

Dual Citizenship in Post-communist Central and Eastern Europe: Regional Integration and Inter-ethnic Tensions

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Introduction

Dual citizenship has recently emerged as a major challenge to classical forms of nation-state membership. The great expansion of the number of dual citizens and their wide geographical dispersion has given rise to questions concerning the established relationship between national citizenship, loyalty and identity, urgently commanding the re-examination of the social and political rights and duties of citizens. Despite the centrality of dual citizenship in recent global political debates, this issue has remained to date largely under-researched.

The lack of interest in the study of dual citizenship was mainly due to the general scholarly disenchantment with citizenship studies that occurred in the 1960s and 1970s. At that time, an implicit scholarly consensus arose among social scientists that, as an abstract and static collection of rights and duties, citizenship could not account for the complicated web of socio-political processes that took place at the grass-roots level. Apparently, this feature was all the more true for cases of dual citizenship, which occurred almost at random, defying any scholarly attempt at generalising on their socio-political or diplomatic impact. As a result, dual citizenship was regarded to be related more with personal identity and life opportunities than with macro-scale political trends.

This perspective was to modify substantially starting in the late 1980s, when there was a simultaneous occurrence of a generalised expansion of cases of dual citizenship, and a renewed academic interests in citizenship studies through the interdisciplinary efforts of political scientists and

historians, anthropologists and sociologists.¹ As part of the growing literature on citizenship, the question of dual state membership has lately attracted the attention of several scholars, who have added important aspects to our general understanding of the theoretical and methodological underpinnings of this contested issue.² Nevertheless, these pioneering studies have not linked policies of dual membership with the ethnic and national policies of post-communist nation-states in Central and Eastern Europe, and have not approached them from a comparative perspective. In accounting for the global proliferation of dual citizenship, I will show in this paper that in Western Europe and North America, the spread of dual citizenship has been motivated by the need to integrate permanent residents, being thus linked to the phenomena of globalisation and labour migration, increasing cultural pluralism, and forms of multiple socio-political identities. In Central and Eastern Europe, policies of dual citizenship have been related to the revival of national and ethnic policies

¹ From the vast scholarly production on citizenship in the last decades, I mention selectively the works of: Reinhard Bendix, *Nation-building and Citizenship: Studies of Our Changing Social Order* (New York, 1964); Michael Mann, 'Ruling Class Strategies and Citizenship', *Sociology* 21:3 (1987), pp. 339–354; Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford, 1995); Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA, 1992); Bryan S. Turner, 'Outline of a Theory of Citizenship', *Sociology* 24:2 (1990), pp. 189–217; Charles Tilly (ed.), *Citizenship, Identity and Social History* (Cambridge, 1996). See also the collection of articles by: Bryan S. Turner and Peter Hamilton (eds.), *Citizenship: Critical Concepts*, 2 vols. (London, 1994); Ronald Beiner (ed.), *Theorising Citizenship* (Albany, 1995).

² The most notable exception is: Randall Hansen and Patrick Weil (eds.), *Dual Nationality, Social Rights and Federal Citizenship in the U.S. and Europe: The Reinvention of Citizenship* (New York, 2002). This is 'the first book in thirty years to make dual nationality its major concern' as the editors point out; the previous one was: N. Bar-Yaacov, *Dual Nationality* (London, 1961). See also: Tomas Hammar, 'State, Nation, and Dual Citizenship', in William Rogers Brubaker (ed.), *Immigration and the Politics of Citizenship in Europe and North America* (Lanham, MD, 1989), pp. 81–95; Lowell Barrington, 'The Domestic and International Consequences of Citizenship in the Soviet Successor States', *Europe-Asia Studies* 47:5 (1995), pp. 731–764; André Liebich, 'Citizenship in Its International Dimension', in André Liebich, Daniel Warner, and Jasna Dragovic (eds.), *Citizenship East and West* (London, 1995), pp. 25–39; Randall Hansen, *Citizenship and Immigration in Post-war Britain: The Institutional Origins of a Multicultural Nation* (Oxford, 2000). For a comparative perspective of contemporary citizenship policies, see: T. Alexander Aleinikoff and Douglas Klusmeyer (eds.), *Citizenship Today: Global Perspectives and Practices* (Washington, D.C., 2001).

of post-communist states, addressing the need for more effective minority protection. These features account for the major difference in the expansion of dual citizenship in the two regions: dual membership has been primarily granted to internal permanent-residents in the West, but to external and compact kin populations in the East.

A comprehensive study of dual citizenship poses, nevertheless, underlying theoretical and methodological challenges. In order to overcome the formal legal aspect of citizenship and to link it with issues of socio-political transformation, in this article, I employ Charles Tilly's relational, cultural, historical and contingent definition of citizenship. In Tilly's view, citizenship is concomitantly (1) a *category*, which designates 'a set of actors—citizens—distinguished by their shared privileged position vis-à-vis some particular state'; (2) a *tie*, which designates 'an enforceable mutual relation between an actor and state agents'; (3) a *role*, which includes 'all of an actor's relations to others that depend on the actor's relation to a particular state'; and (4) an *identity*, which refers 'to the experience and public representation of category, tie or role'.³ This instrumental definition of citizenship regards the state as a set of specialised and even divergent agencies, and not as a unitary and indivisible actor; and traces the impact of citizenship on various social categories, roles and identities. The definition accounts thus for a multitude of actors, relations, and domains pertaining to citizenship, and redirects the research focus from the formal-legal aspect of citizenship to issues of 'state practices and state citizen interactions'.⁴ Consequently, instead of a universal and pre-given status, citizenship is viewed as a continuous series of transactions, 'a set of mutual, contested claims between agents of states and members of socially-constructed categories: gender, races, nationality and other'.⁵ On this basis, one can distinguish between multiple and hierarchical forms of citizenship, as a function of actors' specific social positions and ties to the state in which they are involved.

Dual citizenship appears as one of the possible relationships between states and citizen(s). It results from the interaction between the

³ Charles Tilly, 'Citizenship, Identity and Social History', in Tilly (ed.), *Citizenship, Identity and Social History*, p. 8.

⁴ *Ibid.* p. 8.

⁵ *Ibid.* p. 9.

socio-political interests of a certain individual or ethnic group, on the one hand, and the overlapping citizenship or national policies of the states with which he/she/it comes into contact. One can therefore distinguish among multiple stakes entangled in dual citizenship at three main inter-related levels: the individual economic and political interests of citizens at the grass-roots level; the national level of the state, represented by state agencies or political elites; and the inter-state level resulting from the overlapping or contradictions among the citizenship legislation of various states. Post-communist policies of dual citizenship in Central and Eastern Europe have been framed by the relationship among three distinct but mutually dependent and interactive actors, described by Rogers Brubaker as ‘the nationalising state’, ‘the national minority’, and ‘the external national homeland’.⁶ To these, the current analysis adds another set of multiple actors, deriving from the specific architecture of the international post-Cold War environment in Europe, and from the inter-state aspect of dual citizenship: international organisations, represented by the inter-related security and political policies of the European Union (EU), the Organisation for Cooperation and Security in Europe (OSCE), and the Council of Europe. Their political standards on citizenship legislation, minority protection and human rights, as well as their framework of inter-state mediation and consultation, have contributed to the shaping of national and citizenship policies in Central and Eastern Europe.

The present study is made up of several sections. The first contrasts policies of dual citizenship in Western Europe with similar policies in Central and Eastern Europe. In regard to the latter regions, it distinguishes two main categories: policies of national membership and dual citizenship of successor states in former multiethnic federations, such as Czechoslovakia, Yugoslavia, and the Soviet Union; and policies of national membership and dual citizenship in post-communist nation-states, such as Albania, Poland, Bulgaria, Romania, and Hungary. After giving a general outline on the main feature of the citizenship policy of each of these categories, it discusses the revival of contrasting and ultimately overlapping definitions of citizenship in Romania and Hungary and the resulting diplomatic tensions over issues of dual citizenship. Finally, on

⁶ Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge, 1996).

the basis of this case study, the study derives more general conclusions about the evolution of—and multiple challenges to—national citizenship in Central and Eastern Europe.

Dual Citizenship in Western Europe

Assessing the political and ideological legacy of the French Revolution and of subsequent nationalist movements in the nineteenth century, Rogers Brubaker identifies six underlying features of an archetypal model of nation-state citizenship, namely ‘egalitarian, sacred, national, democratic, unique and socially consequential’.⁷ According to this view, a fundamental characteristic of nation-state membership has been its ‘unique’ character, which asserts that a person should legally belong to only one national community at a certain point in time. Consequently, legislators and jurists have generally regarded dual citizenship as a legal anomaly, and have equalled it—to use a suggestive expression of André Liebich—to the sin of polygamy in a Christian moral order, which should be at least minimised, if not totally prevented.⁸ To this end, national legislations in most European countries have forbidden dual citizenship, while numerous bilateral agreements, international conventions, and mediating international organisations have tried to eliminate cases of dual citizenship on the basis of established and quasi-unanimously recognised rules. The most important agreement in this respect was the European Convention on Dual Citizenship adopted by the Council of Europe in 1963, which stipulated that a citizen of a signatory country who acquires a second citizenship automatically loses his/her original citizenship.⁹

What have been the main reasons behind the underlying resistance to dual citizenship? First and foremost, the normative view on the unique nature of citizenship membership has been rooted in the emergence of

⁷ Rogers Brubaker, ‘Immigration, Citizenship, and the Nation-State in France and Germany: A Comparative Historical Analysis’, *International Sociology* 5:4 (1990), p. 311.

