

STUDII DE ATELIER. CERCETAREA MINORITĂȚILOR NAȚIONALE DIN ROMÂNIA  
WORKING PAPERS IN ROMANIAN MINORITY STUDIES  
MŰHELYTANULMÁNYOK A ROMÁNIAI KISEBBSÉGEKRŐL

Nr. 15

**Irina Culic**

**DUAL CITIZENSHIP POLICIES  
IN CENTRAL AND EASTERN EUROPE**



INSTITUTUL PENTRU  
STUDIAREA PROBLEMELOR  
MINORITĂȚILOR NAȚIONALE

Cluj-Napoca, 2009

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■ Nr. 15:

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Titlu: *Dual Citizenship Policies in Central and Eastern Europe*

■ Coordonator serie: Bokor Zsuzsa, Horváth István

© INSTITUTUL PENTRU STUDIAREA PROBLEMELOR MINORITĂȚILOR NAȚIONALE  
Cluj-Napoca, 2009  
ISSN 1844 – 5489  
[www.ispmn.gov.ro](http://www.ispmn.gov.ro)

■ Lector: Szabó Levente

■ Concepție grafică, copertă: Könczey Elemér

■ Tehnoredactare: Sütő Ferenc

■ Tipar: IDEA și GLORIA, Cluj-Napoca

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## Abstract

■ The paper provides a historical-sociological investigation of post-communist dual citizenship policies in Central and Eastern Europe, proposing to conceive of citizenship as a means of state building. While dual citizenship policies in Western Europe generally took an inclusionary form, generated by the stringent need to incorporate and assimilate foreign immigrants, and to come to terms with their colonial and world expanding capitalist past, in Central and Eastern Europe they have essentially been differentialist, putting emphasis on ethno-cultural distinctions and privileged historical relationship with a state. In an attempt to synthesize the dominant motives governing the strategies chosen by these states, in the second part of the paper dual citizenship practices are inventoried according to a typology that reveals different state rationalities. Finally, an examination of asymmetries in dual citizenship aims both to further the state building argument, and to point to the tensions inherent in dual citizenship legislation.

## Sumar

■ Studiul este o investigație sociologic-istorică a politicilor post-comuniste privind dubla cetățenie în Europa Centrală și de Est, în care instituția cetățeniei este concepută ca mijloc de construcție a statului. În Occident, dubla cetățenie a luat o formă incluzivă, ca mod de incorporare și asimilare a imigranților, și pentru gestionarea consecințelor trecutului colonial și ale expansiunii capitaliste timpurii. În contrast, în Europa Centrală și de Est aceste politici au fost în mod esențial diferențiale, evidențiind distincțiile etno-culturale și relația istorică privilegiată cu un stat. Pentru a sintetiza motivele dominante care au condus strategiile acestor state în conceperea politicilor de cetățenie, practicile dublei cetățenii sunt inventariate într-o tipologie ce indică rațiuni de stat diferite. În final, prin examinarea asimetriilor prezente în prevederile despre dubla cetățenie, este substanțializată teza construcției statale și sunt identificate tensiunile inerente acestui tip de legislație.



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# DUAL CITIZENSHIP POLICIES IN CENTRAL AND EASTERN EUROPE

## Introduction

■ This paper<sup>1</sup> examines dual citizenship policies in Central and Eastern Europe in the framework of *post-communist state building*.<sup>2</sup> My argument is that in Central and Eastern Europe dual citizenship legislation follows a different logic to that of Western countries. The latter face the challenge of (in several cases even massive) *foreign immigration* and, not un-related with this, they assume the *consequences of previous economic and/or colonial emigration*. In contrast, Eastern European countries face the challenge of *internal ethno-national minorities* and *the concern for ethnic kin abroad* (legacies of older and more recent empires). For Central and Eastern European states, the “foreigners” are already within the borders of the state, and their historical presence renders legitimacy to their claims of cultural and territorial autonomy, or of equal symbolic recognition as constitutive nations of the state. Moreover, the existence of external homelands (or mother countries, such as Hungary for Hungarian minorities in Romania, Slovakia, Serbia, and Ukraine) situates national minorities at the core of *two different conflicting state building strategies*, of their home state and of their kin-state. Thus, while dual citizenship policies in Western Europe generally took an inclusionary form, aimed at incorporating and assimilating foreign immigrants and maintaining the link with their emigrants,<sup>3</sup> in Central and Eastern Europe they have essentially been differentialist, putting emphasis on the ethno-cultural distinctions and privileged relationship with a state.

