

Chapter 5

The Hungarian Status Law: A New European Form of Transnational Politics?*

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Late in the evening of Sunday 21 April 2002, the incoming Hungarian Prime Minister, Peter Medgyessy, took the stage in his Socialist Party headquarters to accept, informally, the mandate of the electorate. Announcing his intention to form a liberal-socialist coalition government, Medgyessy told his listeners that after a bitterly fought second round of an election that had deeply divided the electorate, 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.¹

To anyone unfamiliar with the political myths of Hungary it might seem odd that on the very night of a national election the winning candidate for

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1 *Magyar Nemzet Online*, <http://www.mno.hu/index.mno?cikk=72595&rvt=2>.

Prime Minister should so carelessly lose five million of his people, or the loser should claim to know about an extra five million. In fact, by the following morning the Socialist winner had found the five million again, reassuring a newspaper reporter that he ‘also feels responsible for 15 million Hungarians’.² Since the ‘change of system’ in 1989, such rhetorical uncertainty has often figured in the Hungarian political game.

This was particularly so in spring 2002 thanks to the outgoing government’s successful, but controversial, introduction of a law that was intended to resolve the ‘status’ of these five million now-you-see-them-now-you-don’t ‘Hungarians’ – citizens of states which neighbour Hungary, who had themselves if they were rather elderly, or else whose ancestors, prior to 1918, had lived within the Hapsburg empire, but who, since the land settlement of ‘Trianon’, have not been linked by relations of citizenship with the Hungarian state.³ The law in question had started out life as a ‘Bill on the Status of Hungarians beyond the Borders’, (since it attempted to define, once and for all, the ‘status’ of these citizens of other states *vis-à-vis* the Hungarian state), had passed through a phase as a ‘Bill on Benefits for Hungarians Living beyond the Borders’, before finally passing into the statute book as ‘Act on Hungarians Living in Neighbouring Countries’. In all these guises it was, in some sense, a piece of ‘transnational’ legislation, intended to regulate relations with ‘non-nationals’. After intense debate in various forums it was passed with an overwhelming 93% of the votes in the Hungarian Parliament on 19 June 2001, and registered as Act LXII of 2001. While it certainly counts as a response to a set of longstanding claims and grievances advanced by ‘Hungarians beyond the borders’, not even its greatest advocates would deny that it has brought a remarkable degree of controversy into Hungarian foreign relations, both with neighbouring states and with the European Union which Hungary joins in May 2004. As a result the law has, as I write in June 2003, only just been revised and possibly not for the final time, and, if one is to believe international press commentary, this is by no means the end of the troubles that Hungary will have brought on itself.⁴

2 *Magyar Nemzet Online*, <http://www.mno.hu/index.mno?cikk=72617&rvt=2>.

3 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 (see George Schöpflin, *Nations, Identity, Power: The New Politics of Europe* [London, 2000], p. 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 *řigani* classification.

4 See ‘Bajok lesznek a státustörvényből’, *Népszabadság Online* [<http://www.nepszabadsag.hu>] 25 June 2003.

The claim of the law's authors and supporters, which finds an echo as well in some of the academic commentary it has already generated, is that it introduces a novel approach to the problem of a diaspora's relations with its 'kin-state'. The former 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, *my interpolation*] lines drawn on a map'.⁵ A year later, with the Status Law approaching the statute books, his Foreign Minister told the Hungarian Radio programme *168 Hours* that 'in future it will not be the territorially defined state which will decide everything [...F]or me in the future there won't be minorities, only communities. And I believe that our continent will become a community of communities'.⁶ And in her influential article reprinted in this volume, the well-informed, Hungarian-speaking British commentator, 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'. She argues that the law represents a post-modern development of a practice of 'fuzzy citizenship'. This article provides evidence which questions these claims to novelty and suggests an alternative framework within which we should understand this law. In particular I will argue that the law expresses a transformation of an older set of concerns to recreate (if only symbolically) a homology of demographic distribution and 'nation', and in so doing offers a kind of symbolic revision of territorial space. At the very outset of the post-communist period, on 13 August 1990, the first democratic Prime Minister of Hungary, József Antall, declared himself to be Prime Minister 'in spirit' of 15 million Hungarians.⁷ One possible interpretation of the Status Law is as an attempt to give this kind of soft revisionism some content.

Beyond the local issue of the correct evaluation of the Status Law, it is the argument of this paper that the Hungarian debate should be of interest not just to those concerned with the tribulations of diaspora politics in Eastern Europe, where 'kin-state nationalism' is such a common phenomenon, but also speaks to broader concerns which one finds expressed in the 'transnationalism literature'. In this, of course, scholars have been primarily concerned with the consequences of new forms of migration and links or social

5 Cited by Brigid Fowler, 'Fuzzing citizenship, nationalising political space: A framework for interpreting the Hungarian Status law as a new form of kin-state policy in Central and Eastern Europe', in this volume, p. 215.

6 *Ibid.*, p. 178.

7 Schöpflin, *Nations, Identity, Power*, p. 386.

fields thus formed. I wish to suggest here that the ‘homeland nationalism’ (Brubaker)⁸ or ‘kin-state nationalism’ (*inter alios*, Schöpflin and Fowler) that I am dealing with should, in fact, be quite recognisable to those familiar with the literature on, say, Haitians, Filipinos or Dominicans in the United States, even though in the Hungarian case the ‘transnational’ ‘social field’ has existed nearly one century and has involved no migration or migratory processes in its formation. Moreover, by adopting a ‘transnational studies model’ interesting features in the Hungarian case are revealed and, vice versa, accepting that these parallels exist, poses questions about the nature of ‘transnational’ linkages elsewhere.

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.*, even resistance to) global capitalism, and stressed the agency of transmigrants who ‘create social fields that cross national boundaries’ and ‘reconfigure space’,⁹ this paper focuses more clearly than that earlier literature on the role of states in promoting and sustaining these links. The point is not that the earlier literature ignored the importance of 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’,¹⁰ but since they focused on weak, post-colonial states, construed as Davids standing up to the American Goliath, they tended to present a politically neutral appraisal of what one might call ‘the mobilising home-state’.¹¹ It is very striking that authors who deal with that much more powerful and significant international ‘player’, China, adopt a rather more critical stance towards the mobilising state. Pál Nyíri and Mette Thunø, in separate publications, reveal a highly manipulative Chinese state managing its links to its migrant population to minimise its obligations and maximise its benefits. The relation of the powerful mobilising state of Hungary with co-ethnics resident in weaker states (Slovakia, Romania, Serbia and Ukraine) through

8 Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge, 1996).