⁸ Liebich, ‘Citizenship in Its International Dimension’, p. 38.

⁹ Hammar, ‘State, Nation, and Dual Citizenship’, p. 81. For conventions for the prevention of dual citizenship signed by various countries and their legal and political consequences, see for example: Otto Kimminich, ‘The Conventions for the Prevention of Double Citizenship and Their Meaning for Germany and Europe’, *German Yearbook of International Law* 38 (1995), pp. 224–249.

modern nationalism, with its primordial worldview which claims that each person has one ‘essential identity’ characterised by a single form of national allegiance and political loyalty, and can be therefore a member of only one nation at a given point in time.¹⁰ Motivated by the need for national security, citizenship laws in most countries have therefore denied aliens or dual citizens access to legislative bodies, state bureaucracies, or even to certain professions or types of property considered ‘strategic’, reserving these for ‘single’ citizens. The opposition to dual citizenship has been also triggered by pragmatic state interests, such as the desire to avoid international litigations concerning military duties, the status of property and of children resulting from marriages of dual citizens that would transform the world into a quagmire of juridical contentions.¹¹ The strict implementation of the modern nationalist ideology of ‘sharp boundaries of the territory and population’ has resulted, according to Craig Calhoun, in a Kokoschka-like world of homogeneous and strictly differentiated colour-spots, or in Brubaker’s words, into ‘a world of bounded and exclusive citizenries’.¹²

Yet, in spite of the stiff opposition of states, the last decades have witnessed an unprecedented expansion of the number and geographical distribution of dual citizens. Unfortunately, comprehensive and current statistics on the issue are not available; as a matter of fact, most countries do not compile or make available data on dual citizenship. Partial estimates indicate, nevertheless, a great expansion of dual citizenship throughout the world, but mostly in Western Europe and North America. To cite only two relevant examples, already in 1986 there were close to one million dual French-Algerian citizens and about 100,000 dual citizens

¹⁰ The term was coined by: Craig Calhoun, *Nationalism* (Buckingham, 1997), p. 18.

¹¹ Numerous such diplomatic controversies arose during World War I, resulting in international agreements over conscription of dual citizens in the inter-war period. See: ‘Dual Nationality’, *The American Journal of International Law* 9:3 Supplement (1915), pp. 369–375; ‘Dual Nationality and Military Service’, *The American Journal of International Law* 25:1 (1931), pp. 119–120; ‘Protocol on Military Obligations and Dual Nationality’, *The American Journal of International Law* 25:1 (1931), pp. 120–121. See also: ‘Treaty between Norway and the United States: Regulating Liability for Military Service and Other Acts of Allegiance of Persons Having Dual Nationality’, *The American Journal of International Law* 25:3 Supplement (1931), pp. 151–152.

¹² Calhoun, *Nationalism*, p. 9; Brubaker, *Citizenship and Nationhood*, p. ix.

in Sweden.¹³ This large-scale proliferation of dual membership has occurred in three main ways: by birth, naturalisation, and acquisition.¹⁴

First, if until the 1960s most European countries had traditionally adopted a male definition of citizenship that linked citizenship with household, and regarded the legal status of women as dependent on that of the husband, the *Convention on the Nationality of Married Women* adopted by the United Nations Organisation in 1958 and ratified by a majority of states granted women independent citizenship, resulting in automatic dual citizenship of children born from mixed marriages.¹⁵

Second, and most important, in the last decades of the twentieth century there occurred an unprecedented mass immigration on the global labour market, from 75 million persons in 1965 to 120 million in 1990.¹⁶ This large-scale migration has been generally directed from developing countries to Western Europe and North America. In 1965 the core Western regions (Western Europe, North America, Australia and New Zealand) accounted for 16.5 per cent of the world's population and attracted 35.7 per cent of the world immigrants, but by 1990 they hosted 42.7 per cent of the total global number of immigrants, while their share of the world's population fell to 12.8 per cent.¹⁷ As a result, the proportion of foreign-born inhabitants in the West as compared to the total

¹³ Loïc Darras, 'La double nationalité' (doctoral thesis in law, Université Paris II Panthéon-Assas, 1986), p. 993, cited in: Hammar, 'State, Nation, and Dual Citizenship', p. 83.

¹⁴ For a detailed technical treatment of these methods of accessing citizenship, see: William Rogers Brubaker, 'Citizenship and Naturalization: Policies and Politics', in Brubaker (ed.), *Immigration and the Politics of Citizenship*, pp. 99–127. For a large historical comparative perspective of access to citizenship, see: Patrick Weil, 'Access to Citizenship: A Comparison of Twenty-five Countries', in Aleinikoff and Klusmeyer (eds.), *Citizenship Today*, pp. 17–35.

¹⁵ For the denationalisation and citizenship exclusion of married women, see: Ursula Vogel, 'Is Citizenship Gender-Specific?', in Ursula Vogel and Michael Moran (eds.), *The Frontiers of Citizenship* (Basingstoke, 1991), pp. 58–85; Ursula Vogel, 'Marriage and the Boundaries of Citizenship', in Bart von Steenberg (ed.), *The Condition of Citizenship* (London, 1994), pp. 76–89. For contemporary developments, see: Karen Knop, 'Relational Nationality: On Gender and Nationality in International Law', in Aleinikoff and Klusmeyer (eds.), *Citizenship Today*, pp. 89–126.

¹⁶ See: Hania Zlotnik, 'International Migration 1965/1996: An Overview', *Population and Development Review* 24:3 (1998), p. 432.

¹⁷ *Ibid.* p. 435.

population of the region increased from 4.9 per cent in 1965 to 7.6 per cent in 1990.¹⁸

In the context of this unprecedented immigration, the *jus soli* citizenship legislation of countries based on the Anglo-Saxon juridical tradition, such as the United States, Canada, and United Kingdom, or the inclusive combination of *jus sanguinis* and *jus soli* in the case of France's legal system, all resulted in the citizenship assimilation of the second generation of alien permanent residents.

Third, immigrants' access to citizenship coupled with an additional—and equally important—political factor: the increasingly tolerant attitude of numerous Western countries toward dual citizenship. Citizenship laws of various countries of net immigration no longer condition immigrants' acquisition of citizenship on the renunciation of their former one. Challenged by the unprecedented scale of labour immigration, and the refusal of many immigrants to rescind their original culture and citizenship affiliation, legislators have started to regard dual citizenship as a factor when facilitating the integration of permanent non-citizen residents, by giving them the opportunity to naturalise into their country of adoption without being forced to renounce ties to their mother country. A White Paper published in the United Kingdom in 1980 underscores this idea:

This country has absorbed large numbers of immigrants in recent years from both foreign and Commonwealth countries, and it is to be expected that many of them will retain strong links with their countries of birth; and that they would hope, where the law of that country allows, to retain their original citizenship and perhaps pass it on to their children born here. If the retention of that citizenship on becoming a British citizen will assist them in the process of settling down in this country then the Government would see this as a good reason for our not requiring them to renounce it.¹⁹

Certainly, such kind of tolerance toward dual citizenship, as highlighted above, has not been a universal attitude. At the present

¹⁸ Zlotnik, 'International Migration'.

¹⁹ See: Randall Hansen, 'British Citizenship after Empire: A Defense', *Political Quarterly* 71:1 (2000), pp. 42–50.

moment, countries such as Italy, France, Portugal, the United Kingdom and Ireland recognise dual membership, while Germany, the Netherlands and Austria do not accept it. These different attitudes are informed by many variables, such as the tradition of citizenship in various countries, the nature of their legal system and the legacy of their colonial experiences. Anglo-Saxon countries that have experienced a long history of immigration and assimilation, such as the United States, Canada, and the United Kingdom, have generally been tolerant to dual citizenship. Among them, as already indicated, the United Kingdom has been the most open to dual membership, in its post-1945 transition from an imperial to a national type of citizenship.²⁰

In contrast, the European ‘Continental’ tradition has been characterised by great national variations in regard to naturalisation and dual citizenship that have revolved generally around the French and German codification of citizenship and naturalisation rights.²¹ In his pioneering comparative analysis of citizenship in both countries, Roger Brubaker argue that the French ‘state-national’ legal system has been based on an inclusive *jus soli* naturalisation policy, resulting in large scale naturalisation of second generation immigrants and numerous cases of dual citizenship; at the same time, the German ‘ethno-cultural model’ of nation-state citizenship has allowed for a very low level of naturalisation of permanent residents, and has always forbidden dual citizenship.²²

²⁰ See: Hansen, ‘British Citizenship after Empire’. See also: Hansen, *Citizenship and Immigration*.

²¹ See: Brubaker, ‘Immigration, Citizenship, and the Nation-State’, pp. 325–326. For a classical but largely ‘essentialising’ presentation of the difference between the German and French nationalisms, see: Hans Kohn, *Prelude to Nation-states: the French and German Experience, 1789–1815* (Princeton, NJ, 1967). Finally, for a recent conceptualisation of a ‘German versus French’ dichotomy of political ideologies, see: Liah Greenfeld, *Nationalism: Five Roads to Modernity* (Cambridge, MA, 1992), pp. 278, 358.

