

## **II. Social Scientific Approaches**



## Chapter 3

# **Citizenship and Ethnicity: The Hungarian Status Law**

George Schöpflin

In 2001 the Hungarian Parliament passed the so-called Status Law with 92 percent of deputies voting in favour. It immediately became highly controversial because it provided certain benefits to some citizens of other states but not to all, the criterion of difference overtly being ethnicity. It was widely condemned as ethnically discriminatory and, more fancifully, as latent Hungarian revisionism. Indeed, after a while such was the clamour that it became next to impossible to see what the law was really about. This essay offers an interpretation that seeks to understand the motives of the actors involved and to draw out the implications of the legislation.

The methodological assumptions of this article should be clear, that the world that we live in can be interpreted in a variety of ways, with none of them claiming to be privileged. But all methods of interpretation have their own intellectual, and possibly ideological baggage, so it is vital that as far as is feasible, one should detach oneself from the topic at issue. A key methodological approach in this context is to understand social processes as the outcome of a tension between two opposing polarities, which exist in reciprocal potentiation, each securing the other's continued existence. The Cold War was like this. The West, as the champion of liberal democracy, found its position much easier to legitimate as long as it could contrast democracy with the undemocratic practices of Marxism-Leninism.

For the post-Cold War period, however, one of the central such polarities has been the problem of the role of identity in politics. How much political power, if any, should attach to culture and the bearers of that culture? In essence, the polarity has been between those who claim maximum emphasis on universalism (denying culture) and those who argue that particularism has an equal or greater role than universal propositions. This universalist-particularist polarity is not new. It has its antecedents in the universalist claims of medieval Roman Catholicism and, more importantly for our era, in the legacy of Enlightenment rationality, which dismisses local practices as obscurantist.<sup>1</sup>

---

1 Zygmunt Bauman, *Legislators and Interpreters* (Cambridge, 1987).

The particularism that has unquestionably attracted the greatest attention, and disapprobation, is ethnicity and the ethnic dimension of the nation. Most universalists, maybe reluctantly, accept the reality of nations and nationhood, but insist that in democracy most nations are similar, and that the state – preferably the civic and not the nation state – should have only a minimal connection with ethnicity or preferably none. Any attempt to argue in favour of ethnicity, they assert, undermines civic norms and is incompatible with citizenship and civil society.

In real terms, on the other hand – ‘real’ here having to do with the sociological category that recognises that certain processes are immune to deconstruction or when deconstructed continue to be reproduced – ethnicity has a more complex and more subtle role in democracy. The deepest level foundations of consent to be ruled are culturally coded and this coding is articulated as ethnic norms.<sup>2</sup> In this sense, French citizenship has a French colouring, Dutch norms permeate Netherlands citizenship and so on. If nothing else, language will always carry certain messages and memories that include some and exclude others;<sup>3</sup> there is no such thing as neutral language, no state can be run without a language, so that every state has a certain set of tacit non-civic norms that are determined by language. The myth-symbol complex that every collectivity uses to sustain itself performs a similar function. Thus, in short, ethnicity lives on and the question should, logically, be, why? And why is it possible to combine citizenship with ethnicity? The answer to the former is that ethnicity plays a key role in sustaining coherence, securing consent and communication, while as far as citizenship is concerned, ethnicity is not the problem, but it is the absence or weakness of institutional, procedural and civic norms, notably of an impersonal public sphere, that create the conditions for the ethnicisation of the state.

The period immediately after 1945 was very unfavourable to particularism, seeing that it was associated with nationalism, Nazism and war, the three coupled together as a logical chain of causation. Hence certain propositions were declared, in effect, universal – democracy, the unity of Europe, economic growth, state provision, welfare state, anti-colonialism. In reality, these were particularistic and reflected the dominant cultural norms of the French and English Enlightenment and the contingent political needs of the time. The European Union, notably, was based on well defined patterns of French categories and thinking.

In effect, this universalism was the culture of the successful modernisers in Europe and its success in the aftermath of wartime destruction guaranteed

---

2 George Schöpflin, *Nations, Identity, Power: The New Politics of Europe* (London, 2000).

3 Yuri M. Lotman, *Universe of the Mind: Semiotic Theory of Culture*, trans. Anne Shukman (London, 2001).

its continuing hegemony. Simultaneously the Cold War between West and East, or more properly 'West' and 'East', internalised the epic conflict of two modernist discourses as the universal norm; this had the effect of screening out others or having them dismissed as marginal and transient. That was the fate of the ethnic revival of the 1960s, which tended to be written off as protest movements that could be dealt with through economic concessions.<sup>4</sup> Overall, particularisms were declared enemies of progress, backward or reactionary. For four decades, this universalism had hegemonic status. From this perspective, Herderian ideas that all communities were value-creating were marginalised, and even after the ethnic revival of the 1960s, the dominant ethos remained paramount. This was the self-styled universal culture with which the West embarked on the post-Cold War era.

