



Nation, Nationality, and National Identity: Uses, Misuses, and the Hungarian Case of External Ethnic Citizenship

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Abstract

The article looks at the changing terrain of inclusion and exclusion, through mapping the shifts in Hungarian citizenship law and its political context. More specifically, it deals with the legal aspects of the definitional exercise of belonging to the Hungarian nation, starting with an analysis of the relevant provisions of the 2011 Fundamental Law of Hungary and moving on to assess the phenomenon of external ethnic citizenship. The surrounding political and legal debates are read together with insights from normative scholarship to trace the changing meaning of who belongs to the nation, in what sense and with what practical consequences. The paper discusses the political context of the changing constitutional and citizenship rules to demonstrate the circularity in defining the nation: who gets to vote will have an impact on who decides on who gets to vote which in turn will have an impact on who gets to vote, how, and for how long. The article concludes that supplanting the political nation with the ethno-cultural concept means that overinclusion has given way to underinclusion. For instance, some who used to be defined as part of the ethno-cultural nation have come to be viewed as voluntary outsiders: with the availability of non-residential naturalization, those who opted not to acquire Hungarian citizens can now be seen as also falling outside the nation, rewriting basic tenets of national identity.

Keywords Citizenship · Nationality · Ethnicity · Minorities · Nation · Hungary

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1 Introduction

Drawing boundaries in social and political matters has been long considered to be a challenging task, yet, defining who belong to ‘the people’ is necessary for states. In democracies, this task is even more important because of the self-referential logic. The Kelsenien ‘interface’ between legality and legitimacy, the Grundnorm and the overall legitimacy of the constitutional structure depends on authorization, and even some type of authorship, of the people. The semantic question and uncertainty around notions like ‘people’ and ‘nation’, ‘Us’ and ‘Them’, nationals and aliens are inherently linked to fundamental questions of legitimacy and democracy, foundational questions of a constituted political community.

This article looks at the intersection of the politics of inclusion and exclusion and the legal regulation through the shifts in Hungarian nationality law and its political context, the transformations and surrounding debates that eventually led to a tacit redefinition of national identity (the official view on ‘who is a Hungarian’), of who constitutes the nation. More specifically, we will deal with the legal aspects of the definitional exercise of belonging in the Hungarian case, starting with an analysis of the relevant provisions of the 2011 Fundamental Law of Hungary and moving on to assess the phenomenon of external ethnic citizenship. The policy added, in a country where the resident citizenry fell below ten million recently, over one million new nationals and counting. We will assess the surrounding political and legal debates against the background of normative scholarship and note in conclusion that overinclusion gave way to underinclusion: some who used to be defined as part of the ethno-cultural nation have come to be viewed as willing outsiders. For context, Hungary is not an immigrant country. Debates on nationality law has for the past decades focused predominantly on how to deal with ethnic Hungarians living in neighboring countries, most importantly Romania, Slovakia, Serbia, and Ukraine, as a result of the border changes under the peace treaty ending the first world war 100 years ago, and again after the second world war. By the same move, the country was transformed from a kingdom where ethnic Hungarians were effectively a minority (if counted in the ‘Great Hungary’ the map of which is widely used to today as a sign of nationalist feelings and that includes Croatia) to a largely homogenous state, also as a result of afterwar population exchanges. The dilemmas flowing from changing borders are hardly unique in the region; the Hungarian case merits special attention because a partisan redefinition took place in the EU, amid continued renegotiations of pooling solidarity and freedom of movement. This article also links the phenomenon of changing national boundaries to the illiberal turn that put Hungary in the focus of scholarly attention discussing populism and authoritarianism as well as of political scrutiny on the conformity of changes with European constitutional standards.

This study will follow a legal assessment with an overview of the debates of the elites, with the underlying view that this allows us to trace the narrative shifts that also define meanings and the current legal landscape. Stanley Fish argues that meaning flows from interpretative communities [21]. While this does not

necessarily mean that this is all that is to legal interpretation, interpretative communities play important roles when we come to tracing shifting narratives. Communities and target audiences change, and dominant interpretation of the same text can mean the opposite of earlier mainstream understandings. Furthermore, in a regime where rule of law requirements become systematically deficient and independent institutions are weakened or rendered ineffective, legal interpretation often resorts to second guessing the putative or even future will of those in power. This makes it less transparent, but this also not free from existing canons of interpretations, and it remains useful to look at how narratives shape or fit the existing regulatory framework. Accordingly, this study will address the legal aspects of the changing Hungarian legislation on the issue, and this can only be a meaningful exercise if we take account of the social and political context.

Mapping Hungarian developments helps us trace the semiotics of citizenship law, unearthing the values and principles driving patterns of inclusion and exclusion in law, and the process of generating senses of belonging. On one level the contention is between a liberal and a nationalist view: one based on state neutrality and equality, a view of citizenship enshrined in human rights and non-discrimination, with an attached, deliberately non-ethnic concept of the (political) nation; and another seeking to acknowledge ethnic and cultural ties. The two are in tension but usually work together and citizenship policies are usually a result of a combination between the two, removing certain inequalities from the realm of legal possibilities like explicit race or sex based discrimination, while shielding other, allegedly milder forms of distinctions like those based on wealth, language or descentance. We will also see how understanding the Hungarian case leads beyond these ideal types.

The first section reviews some foundational concepts, leading to the constitutional visions of the nation in the second section. This is completed by preliminary remarks on the more concrete policy field where belonging is sanctioned, citizenship policy. In the second part of the study, we review the Hungarian policy of external ethnic citizenship by focusing on the terminology, on the changing political field, on legal developments and, finally, on the changing electoral rules that themselves define the political landscape. The study concludes that, against the stated goal of national unification, the policy shift introduced new exclusions and strengthened fragmentation. The overview seeks to shed some light on how notions of ethnicity, nationality and citizenship¹ have become entangled in law and politics.

2 Visions of the Nation

2.1 Nations and Transformations

The understanding of the term ‘nation’, legal repercussions notwithstanding, has long been the source of debates and mutually exclusive understandings, at least

¹ While ‘nationality’ in legal terminology is often used in the ethnically neutral sense of a legal connection between a state and an individual, I will mostly stick to the term citizenship to avoid confusion.

since the dawn of the ‘era of nations’, the early nineteenth century [22: 51]. The most recent reemergence of the salience of this notion coincided with the transitions of the post-socialist region. The newly acquired independence of these countries after a long period of sovereignty denial reinforced by Soviet military presence led many observers to an understanding stance towards ‘national resurgence’, if most remained alert of the possible destabilizing effects. One should note, however, that nationalism was not simply reemerging but was present throughout the decades of socialism, if to varying degrees in the different countries [9: 285–288].

The collapse of the Soviet Union and the violent conflicts surrounding the disintegration of Yugoslavia raised legitimate concerns over the fate of national minorities.² International actors quickly stepped into tame the possible anti-minority repercussions, setting minimum standards, advocating good practices and applying minority rights conditionality. To get a sense of the crowded scene in the first half of the 1990s: the OSCE established, in 1992, the position of the High Commissioner on National Minorities; the Council of Europe adopted, in 1992, the Charter for Regional or Minority Languages, and, in 1995, the Framework Convention for the Protection of National Minorities; the European Communities/Union, in 1993, decided to include minority rights among its Copenhagen criteria that set the basic requirements for would-be member states.

The continued geographic division of old member states and aspiring candidates often translated into categories like the civil and political versus cultural or even ethnic nationalism [10]; patriotism versus nationalism³; nationalism versus ethnicism [51] or nativism. Similar conceptual and descriptive divisions have been proposed concerning citizenship policies in Europe [6]. While these oppositions have been challenged in the literature, especially the strict geographic matching, the attempt to tell legitimate from illegitimate forms of community-building has remained constant. We do not have to contrast the situation to Western countries to note that ‘ethnic nationalism’ has been a dominant force in the Central and Eastern European region, challenging the basic tenet of liberal democracies [13] that minority members of the community should be treated as equals. If membership is based on ethnicity, resident citizens who do not belong to the dominant ethnicity might find themselves in a position of less than full members (underinclusion). On the other hand, non-residents co-ethnics might be seen as not part of the resident state but of their kin-state (underinclusion and overinclusion). These create new patterns of inclusion and exclusion.

Nation-states continue to be the central players on the international scene, protecting their role with changing vocabulary. Sovereignty had long been the term around which discussions on state power centered, with the notion of self-determination gaining ground after the world wars and ultimately its inclusion in the United Nations legal regime. The notion of ‘peoples’ include, prominently, the population of existing states, while, in an international regime defined by nation-states,

² ‘National minorities’ is a term used in international law, see the documents cited later in this paragraph.

³ Critically, in the Romanian/Hungarian context: [58].

international law remains hostile to secessionist attempts under the same label [25]. Both notions came to include a strong democratic element: popular sovereignty and the peoples' right to self-determination imply legitimacy based on popular consent. The 'new cloth' of sovereignty-references is cut from the fabric of identity talk and politics of recognition, with notions like national identity, cultural identity and constitutional identity.⁴ These expressions, especially the latter, can be applied to different, often conflicting purposes: constitutional identity can serve the goal of constitutional protection against encroachment but can also be put to use to shove off external criticism based on human rights, democracy and the rule of law.⁵ The latter case can be exemplified by references of national governments and constitutional courts against European criticism where relying on sovereignty would seem to be insufficient.

The ideal behind the nation-state concept posits a number of congruencies between nation and state, cultural and political boundaries, territory and citizens ([60] cited by [11: 63]). Delineation is inherent to all political communities: for a community to emerge, one must draw a boundary between those who are members and those who are not. It is in this sense that Carl Schmitt notes: 'Every actual democracy rests on the principle that not only are equals equal but unequals will not be treated equally. Democracy requires, therefore, first homogeneity and second—if the need arises elimination or eradication of heterogeneity.' [46: 9] The ways of drawing boundaries, however, can vary wildly, from milder to more extreme forms, as one cannot help but note today when reading Schmitt's 'elimination' and 'eradication'.