9 Linda Basch, Nina Glick Schiller and Cristina Szanton Blanc, *Nations Unbound: Transnational Projects, Postcolonial Predicaments and Derritorialized Nation-States* (Amsterdam, 1994), pp. 22, 28, 34.

10 *Ibid.*, p. 123.

11 Strictly speaking Basch *et al.* seem to adopt two potentially opposed positions, one stressing transmigrant agency and celebrating the novel counter-hegemonic strategies of these (268), and one focusing 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).

legal measures designed to regulate transnational linkages deserves a similarly sceptical eye.

I. The Status Law

The explicit aim of Act LXII/2001 (especially as expressed in the preamble and Article 3) is ‘to ensure that Hungarians living in neighbouring 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’ and thereby ensure their ability to stay there. In order to achieve these goals the law proposed both a series of economic benefits intended (symbolically at least) to lessen the great gap between the material position of Hungarian citizens and ‘ethnic Magyars’ from former communist neighbouring states (the ethnic Magyars living in the border regions of Austria are, economically, a case apart) especially when visiting the ‘kin-state’. The law thus provides a series of concessions to these people when visiting Hungary as well as subsidies or financial supports in their own countries. Notably, beneficiaries could receive a permit to work in Hungary for three months each year 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, in recognition of what is acknowledged as a ‘humiliating’ relative deprivation of the Magyar co-ethnics *vis-à-vis* Hungarian citizens. Secondly, it offers a number of more or less symbolic gestures towards a rather ill-defined idea of ‘the unification of the Hungarian nation’.¹² In (mostly cultural) areas of life beneficiaries can expect ‘rights identical to those of Hungarian citizens’ (Article 4), so that, for instance, they can apply ‘as nationals’ for state scholarships in cultural matters and, likewise, apply for university courses at any level as if they were ‘nationals’. Again, as far as receipt of national honours and prizes is concerned, beneficiaries will be treated like any Hungarian citizen. A series of provisions was also made for educational subsidies to be given, the most important of which is perhaps that ethnic Hungarian families bringing up at least two minors and attending public school in the Hungarian language *in their home country* will receive a small, but in local terms significant, monthly subsidy.

12 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 HSC being not just a cultural but a ‘political body’ representing the Hungarian nation (as cited by Fowler) – while internationally (to the Romanian government, for instance) they argued that no more was involved than a purely ‘cultural’ reunification. See ‘Orbán több kérdésben hajlandó egyezkedni Nastaséval’, *Népszabadság Online*, 30 November 2001.

Naturally, a law like this needs means to define who is to benefit from the concessions and to authenticate rightful beneficiaries. The most important clauses of Article 1 define the beneficiaries as people of ‘Hungarian nationality’ who are (i) not Hungarian citizens, (ii) resident in Croatia, Yugoslavia, Romania, Slovenia, Slovakia or the Ukraine, (iii) lost their Hungarian citizenship ‘for reasons other than voluntary renunciation’ (iv) have not submitted a residence application to Hungary and (v) have not been convicted of a crime in Hungary. What this means in practice is that in exchange for munificence from the ‘kin-state’, Hungarians beyond the borders have to do little more than declare themselves to be ethnic Magyars and then commit themselves to remaining as residents of the state where they were born. It is when it comes to the authentication of this status that crucial symbolic aspects of the law emerge. Upon self-declaration and the provision 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, and which [...] certifies, on the basis of a declaration made by the applicant (or in the case of a minor by his/her statutory agent), that the applicant is of Hungarian nationality

a ‘Certificate of Hungarian Nationality’ will be issued (Article 20).

In a number of ways, then, Act LXII tried to establish a legal relationship between the ‘kin-state’ and co-ethnics abroad and, in this sense, set up a ‘transnational’ or a cross-border relationship of ‘citizenship’, understood in a loose sense of the right to certain claims on a state. Quite what was involved here needs some unpacking. In order to do this I will examine the historical context, run-up to and debate around the Status Law, as it is still often called in non-official commentary. I will also, briefly, consider some ethnographic evidence, gathered in late 2001 and early 2002 concerning the reception of this law on the ground in and around the Romanian city of Cluj. 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.

II. The Historical Context

This paper concerns events and claims made in the past four or five years but in order to understand these and the significance of the Status Law, let alone the considerable political storm it has provoked in the region, it will help to step back and consider the broader historical background which can properly be considered to constitute the long ‘run-up’ to the law. Since the construction of political understandings, 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.¹³

The ancestors of the ethnic Hungarians, whose fate causes periodic bouts of anxiety in Budapest, were, until 1918, citizens of the Hapsburg empire and, more specifically, residents in the eastern region that had been administered by Hungary since 1867.¹⁴ While the western, Austrian, half of the empire had been rather loosely controlled, the Hungarians ran their part of the so-called Dual Monarchy with an iron fist from Budapest and pursued a fiercely nationalistic policy towards its ethnically very heterogeneous subjects, fearing the emergence of non-Magyar regional majorities undermining and then challenging the territorial integrity of 'historic Hungary'. In the nineteenth century a 'Magyarisation' policy was designed to counter this threat and the state bureaucracy was filled with ethnic Hungarians while, simultaneously, a pitiless policy of cultural assimilation was pursued towards all minorities.¹⁵ Magyarisation ended in the ruins of the Hapsburg Empire and in 1920 the Treaty of Trianon legitimated a land grab that Romania, Serbia and the Czech Republic (the new states of South Eastern Europe) had already carried out in late 1918 and early 1919, at the expense of the defeated former Hungarian state. As a result of Trianon, three-fifths of Hungary's pre-war population and two-thirds of its territory were ceded to neighbouring states. The overwhelming majority (c. 70%) of the population thus shifted were 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 (today in the Ukraine), over three million persons in all. In the years that followed, in Romania in particular, the Hungarian minority was subject to intensive 'nationalising policies', involving the forbidding of language-use at the time and moving, in the 1930s with the rise of the Iron Guard, into outright repression.¹⁶

13 Brubaker, *Nationalism*, p. 21.

14 For an excellent brief introduction to the vicissitudes of kin-state-neighbour relations, see Richard Hall, 'Nationalism in Late Communist Eastern Europe: Comparing the Role of Diaspora Politics in Hungary and Serbia', *RFE/RL East European Perspectives* 5 (2003), Nos. 5 (5 March), 7 (2 April), 9 (30 April), 10 (14 May), and 11 (28 May).