At a deeper level, the European political order and modernity always required a high degree of cultural cohesiveness and the success of the modern state was predicated on this, on the continuous input of consent which was culturally coded. This cultural coding can be described as ethnicity. It is quite clear from the evidence marshalled by Bauman<sup>5</sup> that one of the unintended consequences of the condensing of cultural power by the state was also to condense ethnic power. This condensed ethnic power became the basis of ethnic identities and the state then acquired an interest in sustaining them in a reciprocal relationship.

Thus, when analysed at a deeper level, the modern European state order proves to be simultaneously civic and ethnic. The civic norms of democracy and citizenship acquire an ethnic colouring and to some degree rely on the cohesiveness that ethnicity provides. It is, in reality, difficult to envisage the acceptance of the invasive activities of the modern state, its constant regulation and reordering in its permanent endeavour to make people 'legible',<sup>6</sup> without the consent generated by ethnic norms. On the other hand, these ethnic elements are screened out and are regarded as unnecessary and irrelevant, precisely because of the claim to universalism made necessary by the Cold War and its antecedents. Democracy was understood as dependent on universalism and, once this assumption is made, it was logical to wage war intellectually on particularism. This anti-particularist hegemony was imposed with greater or lesser success on the societies of Western Europe. It should be noted that the process did not exclude tension between different ethnic-civic combinations, most seriously between the French and the An-

---

4 Joseph Rothschild, *Ethnopolitics: A Conceptual Framework* (New York, 1981).

5 Bauman, *Legislators and Interpreters*.

6 James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, 1998).

glo-Saxon. At the very least, one could identify different culturally coded understandings of ‘interests’, something that de Gaulle recognised.

Overall, the success of Western modernisation secured this model of thinking; it established a particular way of thinking – a thought-style – as universal.<sup>7</sup> Marxism-Leninism, which should be seen as a deformed offshoot of Enlightenment thinking, sought to impose an even more tightly policed variant of universalism and corresponding thought-style. Whereas in Western Europe, the link between universalism and particularism was banished underground, under communism it was formally declared illegal (‘socialist internationalism’) and the thought-style of the Soviet Union, heavily affected by its Russian origins, was enforced as universal communism. This particular legacy of Stalinism was never overcome and contributed to communism being seen as alien outside Russia, something that Russians always found difficult to understand.

The events of 1989, however, began to expose the relative, reflexive quality of European universalism<sup>8</sup> and to demonstrate that it was, in fact, very European. This is not in itself in any way reprehensible; what is questionable is the claim to universality. But as the hard political constraints of the Cold War began to disappear, the discursive strategies that it had sustained likewise became more visible.

Since then, Europe has lived in a complex struggle that is best interpreted as a contest between universalistic discourses and the policies based on them (human rights normativity, the *acquis communautaire*, multi-culturalism, minority rights) and particularistic ones (diversity, localism, particularistic forms of knowledge). This has given rise to an uneasy equilibrium, one that is further threatened by globalisation. Globalisation should be understood as a set of multi-level processes (money, finances, information, technology, leisure activities etc.) that seek to establish a single criterion of measurement, essentially that of profit for all activities and to make everything legible by this criterion. That necessarily downgrades local norms as marginal or as an irritant.

As argued, every state in Europe possesses something of an ethnic base (visible only in explicitly multi-ethnic states), involving ethnic solidarity, discourses, myth-symbol complex, but counterbalanced by civic norms and rules (process, regulation, rule of law, transparency, accountability). Both are needed, but the emphasis currently is strongly on citizenship and civic norms. Indeed, as we shall see, globalisation is having an unexpected consequence – it is eroding the universalistic claims of the large cultures and the denial of

---

7 Mary Douglas, *How Institutions Think* (Syracuse NY, 1986).

8 Ulrich Beck, Anthony Giddens and Scott Lash, *Reflexive Modernisation: Politics, Tradition and Aesthetics in the Modern Social Order* (Cambridge, 1994).

their own ethnicity, even while it is practised. France with its reiterated resistance to globalisation is the clearest instance; the discursive strategies of the British Conservative Party, which has for all practical purposes become the party of English nationalism, are not that different in their quest for identity by self-definition against 'Europe'.

In Central and South-Eastern Europe, after the collapse of communism, the post-communist states adopted democratic systems, but had inadequate civic resources given the destruction wrought by communism, with the result that they relied more overtly on their ethnic norms than the West liked. The entire issue was exacerbated by the tragedy in Yugoslavia.<sup>9</sup> While the disintegration and subsequent war in Yugoslavia had some causes other than ethnic nationalism, many in West looked for simple, though reductionist, explanations and made a simplistic attribution of cause, not least because attributing destructiveness to nationalism reinforced the cognitive models received after 1945. A fear of contagion, that democracy in the West would also be undermined may have been exaggerated, but it all helped to fuel the unease in the West about what ethnicity and nationalism were. All of this meant that Western leaders and public opinion had to acquire all sorts of new knowledge, new ways of understanding their own discourses and those of others; the acquisition of new forms of knowledge is seldom straightforward.