The image of the 'Other', the 'Them' can define the 'Us' to varying degrees. It can become a core element of self-identification and even law, as was the case with, e.g., the application of the racist 'Caucasian' condition in US nationality law; but it can also become less explicit, as is the case of many nationality laws that got rid of their sexist, racist legacies, and apply cultural preferences in a complementary fashion. Studying the ideological scene of anti-immigrant forces in selected European countries, Rogers Brubaker documented how the presence of Muslim population led to a shift in political agendas, from social conservative, often antisemitic and homophobic programs to philosemitic and even pro-LGBT or gender-equality approaches, all the while maintaining these elements as ways to reject the 'Other', now not defined as Jewish or gay, but as Muslim, anti-Jew and rejecting European achievements like sexual equality; the list includes the selective reliance on Christianity [12: 1204]. In the Hungarian case, Christianity is also used an expressly cultural (as opposed to a religious concept), with resonances of the interwar usage when Christian meant non-Jew. Read together with clear racial references,⁶ it becomes a thinly veiled synonym for defending white Europe.

⁴ The prospect of using postmodern approaches contrary to progressive goals was highlighted by Balkin back in 1991 [1: 1851].

⁵ See, e.g., contributions to the special issue of the German Law Journal on Constitutional Identity in the Age of Global Migration: *German Law Journal* 18(7) (2017).

⁶ From the Hungarian context, see a then prominent government politician who recorded a racist video in Vienna: [66].

Public law captures these different visions of the community to varying degrees. Legislators can try to downplay, or act against, current patterns of exclusion, but can also confirm and strengthen such inequalities. In what follows, we are looking into two prominent areas where we can trace the legal definition of the community: constitutional authorship and citizenship law. It is to these areas that we will now turn to.

2.2 Peoples and Nations: Constitutional Underpinnings

As a thin or formal version of the virtual consensus behind constitutionalism and democracy, constitutional texts like to present themselves as talking in the name of the people, the *demos* from which they gain legitimacy. The most famous and lasting such reference makes the US Constitution speak in the name of ‘We the People’. Constitutional texts do not necessarily address the question of who belongs to this people, but already in the American case, this was an underlying controversy eventually leading to a full-fledged civil war and the Fourteenth Amendment granting citizenship to ‘all persons born’ in the United States, a clause that is subject to political debate to this day [83].

Once a set of general rules are adopted, to tell insiders from outsiders, overinclusive and underinclusive patterns tend to emerge. In a world of nation-states defined along ethnic, national, religious and even racial lines, minorities with respect to these traces often find themselves excluded symbolically or substantively, to the detriment of equality and state neutrality. What we often find in legal texts is a balancing exercise that maintains the primacy of the titular group while making concessions to others, but we also find examples that do away with balancing and adopt a fully exclusive or inclusive terminology.⁷

Focusing on constitutional preambles in the Central and Eastern European region, the Polish introductory sentence is of the more generous balancing kind: ‘We, the Polish Nation – all citizens of the Republic, [...] Hereby establish this Constitution of the Republic of Poland’ [88]. The balancing stands in the reference to the ‘Polish Nation’ with some ambiguity whether this is the ethnic/cultural nation or, in line with the added reference to ‘all citizens’, the civic political community, regardless of ethnicity. All depends on whether the part after the dash is taken as qualifying the meaning of the nation, i.e. has an explanatory–interpretive force, or is exactly about expanding the community of authors to those citizens who are not members of the Polish nation. In both cases, the authors do include all citizens. An overview of the process of wording and the surrounding debates confirms the inclusive intent and the intent to include both the ethnic (‘nation’) and the civic (‘citizens’) element, mirroring political-ideological divisions [61].

⁷ For an overview of how the nation is conceptualized in various European constitutional regimes, see [26: Chapter 10].

The Slovak solution also shows a delicate balancing, somewhat less generously: ‘We, the Slovak Nation, [...] Together with members of national minorities and ethnic groups living on the territory of the Slovak Republic, [...] Thus we, the citizens of the Slovak Republic, have [...] adopted this Constitution’ [89]. Here the titular nation reserves its primacy in the starting part, and the phrasing makes it clear that minorities are not part of this national–ethnic conception, but are nevertheless defined as co-authors (‘together with...’). In the final section, the citizens are referenced, underlining this co-authorship.

The status of the nation in the Fundamental Law is more restrictive than the two previous examples, clearly maintaining the primacy of the titular nation [14, 34, 38, 40]: ‘WE, THE MEMBERS OF THE HUNGARIAN NATION, at the beginning of the new millennium, with a sense of responsibility for every Hungarian, hereby proclaim the following’ (EMPHASIS in the original). Unlike in the Slovak case, however, we don’t have the reference to minorities, which gives away the fact that the nation is indeed understood as the ethnonational community. Later in the preamble, we get a confirmation in this respect: ‘We proclaim that the national minorities living with us form part of the Hungarian political community and are constituent parts of the State.’ Just like in the Slovak text, the reference to ‘minorities living with us’ only makes sense if they are not part of the ‘we’. The text only passes the microphone to all citizens when declaring their willingness to obey the rule of the nation and the order under the Fundamental Law: ‘We, the citizens of Hungary, are ready to found the order of our country upon the common endeavours of the nation.’ Note that unlike in the above cases, there is no concession with respect to the authorship of the ethnic nation, which is odd considering that others are also, ‘readily’, fall in line and accept the legitimacy of the new order, the subjects are clearly not only ethnic Hungarians. The reference to citizens only adds to the ambiguity. According to the text they found the country, as ‘part of the Hungarian political community’ and ‘constituent parts of the State’, not the nation, ‘upon the common endeavours of the nation’, not the political community. Nóra Chronowski concludes that the formulation of the first sentence results in ‘a linguistically very manifest exclusion of the minorities from the ‘we’ [...], and this exclusion makes it necessary to reintegrate them at least into the state in Article XXIX and in the preamble—but not into the nation. It is problematic, because the preamble clearly puts the nation above the state.’ [14: 83]

Two features not captured by the English translation strengthen the non-inclusive character of the sentence in question. First, the word ‘citizens’ is not the neutral term ‘állampolgár’, but ‘polgár’, meaning both citizen and bourgeois, a signature expression of the first Orbán government that called itself a ‘polgári’ government to distinguish itself from other governments. Second, the ‘common endeavours’ in the Hungarian version resonates with the self-label adopted by the second Orbán government, the ‘National System of Cooperation’,⁸ an equally divisive product of political branding. Subsequent developments like labeling critiques of the government

⁸ The two expressions in Hungarian: ‘nemzet együttműködése’ and ‘Nemzeti Együttműködés Rendszere’.

(the opposition, NGOs, people affiliated with gender studies, migration research, or Central European University etc. [34]) as not part of the nation or traitors of the nation greatly reinforce the exclusive reading. The new national identity, captured here as the identity of the authors of the Fundamental Law, helps us unearth the underlying vision of those in power, a question we will get back to later in this article.

In addition to underinclusiveness, there is also overinclusion. Members of resident minority citizens live under the legal order, while in all the above the other side of the question of inclusion remains: What happens to those who are members of the ethnic nation, but are not citizens? Focusing now only on the Hungarian case, the Fundamental Law takes over and strengthens the ‘Responsibility Clause’, the public law affirmation that Hungary is responsible for the fate of ethnic Hungarians living outside the country,⁹ most commonly associated with those, and the descendants of those, who ended up in other countries as a result of the 1920/1946 border changes. The preamble itself references the commitment to maintain this ‘unity’: ‘We promise to preserve our nation’s intellectual and spiritual unity, torn apart in the storms of the last century.’ János Kis as an early commentator on the text concludes that in light of the missing reference to the recognition of the current state borders, this is an irredentist claim [31].

The official vision of the nation is not only important for symbolic purposes but can also define policy. The most direct application is citizenship law, defining who are citizens of a state and how one can become a national, effectively drawing the boundary of the national community. In the foregoing section, we will first discuss how citizenship laws do that in general, before turning to the Hungarian developments.

2.3 Nationalities and Citiznships

The fundamental question of who belongs to the political community continues to make waves throughout the world. The recent demonstrations in India and the atrocities that followed show to what extent citizenship laws can become contested fields of the struggle for recognition.¹⁰ Citizenship legislation is also unique in that it makes it unavoidable that otherwise loosely defined notions like the nation or the people get concrete, applicable content, a definition of who is in and who is kept out.

⁹ ‘Bearing in mind that there is one single Hungarian nation that belongs together, Hungary shall bear responsibility for the fate of Hungarians living beyond its borders, shall facilitate the survival and development of their communities, shall support their efforts to preserve their Hungarian identity, the effective use of their individual and collective rights, the establishment of their community self-governments, and their prosperity in their native lands, and shall promote their cooperation with each other and with Hungary.’ Art. D of the Fundamental Law of Hungary.

¹⁰ For a recent example, see India, a country that has seen mass protests and violence [65] after a change in its citizenship laws to the detriment of its Muslim population, allowing ‘Hindu, Sikh, Buddhist, Jain, Parsi or Christian [individuals, with the prominent absence of Muslims] from Afghanistan, Bangladesh or Pakistan’ to claim Indian nationality [87: Art. 2].

Most constitutions include provisions on citizenship. When this is so, the entrenched conditions can also become a source of contention: what they mandate or allow and what is ruled out. Just last year, US president Donald Trump announced that he is ‘seriously looking’ into ways to end birthright citizenship [83], widely viewed as mandated under Amendment XIV. A provision that was meant to serve racial equality after the Civil War is now the basis of a liberal *ius soli* regime—an unconditional type that, in Europe, died out with the 2004 Irish reform.

A decisive development is the move away from the exclusive, static view of citizenship towards more dynamic and overlapping attachments, partly due to the heightened levels of mobility. (Some also see a challenge to the statist or state-centered element, from supranational accounts mostly focusing on European citizenship [42] to cosmopolitan visions [49].) The move has not been monolithic, in that the earlier ‘layers’ of citizenship law continue to define the landscape to this day. From the nineteenth century view that citizenship is like (monogamous) marriage, linking one individual with one state but one state only, we get to an approach more tolerant of multiple belongings, with considerable variation on the national level.