15 See A. J. P. Taylor's famous discussion of this: Alan J.P. Taylor, *The Hapsburg Monarchy 1809-1918* (London, 1948).

16 Irina Livizeanu, *Cultural Politics in Greater Romania: Regionalism, Nation Building and Ethnic Struggle 1918-1930* (Ithaca NY, 1995).

It should cause no surprise that a change of this sort to the scale and reach of a state should resonate through its political life during the ensuing years. The particular way this happened in Hungary was, however, deeply marked by the large scale immigration, from the successor states to the rump mother state, of those Magyars who had lost most (gentry, landlords, state officials at all levels down to postmasters and railway employees), people who helped ensure that inter-war foreign policy in Hungary never moved far from revisionist and irredentist thinking.¹⁷ An 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. By the two 'arbitrations' of Vienna Hungary reacquired large tracts of its lost land, with Southern Slovakia (in 1938) and the northern half of Transylvania (in 1940) 'returned' to it.¹⁸ The re-division of the Trianon states by Hitler and his allies is a crucial moment in the twentieth-century history of the region. It led, first, to a series of horrific massacres and population transfers, with Hungarian perpetrators at the outset and then their place being taken by their former 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.¹⁹ 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 'victims' of World War II still see as 'perpetrators'.²⁰ Secondly, the 1940 redrawing of the borders brought into

17 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.

18 Romania received all the land up to and including Odessa in return for dismemberment of its northwestern flank.

19 See, for example, the remarkable documentary film by János 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.

20 The Beneš decrees punishing (*inter alia*) Hungarians collectively for their role in the war derived from the decision in late 1942 and early 1943 that in recreating the Czechoslovak national state, the Hungarian population be displaced. In February 1945 estates of over 50 hectares were confiscated in Slovakia from Hungarian 'traitors'; during April and May all Hungarian civil servants and later private sector employees were dismissed while small and medium-sized factories, including tradesmen's workshops, in Hungarian ownership were placed in national custody; Hungarian schools were closed down, and only Slovak was admitted as the language of teaching. In August Beneš issued Decree 33/1945 stripping Hungarians (and Germans) of their Czechoslovak citizenship. In this context one can see that the

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.

Despite some good intentions in this regard, communist rule after 1948 did not fundamentally alter the inter-bellum pattern of the ethnicisation of regional animosities. The end of World War II saw, *grosso modo*, a return to the borders of Trianon, confirmed at the Paris Peace Conference in 1945²¹ but, in accordance with communist ideology, the states in the region were now supposed to be organised on non-ethnic principles and, in some undefined sense, be moving towards a post-national, or internationalist order. This was not entirely 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’ as well as the inter-war experience of fairly systematic persecution at the hands of a fiercely nationalising Romanian state they threw their lot in with those forces who claimed to transcend national concerns.²² At first this gesture of sections of the Hungarian minority met with a favourable response and the communist regime initially took a somewhat ‘anti-ethnic’ stance to state building. The state, for instance, was designated as a multinational one – 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 provoked demonstrations of solidarity within Transylvania, and which was portrayed after the event as an outbreak of nationalist, anti-Russian and anti-Soviet fervour, that moves were made to realign 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 1960 the Hungarian Autonomous Region (*RAM*) was reconstituted into a territorial form with proportionately less ethnic Magyar dominance and in 1968 the resulting ‘autonomous Hungarian region of Mureş’ was manipulated out of existence. This reflected the change to the Romanian constitution in 1965 which now described the state as ‘Romanian’. By 1972 Nicolae Ceauşescu was proud to tell the party congress that ‘Romania is a unitary national state in which only one nation lives, the socialist Romanian nation,

attempt to deligitimise these particular ‘Beneš’ should not be seen as pure revisionism. Beneš established a principle of collective guilt which the incoming communist regimes were only too happy to take over and apply to their own ends.

21 With some minor exceptions such as the ceding of the largely Hungarian dominated region of trans-Carpathian Ruthenia to the Ukraine.

22 Schöpflin, *Nations, Identity, Power*, p. 385.

which is building a socialist society in brotherly unity with the national minorities'.²³ From now on the ethnic minorities formed constituent parts of the Romanian nation, rather than off-shoots of their 'mother' nations. Such 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.²⁴

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 toward the 'Hungarians abroad', especially those in Romania. In part this was a result of a gentle drip-drip from 'populist' writers like Gyula Illyés and his younger colleague Sándor Csoóri who had refused to kow-tow to the party's policy on this issue and used various opportunities to shame the authorities for their silence.²⁵ In 1969 a working group of the Central Committee of the Hungarian Socialist Workers (Communist) Party 'recognised in an unpublished paper, that cultural relations must be built up with Hungarians living in the neighbouring countries'.²⁶ 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 Cultural Secretary, György Aczél's 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) had, since Bartók and Kodály's time, been said to lie in the distant Transylvanian hills, quasi-pilgrimages to this font of Hungarianness became increasingly common. In this way the 'dance house movement' turned its collective head to the liv-

23 Cited by R. Andrea Süle, 'A Román Kommunista Párt nemzetiségi politikája a pártdokumentumok tükrében,' in *Jelentések a határokon túli magyar kisebbségek helyzetéről* (Budapest, 1988), pp. 139-154, here p. 141.

24 Effected by the State-Council's law-decree No. 255/1974 of 6 December. Its modification by Decree No. 372/1976 of 9 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.

25 The 'populist' (*népies*) current in Hungarian social thought was opposed to the *urbanus* trend (which had vaguely Jewish *cultural* (not racial or religious) associations. Though these political 'aesthetics' have by no means always mapped onto the distinction of political 'left' and 'right', the sympathy of the populists for national, ethnic and 'folk' concerns has at times put them in opposition to a 'left' grounding itself in 'universalist' enlightenment values.