What we have today, then, is a strange, hybrid, contradictory phenomenon. It is for all practical purposes impossible to be a European without having an ethnic identity. The Chamisso problem diagnosed by Gellner,<sup>10</sup> that a man without a shadow is somehow incomplete, and equating the shadow with ethnic nationhood, lives on. Whether Gellner intended 'shadow' to refer to its Jungian meaning is very much open to doubt, given his openly expressed scepticism of psychoanalysis,<sup>11</sup> but that need not deter us from accepting it as a metaphor. The memories, symbols, meanings, boundaries by which our lives are encircled and made resonant are everywhere. Yet such is our determination to be universal, that Western Europe is in denial about its ethnic identities. We may be as much the children of Herder as of Kant, but we reject some of this parentage.<sup>12</sup>

It is all a bit like having a disreputable relative on whom the entire family depends a bit, but whom we prefer to keep hidden away, to be recognised only within the family. When we meet strangers, we pretend that we do not have

---

9 Tim Judah, *The Serbs: History, Myth and the Destruction of Yugoslavia* (London, 1997); Laslo Sekelj, *Yugoslavia: The Process of Disintegration* (New York, 1993).

10 Ernest Gellner, *Nations and Nationalism* (Oxford, 1983).

11 Ernest Gellner, *The Psychoanalytical Movement, Or the Cunning of Unreason* (London, 1985).

12 Isaiah Berlin, 'The Bent Twig: On the Rise of Nationalism', in *idem, The Crooked Timber of Humanity* (New York, 1991), pp. 238-261.

anything to do with something as dubious as ethnicity. It is only when it comes to Central and South-Eastern Europe that ethnicity is seen everywhere. Indeed, in the current popular, journalistic and political imagination, these regions are quintessentially characterised as being ethnic and only ethnic. Central Europe and the Balkans are topoi where demons lurk and ethnic hatreds wait only for the slightest pretext to explode into conflagration.

These two propositions – no ethnicity at home but ethnicity over there – are, of course, related and they constitute a polarity with a purposiveness of its own. Western Europe's denial of its ethnicity and the attribution of the same to its eastern part reconstitutes the disreputable relative metaphor, but places him (her? could this be, could ethnicity be female?) outside and beyond ourselves. This device permits Western Europe to impose all sorts of conditionalities on the post-communist world, many of them more than a little humiliating, allows the West to deny Central and South-Eastern Europe an equal voice in the construction of the future of Europe and ensures the reproduction of a semi-colonial, semi-imperial attitude of moral, cultural and political superiority.

This is not without its unintended consequences, of course. Crucially, the West's assumption of superiority has led it to negotiate with post-communist Europe on a take-it-or-leave-it basis. The post-1989 order in Europe, above all the European Union, has been constructed almost wholly from materials made in the West. But this exclusion of 'the East' overlooks a number of vital dimensions of democracy.

Democracy and democratic theory demand that those affected by power should have voice, that those wielding power should exercise self-limitation, that there should be mutual recognition in a reciprocal relationship and an understanding that obligation without representation is a recipe for trouble. In effect, there is a troubling set of propositions to be put here, to go back to an earlier argument. The West has negotiated the enlargement of the EU in a clearly one-sided way; there has been no discussion on principles, only on the detail. This comes close to a unilateral imposition of norms and without the normative debate that would have allowed these norms to be internalised by the applicant states – the West has unintentionally contributed to exporting the European Union's democratic deficit to Central Europe. Furthermore the EU may well have contributed unwittingly to conserving the liminal condition of post-communism, a state of affairs in which different discourses – ethnic, civic, etatist, socialist, populist and so on – live side by side without seriously engaging with one another. The habits of democratic debate, which the West is forever encouraging 'the East' to adopt, have been sidelined when it comes to the most vital decision over the future of Europe.

The outcome of the negotiations for EU enlargement has, therefore, been quite paradoxical. The West set out its conditions in the Copenhagen criteria,



which stressed the democratic qualifications that the applicants had to meet, yet proved unable or unwilling to apply the selfsame democratic qualities in its own behaviour. Simultaneously, and such is the result of the paradox, the West – certain quarters in the West perhaps – waxes indignant when some of the Central Europeans try to regulate their ethnic problems overtly, as has been the case with Hungary and its Status Law or benefits law (initially referred to as *státustörvény*, the legislation is now termed *kedvezménytörvény*). It is as if the disreputable relative were suddenly to be allowed into the drawing room, at any rate for a brief period, and to frighten the respectable bourgeois who see their own shadow qualities in him.

For this has certainly been a central discourse in the reception of the law. The law offered certain benefits to ethnic Hungarians living in the successor states, like access to the labour market in Hungary and to educational opportunities, on the basis of their being ethnically Hungarian. These benefits were offered, therefore, to citizens of countries other than Hungary, that being the central controversial proposition, because these people defined themselves as ethnically Hungarian. Although the Hungarians established that eleven of the fifteen existing members of the European Union have legislation that indubitably accepts ethnicity as a part of the basis of citizenship – not the entirety of it – this is knowledge that most prefer to screen out or deny. Crucially, many states make provision for the acquisition of benefits, including citizenship, for ethnic kin who are citizens of another state. Anecdotally, when the Venice Commission of the Council of Europe was preparing its report on the issue, the United Kingdom and the Irish Republic failed to submit any evidence of their own practice, even if it is very widely known that anyone born in the island of Ireland or having one parent or grandparent so qualified, i.e. Northern Ireland included, can claim Irish citizenship.