The normative landscape is also diverse, starting with the cosmopolitan, post-national claim that borders do not matter anymore or have ceased to be exclusive reference points. These are usually combined with calls for more toleration or embracement of multiple citizenship [19, 33, 48]. Others highlight the extent to which the old patterns continue to dominate and define boundaries, pointing out how seemingly post-national instruments can end up reinforcing existing inequalities or re-ethnicizing citizenship policies. This is usually combined with more caution concerning policies relying on multiple citizenship.¹¹

National experiences with belonging vary greatly. When discussing naturalization and multiple citizenship, the dominant context in the Western setting is the naturalization of immigrants and the toleration of them keeping their original nationality. In that context, the goal of multiple citizenship is to better integrate the resident population through facilitating acquisition and tolerating the retainment of their earlier nationality. Countries with a colonial legacy can have a lived experience with different layers of belonging,¹² while racial, ethnic, linguistic and religious overtones continue to lead to confusions. The related expressions in various languages contribute to the ambiguity of civic-political versus ethnic-cultural belongings. In law, ‘nationality’ is the accepted terminology instead of citizenship,¹³ creating the confusion that is common to many languages (e.g., ‘narod’ in Slavic languages). The European

¹¹ Christian Joppke talks about a dual move of ‘de-ethnicization’ and ‘re-ethnicization’ [27]. Bauböck contrasts his normative view of stakeholder citizenship against policies that include citizens without a proper ‘stake’ and excluded residents [7]. Tanasoca contrasts the uneven pattern of benefits associated with multiple citizenship to normative standards [52].

¹² See the British case and its repercussions in Brexit [46]. Given the multilayered reality of British citizenship policy, EU membership required specification for who should be considered an UK national for the purposes of EU law (see the Declaration of the United Kingdom on the definition of the term ‘nationals’ in 1982).

¹³ With the exception of the EU, see Art. 9 of the Treaty on European Union that neatly captures the different terminologies: ‘Every *national* of a Member State shall be a *citizen* of the Union.’ (emphasis added).

Convention on Nationality specifically defines nationality as ‘the legal bond between a person and a State [that] does not indicate the person’s ethnic origin’ (Art. 2). In Hungarian, there is a different confusion, captured by the term ‘nemzet’ (nation): while nationality as ethnicity (‘nemzetiség’) and nationality as citizenship (‘állampolgárság’) are clearly distinguished by language, the term for nation can cover both the community of Hungarian citizens and that of ethnic Hungarians, as well as a combination of these.

We will now turn specifically to the Hungarian debates on nation and citizenship.

3 The Hungarian Nation and Its Nationals

3.1 Terms and Terminologies

Before we map the debate on Hungarian nationality law, a couple of words on how the debate came to be presented. The Hungarian debate has been framed as one about ‘dual citizenship’, both in academic and public debates. Many arguments offered in the debate related to the resulting multiplicity of national affiliations. But this is misleading: the defining aspect of the relevant rule is that it creates external or extraterritorial nationals on an ethnic ground. The ethnic and the extraterritorial aspects are more decisive than the mere technicality that the overwhelming majority of these nationals will acquire this nationality as an addition to their existing, usually residential citizenship. Under this reading it is easy to see why a mere reference to international standards allowing multiple citizenship would not suffice to justify the measure.

Many ethnic Hungarians who decided to move to Hungary from neighboring states before 2010 took up Hungarian citizenship and became multiple citizens. Preferential treatment already applied to them under the 1993 law. This was easy to justify in principle, e.g., based on cultural proximity making integration easier. However, the actual policy was somewhat ambiguous and even rejecting, because of the official goal of supporting Hungarian communities where they live, and supporting individuals in moving away would only contribute to the melting away of these minorities. ‘Dual citizenship’ has thus been part of transborder Hungarian reality for long, without raising the most contentious issue, the lack of residency.

Somewhat similarly to the misleading label of ‘dual citizenship’ in the Hungarian debate, the Romanian corresponding policy refers to ‘restitution’. This is a type of nationality acquisition that is present in virtually all citizenship laws, a reacquisition option for former citizens, often with historical references to earlier laws deemed to be illegitimate.¹⁴ Restitution has been commonly used as a tool of expanding the

¹⁴ A couple of examples: Argentina specifically deals with regulations under dictatorship, a number of nationality laws allow restitution after loss of citizenship in specific periods (of dictatorship); the Czech regulation specifies a time period 1948–90, the German does the same with the period 1933–45, the Greek law between 1946 and 1949, and the Hungarian law between 1946 and 1990; Iraq applies a corresponding rule for those ‘denaturalised on political, religious, racist or sectarian grounds’, and Kazakhstan for ‘rehabilitated victim[s] of mass political repressions’. For a global overview, see entries under ‘A16 – Reacquisition’ in the global citizenship database on citizenship acquisitions: [67].

citizenry, and calling the issue a question of restitution could cover issues from compensating for past discriminatory legislation, e.g. as applied to Jews (Nuremberg laws) or asymmetric and discriminatory nationality rules applied to women (at some point widespread pattern of nationality laws), to expansive policies following losses of territories like the Russian solution that offers citizenship in the post-Soviet region.

Focusing on the technical rule—restitution—or one effect of naturalization—dual/multiple citizenship—makes it harder to grasp fully what is at stake. A more useful functionalist approach could highlight, e.g., that in the case of Western debates on multiple citizenship, the desired result of a more tolerant policy is a polity where residents and members of political community are congruent. This is in contrast to the practice of external ethnic citizenship where there is an explicit move away from this rapprochement, creating a body of non-resident citizens. Calling both phenomenon a problem of ‘dual citizenship’ risks veiling this fundamental contradiction. The other aspect of the regulation is ethnic selectivity, a type of ‘cultural affinity’-based¹⁵ selection that is common as a basis of preferential treatment in naturalization procedures.¹⁶

Finally, one should mention a different overinclusion long existing in Hungarian nationality law, flowing from the rule of infinite inheritance of nationality. It is now a norm enshrined in the Fundamental Law that ‘[t]he child of a Hungarian citizen shall be a Hungarian citizen by birth’ (Article G-1). As a result of this rule, millions of ‘dormant’ nationals exist throughout the world, most of them not even aware of the status that a distant forebearer guarantees them. If one wants to rectify overinclusion, an easy move would be to limit the number of generations through which Hungarian nationality can pass in the case of absence. But this is beyond the scope of current political debates and would also interfere with the extraterritorial move that we are going to discuss further.

3.2 Politics and Narratives

A central reference point for the debates is the 1920 Treaty of Trianon that resulted in the loss of two-thirds of the territory of the former kingdom, half of its population, and one-third of its ethnic Hungarian population. In a twist, the treaty also brought about long-fought-for national independence and an ethnically close to homogeneous country. At the same time, it resulted in large parts of the ethnically Hungarian population finding themselves under the sovereignty of new states with non-Hungarian majorities, minorities from former majorities who have continued to serve as threatening reference points.

In Hungary, Trianon continues to serve as an event catalyzing national mourning over the fate of Hungary and Hungarians. Instead of a uniting reference, however, it

¹⁵ This is the more encompassing terminology of the GLOBALCIT database of citizenship acquisition [67].

¹⁶ For a wide overview of ‘ethno-national preferences’ in citizenship policies, see [17]; and his book [16].

has become a central point of contention, with varying feelings on whether it merits a status of single most important national tragedy and on its relative status with respect to the tragedy of Holocaust. Irredentism, the goal to regain these territories was a central motivating factor of Hungarian interwar politics. This led to regaining, temporarily, considerable parts of lost territories, in an alliance with Nazi Germany. During the communist dictatorship, the minority question was first considered as off the agenda for ideological reasons, then was slowly reintroduced. In the late 1980s when the forces of the future democratic parties were taking shape, the issue became salient again, due especially to concerns with regard to Hungarians in Romania.¹⁷

The story of how this terrain was mirrored in the nationality legislation of post-1990 Hungary can be told in two waves of virtual consensus, with intermittent phases of harsh divisions. Supporting Hungarians living in the neighboring countries has been a consensual approach, but the policy proposals behind varied, from a liberal endorsement of ‘citizenship to all those who self-identify as Hungarian (and their families)’¹⁸ to a moderate nationalist opposition to external ethnic citizenship as detrimental to Hungarian interests in the region. All sides invoked the best interests of co-ethnics abroad and most emphasized good neighborly relations with the countries in question. The proposal to offer non-residential citizenship was deemed extreme and irresponsible, for undermining the anti-irredentist consensus of then mainstream parties and going against the national goal of supporting and strengthening Hungarian communities abroad, as opposed to enticing them to come to Hungary.¹⁹

This led to a long-time consensus that offering non-residential citizenship is not an appealing option. The 1993 nationality law required residency, even if in a strongly preferential form for those who declared to be ethnic Hungarians, lowering the required time of residency from the general 8 years to 1 year [84: Art. 4-3]. Even as the 2001 ‘status law’,²⁰ adopted by the first Fidesz government and targeting ethnic non-citizen Hungarians living in neighboring countries, stroke controversies concerning Hungary’s approach to ‘Hungarians beyond the borders’, the citizenship law provision remained intact. The new law sought primarily to counter the melting of these communities and support members to make sure they stay where they live.²¹ The corresponding and symbolically important Hungarian card²² was specifically presented as an alternative to dual citizenship, with prominent government

¹⁷ For an overview of the developments in the socialist era, see [1: 91–100].

¹⁸ See the programme of the now-defunct left-wing liberal party for the regime change, written by a prominent Hungarian philosopher from Transylvania, G. M. Tamás: [62: para. 13].

¹⁹ For an excellent overview of these transitions, see [3].

²⁰ Act No. LXII of 2001 on Hungarians living in neighboring states. For a good overview of the debate on the ‘status law’ (more accurately called a benefit law, but I stick here to the name that is widely used), see [29].

²¹ The law offered a number of benefits like education funding, but also included elements to foster the cultural connection by offering lower travel costs and reduced-fee entry to cultural institutions in Hungary. These latter do not challenge the primary goal of prevent the ‘flight’ of ethnic Hungarians.

²² The Hungarian card serves as a proof of entitlement of the benefits offered under the law, but it’s symbolic importance is probably greater: it is an official document of the Hungarian state that cardholders can see as recognition that they are Hungarians.

politicians pointing out that dual citizenship would be impossible.²³ We could add that it also isn't in line with the law's goal of helping co-ethnics where they live.