26 Attila Ara-Kovács *et al.*, *Report on the Situation of the Hungarian Minority in Rumania, prepared for the Hungarian Democratic Forum* (Budapest, 1988), p. 141.

ing past that they believed they saw in Transylvanian villages.²⁷ 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 since worked in the office for Hungarians abroad was, along with many others, 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.²⁸ 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 pleased 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.²⁹

An equally essential element of the background to recent developments 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 II. General features of Romanian life like social atomisation, ubiquitous surveillance, poverty, cultural repression were all talked off as part of the nationalising

27 For an excellent discussion of this, see László Kürti, *The Remote Borderland: Transylvania in the Hungarian Imagination* (Albany NY, 2001).

28 János Báthory, pers. comm. to the author, 1985. The *Székely*, or Szeklers, are a sub-group of Hungarians on the eastern borders of the former Hungarian kingdom, speaking a distinct dialect and holding, historically, the status of ‘nobles’.

29 The diarist *Diurnus* (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. An outstanding and brief summary of the place of Transylvania in Hungarian opposition politics can be found in Hall, ‘Nationalism’, No. 7.

drive of the *Romanian* state, which was seen by ethnic Hungarians as ‘simultaneously an autocratic and an ethnocratic state’.³⁰ 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.³¹ 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’.³² 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’.³³ So, there were indeed intense pressures to interpret Ceauşescu’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. To take one concrete example, 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’.³⁴ 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).³⁵ There was a sense, then,

30 Ara-Kovács *et al.*, *Report*, p. 62.

31 John Blake, *State of Fear*, BBC Everyman film transmitted July 1989 (Associate Producer, M. Stewart).

32 Katherine Verdery, *National Ideology Under Socialism: Identity and Cultural Politics in Ceauşescu’s Romania* (Berkeley, 1991), p. 303.

33 Attila Ara-Kovács, ‘Tétova ellenállás, Román ellenzék, magyar szamizdat,’ in Antal Károly Tóth, ed., *Ellenpontok* (Csíkszereda, 2000), pp. 355-364, here p. 359.

34 Schöpflin, *Nations, Identity, Power*, p. 402.

35 See Antal Végh’s popular study, *De mi lesz a harangokkal? (Erdély 1988)* (Debrecen, 1988), for instance, written for the Hungarian market.

in which ethnic Hungarian elites in Romania 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?’³⁶

Of course, the presentation of Ceaușescu’s rule in largely ethnic terms ran against all the experience of the role of the Hungarian intelligentsia in implanting communist rule and then collaborating in the construction of the Romanian state, but the notion that Hungary represented a tradition of ‘western thinking’ or at least a more libertarian understanding of the relation of state and citizen can now be seen to be grounded in part in the way experiences of communism were interpreted and represented between 1956 and 1989. As a result expectations about the content of ‘liberty’ were decisively shaped for Transylvanian Hungarian intellectuals by a desire for closer ties with Hungary.³⁷

III. Post-communist Developments

The events of 1989 through to 1991, when Gorbachev fell from power and the Soviet Union was dissolved, have introduced a phase in Europe’s history when (once again) a radical reconfiguration of political structures has been called for. The very sources of political legitimacy have been sought afresh 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 as well as the departure of nearly 100,000 Meshketian Turks from their Uzbek homes in 1989 and after. 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

36 His answer, wisely, was not very much and not nearly as much as people liked to believe, but others were far less sceptical.

37 For versions of this argument see Gusztáv Molnár, ‘A státustörvény és az erdélyi kontextus’, *Provincia* 2:5 (2001), pp. 8-9, and Schöpflin, *Nations, Identity, Power*, pp. 410-414. Throughout the communist period the Hungarian speaking intelligentsia, in one way or another, relied on links with Hungary for access to scarce goods but especially books and journals and this too influenced their sense of their place in the regional scheme of things.

clarity, the nature of this conflict involved a tripartite relationship among ‘national minorities’, the states in which they lived which were pursuing ‘nationalising’ (that is assimilationist nation building) policies and the external national homelands of the national minorities, homelands which themselves were pursuing ‘nationalising’ politics on their own territories.³⁸ 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’.³⁹ But in our fondness for representing such behaviour as characteristic of ‘outsiders’ to the ‘European’ political scene, 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’.⁴⁰

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.⁴¹ The first fruits of this tough line from 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. The bilateral treaties that resulted established the inviolability of borders as well as official fora for negotiating conflicts. But, in both treaties the longest clauses dealt in detail

38 Brubaker, *Nationalism*, pp. 55-59.

39 Alan Little and Laura Silber, *The Death of Yugoslavia* (London, 1995).

40 See ‘A békeszerződések a Vajdaság területét nem tekintik automatikusan Szerbia részének’, *Magyar Hírlap*, 9 July 1991, cited in János Kis, ‘Nation building and Beyond’, in Will Kymlicka and Magda Opalski, eds., *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe* (Oxford, 2001), pp. 220-242, here p. 241. Of course the unification of Germany and the dissolution of the Czechoslovak Federation offer further evidence of the popularity of this kind move in the post-Soviet world.

41 Though in 1999 the Viktor Orbán government suggested that a solution to the Kosovo crisis could be linked with changes in the status of Vojvodina allowing for some form of territorial autonomy for the ethnic minorities there: Kis, ‘Nation building and Beyond’, p. 237.

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. Romania had defined itself in its 1990 constitution using Ceaușescu’s 1972 terminology – at a time when so much else of his legacy was being ridiculed – as a ‘unitary national state’ and so the Hungarian government had some very legitimate concerns in these areas.

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. In Romania, while there were demands for various forms of territorial autonomy from the radical nationalist wing of the Hungarian Democratic Alliance of Hungarians in Romania (DAHR), associated with Bishop László Tókéş, of Timișoara uprising fame, and for regionalisation of the Romanian state (primarily from Gusztáv Molnár) which have not gone away, the most pressing issue here became 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.⁴² 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’.⁴³ 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*).⁴⁴ This is an organisation whose leaders tend to come from

42 Steven Vertovec, ‘Transnational challenges to the ‘New’ Multiculturalism’, Paper presented to the ASA conference, University of Sussex, 30 March-2 April 2001: <http://www.transcomm.ox.ac.uk/working%20papers/WPTC-2K-06%20Vertovec.pdf>, pp. 12-13.