What all this adds up to is that the citizenship legislation of every European country contains ethnic elements as well as non-ethnic ones. It must be so, otherwise parentage and descent would count for nothing in the transmission of civic status. That would not only fly in the face of all assumptions about parenthood, that children inherit the civic benefits of their parents (not to mention the legacy from the disreputable relative), but would create chaos given the rising number of those whose parents are working abroad when they are born. A pure *ius soli* practice would give rise to absurdities like the child of say, Danish parents who happen to be in Italy when their child is born acquiring only Italian citizenship. So European practice has always been a mixture of civic and ethnic (descent) norms. And clearly this applies more widely than to legal citizenship status. It extends to the wide range of the relationships that currently exist between the modern welfare state and the individual. What the Hungarians tried to do by their legislation was to recognise this proposition and to offer all the descendants of the Hungarian eth-

nic community who were either themselves Hungarian citizens or had forebears who were access to certain welfare state provisions. But by bringing this linkage to the surface, they breached the taboo; they have shown up the denial and have demonstrated that we all have a disreputable relative.

This is the background against which the Status Law in Hungary should be seen. In fact, as argued, Europe has a spectrum of policies and corresponding legislation reflecting the underlying ethnic base of the state, but this tends to be screened out in the determined drive for being seen as civic.<sup>13</sup> This helps to explain the contradictions in responses to the Status Law – acceptance by ethnic Hungarians and rejection by the states in question.

In broader terms, the Status Law can be said to have two dimensions. One of these is the aim of regulating Hungary's relations with the Hungarian communities in the neighbouring states, a problem that was not created by Hungary, but by the victorious powers after 1918. The hard reality is that the very existence of the Hungarian state generates a relationship between Hungary and the minorities living in the neighbouring states, given the intimacies of the shared culture.<sup>14</sup> These intimacies exist between all kin-states and neighbouring minorities, even when these are thoroughly screened out, as between Swiss and Belgian Francophones and France. By virtue of speaking the same philological language, all Francophones have more in common than not and this necessarily means defining a relationship with France. Much the same applies to Hungary and the Hungarian speakers. They share certain discourses with each other that they do not share with the local ethnic majorities. The Status Law aims to recognise this and to regulate it. At the end of the day, it is not possible to decouple culture from political power and political power is, at some level, necessarily vested in the state. And there is a further difficulty. The Hungarians of the neighbouring states argue that they do not enjoy the same range of cultural rights or access to the civic institutions needed to condense sufficient power to secure their cultural reproduction. The Hungarian state acted to rectify this gap.

Second, the broader context of the law was the historic drive to establish a new narrative for the Hungarian nation in its cultural dimension as a modern community. The loss of empire in 1918 was a catastrophe for the Hungarian model of modernity and ever since, Hungary has been struggling to find a new narrative that would reestablish the model in the new context. Indeed, this model is essential for Hungary's return to Europe and for Hungary's membership of the European Union. The law, therefore, was intended to reflect

---

13 Károly Grúber, 'Pozitív, nemzeti alapú intézkedések a kisebbségek és a határon túli nemzetpolgárok identitásának megőrzése Európában', *Pro Minoritate* 9:3 (2001), pp. 52-65.

14 Michael Herzfeld, *Cultural Intimacy: Social Poetics in the Nation-State* (London, 1997).

the requirements of democracy, of the European environment and the needs of the Hungarian state.

However, matters are never as simple as they might appear at first sight and while *prima facie*, one might have expected a general approval for Hungary that it should seek to make its relationship with the Hungarians of the neighbouring states explicit, transparent and legible, the response has been different. By and large, as we have seen, the majority of European states has equivalent legislation for regulating their relationship with their co-ethnics, but given the de-emphasis on ethnicity sketched above, this is mostly screened out. What the Status Law has done is to make this state of affairs transparent and this has caused a degree of embarrassment. The West has been reminded of its own dubious parentage. In any case, the committed universalists were bound to attack it and they have done so, unable to see the ethnic basis of their own assumptions.

Hungary as a small state is not all that significant in Europe. It has only limited voice and its ability to make itself heard is nothing like as substantial as, say, that of France. That may help to explain why by 2003, the law had been so seriously diluted as to make it unrecognisable, though even this was not enough, or so it seemed, for its opponents, who objected to any formalised link between the Hungarian state and their own citizens. In this the opponents appeared to have gained the broad support of Europe.

The implication is that despite European integration and the pooling of sovereignty, the nation state continues to ride high, to be able to protect its prerogatives and to mobilise support in this endeavour. If nothing else, the affair demonstrates that in the current view, there is ostensibly to be no relationship between ethnicity and statehood, at any rate where a small Central European state is concerned. What the dispute over the Status Law also leaves open is the problem of consent, that the ethnic Hungarians who are citizens of other states never consented to that status, and the problem of the relationship between kin-states and their kin minorities. Although some kind of a relationship will exist, as seen in the status accorded to the Irish Republic with respect to Northern Ireland, there is to be no consistency of practice in this area. Then, while the Hungarian state has in effect been instructed to leave its kin minorities alone, it is far from clear what obligations now lie with the respective home-states to ensure that their ethnic Hungarian citizens enjoy full and equal civic status, which at the time of writing (2003) they manifestly did not. There were no ethnic Hungarians in the Romanian diplomatic service or the higher levels of the armed forces and police; these were reserved for ethnic Romanians. In Slovakia, the proportion of ethnic Slovaks receiving higher education was up to 20 percent; that of ethnic Hungarians was 7-8 percent. And neither Slovakia nor Romania was prepared to establish a

Hungarian-language television service, meaning that in the public sphere there was no language equality.