It was a politically marginal organization, the World Alliance of Hungarians that launched an eventually successful campaign to hold a referendum on non-resident citizenship, or 'dual citizenship' according to the dominant terminology. Albeit the referendum, held in 2004, was invalid due to low turnout (37.49%, well under the 50% required for validity), with a slight majority of the supportive votes (51.57 against 48.43%) [77], it led to a shift in the political landscape. Right-wing parties embraced the idea already in the referendum campaign, making it part of their program, and when the amendment was eventually adopted in 2010, all sides voted for it [71].

The 2004 referendum was often labelled as 'irresponsible' even by some of those otherwise supporting the use of citizenship in 'national unification' [18]. The campaign itself was extremely divisive,²⁴ it was hard to remember the earlier consensus on the issue, for opponents were labeled as traitors of the nation and the leading campaign for the 'no' vote played on xenophobic sentiments and the burden new citizens would place on the Hungarian budget. Probably both of these positions led to the widespread interpretation that the outcome was not simply a vote on non-resident citizenship but also a complete denial of solidarity that was remedied only in 2010, by offering external ethnic citizenship.

3.3 Laws and Meanings

The original 1993 rule granted a preferential naturalization route for self-declared ethnic Hungarians with a minimum of one year of Hungarian residence who are descendants of Hungarian nationals [84: Art. 4-3]. After the failed referendum, this was amended to lower the residency requirement, only requiring residency in Hungary, without a time limit [86]. The 2010 amendment crucially got rid of the residency requirement, maintained the descendent condition while cancelling the ethnic self-identification element, and added an alternative condition on substantiating (i.e. short of unequivocal proof) 'origin from Hungary' [85].

What does it mean to be Hungarian after 2010? Just like in the case of the definition of the nation in the Fundamental Law and its preamble, it is debated whether the preferential rule adopted in 2010 embodies a clear ethnic concept or a cultural or mixed approach. The definition inserted by the 2010 amendment is, textually, less ethnic in character than the definition that preceded it. With its territorial-descendent

²³ 'When drawing up this piece of legislation, the Hungarian Government [...] set aside all aspirations for any kind of dual citizenship for persons belonging to Hungarian national minorities and living in the neighbouring countries, and instead preferred a system based on co-operation'; 'the Act is evidence of the Hungarian intention to put paid – once and for all – to any alleged irredentist claims over areas outside the country populated by persons of Hungarian national origin or the need to grant dual citizenship to such persons.'; 'the Hungarian Act recognises the territorial integrity of neighbouring states and amounts to a definite refusal of territorial revision and a rejection of dual citizenship' [93: Paras. 1.8, 2.4, and 6.1].

²⁴ For an assessment of the campaign, see the collection at https://kisebbssegkutato.tk.mta.hu/kettosallampolgarsag/tanulmanyok/kettos_allampolgarsag_PC_clemzes.pdf.

character, it is at least partly based on origin from a territory (historical Hungary), to the extent that some point out its ‘imperial undertone’ [40: 124, similarly 41: 37–39]. Descendance from a Hungarian national and ‘origin from Hungary’ expands the potential pool of applicants to all those with connections to what used to be the Hungarian part of the Austro-Hungarian empire. In intent and effect, however, the ethno-cultural content is apparent. Even the seemingly territorial reference is meant to cover Csangos in Romania whose ascendants are supposed to have been left what was then the Kingdom of Hungary centuries ago.²⁵ This is in line with official statements that seek to ‘reunite the nation’, i.e. ethnic Hungarians.

While further conditions apply, like a clean criminal record and lack of national security objections, it could be the language requirement that narrows down the group of applicants. Given the peculiarity of the Hungarian language—it is remote from all surrounding linguistic families, making an ‘ethnic identity rooted in language’²⁶ possible—there is a ready reference point. Language in the Hungarian case is a convenient proxy for ethnicity, that is mainly why the ethnic and the cultural conceptions of the nation are not treated separately in this study. Surveys recurrently highlight the leading role of language in public perceptions on what it means to be Hungarian.²⁷ While historically language could well be instrumental for the image of the ethnic and cultural community, in citizenship law, this link can be used in the reverse direction. Yet, the amendment did away with the requirement of assessing the knowledge of the language as part of a citizenship examination, for those covered under the preferential clause. This move that has been widely criticized, with reports that a couple of words and well-rehearsed answers to easy-to-guess questions might be enough to pass.²⁸ If language is part of legal requirements, it should be assessed in a fair and transparent manner, not subject to the attitude and mood of the administrator.

Uncertainties remain over the exact content of the preferential conditions, the boundary between those deserving access to non-residential citizenship and the undeserving. A semantic analysis could then turn to case law. Courts facing semiotic dilemmas can establish coherent interpretations and provide for transparency. Unfortunately, the Hungarian naturalization procedure defies basic rule of law requirements like those enshrined in the European Convention on Nationality (clauses to which Hungary applies reservations²⁹) concerning reasons stated for decisions on matters of citizenship and the availability of appeal and remedy, the ability to contest

²⁵ As explained by a government official in charge of preferential naturalizations (‘dual citizenship’): [76].

²⁶ In the original: ‘a nyelvben gyökerező etnikai identitás’ [20].

²⁷ See, e.g. data from the International Social Survey Programme (ISSP) 2013: National Identity III, quoted here: [67: 9].

²⁸ The law itself contains the need for ‘certifying the knowledge of Hungarian language’, but in its application, no systematic assessment is part of the procedure [55: 82–83].

²⁹ Arts. 11 and 12 guarantee the right to written reasoning and to review. See the reservations to these made by Hungary at https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/166/declarations?p_auth=C3InHLxz. Also note the less-than-honest communication on the 2010 amendment, not mentioning the central element of extraterritoriality: ‘The main aim of the amendments is simplifying and reducing the time-frame of the procedure for the acquisition of Hungarian citizenship through naturalization or renaturalization.’

decisions before court. Lack thereof means that no transparency and semantic support exists. One centralized body is responsible to execute the provision, specifically created for the new preferential procedure [54: 69], with no outside supervision or control. Somewhat in line with this deficiency, the complaints that made it to the Constitutional Court concerning nationality law in recent times never got to the substantial issues. We now turn to these cases.

An area where the issue of legal uncertainty over who is Hungarian came up in court proceedings was the interpretation of questions put to referendum.³⁰ Text and meaning feature in these cases not only in the usual way of looking for the best legal interpretation, but for an assessment of semiotic certainty with regard to voters: will they be able to assess the eventual impact of the proposal on what it means to Hungarian? The initiative behind the 2004 referendum asked whether the voter wanted ‘the Parliament to adopt a law to grant Hungarian citizenship to those who, upon their request, declare themselves to be of Hungarian nationality [ethnicity], are not resident in Hungary and are not Hungarian citizens, who certify their Hungarian nationality [ethnicity] with a “Hungarian identity card” under Art. 19 of Law No. LXII of 2001 or by other means specified by the law to be adopted’. The Constitutional Court decided that the question is clear enough to be put to a referendum [91].

The long list of conditions includes some elements of the then current law, some of the later amendment, and some that never featured in citizenship law, including the direct connection with the Hungarian identity card under the ‘status law’.³¹ The legal notion of citizenship had been defined by law, self-declaration was also part of nationality law, and reference to an already adopted law does not create additional confusion. Self-declaration is qualified by the requirement of certification, where the crucial element of qualification is blurred by reference to ‘other means’ of certification to be specified by Parliament. While combining the accuracy of legal terminology with a wording that is easy to understand is usually a challenge, in this case it is doubtful that the legislator would have known what consequences a successful referendum would have entailed, let alone individual voters [53].

The often rigorous control of ‘clear meaning’ would probably warrant a separate study of legal semiotics, its fluctuating use in politically sensitive cases making it more of a legally arbitrary, politically biased censorship than actual constitutional filtering. A commentator likens the relevant Hungarian legal practice to treating voters as minors [39: 112–114] and documents the arbitrariness in a study based on case law from 2014 to 2017 [39: 116]. While applying a strict requirement is certainly possible, selectivity along party lines renders linguistic assessment and legal decision-making a tool of the illiberal regime.

We can illustrate this trend with an example that is also about policing the boundaries of the people, the ‘quota referendum’. Zoltán Szente argues that the question violated three separate fundamental conditions of the Hungarian law on referendum [82]. Judit Tóth, in her study discussing questions of legal terminology,

³⁰ Additional areas include criminal responsibility for fraud in naturalization [15, 95] and a direct challenge to the 2010 amendment thrown out on procedural grounds [94].

³¹ This card proves entitlement to certain benefits under the law, but its symbolic force is arguably more important for many cardholders: an official recognition by the Hungarian state of attachment and identity.

points out that a question on ‘forced settling’ did not pass in 2007 [56]. The question was whether one agreed with that ‘a law block and prohibit the mass and organized settlement of aliens to Hungary’. The electoral body argued that the ‘mass and organized settlement of aliens’ was not defined, and it is not clear what legislative obligation the referendum would entail [96]. Yet, in 2015, the question on ‘mandatory settlement of non-Hungarian nationals to Hungary’, allegedly mandated by the European Union, passed both the electoral committee and the Constitutional Court.³² As a result, resident as well as non-resident nationals were allowed to vote in a referendum that reinforced territorial sovereignty and exclusion. In a strange twist, the government campaigned for the reinforcement of its borders on the other side of these borders, to communities that have been suffering from the existence of that border, most visibly in Serbia. In fact, registered non-resident voters’ turnout was higher (56.1%) than the average turnout that made the results invalid (41.3%) [44: 192].

The chance for a semantic debate concerning nationality was similarly missed in Slovakia where the law adopted to counter the Hungarian expansion was challenged before the Slovakian Constitutional Court. Slovakia adopted the counter-law on the day when the Hungarian Parliament voted on the expansion in 2010, making the loss of Slovakian nationality an automatic result of willingly acquiring foreign nationality.³³ Article 5 of the Constitution of Slovakia declares that ‘[n]o one shall be deprived of citizenship of the Slovak Republic against his or her will’ [89], a provision that, according to the petitioners, is violated by the law. It should have been decided what it means for an individual decision concerning nationality to be ‘voluntary’, with constitutional legal consequences: whether the will to acquire an additional nationality can encompass the will to lose or, rather, acceptance of losing one’s original nationality, as mandated by the law. The Constitutional Court avoided decision by declaring that the legally required minimum number of seven judges were not available and hence no decision could be rendered [72].