43 Cited by Fowler, ‘Fuzzing citizenship’, p. 186.

44 Brigid Fowler (‘Fuzzing citizenship’, p. 186) 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)’. See Peter J. Spiro, ‘Embracing Dual Nationality’, Occasional Paper No. 1. International Migration Policy Program, Carnegie Endowment for International Peace (Washington, 1998) for an excellent discussion of the roots of this ill-fame in nineteenth-century disputes, including mention of a nineteenth-century British treason trial of naturalised Irish-Americans.

Hungary and the region but much of whose dynamism and radicalism comes from the western diaspora.⁴⁵ 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’.⁴⁶ 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’.⁴⁷ In the international climate of the time it would have been ludicrous to argue the need for dual citizenship on the basis of a threatened war between Hungary and Romania, hence the need to keep the precise nature of the threat opaque.⁴⁸

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 of the rejection of the ‘ethnic-nation’ notion of the state in Trianon, 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:

45 The comparison with the Yugoslav diaspora is obvious but nonetheless appropriate: Loring M. Danforth, *The Macedonian Conflict: Ethnic Nationalism in a Transnational World* (Princeton, 1995).

46 Endre Csapó, ‘Állam vagy Nemzet?’ *Magyar Figyelő* 5 (1985): <http://www.net.hu/mvsz/mf9805/>.

47 *Ibid.*, emphasis added.

48 See László Fosztó 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.

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.⁴⁹

Dual citizenship was intended, then, to rearrange not just cultural relations but also, if somewhat vaguely, the political arrangements within the ‘Carpathian basin’.⁵⁰ 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.⁵¹ On the other hand, as early as 1998 the Hungarian Prime Minister had argued that dual citizenship would lead to the emptying of the neighbouring states of their Hungarian minorities – as the Romanian dual citizenship law had threatened to do with Moldova’s Romanian population – and he was not to be budged from this firm position.

Today’s Status Law is the child of these understandings. 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 involved a novel procedure – formed not directly through the agency of the Hungarian governing party but through a *transnational* quango established by the government, the Hungarian Standing Conference (*Magyar Állandó Értekezlet*). This organisation, which still meets, is formed from the elected representatives of the Hungarians in neighbouring countries, representatives of the western diaspora, of the World

49 Endre Csapó, ‘Állam vagy Nemzet?’ *Magyar Figyelő* 5 (1985): <http://www.net.hu/mvsz/mf9805/>.

50 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.

51 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, Miklós Patrubby as President. This move effectively throttled the local organisation.

Association, members of the parties represented in the Hungarian Parliament and of the government.⁵² As Brigid Fowler points out, membership of *non-citizens* is the norm here, not the exception as is found in west European expatriate councils. And yet, on paper at least, it was at the request of the standing conference and on the basis of its expert committees as well as following the goals they had laid out that the Hungarian government and Parliament drafted legislation.⁵³

IV. The Debate around the Law

The proposal and then approval of this bill led to a 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 that official international fora assess the law, there has also since been significant international legal commentary on the law.

There are a number of features of these debates of relevance to an assessment of the law itself. First, and somewhat to the surprise of many observers, it emerged that far from being entirely path-breaking and a novelty in the regional political scene, in certain respects Hungary's initiative merely repeated much less well publicised laws already activated by the Slovenian (1996), Bulgarian (2000) and Slovak (1997) states, as well as one still in drafting in the Polish Parliament.⁵⁴ Croatia, like Romania, offers a kind of 'right of return' citizenship for members of the ethnic nation.⁵⁵ On closer examination, however, these laws differ in certain crucial respects from the Hungarian law. Whereas the latter is associated with populations lost due to the settlement of Trianon, the other bills do not have this *territorial* aspect – they apply without restriction to co-ethnics.⁵⁶ Likewise the mechanism for granting rights in the Hungarian case involves local ethnic bodies operating

52 Balázs Csuday, 'A Státus- avagy kedvezménytörvény: A törvény koncepciójának létrejötte', *Pro Minoritate* 8 (2000), 2, pp. 5-18, here p. 6.

53 *Ibid.*, pp. 7, 10. As Fowler points out, 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.

54 Fowler, 'Fuzzing citizenship', pp. 180-181.

55 *Ibid.*, p. 200; Constantin Iordachi, 'A nemzet újrarajzolt határai: a magyar "státustörvény" és Románia kettős állampolgárságra vonatkozó politikája a Moldovai Köztársaságban', in Zoltán Kántor, ed., *A Státustörvény. Előzmények és Következmények*, (Budapest, 2002), pp. 88-112.

56 Strictly speaking, the Hungarian law, as opposed to the first draft of the bill, excludes Hungarians 'lost' in Austria - partly so as not to set up invidious differences between them and descendants of the large refugee/dissident population that settled in Austria under communism, and partly to evade EU regulations on discrimination on grounds of ethnicity. The Romanian law also primarily concerns co-ethnics in the former Soviet Union and has an implicit territorial aspect, like the Hungarian.

‘on the soil’ of the state where beneficiaries live (oddly called the ‘host-state’ in some of the literature), but the offices of the kin-state are the operative organs for other countries. Third, the Hungarian law (along with the Romanian) alone provides for special entitlements to co-ethnic visitors, and finally the Hungarian law alone establishes an incompatibility between being a ‘status Hungarian’ and residence in Hungary; the Hungarian law was designed to encourage continued residence abroad whereas in most other cases these laws provide a bridge towards naturalisation or ‘repatriation’.⁵⁷

Although it was these differences which have provided the ground for much of the inter-state debate on the ‘legality’ of Act LXII, the fact that it is dealing with a problem held in common across the region explains, in part, the second notable feature of the debates, especially in Romania: the tone in which the political discussion was held (at least at a level below that of governmental pronouncements). 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 – the Romanian journal *Provincia*, which appears in two editions, one in Romanian and one in Hungarian, is one example. The contribution of Traian Ștef to this journal deserves particular mention. In May 2001, as the first Romanian contributor to a 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.⁵⁸ 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. Ștef’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.