²² For a detailed discussion of the relationship between *jus soli* and *jus sanguinis* principles in the French and German legal systems, see: Brubaker, *Citizenship and Nationhood*, pp. 31–33; Brubaker, ‘Citizenship and Naturalization’, pp. 99–128. More recent works on citizenship have relativised the dichotomy between the French and German citizenship legislation, positing that they are not perfect opposites, but rather belong to the same ‘Continental’ legal category. Andreas K. Fahrmeir argues that, prior to the 1913 Citizenship Act, German citizenship legislation included a strong *jus soli* component; the adoption of *jus sanguinis* as the exclusive principle in ascribing citizenship in the Wilhelmine Empire was thus ‘a new departure rather than a traditional German concept of nationality’. See: Andreas K. Fahrmeir, ‘Nineteenth-Century German

This situation has been subject to change in recent years, due to a growing convergence among citizenship legislation. Even a stronghold of single citizenship, such as Germany, is now witnessing a steady if still feeble weakening of the resistance against dual national membership.²³ This process started with the bill initiated in 1998 by the ruling coalition made up of the Social Democratic Party (SDP) and the Green Party which proposed the following: a) granting automatic access to full citizenship rights to children born in Germany of foreign national parents also born in Germany or who had immigrated there before the age of fourteen; b) granting access to the naturalisation of foreigners residing continuously in Germany for at least eight years; and c) allowing newly naturalised citizens to also retain their original citizenship.²⁴ These revolutionary provisions were severely criticised by the opposition Party of Democratic Socialism, and even by some factions of the ruling Social Democrats and of the Greens. Although the proposal was finally withdrawn, it nevertheless prompted a political debate that has finally generated significant amendments to Germany's citizenship legislation. According to the law on German citizenship, which took effect in January 2000, residents born on German soil qualify for the acquisition of German citizenship. They can also hold temporary dual citizenship provided that a final choice of citizenship is made by the age of twenty three.²⁵

Citizenships: A Reconsideration', *The Historical Journal* 40:3 (1997), p. 721. For a similar critique of Brubaker, with reference to the twentieth century, see also: Dieter Gosewinkel, *Einbürgern und Ausschließen: Die Nationalisierung der Staatsangehörigkeit vom Deutschen Bund bis zur Bundesrepublik Deutschland* (Göttingen, 2001). Patrick Weil also points out that techniques of ascribing citizenship do not necessarily automatically reflect traditional understandings of nationhood. See: Patrick Weil, *Qu'est-ce qu'un Français? Histoire de la nationalité française depuis la Révolution* (Paris, 2002), pp. 197–200.

²³ See: Kay Hailbronner, 'Germany's Citizenship Law under Immigration Pressure', in Hansen and Weil (eds.), *Dual Nationality*, pp. 121–135; Peter Friederich Bultmann, 'Dual Nationality and Naturalization Policies in the German Länder', in Hansen and Weil (eds.), *Dual Nationality*, pp. 136–157.

²⁴ See the 1998 agreement between Social Democrats and the Greens to grant automatic citizenship to children of foreigners born in Germany, in 'Two German Parties Reach Deal to Relax Law on Citizenship', *Migration World Magazine* 26:5 (1998), p. 9. On the joint proposal, see also: Ralf Fücks, 'Reform of the Citizenship Law: The Debate over Dual Citizenship in Germany', in Daniel Levy and Yfaat Weiss (eds.), *Challenging Ethnic Citizenship: German and Israeli Perspectives on Immigration* (New York, 2002), pp. 76–81.

²⁵ See: Andreas M. Wüst, 'New Citizens—New Voters? Political Preferences and Voting

It is expected that this law will contribute to the naturalisation and societal integration of Germany's substantial population of alien residents. According to official statistics, in 2002 there were 7.5 million foreign permanent residents living in Germany. Over 30 per cent settled in the country in the 1980s and half of them in the 1990s. While nearly 100,000 foreign national children are born in Germany every year, the previous restrictive citizenship law allowed for the naturalisation of only 0.3 per cent (1986) to 1.2 per cent (1996) of the total number of foreign residents.²⁶ In addition to increasing the number of people that will receive naturalisation under the new law, unofficial statistics indicate that approximately one-third of all naturalisations in Germany result in dual citizenship.²⁷

In sum, one can safely conclude that cases of dual citizenship are currently in continuous expansion in Western Europe and North America. This is not to say that the growing tolerance toward dual citizenship has gone undisputed. In fact, the issue provokes intense and arduous juridical and political controversies.²⁸ For example, on the North American continent, the passing of the Mexican Law on dual citizenship generated new forms of regional economic and political integration between Mexico and the United States that has apparently worked for the benefit of Mexican dual citizens, who could easily commute between the two countries and take advantage of opportunities provided by both socio-political systems. This situation generated a mounting resistance against dual citizenship in the United States, a country whose legislation formally forbids dual membership, but which has not sought a strict implementation of this principle. Reacting to the explosion of dual Mexican-American citizens, American opponents of dual citizenship emphasised the incompatibility between the responsibilities deriving from taking on United States citizenship and the divided loyalties presupposed by dual membership, mostly in cases of military conflict. They portrayed

Intentions of Naturalized Germans: A Case Study in Progress', *International Migration Review* 34:2 (2000), pp. 560–567.

²⁶ For these figures, see: Fücks, 'Reform of the Citizenship Law', pp. 77–78.

²⁷ Brubaker, 'Citizenship and Naturalization', p. 116.

²⁸ For an analysis of the political debates generated by dual citizenship in Western Europe, see: Hammar, 'State, Nation, and Dual Citizenship'.

therefore dual citizenship as dangerous for the security of the United States, and required the enforcement of the law which prohibits it.²⁹

In sum, in spite of the stiff resistance in several countries and the intense political debates that the issue is still generating, the general global trend suggests an increasing tolerance toward dual citizenship.³⁰ The recent period has witnessed the Council of Europe, as well as countries that have been traditionally strongholds of resistance against dual citizenship, such as the Netherlands, Belgium and Germany, showing signs of a more tolerant attitude toward dual citizenship. The unprecedented expansion of dual citizenship in North America and Western Europe has been primarily related to the phenomena of global migration. Therefore, debates on dual citizenship in the West have mainly concentrated on the controversies surrounding the demise of traditional elements of the nation-state citizenship, the current relevance of the classical model of liberal citizenship and alternative forms of post-national membership at sub-national, supra-national, or international levels in the context of globalisation, increasing pluralism and multiculturalism.

Dual Citizenship in Post-communist Central and Eastern Europe

A different situation has occurred in Central and Eastern Europe, where dual citizenship has not served as a way of integrating alien residents, but mostly as a way of reconstructing the national ‘imagined communities’, in the background of radical post-1989 socio-political and territorial

²⁹ See for example, James R. Edwards Jr.’s virulent attack against dual citizenship in the United States: ‘If the reality is that naturalised US citizens from Mexico “are Mexicans”, then the reality is also that they are breaking the oath they swore to become US citizens. Dual nationality or citizenship in any other country fails the smell test. It stinks because when it comes to core loyalties, dual nationals and dual citizens don’t place them with America, as promised’. James R. Edwards, Jr., ‘Dual Citizenship Is Dangerous’, *Christian Science Monitor* 90:107 (1998), p. 20.

³⁰ For the link between migration and dual citizenship, and the legal status of dual nationals, see: T. Alexander Aleinikoff and Douglas Klusmeyer, ‘Plural Nationality: Facing the Future in a Migratory World’, in Aleinikoff and Klusmeyer (eds.), *Citizenship Today*, pp. 63–88.

reorganisation. In these regions, the dismantling of the communist system and demands for political rights and civil liberties have generated a radical reorganisation of citizenship doctrines. This process has occurred on three inter-related levels.

First, there has been a general tendency toward political democratisation that has resulted in the construction of regimes of parliamentary democracies, based on the mass extension of wide socio-political rights.

Second, an ample process of radical national reorganisation has occurred, that has found its most paramount manifestation in the legal (re)construction of citizenship. In 1989 the former communist block in Central and Eastern Europe was composed of eleven countries (including the Soviet Union), but today there are twenty-two states in the region (excluding here the Central Asian and Caucasus countries that have resulted from the break-up of the Soviet Union). The transition from the old communist republics or federal systems to democratic nation-states has generated numerous conflicts over issues of citizenship affiliation in these regions.

Third, there has been a revival of policies of national integration between mother countries and external kin minorities. These policies have been very heterogeneous, varying as a function of the specific demographic and geopolitical context. One can identify a large spectrum of political options available, ranging from policies of cultural assistance to innovative forms of economic or political protection, such as granting access to various citizenship entitlements to compact kin populations abroad. Notwithstanding their important differences in scale and content, I treat such policies as part of more generalised attempts at reconstructing national communities against the background of radical post-communist socio-political and territorial reorganisation.