We have seen that at the time of the 2010 expansion, the issue became less divisive, the Parliament adopted the rule by a virtual consensus, and a strong majority in the public supported the move.³⁴ What remained more divisive is the extension of voting rights to non-resident nationals. Should belonging to the Hungarian nation and being a Hungarian citizen include the right to vote as well, should the boundaries of the political nation follow the expansion? We will now turn to this aspect.

3.4 Votes and Stakes

When trying to identify the main motivation behind the legislation, many point to the electoral rationale [28, 40: 112–113], instead of an ideological position. Under this reading, the debate on ‘who counts as a Hungarian’ and the relevant policy

³² On more details and also on the analysis of the dehumanizing legal and political terminology used in the Hungarian case, see [56].

³³ For a summary of the various views, see the scholarly reactions collected in [5].

³⁴ In a 2010 poll, 58% of the respondents were satisfied with the measure ‘introducing dual citizenship’. In 2017, 68% supported ‘dual citizenship’ [78, 79].

decisions are not principled discussions about the meaning of the nation, democracy, popular sovereignty, and national identity, but the result of pragmatic considerations on what helps those in power remain in government. As a Fidesz politician stated in 2006 when the non-territorial rule was still a distant possibility, if external votes are counted, it will be impossible to remove Fidesz from power. At the time, Orbán distanced himself from the statement, labelling the plans to expand voting rights as far from reality [75]. The move to extend voting rights to non-residential nationals came in 2011. In the two national elections held since, non-resident votes went almost exclusively to the governing party.³⁵

Of all enrolled voters, close to 5 percent are non-residents.³⁶ Similarly to cases in Italy, Croatia and Romania, where external votes constitute a sizable portion of the votes, outside voters at some point cast decisive votes: in Hungary, the qualified majority of the governing party would have been lost in 2014 without the external votes, helping greatly the governing party.³⁷

A clause was introduced with the Fundamental Law (Art. XXIII-4) already before the extension of voting rights, allowing Parliament to ‘provide that only persons with domicile in Hungary may be granted the right or the full right to vote and to be voted for, and may specify further requirements for the eligibility to be voted for.’) This clause makes this option subject to vote by qualified (two-third) majority, but under Article 2-1 of the Fundamental Law, the electoral law is anyway subject to this heightened requirement. What this additional provision does is that it specifically makes it permissible (i.e. constitutional) not only to include or exclude non-resident citizens, but also to specify further requirements in their case, shielding these provisions from the criticism that distinction in itself constitutes discrimination.

Probably more than the expansion of citizenship, shifting the boundaries of the body politic requires justification based on the idea of popular sovereignty. In line with the constitutional reviews we have seen earlier, the Constitutional Court rejected the challenge to the 2010 expansion of citizenship partly on the ground that the issue of popular sovereignty was not raised at the time, due to the lack of extending voting rights to non-resident nationals, a provision adopted only later [90].

Granting voting rights *en masse* to people who are not resident is not uncommon but raises the question of legitimacy as well as the question of what citizenship is about. Citizenship can be seen as a proxy: it is whatever other laws attach to it, by making rights and duties specific to, or easier to access for, own citizens.

³⁵ In 2014, 122,638 of the 128,429 votes cast by mail (an option only available to non-resident nationals, without a registered address in Hungary) went for Fidesz. The corresponding ratio in 2018 was 216,561 out of 225,025 votes. See the results at the site of the National Election Office: <https://www.static.valasztas.hu/dyn/pv14/szavossz/hu/levjvk.html>; <https://www.valasztas.hu/levelszavazas-jegyzokonyv>.

³⁶ According to the report of the National Election Office, a ‘total of 8.312.264 citizens have been enrolled as voters, out of which 7.933.815 possessed a Hungarian residence and 378.449 did not.’ [96: 3].

³⁷ According to one calculation, while in 2018 the external votes in themselves did not result in extra mandate, taken together with other distortions of the electoral system introduced by the governing majority (winners’ compensation), they resulted in seven extra mandates [74].

Costica Dumbrava distinguishes legal (nationality), political (citizenship), and identity (belonging) elements and argues that the three should be disentangled to better approximate the normatively appealing aspects of membership claims.³⁸ In many cases, the political remains the most controversial aspect. To see how people see the conundrum, we can turn to existing scholarship on the Hungarian case that addressed both normative arguments whether this move can be justified and on what grounds, and sociological accounts on how the various actors see and use extraterritorial nationalities, primarily the governing party in Budapest and the new citizens themselves.

Researchers assessed the meaning of Hungarian nationality to those who acquired it through the external ethnic rule, identifying symbolic and instrumental motivations. What emerges is a form of recognition, a higher status, while maintaining that citizenship is not necessary to 'feel Hungarian'. There were hopes that the sense of otherness will fade away, citing the most recent grievances concerning their kin-state, Hungary, when they are rejected as Romanians, Serbs, Slovaks, or Ukrainians, and also healing the wounds experienced as a result of the 2004 referendum. The very process of naturalization became more humane, replacing earlier experiences of perceived injustices for they had to stand in line 'with Chinese and Vietnamese' [64], apparently considered as deserving separate treatment.

Based on a dataset from a non-representative online survey, Szabolcs Pogonyi notes that 'younger external citizens tend to attribute more a pragmatic value to citizenship, while older respondents saw it more as an identitarian asset that expressed nationhood' [44: 180]. The data also shed light on a reinforcing link between the symbolic and the instrumental value of Hungarian nationality: 'The higher pragmatic value they attribute to citizenship, the more likely that they also perceive it as a valuable identitarian asset.' [43: 180] Attila Z. Papp concludes, based on group interviews, that nationality will not end divisions and the sense of otherness between Hungarians from Hungary and minority Hungarians from neighboring countries, but it carries both symbolic and instrumental values for the target audience [42].

Voting rights stand out as not fitting this frame: both Papp and Pogonyi quote explanations at length that sound like apologies on how it is odd to participate in elections in another country [43: 151, 41: 166–169]. Indeed, normative accounts raise non-resident participation as problematic. Rainer Bauböck acknowledges various forms of participation in a world with increased transborder experiences, talking about 'denizenship' (residential status short of citizenship, [24] cited by [7: 2395]) and 'ethnizenship' (status for external kins short of citizenship [7: 2396]). Trying to dissect various forms of belonging and political participation, he uses the concept of 'stakeholders', people whose future is linked to the fate of the political community. The concept of stakeholder-citizenship provides a normative standard against which actual policies can be measured. Assessing the Hungarian case, offering non-residential citizenship and considering the Hungarian state's increased role in local activities from subsidies to media ownership (see later), the stake that non-resident citizens living in these communities have in Hungarian politics has grown, making

³⁸ He argues for 'differentiated membership' along these lines, see especially Part III of his book [16].

the normative case somewhat stronger. The problem with this shift is that it weakens the domestic political claims while the lives of these communities are still overwhelmingly defined by the domestic political context. In line with this, Bauböck's conclusion is not simply that it might be hard to justify the inclusion of non-resident citizens whose everyday life depends on the political decisions of another political community, but also that there is a tradeoff between the two types of belonging. Political claims of inclusion in one direction, in the form of external citizenship, weaken claims of inclusion in the other direction, in the form of claims for autonomy [7]. The claim works both as a theoretical argument about how the logic of the two provisions conflict (a convincing one at that), but also a descriptive argument on decreasing the likelihood of autonomy (with chances that are meager anyway).

In the Hungarian debate, Zoltán Kántor argues similarly that mass nationalization could be a problem in the case of negotiations within the neighboring countries on autonomies, but this problem remains virtual given the political context [30]: such talks are unlikely in Romania, Ukraine, or Slovakia, where the counter-legislation also made sure no mass naturalization takes place, while in Serbia, autonomy legislation is already in force, undisturbed by the Hungarian move to expand citizenship. Yet, the goal of autonomy remains a declared goal, most importantly in the program of RMDSZ, the Hungarian party in Romania, and the tension remains. Levente Salat also concludes that the most likely outcome of the measure is to further undermine efforts for autonomy [45: 235–236]. László Szarka argues that external ethnic citizenship can only be a temporary solution until the respective country joins the European Union (Serbia and Ukraine, with communities considerably smaller than in Romania and Slovakia), and that nationality should be tied to residency [50].

Iván Halász identified five different purposes that have been voiced concerning external ethnic citizenship. It can be seen as a form of minority policy, of (ethnonational) reintegration, of compensation for historical injustices, of equality policy and of (ethnonational) solidarity [23]. Halász notes the difficulties in each case, arguing that the logic of extraterritorial citizenship clashes with many of the other goals. The sustained goal of Hungarian policy concerning ethnic Hungarians in the neighboring countries has been the strengthening of the communities where they live, while most benefits (and the appeal) of nationality relate to leaving the homeland (freedom of movement, easier employment, social and other benefits etc.). While the symbolic and solidarity function should not be played down, as Nándor Bárdi notes, these hardly match the actual needs of the targeted minority communities. Detailed policy measures had been targeting ethnic Hungarians for long, specific policies could provide more adequate solutions to actual problems. However, rhetoric took over, making nationality policy a servant of the political goal to demonstrate nationalist credentials [4]. Tamás Kiss specifically frames his assessment as documenting the struggle over classification, following the notion of 'symbolic power' as used by Bourdieu and Wacquant [32]. Majtényi, Kopper, and Susánszky present the expansion as part of the Schmittean 'othering' common to right-wing populism [37].

Relying on external citizens to carry a load of reliable votes does little, in the divided Hungarian political scene, to strengthen the sense of belonging together. The sense of inappropriateness of external votes that is, as we have seen, also voiced by non-resident voters themselves, resonates particularly those anyway opposed to

the regime, making non-resident voting a part of the tricks that make it seem impossible to change government in line with democratic expectations.