There were a number of other interesting positions raised in this debate which were often shared by Romanians and Hungarians. Thus, both the leading human rights activist from Bucharest, Gabriel Andreescu, and a Hungarian sociologist from Transylvania, László Nándor Magyari, 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

57 For details, see Fowler, ‘Fuzzing citizenship’, pp. 214-216.

58 Traian Ștef, ‘Magyar igazolvány’, *Provincia* 2:5 (2001), p. 4.

minority (the DAHR) and the rest of the Romanian political class. As Magyari put it, the DAHR had been posed a difficult, possibly impossible challenge by the Status Law. The DAHR was a formal part of the 1996-2000 liberal-led coalition; it had introduced and seen through such path-breaking measures as an anti-discrimination law in that period and established itself as a champion of all minorities in the country, especially the huge Romany minority. It had thereby undermined the suggestion that it was merely an ethnically exclusivist and separatist organisation and had more generally become recognised as a defender of human rights. It had also continued to act as a stabilising force after 2000 when, now outside of the government, it supported the social democratic government's budgets in return for compromises on minority and other issues. The Status Law raised the question of 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 – acting as its representative in guaranteeing the authenticity of applicants for the symbolic certificate of Hungarianness – and so open itself to accusations of being a mere agent of the Hungarian state.⁵⁹

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 Magyarisation 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 into 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.⁶⁰

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

59 László Nándor Magyari, 'Státusmagyarkodók', *Élet és Irodalom*, 1 March 2002, pp. 4-5. 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 Andreescu 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: Gabriel Andreescu, 'A határonkon túli magyarokról', *Provincia* 2:5 (2001), p. 4. This failure to understand the profound gap between Budapest and co-ethnic elites abroad was mirrored in Hungary too: Schöpflin, *Nations, Identity, Power*, pp. 370-377.

60 *Krónika*, 21-22 July 2001 and *Jurnal Național*, 28 August 2001.

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 Education 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.⁶¹

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 Alliance of Free Democrats (SZDSZ) and its spokesperson, Tamás 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. 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.⁶²

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 21 June 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'.⁶³ 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. 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. In other ways, too, notably in its failure to consult

61 See *Adevărul*, 6-7 October 2001, p. 1 and *Adevărul de Cluj*, 6-7 October 2001, pp. 1, 3.

62 *Népszabadság*, 10 January 2001. The article was called 'A hazátlanság tartósítása' – 'preserving the absence of a homeland'.

63 European Commission on Democracy Through Law, 'Report on the Preferential Treatment of National Minorities by their Kin-State', adopted by the Venice Commission at its 48th Plenary Meeting (Venice, 19-20 October 2001), reprinted in this volume.

with the states whose citizens were affected by the law, the Hungarian government had stored up trouble for itself.

The Venice declaration was made on 19 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 compromise 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 gestures 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 Năstase. 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 and to have the whole deal under the Christmas trees of its own loyal electors.

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 (along with the neo-fascist) parties in Hungary denounced it as a threat to Hungarian jobs and a betrayal of the national interest.⁶⁴ This cynical political gesture paid immediate and, it seems, lasting dividends. On 11 January 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 January Sonda-Ispsoş published a poll which showed that FIDESZ had dropped five points in the polls since December. 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.

64 See ‘Az SDSZ és a MIÉP a munkavállalásról’, *Népszabadság*, 22 December 2001.

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.⁶⁵

V. Cui bono?

Some six months into the application of the law, the former governing party of Hungary claimed that the Status Law had been a great success. The new Socialist government was inclined to agree and stated its intention to carry on much the same policy with respect to the ‘Hungarians beyond the borders’.⁶⁶ But what of the beneficiaries of the concessions? On Wednesday 17 April 2002, 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 for Hungarian Certificates.⁶⁷ But independent evidence suggested that 140,000-170,000 (out of two million potential adult applicants) was a more reliable figure at this time.⁶⁸ This did not discourage the head of the Central Information Office for the Certificates in Cluj, who on 26 April reported that a recent poll had indicated that 96% of the Hungarian speaking population was going to apply for the certificates and stated that by autumn or winter 2003 90% of them would have entered their applications.⁶⁹ In fact, fifteen months later, according to as yet unpublished figures from the Office for Hungarians Abroad (HTMH), out of a total of around one million possible applications, 372,000 had actually been received. The regional figures are equally disappointing: 650,000 applications by July 2003, that is around one third of those eligible.⁷⁰

In the absence of large-scale statistical research it is hard to assess precisely who is taking up the opportunities offered in the law. A team of researchers who worked with me investigating responses on the ground to the new law in Cluj in early 2002 found that at this time it was the elderly rather than the young who have come in for application forms, as well as a certain layer of the Hungarian cultural elite (teachers, culture-house workers) who

65 See ‘Átadták az első magyarigazolványt’, *Népszabadság*, 11 January 2002, and ‘Újra az MSZP vezet a FIDESZ-MDF előtt’, *Népszabadság*, 22 January 2002. 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 II.

66 ‘Cselekedni, most és mindenkiért’, at <http://www.htmh.hu>.

67 ‘Életképes státustörvény’, *Magyar Nemzet*, 17 April 2002, p.10.

68 See, for example the *Új Szó* report of 12 April that says 28,000 have asked for the certificates in Slovakia (<http://www.ujso.sk>) out of a potential number of 600,000, and on 6 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.

69 See <http://politika.transindex.ro/?cikk=777>.

70 Personal communication with the Office for Hungarians Abroad, 26 June 2003.

saw it as their duty to respond to the call to ‘national awakening’.⁷¹ The sentiments of this latter group 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 Certificate 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’.⁷²

At the same time, it is among similarly elite (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, there is a symptomatic response of ‘feeling offended’. Students and other intellectuals interviewed in Cluj would often say, ‘I’m still a Hungarian without an identity certificate’, or ‘we’ve lasted eighty years as Hungarians without a certificate and we’ll survive a bit longer too without’. These sorts of objections need to be seen in the context of what Jon Fox has described as the systematic alienation and humiliation of Hungarian co-ethnics who actually trans-locate to work (mostly illegally) in Hungary. Referred to as ‘Romanians’ (or worse, ‘Vlachs’ [Wallachians] and even ‘Vlach Gypsies’) by their supposed co-ethnics, these migrants return home and relay their stories of ‘the homeland’.⁷³ Some objections to the ‘Status’ procedures were also based on more abstract principles. 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’) was felt by some to be deeply offensive and reminiscent of the procedures of twentieth-century totalitarianism: ‘I don’t need the church or DAHR to prove who I am’. One middle-aged university lecturer said that as far as he was concerned, the Certificate should not be called the ‘Hungarian’ but the ‘Good Hungarian Certificate’ (*jómagyar*) – since one had to prove one’s loyal affiliation to (and membership in) various ‘Hungarian’ institutions in order to qualify for the Certificate. Others encouraged Romanian friends of theirs (who do not speak Hungarian) to join the Hungarian political party (open to any and only Romanian citizens

71 See Acknowledgement note.

72 The debate around Attila Verestóy’s stance can be followed on *Az Erdélyi Közélet lista*. For example Digest Number 380, Thursday 24 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 Verestóy become that on Wednesday 10 April in Digest 440 the list also carried attacks on Verestóy 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.