At the end of the day, every state makes provision both for the protection of individual rights and for the reproduction of the collectivity – the cultural context within which the individual exercises those rights. Collective norms constitute a vital aspect of human agency, the capacity to act, precisely because these norms ensure that the individual is not culturally naked but is operating in a context in which action will be understood.<sup>15</sup> The Status Law, by offering options for the cultural reproduction of all Hungarians, was an interesting contribution towards that strategy and could have taken its place among other, similar attempts to regulate ethnicity within a civic and etatic framework. In effect, by separating citizenship from ethnic identity and constructing a clear definition of citizen of the Hungarian state and citizens of other states but ethnically Hungarian individuals, the Hungarian Status Law would have enhanced and enriched the concept of citizenship. The critics of the law may well not have understood their own underlying, implicit assumptions, which are themselves ethnically coded, and, therefore, believe sincerely that they were articulating universalist presumptions. The foregoing analysis is about trying to make these hidden motives visible and thus open to discussion.

## I. Slovaks and Hungarians

The speech made by Pavol Hrušovský, president of the Slovak Parliament, on the Tenth Anniversary of the founding of the Slovak Republic is important in a number of respects and it is one of these dimensions of his argument that I would like to explore – namely, what he had to say about Slovak-Hungarian relations.<sup>16</sup> This speech was for all practical purposes the first made by a leading Slovak politician that accepts and sees positively the shared aspects of Slovak-Hungarian history. The fact that it was made on such an auspicious occasion as a tenth anniversary of independent Slovakia adds to the symbolic weight and resonance of the argument. The Slovak state is a young one and a tenth anniversary clearly has a major significance as a moment when the trajectory of the Slovak political community is evaluated and reevaluated, which is what the speech does.

When seen from my perspective – that of a Hungarian academic who has lived most of his life in Britain and has worked in depth on inter-ethnic relations – the passage that is the most striking is this:

---

15 Mary Douglas and Steven Ney, *Missing Persons: A Critique of Personhood in the Social Sciences* (Berkeley, 1998).

16 Published as Pavol Hrušovský, *Tvár krajiny* (Bratislava, 2003).

At the end of the Second World War, two more tragedies marked the face of our country. The first was the deportation of tens of thousands of our citizens to the Stalinist gulags. The second was the displacement of the Carpathian Germans and repression of ethnic Hungarians together with numerous human misfortunes in the name of collective guilt.

This statement is a crucial first step in the direction of recognising and thus eventually coming to terms with the sense of mutual wrongs that Slovaks and Hungarians harbour in regard to one another. Several further steps are needed in inter-ethnic relations, but the acceptance of a shared history that has positive, as well as negative elements for both, coupled with the realisation of one's own responsibility towards another, are central if inter-ethnic relations are to be moved in a stable and mutually satisfactory direction.

Let it be added that the structure of the Slovak-Hungarian relationship is far from unique, even if some of its elements are to be found nowhere else. It is common ground in inter-ethnic relations for one group to define itself against another, to generate its sense of collective self by reference to the real and perceived injury that the other has inflicted on it. This lies at the heart of the currently fashionable discourse of victimhood that is relied on by many groups to gain the high moral ground, but is ultimately the high road to a *cul-de-sac*, because it inevitably orientates the collectivity in question towards the past and against its victimiser.

Hence the importance of Pavol Hrušovský's speech, that it avoids this trap and argues instead for a Slovak recognition of parts of the past that can be shared with Hungarians. The speech implicitly understands that the best interests of the Slovak state are served by accepting that it will always have a Hungarian presence, that Slovak citizenship will necessarily be determined in part by that Hungarian presence and that this is to the advantage of both.

Citizenship in contemporary Europe means far more than having the passport of a particular state, obeying its laws and paying its taxes. It means the entire package of relations between the state and citizens, which imposes obligations on the state to secure the fully equal participation of all its citizens in the politics of the state. The difficulty is in how 'fully equal' is to be interpreted. The doctrines of citizenship as they emerged in the 1990s require full civic recognition of all the inhabitants of the state in all their dimensions, and that means their cultural norms as well. It is no longer enough to treat a minority as minority, as something to one side of the majority. Rather, the separate aspirations of the minority must be accepted as a fully equal component of the state that the majority regards as uniquely its own. This uniqueness must be diluted if civic equality is to work.

This is an aspiration rather than a political programme and there is no point in trying to implement it quickly. But the idea of the civic equality of

ethnic majorities and minorities sustained by the state in this aspiration is to the benefit of all. Above all, it promotes the sense of security in the cultural reproduction of one's own group without which democratic self-limitation is very difficult to practice. And without self-limitation there can be no democracy. In effect, the political culture of the Slovak state will have to change gradually to become something that integrates Slovak norms with those of the Hungarians (and other groups, of course).