The broader view on external ethnic citizenship raises the question of what such a policy actually achieves, how does it redraw boundaries of exclusion and inclusion. In closing, we will review the effects that, as is common, do not match the stated goals.

4 Exclusions by Inclusion

We have seen how extraterritorial mass naturalization confuses ethnicity, nationality, and citizenship. We finally turn to the consequences of this move: how boundaries move and what these entail. While the Europe-conform virtualization of borders has been part of the justificatory narrative, the actual measure in fact creates new boundaries, reinforcing ethnic boundaries at the expense of possible de-ethnicized visions of states and borders. Margit Feischmidt identifies the end goal as creating a ‘Hungarian world’ detached from the predominant diversity of the region.³⁹

This is inherently linked to undermining local autonomy, not only in the sense Bauböck uses (that the political goal of creating minority autonomy suffers), but also in the turn towards Budapest as a new center of gravity. Papp summarizes expert opinions from Transylvania that note the danger of the fall of the minority’s self-organization as a separate society.⁴⁰ Salat documents how political and civil organizations seeking to further interethnic cooperation face a strong ‘deconjuncture’ as a result of the challenge of external citizenship policy from Budapest [45: 230]. He argues that the individualizing policy that connects new nationals to the Hungarian state and that is in line with the nation-state logic go counter the goal of building and maintaining an independent political community in countries where Hungarian minorities live [45: 231]. He bitterly notes how the emphasis of the nation-state narrative by the Hungarian leadership can end up justifying the anti-minority attitude of neighboring states, in this case, Romania. Citizenship, political loyalties and funding that connects Budapest and Hungarians in Romania do a service to strengthen the view that minority citizens should expect solutions to their problems not from Bucharest but from Budapest [45: 232–233].

Based on a study of the Hungarian case, Pogonyi claims that ‘kin-citizenship projects actually compromise the claims-making potential of transborder political actors’ [44: 189]. Waterbury notes that the policy shift ‘risks a significant reorientation of attention, human resources, and agenda-setting power away from minority political projects toward the kin-state, and encourages stratification within and between minority communities’ [59: 11]. Brubaker notes a paradoxical phenomenon

³⁹ ‘The Hungarian state is working to create a “Hungarian world” in the Carpathian basin that is completely detached from the strongly mixed other social reality of the region that is based on multiple attachments.’ [20].

⁴⁰ Adding that these are not necessarily confirmed by the group interviews they conducted as part of the research [43: 149–150].

concerning external citizenship in that it violates the nation-state ideal of the congruence of territory and population, but its transborder nationalism actually confirms the relevance, even centrality, of the nation-state, even if it challenges its current setup.⁴¹

We have seen that external ethnic citizenship is used to support the illiberal regime internally, by delivering a contingency of votes on national elections. Externally, the new citizenship policy has been used as a transport vehicle for the export of the illiberal regime, creating and maintaining loyalties, domesticating media and cultural institutions through personal and financial influence, often labelled clientelism [36, 80, 81]. The effects can be felt in the changing media landscape in Hungarian communities abroad, but also more widely: the block of external 'gratitude votes' that continues to inflate Fidesz support at national elections strengthen the sense that the setup in fact goes against the 'stakeholder' concept and in its effect undermines pluralism in a setting already constrained by exigencies of ethnic voting, albeit to a different degree in the various countries.

The stake of this shift is apparent if we look at the other side of the debate. If citizenship is based on ethnic belonging, that raises the loyalty problem that most minorities are trying to get away from: that they are in fact aliens, agents of a foreign state, not worthy of trust. It was in Slovakia and Ukraine where this conclusion appeared, seeking to challenge the belonging of Hungarians. In Ukraine, this is further exacerbated by the military situation where a similar Russian expansionist citizenship policy was combined with military involvement, partly justified by the need to protect its nationals—who become nationals along a similarly ethnic-imperialist extraterritorial rule. The lack of similar response from Romania and Serbia might be explained that these countries have similar policies towards their kin minorities in the region, most importantly Romanians in Moldavia and Serbs in former Yugoslav republics outside Serbia. But even in Romania, as Salat notes, the ethnic message goes a long way in confirming the exclusive ethnic vision of the majority nation [45: 232–233]. He adds that 'whenever in history the more radical conception and representation of the concept of the nation was elevated to an official status in Hungary, this had catastrophic consequences regarding relations in Transylvania' [45: 228]. Balázs Trencsényi identifies the vision behind the expansive nationality policy as strengthening the ethnocultural view that easily slips into the view endorsing the totality and total antagonism of national belonging. This, Trencsényi adds, has throughout history proven to be an approach most detrimental to those who are primarily referenced [57].

Maybe we should see dangers differently, and these anyway should not stand in the way of true 'national unification'. Let's now see how this goal fares in light of the landscape that results from the new legislation. It is immediately apparent that there is an increasing fragmentation as a result of ethnic-expansionist policies. Legal

⁴¹ In the words of Brubaker, 'the recent forms of the external politics of belonging are neither postnational nor transnational; they are forms of transborder nationalism. They do not presage the transcendence of the nation-state; they indicate, rather, the resilience and continued relevance of the nation-state model.' [11: 77].

categories of belonging to the national community, from the point of view of the overviewed policies, now include (a) resident citizens, (b) ethnic Hungarian non-citizens with a Hungarian card, (c) non-ethnic Hungarian non-citizen family members of ethnic Hungarian non-citizens with a Hungarian card, (d) newly naturalized ethnic Hungarian citizens with a Hungarian card, (e) newly naturalized ethnic Hungarian citizens without a Hungarian card, (f–g) within the latter two groups, there are those who signed up to the voters' registry and those who did not. Under the electoral law, it also matters whether one is with or without a registered address in Hungary. Imagine two Hungarian emigrés, both Hungarian nationals, one who arrived to London from Hungary and the other from Romania.⁴² As most migrants of the first category maintain a Hungarian address, under the current electoral law, they cannot vote by mail, but have to travel to the closest embassy or consulate, a burden that can be prohibitive and can effectively result in disenfranchisement.⁴³ This clearly goes against the goal of ethnic unification and further fragments the political community.

The legitimate criticism of disproportionate burdens in Hungarian naturalization procedures could have been channeled into reforming and humanizing the overall process. Instead, differentiation not only increased to the point where it is hard not to conclude that this constitutes discrimination [36], but also a new ground of discrimination is added.

Earlier approaches to distinguish between the political and the ethno-cultural nation in the Hungarian case gave way to a forced overlap that in effect excludes many who should be included under all standards, but certainly under the ethno-nationalist vision. Earlier approaches included the stance of the first democratically elected Prime Minister József Antall who expressed his will to be the prime minister of 'fifteen million Hungarians' but only 'in spirit', i.e., not by law. The 'status law' discussed earlier was also built on the express wish to separate ethno-national and political belonging. This was similar to the agenda of President László Sólyom (2005–2010; former head of the Constitutional Court, 1990–1998) to distinguish the cultural nation from the political nation [70], or government plans to introduce different statuses for the two cases, playing on the Hungarian terms 'állampolgárság' (state citizenship) and "nemzetpolgárság" (literally 'nation citizenship', an invented term to denote legal recognition of membership in the ethnocultural nation) [69].

With the ethno-cultural vision supplanting the former view, the non-naturalizing Hungarians are erased from the picture, tacitly transforming the official view on national identity. A prominent affirmation of this narrative is a quote from the president of the Parliament, a founding member of Fidesz, László Kövér who noted in the 2014 inaugural session of the Parliament after the first elections with the non-resident voting rules that 'this is the first house of representatives that, based on general, secret and equal voting rights, represents the entire nation' [73]. This should probably be read as suggesting that now the cultural-ethnic and the political communities

⁴² See a slightly different example: [63].

⁴³ Both the Hungarian Constitutional Court and the European Court of Human Rights rejected the challenge to this discriminatory provision [92, 98, 99].

fully overlap. There would be another reading, where ‘the entire nation’ continues to denote the political concept, but that would render the statement meaningless. For the Parliament had represented ‘the entire [political] nation’ even before 2014, it is simply that the scope of ‘the entire nation’ got extended. The only available reading thus means that those who did not naturalize also lost their, earlier unquestioned, status in the nation. Ethnic Hungarians who remain to be non-citizens are clearly not represented in the Parliament in Budapest, which, combined with the new official reading of the Hungarian nation, means that they are not part of ‘the entire nation’.

5 Conclusion

Discussions around nations, nationalities, national identities have long been marred with ambiguity, especially in the diversity of the Central and Eastern European region. Legal and political developments in Hungarian constitutional and citizenship law provide a useful case study for shifting meanings and their consequences.

Considerable uncertainty exists in the meaning of this change: there is ambiguity in who qualifies for 2010 preferential non-resident naturalization as well as in who constitutes the nation under the 2011 Fundamental Law of Hungary. The ethnic-cultural vision disregarding current borders is decorated with references to territory and resident minorities. We have seen that relying on case law does little to dispel these confusions. This ambiguity illustrates a broader feature of the regime: it implements the illiberal measures it wishes while feeding the narrative that it is not the illiberal measure that would go against international and European norms.

The article traced the trajectory that led to the new official vision of the nation which resulted not only in moves of unification, but also in the opposite: exclusion from neighboring states by law and by political rhetoric; undermining autonomies both in the practical political sense and, more hypothetically, in public law; reinforcing clientelism; and finally by defining non-resident non-nationals out of the nation. External votes help maintain a regime that has been reinterpreting the nation and national identity.

The paper discussed the political context of the changing constitutional and citizenship rules to demonstrate the circularity in defining the nation: who gets to vote will have an impact on who decides on who gets to vote which in turn will have an impact on who gets to vote, how, and for how long. The expansion of the citizenry is now a continuing reality. While it is possible that the exercise of voting rights will be further tweaked in the future, full revocation is politically unlikely, and the revocation of nationality would be both illegal and undesirable. This means that the entanglement of ethnicity, nationality, and citizenship will continue to define the legal, political, and social reality.

