255/1974 of 6<sup>th</sup> December. Its modification by Decree No. 372/1976 of 9<sup>th</sup> November so that foreigners of ‘Romanian descent’ could be housed by ‘any of their relatives’ (not just first degree relatives as in No. 255) was seen as further evidence of an ethnic intent behind the decrees.

<sup>9</sup> For an excellent discussion of this, see Kürti (2001).

<sup>10</sup> János Báthory, pers. Comm. to the author, 1985.

<sup>11</sup> The diarist *Diurnius* (aka Pál Bodor, former head of Hungarian language Romanian TV) who wrote in *Magyar Nemzet* was a prime example and initiator of this shift in approach.

<sup>12</sup> See Antal Végh’s popular study, (1988) for instance, written for the Hungarian market.

<sup>13</sup> His answer, wisely, was not very much and not nearly as much as people liked to believe, but others were far less sceptical.

<sup>14</sup> For versions of this argument see Molnár and Schöpflin (2000: 410-414).

<sup>15</sup> See *Magyar Hirlap*, July 9 1991, *A békeszerződések a Vajdaság területét nem tekintik automatikusan Szerbia részének* (The Peace accords do not treat Vojvodina automatically as part of Serbia), cited in Kis 2001: 241). Of course the unification of

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Germany and the dissolution of the Czechoslovak Federation offer further evidence of the popularity of this kind move in the post-Soviet world.

<sup>16</sup> But in 1999 the Viktor Orbán government suggested that a solution to the Kosova crisis could be linked with changes in the status of Vojvodina allowing for some form of territorial autonomy for the ethnic minorities there (Kis 237).

<sup>17</sup> Brigid Fowler points out that “under a 1993 protocol amending the earlier norm, and then the 1997 European Convention on Nationality, more space is allowed for the possibility of dual citizenship. Under these later norms, dual citizenship can be seen as a means of integrating immigrants while safeguarding the individual’s right not to be deprived arbitrarily of her original citizenship (Council of Europe 1997, Articles 4, 14-17; Council of Europe 1999a, Paragraph 75)” (2002: 14). See Spiro (1998) for an excellent discussion of the roots of this ill-fame in 19<sup>th</sup> Century disputes, including mention of a 19<sup>th</sup> century British treason trial of naturalised Irish-Americans.

<sup>18</sup> The obvious comparison with the Yugoslav diaspora is rather appropriate (Danforth 1995).

<sup>19</sup> See Laszlo Foszto with Michael Stewart, ‘Double Citizenship or what you will’, report prepared as part of ESRC project and available from Centre for Democracy and Society, Dept. Anthropology, UCL.

<sup>20</sup> The very term ‘Carpathian basin’ uses a geographical feature to naturalise the idea of ‘Hungarian unity’ since it is within this ‘basin’ that ‘Hungarian’ tribes settled over a thousand years ago – it helps suggest a kind of natural unity of a ‘great Hungary’ which other states today, with claims over the same territory, lack.

<sup>21</sup> At the same time the FIDESZ government cut off funding to the Hungarian and Transylvanian wings of the MVSZ after the election of the Transylvanian radical, Miklos Patrubány as president. This move effectively throttled the local organisation.

<sup>22</sup> As Fowler points out (2002: 45), in this way FIDESZ distanced itself from the former socialist government who had not allowed representatives of Hungarians beyond the border a veto over the terms of the Basic Treaties.

<sup>23</sup> To Hungarian nationalists the government could talk as if there were a political element to this reunion – as when Zsolt Németh had spoken of the Standing Conference being not just a cultural but a ‘political body’ representing the Hungarian nation (cited in Fowler 2002: 43) - while internationally (to the Romanian government, for instance) they argued that no more was involved than a purely ‘cultural’ reunification. See *Népszabadság Online* November 30 2001, Orbán több kérdésben hajlandó egyezkedni Nastaséval

<sup>24</sup> The question naturally arises as to how far Hungary has been motivated by economic fears in pursuing a policy that, inter alia, aims to restrict labour migration. It seems to me that this kind of economic reasoning is not very relevant here – and it is striking that in the aftermath of the Nastase-Orbán compromise – see below – the Hungarians were accused of seeking to benefit from increased migration. Despite comments of Orbán (reported in *Népszabadság* January 28<sup>th</sup>) that the Hungarians beyond the border represent a great reserve strength for the Hungarian nation, the motivation for keeping Hungarians abroad lies more in the realm of ideology than ‘rational calculation.’ See also Kántor on this (2001: 6). The Socialist party in Hungary, as well as other minority parties were especially keen to insist on the phrase, ‘seeking happiness in the land of their birth.’

<sup>25</sup> There was a notable difference in the tone in which assessments were made between intellectuals from Bucharest and those based in Transylvania. Whereas the latter understood the procedures as not deeply threatening, a writer such as Gabriel

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Andreescu (2001:9) implausibly argued that the mobilisation of the Hungarian cultural nation would inevitably preface a mobilisation of this nation as a political force in the region. This failure to understand the profound gap between Budapest and co-ethnic elites abroad was mirrored in Hungary too (Schöpflin 2000: 370-377).

<sup>26</sup> The article was called, 'A hazátlanság tartósítása,' preserving the absence of a homeland.