Acute forms of citizenship conflicts followed the dismantling of federal systems, such as Czechoslovakia, Yugoslavia, and the Soviet Union. Of these three, Czechoslovakia exhibited a smoother citizenship transition from the federal system to the successor states.³¹ However, the

³¹ See: Martin Palous, 'Questions of Czech Citizenship', in Liebich, Warner, and Dragovic (eds.), *Citizenship East and West*, pp. 141–159; Piotr Ogrodzinski, 'Slovakia after the Split: Dilemmas of the New Citizenship', in Liebich, Warner, and Dragovic (eds.), *Citizenship East and West*, pp. 165–180.

legal separation of neither Czechs nor Slovaks lacked in juridical controversies. Most relate to the 1969 legal reorganisation of Czechoslovakia from a unitary state to a federation of two national republics.³² As a result, although a single unified Czechoslovak citizenship existed until 1969, the new 1969 Constitution and citizenship legislation created a system of dual citizenship, one at the federal level, and the other at the republican level. Thus, in addition to the federal Czechoslovak citizenship, Czechs and Slovaks were also assigned sub-federal citizenships in the two republics as a function of their birthplace and residence.³³ More specifically, the citizenship status of inhabitants born before 1954 was determined *jure soli*, according to their place of birth, while the status of those born after that date was determined *jure sanguinis*, in accordance to the citizenship of their parents.³⁴

Prior to the 1993 separation between the two countries, the Czech and Slovak republican citizenships were symbolically subordinated to the unified federal Czechoslovak citizenship, even if in practice republican affiliation determined most citizenship rights and duties. After 1993, however, sub-federal citizenships came to play a central role in building completely separate Czech and Slovak state citizenships. As the result of the partition, the former federal Czechoslovak citizenship became inconsequential from a legal point of view, and new rules of ascribing state citizenship were put into place in the two newly-born separate nation-states, neatly differentiating between Czech and Slovak citizenries. In regard to dual citizenship, the attitudes of the two successor states have been different: while the Slovak citizenship law recognises dual membership, the Czech legislation forbids it. This difference has complicated the legal partition of the federation, forcing former Czechoslovak citizens to opt firmly for one or the other republican citizenship.

Building on the previous legal differentiation between Czechs and Slovaks, the 1993 Czech citizenship law introduced special naturalisation requirements for the Slovak residents who wished to acquire Czech citizenship, such as two years of continuous residency and five years of

³² Palous, 'Questions of Czech Citizenship', p. 147.

³³ Ibid. p. 148.

³⁴ See: Jirina Siklova and Marta Miklusakova, 'Denying Citizenship to the Czech Roma', *East European Constitutional Review* 7:2 (1998), pp. 60–61.

clean criminal record.³⁵ Moreover, applications had to be filed within a period of one year and a half after the promulgation of the new 1993 Czech citizenship law, after which former Czechoslovak citizens living in Slovakia wishing to opt for the Czech republican citizenship had to apply for naturalisation to the Ministry of Interior.³⁶ Allegedly, these restrictive conditions aimed at discriminating against the Roma population who migrated from Slovakia and sub-Carpathian Ukraine to work in Northern Bohemia, Ostrava, Karina and Moravia.³⁷ While these residents in theory should have been granted Czech citizenship, in practice they most often lacked identification papers and regular resident permits in the Czech Republic, and were ignorant of the law or unable to satisfy the bureaucratic requirements of the naturalisation process. Since in many cases the Roma population living in the Czech Republic did not renew their legal attachment to Slovakia and were legally situated ‘in-between’ the two republics, they risked being transformed into *heimatlos* by the process of the partition of Czechoslovakia. Despite belated measures taken by the Czech government and the legal assistance provided by international or local civil associations, it was estimated that by 1998, out of an estimated total of around 32,000, only several thousands Roma living in the Czech Republic applied for citizenship, while 1,200 opted for emigration to Canada.³⁸

The bloody demise of Yugoslavia stands in sharp contrast with the ‘velvet’ legal divorce between Czechs and Slovaks. As Robert Hayden has pointed out, a central motivation of the wars of secessions and succession in the former Yugoslavia was the underlying contradiction between ‘objectified’ and ‘reified cultures’. In other words, there was an irreconcilable conflict between the ideal of homogeneous nation-states harboured by the elites of the major ethnic components of the federation, and the reality of inter-ethnic mingling that resulted from decades of internal migrations and interrelated economic and socio-political

³⁵ Palous, ‘Questions of Czech Citizenship’, p. 158.

³⁶ See: Siklova and Miklusakova, ‘Denying Citizenship’, p. 61.

³⁷ Palous, ‘Questions of Czech Citizenship’, p. 158. Concerning the citizenship exclusion and legal discrimination of the Roma population residing in the Czech Republic, see: Siklova and Miklusakova, ‘Denying Citizenship’, pp. 58–64; Aileen Crowe, ‘The Czech Roma: Foreigners in Their Own Land’, *The Patrin Web Journal: Romani Culture and History* <<http://www.geocities.com/~patrin/foreigners.htm>>, accessed 22 February 2006.

³⁸ Siklova and Miklusakova, ‘Denying Citizenship’, pp. 58, 63.

development within a common state.³⁹ In addition, due also to the wording of the 1974 Constitution of Yugoslavia that stipulated the right of succession from the federation of the constituent *nations*, rather than *republics*,⁴⁰ the dismantling of the federation was accompanied by attempts to revise the borders of the existing republics, and to construct new territorial units that would encompass all the members of a given ethnic group. It is thus not surprising that military conflicts have been the most intensive in ethnically mixed areas, where those of rival nationalities attempted to implement forcefully policies of ethnic cleansing as a means of modifying the reality on the field and of appropriating contested lands. In addition to violence, Hayden emphasises another important manner of ethnic cleansing in the former Yugoslavia: the implementation of regimes of ‘constitutional nationalism’ that favoured the dominant nationality of a certain country by combining the facile naturalisation of ethnically related non-resident population with the ‘denaturalisation’ of ethnically alien permanent residents.⁴¹

The legal construction of citizenship in the successor states of the former Yugoslavia exhibited two main inter-related features. First, new citizenship laws stripped ethnic minorities of citizenship rights in their country of residence, transforming them into foreigners and ultimately forcing them to leave their areas of permanent settlement. Consequently, even the more permissive and relatively unproblematic citizenship law in the former Yugoslavia, that of Slovenia, has resulted in the denaturalisation of approximately 50,000 people.⁴² This process was even more dramatic in Croatia, whose 1991 Constitution did not include special provisions for the former Yugoslav citizens, thus denaturalising approximately 85 per cent of the Serbian population of the republic.⁴³ Second, successor states implemented rigid definitions of citizenship that strictly delimited their citizenries, as a way of asserting and consolidating their independence.

³⁹ See: Robert M. Hayden, ‘Imagined Communities and Real Victims: Self-determination and Ethnic Cleansing in Yugoslavia’, *American Ethnologist* 23:4 (1996), p. 783.

⁴⁰ *Ibid.* p. 785.

⁴¹ Robert M. Hayden, ‘Constitutional Nationalism in the Formerly Yugoslav Republics’, *Slavic Review* 51 (1992), pp. 654–673.

⁴² Hayden, ‘Imagined Communities’, pp. 793–794.

⁴³ *Ibid.* p. 795.

As a result, dual citizenship has not figured prominently in the national policy promoted by successor states of the former Yugoslavia. The legislation of the new Federation of Yugoslavia constituted in 1992 by Serbia and Montenegro has forbidden dual citizenship. In addition, on 16 July 1996, the Yugoslav parliament passed a law stipulating that only individuals registered in Yugoslavia since March 1992 (the date when Serbia and Montenegro agreed to constitute a federation), were entitled to citizenship.⁴⁴ This measure was reportedly meant to deny the 700,000 refugees the right to vote in the presidential elections, since it was expected that they would vote against President Slobodan Milošević.⁴⁵ This restrictive citizenship provision was linked with overt political interests, being yet another indication that the constitutional order and citizenship legislation in the newly-born federation were mere political tools for consolidating the personal regime of Milošević.

In a manner similar to the new Yugoslav federation, Slovenia has also forbidden dual citizenship. Nevertheless, in its efforts to encompass all members of its dominant ethnic community, regardless if they live at home or in Diaspora, it has also employed an active ethnic policy toward kin non-residents. The 1992 Constitution of Slovenia stipulates, in Article 5, that ‘ethnic Slovenians not holding Slovenian citizenship shall enjoy special rights and privileges in Slovenia. The nature and extent of those rights and privileges shall be determined by statute’. As a result of the naturalisation facilities offered by the Slovenian Citizenship Law, 25,000 Slovenes living outside Slovenia have been granted access to citizenship.⁴⁶

A more nuanced attitude toward dual citizenship has occurred in Croatia. Although in a majority of cases the Croatian Citizenship Law prohibits dual citizenship, always regarding the Croatian citizenship as legally dominant, the Law explicitly accepts dual membership in certain cases, and implicitly tolerates it in others. This permissive attitude toward dual citizenship links with an inclusive ethnic policy granting Croats living abroad a privileged access to naturalisation.

Claims of dual citizenship on the territory of the former Yugoslavia originated from the interaction among the citizenship policy of the

⁴⁴ Beta reports, in: Stan Markotich, ‘Rump Yugoslav Parliament Passes Controversial Citizenship Law’, *OMRI Daily Digest*, 17 July 1996. Also available at <<http://archive.tol.cz/omri/restricted/article.php3?id=14528>>, accessed 23 February 2006.