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References

Academic Sources

1. Balkin, Jack M. 1990–1991. The Promise of Legal Semiotics. *Texas Law Review* 69: 1831–1852.
2. Bárdi, Nándor. 2004. *Tény és való. A budapesti kormányzatok és a határon túli magyarság kapcsolattörténete. Problémakatalógus*. Pozsony: Kalligram.
3. Bárdi, Nándor. 2005. A „mumusok” és a „kék madár”. In *Magyar külpolitika az Európai Unióban [Hungarian foreign policy in the European Union]*, ed. Csaba T. Haris. Manfred Wörner Alapítvány.
4. Bárdi, Nándor. 2016. Álságos állítások a magyar etnopolitikában. A külhoni magyarok és a budapesti kormányzatok magyarságpolitikája. In *Hegymenet. Társadalmi és politikai kihívások Magyarországon*, eds. András Jakab, and László Urbán, 130–155. Budapest: Osiris.
5. Bauböck, Rainer (ed.). 2010. Dual citizenship for transborder minorities? How to respond to the Hungarian-Slovak tit-for-tat. *EUI RSCAS Working Paper* 75. EUDO Citizenship Observatory.
6. Bauböck, Rainer, and André Liebich (eds.). 2010. Is There (still) an East-West Divide in the Conception of Citizenship in Europe? *EUI RSCAS Working Paper* 19. Fiesole: EUDO Citizenship Observatory.
7. Bauböck, Rainer. 2007. Stakeholder Citizenship and Transnational Political Participation: A Normative Evaluation of External Voting. *Fordham Law Review* 75 (5): 2393–2447.
8. Brubaker, Rogers. 1992. *Citizenship and Nationhood in France and Germany*. Cambridge, MA and London: Harvard University Press.
9. Brubaker, Rogers. 1998. Myths and Misconceptions in the Study of Nationalism. In *The State of the Nation: Ernest Gellner and the Theory of Nationalism*, ed. John Hall, 272–306. Cambridge: Cambridge University Press.
10. Brubaker, Rogers. 1999. The Manichean Myth: Rethinking the distinction Between ‘civic’ and ‘ethnic’ Nationalism. In *Nation And National Identity: The European Experience in Perspective*, ed. Hanspeter Kriesi, Klaus Armingeon, Hannes Siegrist, and Andreas Wimmer, 55–71. Zürich: Rüdiger.
11. Brubaker, Rogers. 2010. Migration, Membership, and the Modern Nation-State: Internal and External Dimensions of the Politics of Belonging. *Journal of Interdisciplinary History* 41: 61–78.
12. Brubaker, Rogers. 2017. Between Nationalism and Civilizationism: The European Populist Moment in Comparative Perspective. *Ethnic and Racial Studies* 40 (8): 1191–1226.
13. Bugarič, Bojan. 2019. Central Europe's Descent into Autocracy: A Constitutional Analysis of Authoritarian Populism. *International Journal of Constitutional Law* 17 (2): 597–616.

14. Chronowski, Nóra. 2019. A Nation Torn Apart by Its Constitution? In *The Rise of Populist Nationalism. Social Resentments and the Anti-constitutional Turn in Hungary*, ed. Balázs Majtényi and Margit Feischmidt, 77–103. Budapest: CEU Press.
15. Dobos, Ádám György, and Dobos-Balogh Nikolett. 2019. „Állampolgárság-biznisz”, avagy az egyszerűsített honosítási eljárás és az illegális migráció összefüggései [‘Nationality business’, or the link between simplified naturalization procedure and illegal migration]. *Ügyészek Lapja [Prosecutors’ Journal]* 1.
16. Dumbrava, Costica. 2014. *Nationality, Citizenship and Ethno-cultural Belonging. Preferential Membership Policies in Europe*. London: Palgrave MacMillan.
17. Dumbrava, Costica. 2015. Super-foreigners and Sub-citizens: Mapping Ethno-national Hierarchies of Foreignness and Citizenship in Europe. *Ethnopolitics* 14 (3): 296–310.
18. Duray, Miklós. 2004. Állampolgárság és nemzetpolgárság. A kettős vagy a többes állampolgárságról. *Hitel* 12.
19. Faist, Thomas. 2000. Transnationalization in International Migration: Implications for the Study of Citizenship and Culture. *Ethnic and Racial Studies* 23 (2): 189–222.
20. Feischmidt, Margit. 2011. A magyar állampolgárság kiterjesztésének összefüggése a magyar nacionalizmus mai dinamikájával. 2000. <http://ketezer.hu/2011/06/a-magyar-allampolgarsag-kiterjeszesenek-osszefuggese-a-magyar-nacionalizmus-mai-dinamikajaval/>.
21. Fish, Stanley E. 2003. *Is there a Text in this Class? The Authority of Interpretive Communities*. Cambridge, MA: Harvard University Press.
22. Gellner, Ernst. 1998. *Nationalism*. London: Phoenix.
23. Halász, Iván. 2005. Dual Citizenship—A Proper Tool for ‘nation politics’? *Regio* 1: 18–35.
24. Hammar, Tomas. 1990. *Democracy and the Nation State: Aliens, Denizens and Citizens in a World of International Migration*. Aldershot: Avebury.
25. Hannum, Hurst. 1990. *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights*. Philadelphia: University of Pennsylvania Press.
26. Jakab, András. 2016. *European Constitutional Language*. Cambridge: Cambridge University Press.
27. Joppke, Christian. 2005. *Selecting by Origin. Ethnic Migration in the Liberal State*. Cambridge, MA: Harvard University Press.
28. Kállai, Péter, and Alíz Nagy. 2019. Parliamentary Representation of Nationalities and Kin-minorities—Hungary’s Biased Electoral System. In *European Yearbook of Minority Issues*, vol. 18, ed. Sia Spiliopoulou Ákermark et al., 171–189. Leiden, and Boston: Brill Nijhoff.
29. Kántor, Zoltán, Balázs Majtényi, Osamu Ieda, Balázs Vizi, and Iván Halász (eds.). 2004. *The Hungarian Status Law: Nation Building and/or Minority Protection*. Sapporo: Hokkaido University.
30. Kántor, Zoltán. 2015. Nemzetpolitika és Állampolgárság [Nation politics and nationality]. *Pro Minoritate* 4: 36–48.
31. Kis, János. 2012. Introduction: From the 1989 Constitution to the 2011 Fundamental Law. In *Constitution for a Disunited Nation. On Hungary’s 2011 Fundamental Law*, ed. Attila Tóth, 1–21. Budapest: CEU Press.
32. Kiss, Tamás. 2013. Nemzetdiskurzusok hálójában. Az állampolgárság-politika, mint a magyar nemzetre vonatkozó klasszifikációs küzdelem epizódja és eszköze. *Magyar Kisebbség* 18 (3–4): 7–95.
33. Kopper, Ákos. 2010. Állampolgárság határon innen és túl. *Beszélő* 15(5). <http://beszelo.c3.hu/cikke/k/allampolgarsag-hataron-innen-es-tul>.
34. Kopper, Ákos, Zsolt Körtvélyesi, Balázs Majtényi, and András Szalai. 2019. Logiques d’(in)sécurité en Hongrie. Gouverner par le droit et par l’exclusion dans un régime illibéral. *Cultures & Conflits* 1 (113): 99–123.
35. Körtvélyesi, Zsolt. 2012. From ‘We the People’ To ‘We the Nation’. In *Constitution for a Disunited Nation. On Hungary’s 2011 Fundamental Law*, ed. Attila Tóth, 111–140. Budapest: CEU Press.
36. Kovács, Kriszta, Zsolt Körtvélyesi, and Alíz Nagy. 2015. Margins of Nationality. External Ethnic Citizenship and Non-discrimination. *Perspectives on Federalism* 7 (1): 85–116.
37. Majtényi, Balázs, Ákos Kopper, and Pál Susánszky. 2019. Constitutional Othering, Ambiguity and Subjective Risks of Mobilization in Hungary: Examples from the Migration Crisis. *Democratization* 26 (2): 173–189.
38. Majtényi, Balázs. 2015. The Nation’s Will as Trump in the Hungarian Fundamental Law. In *European Yearbook on Human Rights*, ed. Wolfgang Benedek, Florence Benoit-Rohmer, Matthias C. Kettemann, Benjamin Kneih, and Manfred Nowak, 247–260. Cambridge: Intersentia.