<sup>27</sup> See [http://www.venice.coe.int/docs/2001/CDL-INF\(2001\)019-e.html](http://www.venice.coe.int/docs/2001/CDL-INF(2001)019-e.html), Report on the Preferential Treatment of National Minorities by their Kin-State, adopted by the Venice Commission at its 48<sup>th</sup> Plenary Meeting (Venice, 19-20 October 2001).

<sup>28</sup> It was also, surely, a case of Europe deciding that it would not clean out the 'Balkan' stables but would leave that job to the locals.

<sup>29</sup> See *Népszabadság*, December 22, Az SDSZ és a MIÉP a munkavállalásról.

<sup>30</sup> See *Népszabadság* January 11, Átadták az első magyarigazolványt, and *Népszabadság* January 22, Újra az MSZP vezet a Fidesz-MDF előtt. FIDESZ effectively won back this 5% in the second round but only after an extraordinary street mobilisation of nationalist and anti-communist fervour unparalleled in Hungary's democratic history since the turbulent days after World War Two.

<sup>31</sup> 'Cselekedni, most és mindenkiért' at (<http://www.htmh.hu>).

<sup>32</sup> See, for example the *Új Szó* report of April 12 that says 28,000 have asked for the certificates in Slovakia (<http://www.ujszo.sk>) out of a potential number of 600,000 and on the 6<sup>th</sup> March 2002 *Népszabadság* reported that 83,442 requests had arrived from Romania. It may not be unrelated that Tibor Szabó lost his job with the change in governing party.

<sup>33</sup> Zsolt Németh, of the Hungarian Foreign Ministry explicitly described the law as a means to overcome 'our nation's 80 year old Trianon trauma' (cited in Fowler 2002: 38).

<sup>34</sup> In fact the crown is not part of the official signs of the Hungarian state (though it appears on the coat of arms of the country and the actual object was, amidst much controversy, moved out of the national museum and into the parliament building during the Orbán regime).

<sup>35</sup> Transcribed by Zsuzsa Árendás from contemporaneous field notes.

<sup>36</sup> The debate around Attila Verestoy's stance can be followed on *Az Erdélyi Közélet lista*. For example Digest Number 380 Thursday 24<sup>th</sup> January and previous messages attached. Most were outraged at the 'reduction' of the status law to a form of welfare as opposed to a sign of the 'unifying strength of the entire Hungarian nation' (message 15). So hated did Verestoy become that on Wednesday 10<sup>th</sup> April in Digest 440 the list also carried attacks on Verestoy from the Romanian press. Part of the heightening of feelings around this may indeed be that the Status law seems to have mobilised those who have long been susceptible to 'nationalist' calls, and not a wider Hungarian public.

<sup>37</sup> The Hungarian-speaking Gypsies from Mera are aware and proud of the pedagogical role they played during the 1980s in the Dance House Movement. They remember the afflux of young Hungarians coming from Hungary to learn the songs and dances from the region of the 'Kalotaszeg' where Mera lies. Some of them benefited from the symbolic capital they accumulated after 1989 when the Gypsy musicians were invited to give concerts in Budapest by their former "apprentices". Ironically enough, the "transfer" of the Transylvanian folklore 'patrimoine' to the Hungarians from Hungary has raised some "copyright" questions among the Gypsy musicians in Mera as one told us: "They [the Hungarians from Hungary n.d.] stole the

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music and the dance from us for a chocolate and a packet of coffee [allusions to the penury during the 1980s in Romania]. After 1989 they made a fortune out of this; some got nice money with the music from Kalota. We didn't know, we hosted them very well, they recorded us, they filmed us."

<sup>38</sup> It is quite possible that the Status concessions would have represented a genuine assistance to such migrants in 1991-3 when they were establishing themselves across the border and it is theoretically possible that some younger entrepreneurs will use it thus today. It is also important that the Roma have not been told by the Hungarian authorities about the chance to obtain subsidies for sending their children to Hungarian school. It will be revealing to see if this changes in the course of time.

<sup>39</sup> See also Fowler (2002: 26) on the contingency of politics in this field.

<sup>40</sup> There is an interesting discussion of the complexity of Hungarian feelings towards Transylvanian and Hungarian Hungarians in Bodnár.

<sup>41</sup> In this sense alone, it is true that the Status law represents what is sometimes referred to as 'soft irredentism' – the creation of a fantasy world without borders or in which borders exist only as lines on maps and not as institutions on the ground and so in which Hungarians can only talk to Hungarians and pretend that those nasty 'others' don't exist.

<sup>42</sup> Indeed one wonders how far the search for counter hegemonic stances vis a vis nation states is a late twentieth century replacement for the by then abandoned hunt for counter hegemonic stances vis a vis capitalism and private property.

<sup>43</sup> Kymlicka actually admits to having some difficulty with the issue of 'kin-state' ties since his model is designed to ensure equity within existing state boundaries (Kymlicka 2000: 201).

Compare also Thomas Faist's argument that advocates of assimilation and of ethnic pluralism share an 'overemphasis on culture as a fixed and essentialised phenomenon' presenting a static view of culture in contrast to an anthropological notion of human culture as generalised 'software' or a tool-kit for making distinctions and differences (Faist 1998: 31). See also Charles Taylor (1994) for a fairly radical view of culture as limited to local 'cultures.'

It is remarkable that considering the fact that Hungary was responsible for most of the regions now covered by the Státus law, no one suggests that Hungary ought to adopt pro-active immigration policies or at least labour migration policies like those in force in former colonial powers such as Britain or France. Such 'non-ethnic' policies seem to be anathema as yet in Hungary.

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