However, though what I have sketched is an ideal-type and a long-term project, this does not mean either that it can be delayed or that it can be disregarded. There are a number of steps that can be contemplated as moves in the right direction. Thus it is essential that the Slovak political and intellectual elite should accept that the Hungarian presence is permanent and that the criteria of citizenship apply to the Hungarians equally.

It means that at least a section of the Slovak intellectual elite should not only recognise this proposition, but offer the aspiration its active support. In other words, the status of the Hungarian community in Slovakia should become the concern of all democrats in Slovakia; only in this way will the question cease to be one of majority-minority relations and become one of Slovak democracy.

A strategy of this kind will also have to accept that the Hungarians of Slovakia will always have a part of their identity that looks towards Hungary culturally. Hungarian-ness necessarily means having to deal with the enormous cultural irradiation of Budapest. But in no sense does this signify that Hungarians of Slovakia are less committed to Slovakia than ethnic Slovaks, as long as the Slovak state ensures that they are equal citizens. This would further mean that the Slovak political elite will have to adopt a self-limiting approach towards the Hungarians, that they cannot become the target of Slovak identity construction. Simultaneously, this could and should be the beginnings of an improvement of relations with Hungary; formally, these are correct, but they are far from warm. In the context of European integration, there will be many opportunities to build a positive-sum approach strategy towards Budapest.

The crucial first step towards what would inevitably be a complex and at times painful process is the acceptance of the other. That in turn requires that both parties accept certain shared qualities, like aspects of the past that are shared. In the Slovak-Hungarian context that demands the construction of a past that is accepted by both, in other words a resonant history that understands that the past is invariably open to debate and reinterpretation. In concrete terms, setting up a commission of intellectuals to reexamine that past, on the model of the Truth and Reconciliation Commission that has worked well in South Africa, is an attractive option.

Then, there should be a better understanding on the part of Slovak intellectuals and opinion formers of what Hungarian aspirations really are. The quality of that knowledge should be improved, not least to help dispel the negative stereotypes that still abound at the symbolic level.

From this perspective, it is important for the Slovak majority to recognise that a part of the Slovak public sphere exists in Hungarian and that there is nothing threatening about this. Indeed, certain measures to improve this state of affairs, like setting up a Hungarian-language television channel for Slovakia, would be very helpful, not least in providing the Hungarians of Slovakia with a political focus around the Slovak state.

Then, the Slovak state should move gradually towards the full integration of ethnic Hungarians into all its activities. The number of Hungarians employed in Slovak state structures is very low – how many Hungarians are there in the Slovak diplomatic service or upper reaches of the armed forces? Very few. If this does not change over time, Hungarians will be tempted to ask why, why is it that their share of the goods of the Slovak state of which they are citizens is so much lower than that of the Slovaks?

Similarly, as we have seen, access to higher education for the Hungarians of Slovakia is around 8 percent, whereas for Slovaks it is close to 20 percent. This is a very significant disadvantage that the Slovak state should urgently address. The delays imposed on the full accreditation of the Jan Sele/Selye János University are thoroughly unhelpful in this connection.

Let me add that none of this will be easy. There will be a minority of Slovaks and of Hungarians who will be deeply suspicious of the argument sketched here, who see one another as untrustworthy and inherently hostile. My argument is based on the assumption that the majority in both communities is ready to accept the other with a fair measure of goodwill. But the Slovaks, being in the majority and therefore politically more powerful, have the harder task. They have to make the first concessions. Pavol Hrušovský's speech is just this kind of necessary concession and should be understood as that.

## **II. Dual Citizenship**

The central point argued in the foregoing still stands. Some kind of a relationship will always exist between Budapest and the Hungarian communities in the neighbouring states and it is better to have this regulated than not. Furthermore, if the states in question are pursuing a democratic course, then it follows that they must gain the consent of governed on a continuous basis, otherwise the legitimacy of the state will be open to question (e.g. Yugoslavia). Most European states acquire a degree of their legitimacy tacitly by relying on the ethnic discourses of the majority and Hungary's neighbours are no exception to this pattern (e.g. Slovakia, Serbia, Romania).

The difficulty with respect to ethnic Hungarian communities is that their consent to belonging to these states has never been acquired, not even solicited, but has simply been attributed by fiat in 1920 (Trianon). This has long-term consequences for the citizenship that these states are constructing. Note here most emphatically that raising this issue is not, repeat not, the same as frontier revision and those who confuse the two should now sit down and take a deep breath.

For almost the entire period since 1918-1920, the quality of democracy in Europe paid limited attention to the consent of ethnic minorities (interwar period) or none at all (1945-1989). It was simply assumed, as if by act of God, that their consent could be taken granted and ethnicity was disregarded as a factor in consent – in many circles it still is. The long-term, indeed permanent membership of a particular state was, in effect, imposed on ethnic minorities by fiat. The state order as it emerged after 1918 and 1945 was declared sacrosanct and minorities were left to the care of ethnic majorities, because the ethnic quality of majorities was screened out and was assumed to be civic. Methodologically it is easy to show that this is deeply flawed – the French state is very French, the Dutch state is Dutch and so on, as argued above. But politically the existing order was treated as unchangeable. Tacit limits were set to how far the minority question could move onto the agenda, essentially when a minority issue threatened to become violent (as happened in Macedonia).