The analysis of dual citizenship policies from such a perspective has to be situated within the larger framework of citizenship policies and other forms of “national” or territorial belonging, such as kin-state legislation, or external citizenship.<sup>4</sup> It should also link national pieces of legislation with related national legislations of other states, bi-lateral and international agreements, and other supra-statal legal or symbolic instruments pledging states to widely accepted principles of human rights and international rela-

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1 The author would like to acknowledge the support of the Social Sciences and Humanities Research Council, Canada, in the research for and writing of this paper.

2 By “Eastern Europe” I denominate the states of the former communist bloc. It includes Albania, Bulgaria, the Czech Republic, Hungary, Poland, Romania, Slovakia, and the successor states of Yugoslavia and the European part of the Soviet Union. I use this generic term in order to avoid the complex value-laden connotations associated to the various historical and present symbolic constructions of regions in Europe (“Central Europe”, “Balkans” and “Balkanism”, “Northern Europe”). I accept that this term, a construction of the Cold War, also bears particular meaning. However, it captures best their common experience of communist rule, and the fact that they are experiencing a transition that required a reconsideration of the constituting principles of their states.

3 With the notable exception of Germany, widely discussed in the literature. See e.g. Aleinikoff–Klusmeyer 2000, Faist et al. 2004, Faist–Triadafilos 2006, Brubaker 1992, Green 2005, Joppke 1999, Kastoryano 2002, and Hailbronner, Bultmann, and Kastoryano’s chapters in Hansen–Weil 2002.

4 The legislation of some states (e.g. Mexico), and various analysts (Jones-Correa 2001) distinguish between citizenship and nationality, where nationality is different than ethno-cultural belonging to a culturally defined nation, in that citizenship can only be held by residents, entitling them to full political rights, while non-residents/ expatriates may continue to hold or regain their nationality, entitling them to a passport and certain civil rights forbidden to foreigners, but not to voting and/ or other political rights.



tions. Therefore, *citizenship* is the organizing concept of this paper, and it is conceived as one of the crucial means employed by Eastern European political elites in the process of state building and nation building.

The analysis follows two structural conditions of possibility for the post-communist space: its (social-historically constituted) *imperial legacies*, objectified in dispositions and discourses generating social forms and political action (such as the ethnic structure of the population, perceptions of internal ethno-national minorities, elite and popular representations of the states, definition of the Nation), and the process of *European integration* (which documents changes undergone by states in their advance towards political and legislative harmonization with European norms, and changes in the structure of opportunities for social action and interaction). The reformulation and transformation of post-communist citizenship policies and legislation followed the logic of state building processes, and have been expressive of the articulation between elite projects, individuals willing to become citizens, and resulting social and political forms.

Changing the analytical framework, these are then analysed by developing several ideal types of conceptualising elite interests as materialized in dual citizenship policies: transnationalism, extra-territorial nationalism, integration, minority protection, home and foreign policy rationale, and economic rationale.

The argument is further substantiated by investigating the double standards practiced by most of the Eastern European states in granting and accepting dual citizenship.<sup>5</sup> While favouring acquisition and authorisation of dual citizenship for nationals, external co-nationals, emigrants, and repatriates, states impose significantly more obstacles and tests of aptness for membership to foreign residents or foreigners trying to naturalize as citizens.

## Conceptual Framework: Citizenship

■ Citizenship issues have become subject of increasingly lively debates since the beginning of the 1990s, triggered by a constellation of events and developments in the political, social, and economic realms. They questioned the underlying principles of citizenship, and varied in focus, substance, and consequence, as they were taken up by politicians, political theorists, sociologists, rights' activists or international organizations. Within these debates, dual citizenship is now constantly present, epitomizing the stakes of the argument.

There are three main dimensions across which the academic and public scrutiny and debates on citizenship have been thematized, alongside which several hybrid others may also be traced. The *juridical* dimension emphasizes the rights an individual is entitled to, due to his status as a citizen, defining citizenship as a formal, legal relationship between a state and the individuals under its jurisdiction. The *participation* dimension depicts the extent and substance of one's involvement in the life of the community, underscoring the duties attached to the condition of citizen. The moral quality of citizenship *qua* political and social status is expressed through principles of solidarity, inclusion, dignity, involvement, and responsibility. These two main dimensions of scrutiny and formalisation reflect two relationships embodied in the condition of citizenship: a vertical relationship between citizen and state, which circumscribes a political community bound by rights and duties; a horizontal relationship among individuals constituting a community of allegiance, sentiment, and culture.

The *membership* dimension conceives of citizenship as a closure mechanism (Brubaker 1992), functioning according to an exclusionary logic. It comprises two forms of social closure employed by nation-states as membership organizations. On the one hand limiting the access to a territory, and thus to the social life associated to it, and on the other hand controlling the access to an identity, the "national" identity of the particular population whose will and interests are represented by the state.