73 Jon Fox, ‘National Identities on the Move: Transylvanian Hungarian Labour Migrants in Hungary’, *Journal of Ethnic and Migration Studies* 29 (2003), pp. 449-466, here pp. 456-459.

of any ethnic background) and then apply for a Certificate, declaring themselves to be Hungarian – as means to make fun of the whole institution and show the ‘senselessness’ of the whole procedure. One Hungarian elite figure in one of the central Transylvanian towns also succeeded in arranging for a friend of his to obtain the Certificate (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 people 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 my researchers heard of two cases of persons who, with some ‘protection’ from on high, obtained Hungarian Certificates even though they formally did not qualify on any of the requirements. The persons concerned were religiously (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 2002.⁷⁴ 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 Certificate, 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 that people should ‘seek happiness in the land of their birth’ translates as ‘take the money and go home!’ The findings of my researchers fit also with more systematic research since carried out by the Hungarian Ministry of Labour in July 2002 which indicated that of over 22,000 work permits handed out in the first six months of the year, only 0.6% (134) were issued on the basis of Act LXII. Since the bureaucracy involved in applying for a three month ‘special’

74 ‘Dawn of Status in Transylvania’, *HUNSOR Hírfutár*, 22 January 2002.

permit is the same as for a twelve-month regular one, migrants were making a rational choice to opt for the greater benefit.⁷⁵

Such attitudes are likely to become more rather than less general. For Hungarians ‘beyond the borders’ an important part of the motivation for helping draft and then accepting a ‘status law’ 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.⁷⁶ 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 beyond the borders 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.

Ultimately, despite the claims that the law represented a move beyond the territorial state and ‘modernist’ notions of a single, exclusive citizenship towards ‘multiple’, ‘overlapping identities and affiliations’, it seems that few of the affected parties were persuaded. As this paper has tried to demonstrate, the long history of revisionism in Hungary could not simply be swept under the carpet. The effort to ‘undo Trianon’, in one way or another, has developed over the past seventy years into a complex phenomenon, a broad repertoire of positions that extend from more or less explicitly violent strategies (on the far right) to efforts to use the economic and cultural power of Budapest in the region to re-establish a kind of symbolic sovereignty. In this perspective, the paradoxical fact that Hungarian nationalists are so concerned to keep the Magyars in the ‘successor states’ can be seen, in part, as an expression of a residual territorial revisionism. In their endless search to find an answer to an old, nationalist question ‘what is a Hungarian’ (*Mi a magyar?*) these forces are driven to define the borders of the body national, to spatially demarcate the extension of the nation, to specify what is and what is not ‘Hungarian land’ (*magyar föld*).⁷⁷ As Viktor Orbán put it, with a characteristic sense for

75 See <http://politika.transindex.ro/?cikk=695>.

76 Schengen is the area now covering most of the EU, with the exception of Britain and Ireland, within which EU nationals do not have to show passports at frontiers. The external borders of Schengen are, consequently, supposed to be strengthened.

77 What is (a/the) Hungarian? is the title of a well-known collection of essays: Gyula Szekfű, ed., *Mi a Magyar?* (Budapest, 1939).

the symbolic import of his phrasing, ‘the border of the nation extends as far as the Hungarian language is understood’.⁷⁸

Whether the Status Law will prove to have been an expensive stunt that back-fired, only time will tell. Eighteen months after the hard won compromise with Romania and nearly two years to the day since the tumultuous passing of the bill in Budapest, on 24 June 2003 the Hungarian Parliament (now dominated by a Socialist majority) was compelled by international pressure from the Organisation for Cooperation and Security in Europe, the Commissioner for Accession of the European Union, the Council of Europe as well as its neighbouring states, to radically alter the law. The new amendment to the law – itself passed in a scandalous all-night session in which, in order to force the text through this session, no amendments to the amendment were ‘taken’ – involves a number of humiliating climb-downs. The local, Hungarian press focused above all on the removal of the phrase ‘unified Hungarian nation’ from the preamble to the text of the law, but equally significant was the removal of the connection between the Hungarian Certificate and the receipt of educational and other cultural subsidies in neighbouring states. In various other ways the ethnic basis on which grants were to be made to non-nationals was further downplayed. The physical projection of the Hungarian state/nation into the broader space of the Carpathian basin, which Viktor Orbán had looked forward to, had been abandoned. Tragically, for Hungarian foreign policy, these retreats have not marked the end of the international clamour that has accompanied this ill-fated legislation. The very next day the Council of Europe condemned even this watered-down version of the law for the failure to reach agreement with the neighbouring states affected by the law’s remaining provisions and reminded Hungary that its correct implementation would depend on seeking such mutual agreement. Romania and Slovakia, for their part, indicated their willingness to carry on dragging Hungary’s reputation through the mud.

VI. Transnational Politics

Despite a number of obvious differences from 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 residents of diverse societies. Their focus on peoples who had migrated and immigrated meant that they were particularly interested in links between societies ‘of origin and settlement’, but

78 Cited by Fowler, ‘Fuzzing citizenship’, p. 210.

the truly essential concern was with social relations built in ‘fields that cross geographic, cultural and political borders’ so that people develop multiple and intense involvements in two places simultaneously.⁷⁹ Of course in the Hungarian case there has been no migration, only a separation of co-ethnics due to border changes. But, I argue, the implications of this particular difference for the nature of the ‘transnational links’ are less than might be assumed. In this light, the complex situation we find in eastern Europe is rather more general than a discussion of ‘kin-state ties’, focusing on the aftermath of empire, would imply. 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.