⁴⁵ *Ibid.*

⁴⁶ Hayden, ‘Imagined Communities’, p. 794.

successor states that resulted in cases of overlapping citizenries. In most instances, dual citizenship was a specific issue requested of inhabitants of ethnic enclaves who wished to remain in their historical homeland, while preserving ties with their mother country. As such, Vojislav Stanimirović, head of the Serbian authorities in eastern Slavonia, a region that had to resubmit to Croatian rule in late 1997, claimed that all Serbs in the region would remain if the Federal Republic of Yugoslavia was to conclude a dual citizenship agreement with Croatia.⁴⁷ To this end, he requested Yugoslavia to amend its legislation on dual citizenship in order to match the Croatian law which allows dual membership.⁴⁸

Another relevant example of acute debates over citizenship is that of the break-up of the Soviet Union, in which the intersection between the citizenship policy of Russia and that of successor states has generated numerous citizenship debates. In his analysis of ‘citizenship struggle’ in the successor states of the former USSR, Rogers Brubaker differentiated between a ‘new state’ model of citizenship legislation and a ‘restored-state’ model.⁴⁹ The former was enacted in countries that lacked a statehood tradition: without a history of distinctive citizenry, these countries had to create their citizenship body by conferring citizenship rights to their residents on an inclusive basis. The latter type was applied in states that relied on a statehood tradition, such as the Baltic States. In those cases, citizenship legislation attempted to restore citizenship rights that had existed prior to the Soviet conquest, a situation that excluded citizenship rights from all those residents who immigrated to these countries in the post-1945 period.

Post-communist attitudes to dual citizenship of Soviet successor states have been influenced by the fact that, during the Soviet era, the process of internal immigration resulted mainly in a large number of Russians and Russian-speakers living outside the Russian Federation. After the break-up of the Soviet Union, in order to protect the rights of the Russians leaving abroad and to shelter its own geopolitical interests, Russia put forward an inclusive citizenship policy toward its kin

⁴⁷ Reuters report on 9 March, in: Daria Sito Sucic, ‘Serbs in Eastern Slavonia Want Dual Citizenship’, *OMRI Daily Digest*, 10 March 1997. Also available at <<http://archive.tol.cz/omri/restricted/article.php3?id=25042>>, accessed 23 February 2006.

⁴⁸ Ibid.

⁴⁹ Rogers Brubaker, ‘Citizenship Struggles in Soviet Successor States’, *International Migration Review* 26:2 (1992), pp. 269–291.

population living in neighbouring countries, defined as ‘near-abroad’. According to official statistics, from 1992–1997, more than 1.5 million people received Russian citizenship, as opposed to around 40,000 people who renounced it. Among the new citizens, about 900,000 lived outside Russia, including 100,000 who lived outside the borders of the former Soviet Union.⁵⁰ Furthermore, if in the first instance Russia did not accept dual citizenship, it soon reconsidered its position and began to allow dual membership. This policy has been seen by most successor states as an overt intrusion into their sovereignty, generating numerous diplomatic controversies.

The most serious diplomatic tensions over dual citizenship occurred between Russia and the Ukraine, relating mostly to the citizenship status of the inhabitants of the Crimean Peninsula.⁵¹ Adopted in October 1991, the first citizenship law of the Ukraine allowed dual citizenship only when a bilateral treaty between countries already existed. Due to the territorial litigation over Crimea, no such treaty was signed with Russia. Furthermore, on 30 October 1996, the Ukrainian Parliament adopted a new citizenship law totally barring dual citizenship. The new law stated that anyone who had lived in the Ukraine since 1991 could be naturalised, as well as individuals living abroad who could prove Ukrainian origins.⁵² The new law put forward an inclusive citizenship policy toward permanent residents, but did not allow for any dual citizenship attachment. The law was adopted against strong political resistance of political elites in Crimea, who lobbied for acquiring dual Russian-Ukrainian citizenship, especially in regions heavily populated by ethnic Russians.

Among the successor republics, the most restrictive and exclusionary citizenship laws were adopted in the Baltic States, mostly in Latvia and

⁵⁰ ITAR-TASS on 28 January, citing *Goskomstat*, in: Nikolai Iakoubovski, ‘New Citizenship Figures Released’, *OMRI Daily Digest*, 29 January 1997. Also available at <<http://archive.tol.cz/omri/restricted/article.php3?id=23849>>, accessed 23 February 2006.

⁵¹ See: George Ginsburgs, ‘From the 1990 Law on the Citizenship of the USSR to the Citizenship Laws of the Successor Republics (Part II)’, *Review of Central and East European Law* 19:3 (1993), pp. 233–266.

⁵² Chrystyna Lapychak, ‘Ukraine Tightens Citizenship Requirements’, *OMRI Daily Digest*, 4 November 1996. Also available at <<http://archive.tol.cz/omri/restricted/article.php3?id=18266>>, accessed 23 February 2006.

Estonia.⁵³ Motivated by the fear that their nation would ‘die out’, these states adopted restrictive citizenship policies, by reviving pre-War World II citizenship laws in order to restore the legal order existing in the pre-Soviet period. As a result, former pre-Soviet citizens and their descendents were all entitled to citizenship. At the same time, permanent residents who acquired citizenship during the Soviet period were only partially accepted as citizens in Lithuania, and largely excluded in Latvia and Estonia. Attitudes toward dual citizenship also underscore the ethnic character of citizenship policies in the Baltic States. All three states allowed individuals belonging to their ethnic community living in Diaspora to (re-)acquire their original national citizenship and thus hold dual citizenship, but rejected the right to dual citizenship of ethnic minorities living on their own territory.

A different category of citizenship legislation, as compared to the former communist federations, can be found in post-communist nation-states, such as Albania, Bulgaria, Romania, Hungary, and Poland. None of these states suffered territorial changes or a massive influx of population after 1989. However, they have all radically revised their nationality laws, in order to reflect the new political transformation and to address the territorial or population changes that took place during and after World War II, issues that were considered taboo during the long period of the Soviet domination. New citizenship laws in these states encompassed therefore an important national dimension: after decades of political isolation from Diaspora and dual citizenship prohibition, most of these states have resumed policies of ‘positive discrimination’ toward their co-ethnics abroad.

Unquestionably, the span and content of these programs have been very diverse. The most commonly accepted policy toward minorities abroad is that of maintaining cultural ties between the mother country and external minorities, as is the case with nearly all the nation-states in the region. To cite one example of this, Article 6 of the Constitution of Poland reads that ‘The Republic of Poland shall provide assistance to Poles living abroad to maintain their links with the national cultural heritage’. In addition, most states in the region oblige themselves to grant

⁵³ Graham Smith, Aadne Aasland, and Richard Mole, ‘Statehood, Ethnic Relations and Citizenship’, in Graham Smith (ed.), *The Baltic States: The National Self-Determination of Estonia, Latvia and Lithuania* (Basingstoke, 1994).

political-diplomatic protection to kin minorities abroad. Article 9 of the Constitution of Albania states: ‘The Republic of Albania takes care of the recognition and observation of the national and democratic rights of the Albanians residing outside the state borders of the Republic’.

Most of post-communist countries, such as Poland, Romania, Hungary and Bulgaria, supplement this policy with a privileged access to citizenship of co-ethnics living abroad. For example, Article 25 of the 1991 Bulgarian Constitution stipulated that Bulgarian citizenship can be acquired by descent, following the *jus sanguinis* principle, or by birth on the territory, following the *jus soli* principle, provided that the respective person is ‘not entitled to any other citizenship by virtue of origin’. According to the same article, ‘A person of Bulgarian origin shall acquire Bulgarian citizenship through a simplified procedure’. Similarly, the 1993 Hungarian Citizenship Law exempts ethnic Hungarians from the mandatory eight-years naturalisation stage required to aliens, reading that ‘the non-Hungarian citizen declaring him/herself to be an ethnic Hungarian may be naturalised preferentially on his/her request thereto, if he/she has resided for at least a year in Hungary before submitting this application and his/her ascendant was a Hungarian citizen’.⁵⁴ Nevertheless, unlike the Bulgarian law which takes as criterion only ethnic origin, the Hungarian text combines the ‘ethnic’ with the ‘statist’ principle, granting rights only to ethnic Hungarians who are descendent from former citizens.

In addition to these individual naturalisation facilities, some states run comprehensive programs granting collective or individual citizenship rights to various kin populations living abroad. These rights range from programs of repatriation of co-ethnics or former citizens, as in the case of Poland, granting of special status to co-ethnics as in the case of Hungary’s recently adopted Status Bill, regimes of dual citizenship for former citizens, as in the case of Romania, or, in certain conditions, for co-ethnics living abroad, as again in the case of Poland (to be explained shortly, see below). Concerning the function of their content, the scopes of these national programs also differ. Some are directed at former citizens, irrespective of their nationality, as in Romania. Others look at compact ethnic minorities living in neighbouring border areas, such as in Hungary.

⁵⁴ Act LV of 1993 on Hungarian Citizenship, Section 4 (3), passed by the Hungarian Parliament on 1 June 1993.

Still others focus on Diaspora all over the world, as in the case of Bulgaria and Albania.

A special juridical category is that of co-ethnic groups living in the Soviet Union, most of which are comprised of political prisoners or forcefully deported populations: in 1989, on the territory of the USSR there were 1.1 million Poles, 380,000 Bulgarians, 170,000 Hungarians, and 160,000 Romanians and Moldovans.⁵⁵ Among the Central European states, only Poland pursued a comprehensive program of repatriation toward its co-ethnic group living in the former USSR.⁵⁶ This program targeted two legal groups: those who lost their Polish citizenship following the shifting of the Polish-Soviet border to the West in 1945 and ethnic Poles who lived in the Western parts of Byelorussia and were deported in Kazakhstan in the 1920s and 30s. While the first group was entitled to facile naturalisation, the citizenship rights of the latter were a matter of intense debate in the Sejm. Starting in 1995, a special program of repatriation was assembled for these people, who were issued special visas which entitled them to automatic access to Polish citizenship upon return to Poland, material assistance, and exceptional permission to preserve their original citizenship.⁵⁷

In sum, as in Western Europe, the attitude toward dual citizenship in post-communist Central and Eastern Europe has been split between countries that recognise dual citizenship, such as Romania, Bulgaria, Hungary, and Slovakia, countries that accept it only exceptionally (Poland), or those that overtly deny it, such as Greece and Slovenia. These attitudes are closely connected to the main features of the citizenship doctrine and national policy pursued by each state in these regions. The interaction of their policies has generated contrasting and even overlapping definitions of citizenries, resulting in acute diplomatic conflicts over questions of citizenship inclusion and exclusion, as well as issues of state sovereignty.