Something did change after 1989, especially as a consequence of the wars in Yugoslavia, as a result of which minorities were seen as a potential or actual target of ethnic majorities and, therefore, in need of the protection of the European order. Various minority protection measures were issued and institutions like the High Commission on National Minorities were called into being, but these bodies suffered from a general lack of will to call ethnic majorities to face up to their responsibilities and to treat members of ethnic minorities as fully equal citizens.

In Central and South-Eastern Europe, however, the coming of democracy transformed matters in a very significant direction. Whereas communism disdained the minority question, other than in purely formal terms, a democratic system has to legitimate itself and this constrains it to confront the minority question. In essence, there are two linked problems. One is the gap between consent to be governed as articulated through elections, and the slow rate of spread of democratic values (self-limitation, transparency, accountability, moderation, reciprocity of rights between rulers and ruled), while the other issue is the differential aspirations of culturally different communities. This involves the right of minorities to demand resources from the state in which they live – the home-state – in order to secure their cultural reproduction, access to the material and symbolic goods of the state and the capacity to ac-



quire voice. As far as these last are concerned, there is no serious problem for ethnic majorities; ethnic minorities, on the other hand, are regularly disadvantaged unless the majority applies self-limitation consistently.

The story of the first decade of post-communist democracy is that ethnic minorities have not done particularly well in terms of access to the state of which they are citizens. Neither with respect to material goods nor symbolic goods have they acquired equality or parity of esteem. At the heart of this is the complex problem of post-communism. The minority feels that it marginalised or maybe just ignored by the majority; the majority feels that it has already made maximal concessions to the minority and cannot see why the minority should have more in what the majority regards as its own state. The key, of course, is to change majority perceptions, to recognise that the state has to be shared, that it is not just the property of the majority but of all its citizens, but this is a difficult process which can take decades.

The story becomes even more difficult when two high cultural communities are involved, not least when they define themselves against the other – clearly this is the case with Slovakia and Romania, though not so with Ukraine and Slovenia. A third turn of the screw arises when the two collectivities have changed places in the hierarchy of power and esteem, so that the dominant majority becomes a minority (the Hungarians) and the dominated minority has become the majority (Slovaks, Romanians). In some cases, the burden of the past lives on, accentuates mutual suspicions and makes the shift towards parity of esteem even more problematical.

The role of the kin-state (Hungary) is thus one of great delicacy. It will necessarily have some kind of a relationship with the Hungarian minorities. Even when this is purely cultural (literary, say) the domestic majority will invariably be uneasy that the minority has access to sources of power that it does not control. This is odd in a way, because the reshaping of Europe and the impact of globalisation give every collectivity access to forms of knowledge and power that no majority can control, viz. via the Internet. But it is one thing if people can vault over the state's monopoly of power and knowledge to Europe or the world and something quite different if an ethnic minority becomes involved with its kin-state.

In effect, the kin-state has three choices with respect to the kin minority. It can abandon the minority entirely, write it off as irrelevant. It can internationalise the situation and draw in external actors, like the High Commission, the Council of Europe or the European Union. Or it can attempt some form of rectification, to provide the minority with certain material and symbolic goods that it does not receive from the home-state's ethnic majority, because that majority does not regard these as entitlements but as privileges. The idea is that thereby the kin-state can compensate for failure or neglect by the home-state majority. None of these strategies has been particularly success-

ful in the Hungarian case, not least because the success criteria are themselves confused. What is the interest of the Hungarian state as the institutionalised form of the Hungarian nation? To secure the cultural reproduction of the minorities must be the base line, but beyond that, what? Can the Hungarian state really substitute for the failure, indifference or refusal of the home-state with respect to the Hungarian minorities? What happens to the civic rights of Hungarians in Slovakia or Romania if the home-state will not give the minority parity of esteem because it cannot even see that these minorities lack it?

The last decade has seen all three strategies, sometimes running parallel to each other. On the whole left-wing governments have preferred the strategy of doing very little or nothing, at most falling back on internationalisation but not very actively. Right-wing governments, however, sought an intermediate solution – rectification, substitution, on an ethnic basis but without explicit political rights for members of minorities in Hungary.

Arguably the underlying principle behind the Status Law was, as we have seen, that ethnicity was a real-world experience and has political-cultural implications, in other words that culture cannot be decoupled from political power, but this linkage need not be very far-reaching. But in designing this intermediate solution, the FIDESZ government failed to recognise that it thereby became vulnerable in the eyes of the international community because it overtly relied on ethnicity as the criterion of rectification, something (see above) that the international community would not accept, at least for Hungary it wouldn't.

What is also striking about the affair of the Status Law is that no one would recognise it as an attempt at a moderate solution, as one that gave the Hungarian minorities some status in the eyes of the Hungarian state, but one that fell short of full citizenship which would necessarily mean dual citizenship. It was at this point that political and legal discourses crossed each other and become almost hopelessly entangled. If the home-states had been prepared to accept the law politically, as Serbia largely did, then the legal question would not have arisen, but once the step against was taken, the legal argument was difficult to defend against a pure state sovereignty position.