In this context one can begin to recognise the underlying similarity in the strategies of states as diverse as Haiti and Hungary. Basch *et al.* talk of ‘nation building’ strategies in a ‘transnational’, third world context, arguing that there is a great difference between the condition of a traditional diaspora, living in a kind of exile, and the *new* form of deterritorialised 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’.⁸⁰ My analysis of the Status Law suggests that the Hungarian 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.

The similarity between ‘diaspora’ and ‘transnational nation’ is reinforced if we consider the idiom of linkage, which in both the Hungarian and the ‘transnational’ cases 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 peoples 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.⁸¹ Thus one of the consistent claims of the Hungarian government has been that the Status Law pro-

79 Basch *et al.*, *Nations Unbound*, p. 7.

80 *Ibid.*, p. 269.

81 Indeed one wonders how far the search for counter-hegemonic stances *vis-à-vis* nation states is a late twentieth-century replacement for the by then abandoned hunt for counter-hegemonic stances *vis-à-vis* capitalism and private property.

vides the ‘future for Europe’ and a model for cross-border relations with co-nationals.⁸² This comes back into academic discourse with Fowler’s parallel claim that the law provides an early and innovative sign of a move towards ‘deterritorialised nationality’ and ‘fuzzy citizenship’ in the region.

Part of the difficulty in getting an analytical grip here derives from ambiguity in the 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 there are 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.⁸³ The transnational links to the home-state that are constructed 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 ‘deterritorialised 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.⁸⁴ 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.⁸⁵ If you believe that membership in a culture ‘is a precondition of autonomous moral choices’⁸⁶ and that ‘culture’ here refers to relatively closed and bounded systems of meaning and interpretation which generates political forms peculiarly appropriate to itself (as opposed to a general human capacity to negotiate through the generation and expression of difference and similarity), then the kind of cross-border links that the Hungarian government has promoted are indeed an appropriate

82 Prime Minister Orbán, quoted in *Népszabadság*, 28 June 2001.

83 See Fox, ‘National Identities’, for complementary ethnography of Transylvanian identity as opposed to Hungarian-Hungarian identifications.

84 Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford, 2001).

85 Chris Hann, ‘All *Kulturvölker* Now? Social Anthropological Reflections on the German-American Tradition’, in Richard G. Fox and Barbara J. King, eds., *Anthropology Beyond Culture* (Oxford, 2002), pp. 259-86, here p. 259.

86 Kymlicka, *Politics*, p. 250.

response to the plight of ‘those bits of the nation who have been left beyond the borders’.⁸⁷

What the Hungarian material brings to the foreground, 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.⁸⁸ 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 affected by the Status Law and, with Slovakia and Slovenia, the only ‘first wave’ EU accession country).⁸⁹ This contrast produces important reversals when comparing the Hungarians beyond the borders with, say, Hai-

87 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: Will Kymlicka, ‘Nation building and Minority Rights: Comparing West and East’, *Journal of Ethnic and Migration Studies* 26 (2000), pp. 183-212, here p. 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: Thomas Faist, *Transnationalization in International Migration: Implications for the Study of Citizenship and Culture*, at <http://www.transcomm.ox.ac.uk>, WPTC-99-08, p. 31. See also Charles Taylor, ‘The Politics of Recognition’, in Amy Gutman, ed., *Multiculturalism* (Princeton, 1994), pp. 25-73, 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 Status 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.

88 For example Basch *et al.*, *Nations Unbound*; Sally Westwood and Annie Phizacklea, *Transnationalism and the Politics of Belonging* (London, 2000).

89 The question naturally arises as to how far Hungary, to which co-ethnics tend to migrate in search of work, 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 Năstase-Orbán compromise – see below – the Hungarians were accused of seeking to benefit from increased migration. Despite comments of Orbán (reported in *Népszabadság* 28 January 2001) 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 Zoltán Kántor, ‘A Státustörvény és a magyar nemzetpolitika’, *Provincia* 2:5 (2001), pp. 5-6 on this (here p. 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’.

tians in New York.⁹⁰ 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’,⁹¹ 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.⁹²

A further consequence of this difference is that while in the cases studies 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’,⁹³ 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, 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 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.⁹⁴

One final observation can be derived from the comparison I suggest here. Paradoxically, in order to construct ‘in-betweenness’ as a feature of recent increases in post-modern international labour mobility the transnational model inadvertently exaggerates the extent of ‘modernist’ nationalist affiliation. The fieldwork conducted around this investigation of the Status Law suggests that Hungarian Romanians do not live all of their lives in terms of a ‘search for recognition’ or a ‘search for identity’.⁹⁵ ‘In-betweenness’ or simple ‘no-where-ness’ *vis-à-vis* the categories of national affiliation is a quite normal

90 See also Fowler, ‘Fuzzing citizenship’, on the contingency of politics in this field.

91 Basch *et al.*, *Nations Unbound*, p. 17.

92 There is an interesting discussion of the complexity of Hungarian feelings towards Transylvanian and Hungarian Hungarians in Judit Bodnár, ‘Assembling the Square: Social Transformation in Public Space and the Broken Mirage of the Second Economy in Postsocialist Budapest’, *Slavic Review* 57 (1998), pp. 489-515.

93 Basch *et al.*, *Nations Unbound*, p. 143.

94 *Ibid.*, pp. 3, 127.

95 As does the work of Jon Fox, ‘National Identities’.

feature of human lives in all nations much of the time and not a feature of living or working ‘abroad’. People’s sense of national affiliation should be treated as contingent, achieved and socially localised and not assumed to dominate all experience.⁹⁶ 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 Viteazu (Szentmihály for Hungarian speakers) 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 incomers (Romanian *Moți*) during the socialist period rather than an expression of ethnic animosity and a search for ‘recognition’, though the language of conflict can fall into ethnic stereotypes. 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.

I began to be interested in the topic of the position of the Hungarians beyond the borders in the post-communist period after hearing 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 would watch the evening news from Budapest, not from Bucharest. Transylvanian schoolchildren in Hungarian language schools on their visits to Budapest will be taken to see the Hungarian Parliament, but do not report similar trips to their Bucharest Parliament. After 1996 the question arose as to whether with their own political party in power in Bucharest, Magyars in Romania would turn their eyes south and begin to symbolically 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 deterritorialised nation offers, like so much else on the post-modernist stall, no more than a mirage.

96 Frederick Cooper and Rogers Brubaker, ‘Beyond “identity”’, *Theory and Society* 29 (2000), pp. 1-47.