⁵⁵ Brubaker, 'Citizenship Struggles', p. 270.

⁵⁶ See: Lagzi Gábor, 'Az állampolgárság és a repatriáció kérdése Lengyelországban az 1990-es években' [Citizenship and the Issue of Repatriation in Poland in the 1990s], *Regio: A Review of Minority and Ethnic Studies* 11:3 (2000), pp. 62–80. See also: Krzysztof Jasiewicz, 'Citizenship in Post-Communist Poland: Civil Society or *Das Volk*?' in Liebich, Warner, and Dragovic (eds.), *Citizenship East and West*, pp. 79–100.

⁵⁷ Gábor, 'Az állampolgárság', pp. 62–80.

The most acute conflicts have occurred in situations where the beneficiaries of dual citizenship or special status have been compactly concentrated in neighbouring regions, giving rise to allegations of policies of territorial irredenta aimed at reconstructing the borders existing either in pre-World War I (as in the case of Hungary), or the interwar period (as in the case of Romania). In the remaining part of this paper, I focus on the interaction between the legislation on dual citizenship or special legal status for kin populations abroad adopted by these two countries.⁵⁸

Dual Citizenship in Romania and Hungary

Under the communist regime, citizenship legislations in both Romania and Hungary served as instruments of political repression and control. Communist authorities rigorously controlled internal migration and monitored the movement of foreigners on their territory. The ideological nature of the communist citizenship legislation also reshaped the relationship between the respective states and their Diaspora. Both Romania and Hungary forbade their citizens to hold dual citizenship. In order to eliminate bilateral cases of dual citizenship generated by border changes after World War II and to resolve pending juridical controversies over property issues, in 1949 the two countries held an international citizenship convention.

The democratisation of the political system initiated in 1989 has had a powerful impact on the citizenship legislation in the two countries,

⁵⁸ For the history of Romanian citizenship legislation, see: Constantin Iordachi, 'The Unyielding Boundaries of Citizenship: The Emancipation of "Non-Citizens" in Romania, 1866–1918', *European Review of History* 8:2 (2001), pp. 25–54; Constantin Iordachi, 'Citizenship and National Identity in Romania: A Historical Overview', *Regio* (2002), pp. 3–34. For the process of political reconciliation between Romania and Hungary, see: Constantin Iordachi, 'The Romanian-Hungarian Reconciliation Process, 1994–2001: From Conflict to Co-operation', *PolSci: Romanian Journal of Political Science* 1:3–4 (2001), pp. 88–134. On the post-1989 revival of contrasting and ultimately overlapping definitions of citizenship in Romania, Hungary, and the Republic of Moldova, and the resulting diplomatic tensions over issues of dual citizenship see: Constantin Iordachi, 'Dual Citizenship and Policies toward Kin Minorities in East-Central Europe: A Comparison between Hungary, Romania and the Republic of Moldova', in Zoltán Kántor et al. (eds.), *The Hungarian Status Law: Nation Building and/or Minority Protection* (Slavic Eurasian studies, no.4; Sapporo, 2004), pp. 239–269.

contributing to the redefinition of the criteria of ascribing citizenship. The Law on Romanian Citizenship of March 1991 has consecrated two major innovations in the Romanian citizenship legislation. First, it allows Romanian citizens to hold dual citizenship. Second, it goes beyond the commonly accepted standard on repatriation, enabling individuals re-acquiring Romanian citizenship to retain not only their first citizenship, but also that of their domicile abroad.

The main beneficiaries of the Law are the inhabitants of the former Soviet Socialist Republic of Moldova, and those of the provinces of Northern Bukovina and Southern Bessarabia, in the Ukraine. Since, following the Soviet occupation (1940–1942, 1944–1991), the inhabitants of Bukovina and Bessarabia were stripped of their Romanian citizenship, the 1991 law enabled them to retrieve their lost citizenship rights. According to unofficial estimates, between 1991 and 2000 alone, the Romanian government granted citizenship to 300,000 Moldovan citizens belonging to various ethnic groups. Overall, in August 2003 approximately 40 per cent of Moldovan citizens held dual citizenship, being nationals of Romania, Bulgaria, Israel or Russia, in addition to the Republic of Moldova.

In contrast to Romania, Hungary reacted very cautiously to proposals for granting dual citizenship to kin minorities living abroad. Similar to the 1991 Romanian citizenship law, the 1993 Hungarian citizenship law grants rights to privileged naturalisation in Hungary to ‘a non-Hungarian citizen claiming to be a Hungarian national [...] at least one of whose relatives in ascendant line was a Hungarian citizen’ (Section 4, article 3). Nevertheless, unlike in Romania, this right is contingent on several preconditions, such as domicile in Hungary for at least one year and proof of means of subsistence. Therefore, while there are several thousand people with dual (Romanian and Hungarian) citizenship, this is possible only because those people are living in Hungarian territory. According to official figures, there have been around 10,000 citizenship requests for naturalisation submitted annually, and a significant growth in the number of applications is currently expected. Among the applicants, on average about 55 per cent are from Romania, 21 per cent from Yugoslavia and 11 per cent from the Ukraine.⁵⁹

⁵⁹ Cătălin Gherman, ‘Hungary Arouses Again Ethnic Fears Around’, *Newropeans Magazine*, 12 November 2004 <<http://www.newropeans-magazine.org>>, accessed 27

The prudent position adopted by Hungarian diplomacy in relation to dual citizenship was an acknowledgment of the overwhelming juridical and socio-political complications concerning the issue. Granting dual citizenship to Hungarians in Romania would intrinsically confer on them the full social and political rights to which Hungarian citizens are entitled by the laws of the country, including the right to settle in Hungary for an unlimited period of time, to acquire movable or immovable properties, and to work and benefit from a standard level of education, medical assistance and social security. The impact of such prospective immigration into Hungary would have been major and unpredictable.

Despite the cautious attitude of the Hungarian government, the idea of granting dual citizenship to kin minorities living abroad gained prominence, generating intense public and political debates. In this context, the adoption of the controversial Hungarian Status Law in June 2001 can be regarded as an alternative to granting rights to dual citizenship to alien ethnic Hungarians. The Status Law has introduced several innovations to Hungary's national policy. First, its stipulations apply to 'persons of Hungarian nationality who are not Hungarian citizens and reside in the Republic of Croatia, the Federal Republic of Yugoslavia, Romania, the Republic of Slovenia, the Slovak Republic or the Ukraine', and 'have lost their Hungarian citizenship for reasons other than voluntary declaration of renunciation', as well as to the spouses of ethnic Hungarians abroad, and their 'children of minor age being raised in their common household even if these persons are not of Hungarian nationality'. The scope of the law combines an ethnic principle (persons of Hungarian origin) with a statist principle (former Hungarian citizens who have involuntarily lost their citizenship), and also includes a territorial principle (which regards only ethnic Hungarians in the neighbouring countries, and not the Hungarian Diaspora all over the world). Another controversial aspect is the introduction of an identity card with a photo of the applicant entitled the 'Hungarian Identification Document', which certifies that 'the applicant is of Hungarian nationality'. This I.D. functions as an official personal card, since it has to be periodically renewed, and can be withdrawn in case the bearer commits legal offences or changes his relation to the Hungarian state. In regard to the assistance given to ethnic Hungarians abroad, the recipient of the law receives 'certain preferences

and certain kinds of assistance' that fall under the following main headings: education and culture, science, social security and health provisions, travelling benefits, and employment.

As compared to the 1991 Romanian Citizenship Law, the Hungarian Status Law exhibits substantive differences in regard to the type of legal rights and privileges it grants. The highly permissive stipulations on restoration of the Romanian citizenship resulted in a massive re-naturalisation in Romania of Moldavian citizens, conferring on them access to full citizenship rights. In contrast, although the 'Status Law' stemmed directly from debates over granting dual citizenship to ethnic Hungarians in Romania, it fell short of granting full social and political rights to ethnic Hungarians living in neighbouring countries. After heated political debates, Hungarian political leaders rejected the solution of dual citizenship, opting instead for a more symbolic form of national membership. In addition, the economic entitlement toward ethnic Hungarians abroad are kept to a minimum, consisting only of seasonal working permits, limited travel reductions, and access to cultural and educational facilities. More substantive forms of social assistance—such as medical care—are granted only to temporary residents on a conditional basis. Except for these socio-economic entitlements, the law does not confer on ethnic Hungarians any political entitlements to Hungarian citizenship, such as the right to vote in national or local elections, to own land, or to become eligible for jobs in the state apparatus of the country. In light of subsequent developments, the Status Law could nevertheless be regarded as a preparatory step toward granting ethnic Hungarians living abroad the rights to full citizenship. Following a civil initiative at grass-roots level undertaken by The World Federation of Hungarians (MVSZ), which collected around 200,000 signatures in support of dual citizenship, the question was to be addressed in a Hungarian national referendum that could take place according to the Hungarian constitutions.