In this respect, the Status Law fell foul of the counter-charge of extraterritoriality, of extending the political power of the Hungarian state into the affairs of other states which had ethnically Hungarian citizens. Presumably the belief that the spirit of shared sovereignty through European integration would make the Status Law acceptable was the guiding principle of the Hungarian government, but if so, then the law was ahead of its time. The broad European response to the Status Law was no to ethnicity and the insistence that only the European Union could bring about the pooling of sovereignty – the Hungarian state could not do so unilaterally.

However, this left the Hungarian government – assuming that it wanted to act – with very little choice. Lacking the political instruments and support from the international community and still seeking to regulate the relationship, it has no real alternative but to opt for dual citizenship. The decision to whom a state grants citizenship is entirely a matter of state sovereignty, so that here again the legal discourses trump the political ones. Whether the granting of dual citizenship was politically desirable was something else again. However, from the figures it looked as if the issue of outmigration – Hungarian politicians were fearful that dual citizenship would encourage minority Hungarians to migrate to Hungary – was not affected particularly by the Status Law or any other measure. On the 30 October 2003, *Népszabadság* reported that c. 500 000 minority Hungarians had emigrated in the previous 13 years to Hungary and elsewhere and that during the period when the Status Law was in operation, no great change could be discerned.

## Conclusion

At the end of the day, whatever the Hungarian state does, it cannot put together what the Great Powers tore up in 1918-1920 – a Hungarian state that included the great bulk of ethnic Hungarians within its borders and where the politics and ethnic culture coincided. From this perspective, whichever strategy the Hungarian state follows will always be the least bad solution, a *pis aller*, and it will always be faced with the dilemma of fragmentation, something that few other states face to quite that degree and intensity.

The problem is deep and irreversible. The minority Hungarians are indeed Hungarian, but not in the same way as those in Hungary, hence all the strategies pursued by Budapest will necessarily be somewhat flawed. Hungary cannot substitute for the civic shortcomings of the home-state, yet the impact of the home-state on minority Hungarians has equally irreversibly reshaped their identities, so that their definition of what it means to be Hungarian will be subtly or not so subtly different from Hungary's. Their discourses are different, their concerns are different, sometimes even their vocabulary is different – not very different, but different enough to be strangers as Hungarians in Hungary.

Over and above this, in trying to find an acceptable political-cultural solution for the problem of the minority Hungarians, Budapest is at the same time struggling against one of the strongest of currents in Europe – the denial of the validity and legitimacy of ethnicity on the part of the hegemonic elites, not to mention their universalist allies in Hungary itself. For these elites, the simplest and cleanest outcome would be for all the ethnic Hungarians to disappear, to sink below the horizon of political concern.

In attempting to counteract this, the Hungarian state has to pursue a strategy that must rest on a much clearer concept of what it wants to attain

than it has up to now, a better design in other words. It must take seriously the civic discourses that Europe contingently prefers – privileges even – and begin to insist not so much on the ethnic ties that bind Hungary to the minorities, but on the weakness of the civic norms in the home-states which then result directly in anti-Hungarian discrimination (see the section on Slovakia above). Minority Hungarians should have the same civic status as members of ethnic majorities, like full and unquestioned access to all the material and symbolic goods of the state – proportionately with respect to the former, but on equal terms with respect to the latter.

The home-states must unequivocally abandon the ethnic majority norms on which their state-national discourses are based and accept the full validity of minority Hungarian discourses as having the same status as their own. The conceptual underpinning is that these ethnic majority norms deployed within the frontiers of the state are every bit as unacceptable as those deployed across state frontiers – no difference can exist between the two because both the two are identically ethnic, except for being inside the territory or across the boundary. But if ethnicity is unacceptable as an ordering principle as between Hungary and the Hungarian minorities, then it must be declared equally unacceptable as between home-state ethnic majorities and the Hungarian minorities.

The Hungarian state must also insist on the principle of rule by consent being fully and strictly observed by the home-state and, if necessary, extend the concept of kin-state politics to include this proposition. Not even the slightest hint of ethnic norms should be allowed to surface in the home-states. Further, the Hungarian state should think seriously about establishing institutions with precisely this function of researching and monitoring the civic practices of the home-states.

The strategic aim of this approach is to create an environment in which the Hungarians of Slovakia, Romania etc. can construct a Hungarian identity that is authentic in the eyes of the minority, is accepted by the majority, is fully secure in its cultural reproduction, and makes a contribution to the cultural capital of both the home-state and the Hungarian state, as well as to Europe, and where the Hungarian minorities enjoy a full parity of esteem. In a word, the Hungarian state must shift its emphasis from ethnic to civic discursivity to achieve its aims. Any backsliding, or implicit anti-Hungarian discrimination must be publicised, mediatised on every occasion, in every forum, for that, after all, is the European norm.

My guess is that if this strategy is pursued vigorously, then the day will come when the home-states will come to see the Status Law as a lost opportunity and will lament its disappearance.