39. Mécs, János. 2018. A népszavazási kérdések hitelesítésének egyes kérdései, különös tekintettel az egyértelműség követelményére [The requirement of 'procedural validity' regarding questions submitted to a referendum]. In *Jogi Tanulmányok*, ed. Marianna Fazekas, 105–119. Budapest: ELTE ÁJK Állam- és Jogtudományi Doktori Iskola.
40. Moreh, Chris. 2019. Towards an Illiberal Extraterritorial Political Community? Hungary's 'Simplified Naturalization' and Its Ramifications. In *The Rise of Populist Nationalism. Social Resentments and the Anti-constitutionalist Turn in Hungary*, ed. Balázs Majtényi and Margit Feischmidt, 105–141. Budapest: CEU Press.
41. Nagy, Boldizsár. 2014. Nationality as a Stigma: The Drawbacks of Nationality (What Do I Have to Do with Book-burners?). *Corvinus Journal of Sociology and Social Policy* 5 (2): 31–64.
42. Orgad, Liav, and Jules Lepoutre (eds.). 2019. Should EU Citizenship Be Disentangled from Member State Nationality? *EUI RSCAS Working Paper* 24. Fiesole: EUDO Citizenship Observatory.
43. Papp, Z., and Attila. 2014. Kisebbségi identitáskonstrukciók a kettős magyar állampolgárság által. *Regio* 1: 118–155.
44. Pogonyi, Szabolcs. 2017. *Extra-Territorial Ethnic Politics, Discourses and Identities in Hungary*. London: Palgrave Macmillan.
45. Salat, Levente. 2013. A könnyített honosítás látható és várható következményeiről. Válaszok a Magyar Kisebbség kérdéseire. *Magyar Kisebbség* 18 (3–4): 226–240.
46. Schmitt, Carl. 1988. *The Crisis of Parliamentary Democracy*, Ellen Kennedy, transl. Cambridge, MA, and London, England: MIT Press.
47. Shaw, Jo. 2019. EU citizenship: Still a Fundamental Status? In *Debating European Citizenship*, ed. Rainer Bauböck, 1–17. Springer.
48. Spiro, Peter J. 1997. Dual Nationality and the Meaning of Citizenship. *Emory Law Journal* 46 (4): 491–565.
49. Spiro, Peter J. 2006. Dual Citizenship—A Postnational View. *SSRN*. <https://ssrn.com/abstract=901754>.
50. Szarka, László. 2004. A kettős állampolgárság jogintézménye mint a kisebbségi és a migrációs léthelyzetek kezelésének eszköze [The Legal Status of Dual Citizenship as the Means of Handling Minority and Migration Situations]. *Kisebbségkutatás* 13 (2): 255–265.
51. Tamas, G. M. 2015. Ethnicism After Nationalism: The Roots of the New European Right. *Socialist Register* 52.
52. Tanasoca, Ana. 2018. *The Ethics of Multiple Citizenship*. Cambridge: Cambridge University Press.
53. Tóth, Judit. 2004. Miért nem lehet, ha szabad? A többes állampolgárság a nemzetközi és az európai közösségi jog felől. *Romániai Magyar Jogtudományi Közlöny [Romanian Hungarian Law Review]* 1: 5–14.
54. Tóth, Judit, and Zsolt Körtvélyesi. 2011. Exclusion by Ethnic Preference in the Hungarian Naturalization. *Open Citizenship* 1 (2): 54–74.
55. Tóth, Judit. 2014. A honosítás jogintézményének alakulása az elmúlt húsz évben. *Regio* 22 (1): 74–90.
56. Tóth, Judit. 2017. Mi fán terem a (kényszer)betelepítés? [What is this thing called (forced) settlement?]. *Magyar Jogi Nyelv [Hungarian Legal Terminology]* 1: 14–20.
57. Trencsényi, Balázs. 2011. Totális vagy plurális nemzetfelfogás? [Totalist or pluralist concept of the nation?]. 2000 5.
58. Varga, Attila. 2002. Nacionalizmusok a politikai és kulturális nemzet határán. *Regio* 13 (4): 194–211.
59. Waterbury, Myra A. 2016. National Minorities in an Era of Externalization. *Problems of Post-Communism*. 64: 228–241.
60. Wimmer, Andreas. 2002. *Nationalist Exclusion and Ethnic Conflict: Shadows of Modernity*. New York: Cambridge University Press.
61. Zubrzycki, Geneviève. 2001. "We, the Polish Nation": Ethnic and Civic Visions of Nationhood in Post-Communist Constitutional Debates. *Theory and Society* 30 (5): 629–668.

Blogs, News, Databases, Other Online Sources

62. A rendszerváltás programja [Programme of the regime change], A kisebbségi kérdésről [Theses on the minority question], Szabad Demokraták Szövetsége [Alliance of Free Democrats], 1989.

63. Bodnár, Eszter. 2014. The Right to Vote of Hungarian Citizens Living Abroad. *I-CONnect Blog*, 14 July 2014, <http://www.iconnectblog.com/2015/07/the-right-to-vote-of-hungarian-citizens-living-abroad/>.
64. Bumm.sk. 2011. Valószínűtlen az ukrán állampolgársági törvény szigorítása, 21 February 2011, <http://www.bumm.sk/52235/valoszinutenen-az-ukran-allampolgarsagi-torveny-szigoritasa.html>.
65. Ellis-Petersen, Hannah. 2019. India citizenship law: protesters across country defy ban', *The Guardian*, 19 December 2019, <https://www.theguardian.com/world/2019/dec/19/india-citizenship-law-protesters-across-country-defy-ban>.
66. Facebook removes, then restores anti-immigrant video in Hungary, *Reuters*, 7 March 2018, <https://www.reuters.com/article/uk-europe-migrants-hungary-austria/facebook-removes-then-restores-anti-immigrant-video-in-hungary-idUKKCN1GJ2HR>.
67. Friedrich-Ebert-Stiftung, and Political Capital. 2019. *Nemzetudat, identitáspolitiká és nemzetpolitika a mai Magyarországon [National consciousness, identity politics, and the politics of the nation in contemporary Hungary]*. https://politicalcapital.hu/pc-admin/source/documents/FES_Tanulmany_Identitas_191211.pdf.
68. GLOBALCIT. 2017. Global Database on Modes of Acquisition of Citizenship, version 1.0. Fie-sole: Global Citizenship Observatory. <http://globalcit.eu/acquisition-citizenship/>.
69. Index/MTI, Gyurcsány: négy milliárd ember nem fizet adót Magyarországon, *Index*, 17 November 2004. <https://index.hu/belfold/orszgy/1117/>.
70. Inforádió/MTI, A kulturális nemzet egységéről beszélt Sólyom László Csíkszeredában, *infostart.hu*, 23 October 2008, <https://infostart.hu/kulfold/2008/10/23/a-kulturalis-nemzet-egysegerol-beszelt-solyom-laszlo-csikszeredaban-234313>.
71. Király, András. 2010. Elfogadták a kettős állampolgárságot, *Index*, 26 May 2010, https://index.hu/belfold/2010/05/26/elfogadtak_a_kettos_allampolgarsagot/.
72. Kusá, Dagmar. 2014. Is the Slovak Citizenship Act unconstitutional? The Constitutional Court leaves the question open, *EUDO CITIZENSHIP*, 29 September 2014. <http://globalcit.eu/is-the-slovak-citizenship-act-unconstitutional-the-constitutional-court-leaves-the-question-open/>.
73. László Kövér köszöntő beszéde [Inaugural speech of László Kövér], Parliament of Hungary, 6 May 2014. <https://www.parlament.hu/hu/web/guest/elnoke-koszonto>.
74. László, Róbert. 2018. Nem hozott a külhoni mandátumot a Fidesznek, a 'győzteskompenzációval' együtt viszont 7-et is, *Választásrendszer.hu*, 16 April 2018. <http://www.valasztasrendszer.hu/?p=1943608>.
75. MTI, Mikola húsz évre akart berendezkedni—határon túli voksokkal, *Transindex*, 22 March 2006. <http://vilag.transindex.ro/?hir=4569>.
76. MTI. 2010. Wetzel Tamás: akár Slota is kaphat magyar állampolgárságot, *HVG.hu*, 27 August 2010. https://hvg.hu/vilag/20100827_slot_a_magyar_allampolgarsagot_kaphat.
77. National Election Office. 2005. Final result of the national referendum on 5 December 2004, 1 April 2005. https://static.valasztas.hu/nepszav04/en/08/8_0.html.
78. Nézőpont Intézet. 2010. A száznapos kormány megítélése [Views on the first one hundred days of the government], 7 September 2010, https://nezopointintezet.hu/files/2010/11/KVK_2010-09-07_NI-HV-A-sz%C3%A1znapos-korm%C3%A1ny-meg%C3%ADt%C3%A9s%C3%A9se.pdf.
79. Publicus. 2017. Határon túli magyarok egyes jogairól [On certain rights of Hungarians living beyond the borders], 20 August 2017, https://publicus.hu/blog/hataron_tuli_magyarok_egyes_jogairol/.
80. Sipos, Zoltán. 2018. NERdély 1.: így hódította meg az erdélyi magyarságot a Fidesz, *Átlátszó Erdély*, 5 April 2018. <https://atlatzo.ro/napi-politika/nerdely-1-igy-hodította-meg-az-erdelyi-magyarsagot-a-fidesz/>.
81. Sipos, Zoltán. 2018. NERdély 2.: hogyan alakította át az erdélyi politikát a Fidesz?, *Átlátszó Erdély*, 6 April 2018, <https://atlatzo.ro/napi-politika/nerdely-2-hogyan-alakította-at-az-erdelyi-politikat-a-fidesz/>.
82. Sente, Zoltán. 2016. The Controversial Anti-Migrant Referendum in Hungary is Invalid. *Constitution Making & Constitutional Change*, 11 October 2016. <https://constitutional-change.com/the-controversial-anti-migrant-referendum-in-hungary-is-invalid/>.
83. Trump says he is seriously looking at ending birthright citizenship, *Reuters*, 21 August 2019. <https://www.reuters.com/article/us-usa-immigration-trump/trump-says-he-is-seriously-looking-at-ending-birthright-citizenship-idUSKCN1VB21B>.

Legal Documents

84. Act No. LV of 1993 on Hungarian Nationality.
85. Act No. XLIV of 2010 (Hungary).
86. Act No. XLVI of 2005 (Hungary).
87. Citizenship (Amendment) Act 2019, No. 47 of 2019, 12 December 2019 (India). <http://egazette.nic.in/WriteReadData/2019/214646.pdf>.
88. Constitution of the Republic of Poland. English version on the site of the Polish Sejm. <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>.
89. Constitution of the Slovak Republic. English translation from the site of the Slovak Sejm. http://biblioteka.sejm.gov.pl/wp-content/uploads/2016/03/S%C5%82owacja_ang_010102.pdf.
90. Decision No. 188/2010 (XI. 12.) of the Hungarian Constitutional Court.
91. Decision No. 770/H/2003 of the Hungarian Constitutional Court.
92. Decision No. IV/01578/2013 of the Hungarian Constitutional Court.
93. European Commission for Democracy Through Law (Venice Commission). 2001. *Paper Containing the Position of the Hungarian Government in Relation to the Act on Hungarians Living in Neighbouring Countries*. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL\(2001\)080-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL(2001)080-e).
94. Order No. 3035/2012 (VI. 21.) of the Hungarian Constitutional Court.
95. Order No. 3076/2016 (IV. 18.) of the Hungarian Constitutional Court.
96. National Election Office, Report of the Head of the National Election Office on the public administration duties and the implementation thereof on the occasion of the 8 April 2018 Parliamentary Elections, May 2018, <https://www.valasztas.hu/documents/538536/968858/Report+of+the+Head+of+the+National+Election+Office+on+the+public+administration+duties+and+the+implementation+thereof+on+the+occasion+of+the+8+April+2018+Parliamentary+Elections.pdf>.
97. Resolution No. 102/2007 (III. 26.) of the National Electoral Committee (Hungary).
98. Resolution No. 3048/2014 (III. 13.) of the Hungarian Constitutional Court.
99. Vámos and others v. Hungary (Second Section), 19 March 2015, App. no. 48145/14.

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