The proposal of the referendum divided the Hungarian political elites and public opinion, prompting a huge political debate that addressed both symbolic issues relating to the Hungarian national identity and national history and material issues pertaining to criteria of access to social and welfare entitlements in Hungary. While the opposition Party of Young Democrats (FIDESZ) and the Hungarian Democratic Forum (MDF) supported the idea of a referendum on dual citizenship, the ruling Socialist Party (MSZP) opposed the initiative. Following the decision of the

Constitutional Court to allow the referendum to take place, the ruling MSZP recommended the electorate to abstain from participation. The implicitly hostile public campaign led by the MSZP emphasised utilitarian cost-benefit arguments, exploiting Hungarians' fears of unchecked immigration of ethnic Hungarians to the 'mother-country' that would result in the collapse of the Hungarian welfare state. Their message appealed to the Hungarian lower or middle social categories which were afraid of a dramatic increase in the job competition from ethnic Hungarians living abroad and the resulting decline in their standard of living. In contrast, the opposition engaged in a strong campaign for convincing the population to vote favourably, channelling the debates toward issues of historical justice and national solidarity with ethnic Hungarians living abroad. To the Socialist Party's arguments that ethnic Hungarians would immigrate to Hungary in great numbers and claim social benefits (such as education, medical assistance and old-age pension), FIDESZ answered with the prediction that most ethnic Hungarians will actually immigrate to the economically more attractive Western European countries. Granting dual citizenship to ethnic Hungarian living abroad was thus presented as a way of sharing with them the benefits of Hungary's European Union membership; it was also a way of shifting the burden of their economic immigration from the 'mother country' to other, economically more advanced, Western European countries.

Ultimately, the two parties put forward contrasting definitions of state citizenship. The Socialist Party emphasised that Hungarian citizenship should be open to all individuals who were born and/or live permanently in Hungary and fulfil their citizenship duties to the Hungarian state, such as taxation and military service, irrespective of their ethnic identity; it should nevertheless be restricted for those who do not have a territorial membership in the Hungarian state, regardless of their cultural identity. On its turn, FIDESZ regarded ethnic origin as a sufficient condition entitling kin minorities living abroad to state citizenship in Hungary. In its view, the institution of citizenship merely serves as a political institutionalisation of the national community of ethnic Hungarians, a perspective which implicitly calls into question the citizenship affiliation of non-ethnic Hungarians living in Hungary, symbolically transforming them into 'non-national' or 'second-hand' citizens. These ideological positions were informed by the divergent

electoral policies of the two parties: while the ruling MSZP intended to consolidate its traditional influence over lower social strata of the society, FIDESZ's nationalist campaign was meant to mobilise middle class voters and Hungary-based kin minorities' interest groups. Moreover, provided that the referendum had been successful, granting citizenship rights to ethnic Hungarian living abroad would have potentially expanded FIDESZ's 'captive electorate' in the neighbouring countries which, given the strong polarisation of the electorate in Hungary proper, could have provided a critical margin assuring FIDESZ's long-term political domination.

The referendum was important from the point of view of international law as well. If the proposal of granting dual citizenship to kin minorities abroad had been approved, Hungary would have effectively innovated international law in a significant respect: it would have open access to full citizenship rights to compact ethnic populations living in neighbouring countries. Moreover, since Hungary is a member of the European Union while ethnic Hungarians abroad live mostly in non-members states, a favourable vote would have created conditions for potentially granting access to EU citizenship to large populations living outside the current EU borders, in countries such as Serbia, Romania, and the Ukraine.

The referendum took place on 5 December 2004. Indicative of the political debates over the issue, the wording of the question was rather lengthy and awkward: 'Do you think parliament should pass a law allowing Hungarian citizenship with preferential naturalisation to be granted to those, at their request, who claim to have Hungarian nationality, do not live in Hungary and are not Hungarian citizens, and who prove their Hungarian nationality by means of a "Hungarian Identity Card" issued pursuant to Article 19 of Act LXII/2001 or in another way to be determined by the law which is to be passed?'

Following the conflicting political signals from the part of the ruling party and the political opposition, the result of the referendum was inconclusive. A slight majority of voters—51.55 per cent of the total, representing 1,519,856 persons—opted for granting dual citizenship to ethnic Hungarians living abroad as compared to a share of 45.45 per cent who voted against, representing 1,428,358 persons. Despite this relative success, the electoral turnout was too low (only 37.40 per cent of the total

number of eligible voters), thus rendering the referendum invalid on the ground it did not reach the participation threshold demanded by the law.

The results of the referendum generated a crisis of confidence in the relationship between Hungary and Hungarian communities abroad, testing the limits of Hungary's national policy. One established principle of the Hungarian national policy toward kin minorities abroad in the post-communist period was that the Hungarian state always supported those demands officially endorsed by representative institutions of the Hungarian population abroad. The referendum on dual citizenship was a significant departure from this principle: although Hungarian representatives abroad, including the Democratic Alliance of Hungarians in Romania (RMDSZ), supported the granting of dual citizenship to ethnic Hungarians, the Hungarian government opposed it and succeeded in having it rejected by the Hungarian electorate. In order to express their gross dissatisfaction with the outcome of the vote, for several weeks after the referendum many local Hungarian communities abroad refused to display Hungarian national symbols. Much of their discontent was channelled against the Hungarian government, whose hostile attitude was considered responsible for the outcome of the vote. Official visits abroad by ruling Socialist politicians abroad in Hungarian-inhabited areas were often boycotted by the population at large.

Facing criticism for its allegedly 'anti-national' position from its opponents as well as from the part of representatives of ethnic Hungarians abroad, the Socialist government has recently initiated several amendments of the Hungarian citizenship law in order to facilitate the naturalisation of alien ethnic Hungarians relocating to Hungary and to simplify and speed up the bureaucratic procedure, reducing the naturalisation stage from one year to six months. This program was subject to criticism as well, from the part of the political opposition, which feared that the Socialist Party might grasp the opportunity to take the initiative on the national question, and from the part of the leadership of ethnic Hungarians in the neighbouring country, who criticised the attitude of the ruling party during the referendum. Béla Markó, the leader of the Democratic Alliance of Hungarians in Romania disputed the logic of the utilitarian cost-benefit arguments on immigration put forward by the government:

Andrew Princz: Did ethnic Hungarians in Transylvania take the election results [the referendum, note C.I.] as a personal message?

Béla Markó: Yes, there were those who looked at the results and the campaign as an offense towards them, that they claimed that we would ‘cost Hungary money’. I didn’t take it as an offense, but I do think that it was also based on faulty logic. The logic is not correct particularly because when Transylvanian intellectuals, with a university degree, come to Hungary to work, I would say that the result is the opposite. It is the minds that are being taken away from us, since the ethnic Hungarian community in Transylvania invested in those people. To start to talk about how much a person is going to cost is a dangerous road, since we can also speak of the reverse. After all, if we train our experts, doctors and youth and they go to Hungary, the logic is quite different from our perspective.⁶⁰

Béla Markó thus voiced certain tensions over the socio-economic roles assigned to center and peripheral regions in the larger Hungarian ‘national space’ that were evident during the adoption of the Statute Law, as well. While Hungarian politicians often view Hungarian communities as demographic and labor-force ‘reservoirs’ for the mother country’s economic development, regional leaders emphasised the need for regional economic investments that would assure development of Hungarian local communities outside Hungary and would prevent their depopulation through emigration.

Although temporarily rejected by the Hungarian electorate, the question of granting dual citizenship to ethnic Hungarians living abroad is likely to remain on the Hungarian political agenda for the foreseeable future. Although it saw its recommendations rejected in the national referendum, the Hungarian opposition pledged to revisit the issue of dual citizenship in case of an electoral victory in the forthcoming national elections scheduled in May 2006.

⁶⁰ Béla Markó, ‘Confident in Another Land: Ethnic-Hungarians Gain Confidence in Romania Following a Perceived Snub by Hungary’ interview by Andrew Princz, *Diplomacy and Trade*, February 2005 <http://www.dteurope.com/2005_februar/04_straighttalk.html>, accessed 27 February 2006.

Conclusions

In this paper I have focused on the ‘uses and abuses’ of dual citizenship in Central and Eastern Europe. I have identified two main categories of policies of dual membership: citizenship legislation in former communist federal systems, where previous forms of multi-tier citizenship at federal and republican levels have been replaced by homogeneous and sharply defined citizenries; and citizenship legislation in post-communist nation-states, where the need for external minority protection has resulted in inclusive ‘ethnic’ or ‘statist’ citizenship policies.

The analysis has not proceeded exclusively at the inter-state level, but rather takes into account multiple actors involved in policies of dual citizenship, placed on different levels of the political process. At the individual level, in a world dominated by gross regional economic and political divisions, getting a second passport serves as an ‘exit option’, offering means of social mobility and free travel, or access to material resources such as jobs, education, and social security. For national minorities, dual citizenship serves as a way of preserving their ties to the mother country and of sharing in its material standard and cultural life. The same ‘exit option’ is valid for political elites of national minorities, who wish to become part of the political establishment of the mother country, or to ensure their personal well-being in cases of economic or political crisis. At the level of ‘nationalising states’, the denial of dual citizenship serves as a way of limiting, or even severing ties between ethnic minorities and their mother country. On the contrary, for ‘external national homelands’ dual citizenship is one of the most effective means of institutionalising their relationship with kin populations abroad.

In discussing these multiple and heterogeneous policies of dual citizenship, I have singled out several motivations behind the proliferation of dual citizenship in Central and Eastern Europe. For ‘mother-states’, these interests are: the desire to institutionalise politically the cultural ties with national minorities living abroad, to guarantee their liberty of travel, and to discourage their mass immigration while selectively absorbing qualified working force from abroad. Function of these state interests, citizenship entitlements granted preferentially by external national homelands to individuals belonging to kin minorities living abroad vary considerably. They range from strong cultural support to preferential

access to individual naturalisation, and from temporary usufruct of limited economic and social rights to the most inclusive form of external minority protection: rights to dual citizenship for compact kin populations living abroad.

The interaction between the citizenship and national policies of Romania and Hungary is illustrative for this wide range of available options. As the current article has showed, in its initial phase, Hungarian political leaders were quite adamantly opposed to granting dual citizenship to ethnic Hungarians living abroad, opting instead for more symbolic forms of national membership. In contrast, the Romanian citizenship legislation was more permissive toward dual citizenship. Nevertheless, recent developments show a tendency of convergence among policies of dual citizenship toward kin minorities abroad in both countries.

Do policies of dual citizenship in Romania and Hungary reveal more general regional patterns of nation- and state-building in Central and Eastern Europe? In view of the abundant academic literature focusing on the ‘qualitative’ differences in the development of Western and Eastern Europe, dichotomist perspectives on the historical evolution of the two halves of the continent continue to dominate scholarly perceptions. True, available typologies of nationalism are very diverse and often divergent in their definitions of ‘East’ and ‘West’, in their evaluation of the position of German nationalism and in the main features they attribute to ‘civic’ as opposed to ‘ethnic’ nationalism. However, they all converge in contrasting ‘Western’ nationalism to a unified ‘Eastern’ nationalism (specific to Central and Eastern Europe), the former being portrayed mainly in positive terms, with the latter portrayed in a more negative manner.⁶¹ Equating legal policies of citizenship and naturalisation with ‘fixed’ and ‘internally unified’ traditions of nationhood, scholars working

⁶¹ For such typologies, see mainly: Hans Kohn, *The Idea of Nationalism: A Study in Its Origins and Background* (New York, 1944); Hans Kohn, *Prelude to Nation-States: The French and German Experience, 1789–1815* (Princeton, 1967); István Bibó, ‘The Distress of East European Small States’, in Bibó, *Democracy, Revolution, Self-Determination, Selected Writings*, ed. Karoly Nagy, tr. Andras Boros-Kazai (New York, 1991), pp. 13–85; Peter F. Sugar, ‘External and Domestic Roots of Eastern European Nationalism’, in Peter F. Sugar and Ivo J. Lederer (eds.), *Nationalism in Eastern Europe* (Seattle, 1969), pp. 3–54; John Plamenatz, ‘The Two Types of Nationalism’, in Eugene Kamenka (ed.), *Nationalism: The Nature and Evolution of an Idea* (London, 1976), pp. 22–36.

on the history of the Central and Eastern Europe have often reinforced the dichotomy between ‘civic’ and ‘ethnic’ nationalism.⁶² In line with established typologies of nationalism, they venture as far as to associate various types of citizenship with different European countries, historical regions or ‘time-zones’.

One such framework is offered in Ernst Gellner’s perspective on the four citizenship ‘time-zones’ of Europe. Arguing for the necessity of a ‘High-Culture’ as a precondition of successful nation-building, Gellner identifies four main distinct time-zones in the making of citizenship and nation-states in Europe. The first, composed of regions along the Atlantic Sea coast in the early modern process of national building, was based mainly on ‘forgetting’ rather than reawakening ethnic identities. The second time zone, corresponding with the territories of the former Holy Roman Empire, was characterised by the existence of viable ‘High-Cultures’, a feature that favored the political unification of Germany and Italy at the end of the nineteenth century. In contrast, in the third time-zone of East-Central Europe, both political units and dominant High Cultures were missing; instead, ‘a patchwork of folk cultures and cultural diversities separating social strata’ and ‘adjoining territories’ transformed the interwar national building process into a more ‘arduous’ and ‘brutal’ process. Finally, the fourth time zone of Europe was

⁶² Allegedly, the cleavage between Western civic nationalism and Eastern ethnic nationalism is exemplified by the fact that in Western legal terminology the terms ‘citizenship’ and ‘nationality’ are synonyms, while in Central and Eastern Europe the term ‘nationality’ refers to groups that in social science jargon are generally called ‘ethnic groups’. Although taken to be a specific ‘historical’ feature of Eastern European ‘ethnic’ form of nationalism, the differentiation ‘nationality’ meaning ‘ethnicity’ and ‘state citizenship’ was only introduced in the legal and political language of the region in the post-World War II period. Until 1945, citizenship laws adopted in Central and Eastern Europe used ‘nationality’ and ‘citizenship’ as interchangeable terms, following the example of the French legal system. It was only after the tragic experience of ethnic cleansing during World War II that the term ‘nationality’ was used to denote ‘ethnicity’, in order to acknowledge the legal existence and separate rights of various ethnic groups living in these country together with the dominant ethnic groups. The term ‘nationality’ was adopted by the Communist political language, mostly in the form of ‘co-inhabiting nationalities’. For a relevant example, see article 24 of the 1848 Constitution of Romania, which guarantees co-inhabiting nationalities the right to use their maternal language in education, administration and justice, in oral or in writing, and to be represented in all public sectors.

contained within the imperial borderlands of Tsarist Russia/Soviet Union, which delayed considerably the nation-building process of many people.⁶³

Gellner's framework has the merit of introducing a cultural element—the 'High Culture'—in the study of patterns of national development. Building on the distinction between *Bürgerschaft*, or substantial citizenship—in the 'Marshallian' sense of social citizenship⁶⁴—and *Staatsangehörigkeit*, or formal citizenship, Gellner's typology argues that there is a qualitative difference in the timing and the historical specificity of citizenship in Central and Eastern Europe, as compared to Western Europe. If in the West 'substantial citizenship' was used as a form of social integration, in the former regions it was the formal citizenship that prevailed.

At first glance, post-1989 policies of dual citizenship fit well into Gellner's framework. They highlight the differences in patterns of nation and state-building between East and West, the contrast between 'ethno-cultural' versus 'civic' understanding of nationhood, as well as the resulting differences in the degree of societal integration achieved in the two regions. At close scrutiny, however, presenting citizenship policies in East and West in terms of the dichotomy between 'ethnic' as opposed to 'civic' values would be an oversimplification that tends to essentialise the difference in the historical development of Europe's historical regions. As recent empirical or theoretical research has pointed out, there are no 'pure' civic vs. 'ethnic' types of nationalism, or 'cultural' vs. 'political' ones. These categories are ideal-types models used for methodological purposes; in the historical reality 'almost all nations appear formed of a promiscuous blend of civic and cultural elements'.⁶⁵ Neither are there fixed 'codes of nationality' or traditional understanding of nationhood based on static practices of ascribing citizenship or naturalisation. In fact, citizenship is an essentially contested legal category, whose meaning is never stable but is continuously recreated as a function of wider socio-political phenomena in society.

The present case study points toward the fact that, in order to understand contemporary nationalism and state-building in all their

⁶³ Ernst Gellner, *Conditions of Liberty: Civil Society and Its Rivals* (London, 1994), pp. 115–117.

⁶⁴ See: T. H. Marshall, *Citizenship and Social Class* (Cambridge, 1950).

⁶⁵ Brian C. J. Singer, 'Cultural versus Contractual Nations: Rethinking Their Opposition', *History and Theory* 35:3 (1996), p. 316.

diversity and complexity, we also need to focus on the development of citizenship in non-Western societies where the struggle for citizenship has traditionally involved issues of state-formation in a post-imperial and multi-ethnic context.⁶⁶ The study also underscores the fact that citizenship legislations in Central and Eastern Europe has not been shaped exclusively by ideological commitments or traditional ethno-national understanding of nationhood. They have exhibited specific characteristics, modeled by the geo-political position and demographic characteristics of the given countries, their state policies and interests, and their overall features of social-political development. The proliferation of dual citizenship in Central and Eastern Europe is a relevant example in this respect, being a reaction to novel socio-political stimuli in the post-Cold War and post-Maastricht era. It represents an attempt to overcome the new economic cleavages and political divisions generated by the gradual and selective process of European Union's enlargement in these regions.

⁶⁶As part of the recent revival of interest in citizenship studies, a handful of scholars have taken into account various legal and administrative traditions in the making of citizenship, in an attempt to elaborate comparative global typologies of citizenship in Western as well as non-Western contexts. Such typologies of citizenship are elaborated by Bryan S. Turner, who differentiates among revolutionary citizenship, passive democracy, liberal pluralism and plebiscitary authoritarianism; Michael Mann, who identifies five citizenship models for the institutionalisation of the class conflict, illustrated by different countries or historical regions: liberal (the United States, Great Britain and Switzerland), reformist (France, Spain, Italy and Scandinavia), authoritarian monarchist (Germany, Austria, Tsarist Russia and Japan), fascist (Nazi Germany) and authoritarian socialist (Soviet Russia); and Charles Tilly, who differentiated among 'primordial' versus 'learned', and 'thick' versus 'thin' definitions of citizenship, See: Turner, 'Outline of a Theory of Citizenship', pp. 189–217; Mann, 'Ruling Class', pp. 339–354; Tilly, 'Citizenship, Identity and Social History', pp. 1–17.