The primary analytical instrument to understand citizenship was provided by Marshall's (1950) three-stage model of citizenship. It portrays the expansion of citizenship from *civil rights* (freedom of speech, access to the legal system, rights of contract and property) to *political rights* (extension of franchise, right to run and hold office), to *social rights* (entitlement to social security, full participation in the social life of the society). By its depiction of social rights as the third stage of an evolving process whose main

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5 Not unlike Western European countries, which generally practice the same dualism of dual citizenship policies.

aim was to alleviate class distinctions, it provided the justification for the construction of the welfare state. Heavily criticized as British-centred, male-gendered, evolutionary, unable to encompass immigration, multiculturalism, long-term unemployment, and poverty, Marshall's model still supplies the hegemonic discourse on citizenship.

## Challenges and Debates

■ Recent evidence of decreased political participation, weakened social solidarity, civic apathy (Putnam 2000), discontent with the welfare state – blamed for producing perceived long-term welfare dependency, poverty, and disempowerment (Morris 1994, Murray 1984, Tanner 1996) caused a reconsideration of these principles. Political philosophy took the language of civic republicanism to address these concerns, developing versions of theories of citizenship ranging from liberal egalitarianism to statist communitarianism (Beiner 1995, Calhoun 1992, Carens 2000, Cohen–Arato 1992, Habermas 1995, Kymlicka 2001, Pogge 1992, Taylor 1994), pondering along the way on the meanings of participatory democracy, civil society, liberal virtue, or the responsible citizen (see Kymlicka–Norman 1995 for a critical analysis).

More practical economic concerns, and moral considerations over social rights, produced sociological “third way” approaches (Giddens 1998, Rosanvallon 2000), emphasizing the obligations, the conditionality, the inclusion, and the active character of welfare. They were accompanied by policy responses such as President Bill Clinton’s “End of Welfare as We Know It” or President George W. Bush’s “Work First” strategy, and the European states’ “Workfare” line. These are symptomatic for the reconceptualization of citizenship from *status* to *contract* (Handler 2004).

However, the pivotal element shaping citizenship debates and policies in Western Europe in the last decades has been the experience of the states with migration. Many Western European countries now face the reality of substantial populations of permanent immigrants, consequence of several major post-war processes: guest worker programmes, post-colonial immigration to the imperial centre, the functioning of domestically embedded norms of human rights, and the need to comply with (newly and continuously evolving) established international standards (such as the right to asylum or the principle of *nonrefoulement*). And, as Joppke notes, “the political process in electoral democracies is endemically vulnerable to the populist pressure of majority opinion” (1999: 18). Population pressures over the issue of migration generated discussions of a different sort (Aleinikoff–Klusmeyer 2001). They expressed concerns over the definition, constitution, and nature of the political community (nation), and more and more brought to the fore the membership principle of citizenship. The debate about nation revealed the gap between the academic discourse, which emphasized its constructed, institutional, practical nature (nationhood as practice) (Anderson 1991, Brubaker 1996, Gellner 1983, Greenfeld 1992, Hobsbawm 1992, Hroch 1985, Smith 1986), and the public (and political) discourse, which conceived it largely in essentialist terms. Underlying the political representations and legal categories of the nation are the tension between the civic-territorial (*jus soli*) and ethnic-cultural (*jus sanguinis*) principles, and the challenge brought to national traditions by migration, globalization, and the developing norms of human rights.

## The Issue of Dual Citizenship: Dual Citizenship in Western Europe

■ Within these concerns, analysts pondered on the various political, juridical, and practical arguments *pro* and *contra* dual citizenship (for a thorough analysis see the collection of studies edited by Martin–Hailbroner 2003). They reflect on both state/ community and individual concerns, as dual citizenship, like all legislation and regulations, is enacted and realised through actor’s agency. Their interpretation and practice of (dual) citizenship or other forms of belonging are both source and accomplishment of the legislative process.

Those in favour of dual citizenship insist that it *facilitates and furthers integration*, by removing at least one obstacle against naturalization, that of renouncing the citizenship of the origin country (see studies in Aleinikoff–Klusmeyer 2000, Hansen–Weil 2001, 2002). Moreover, border-crossing ties consti-



tute *specific resources* held by citizens with immigration background, that assist them be successful in public life (Faist et al. 2004). Dual citizenship can be a *value-generator*, as dual citizens may act as carriers of Western liberal democratic values into their origin countries. Finally, there is a *normative requirement of congruence between the "people" and the resident population*, and a *practical impossibility of preventing dual citizenship*, since no state can dictate the nationality regime of another state in the absence of an agreement on a common nationality policy in the international arena (Hansen and Weil 2002).

The arguments against dual citizenship declare the *indivisibility of loyalty* and conceive it as a *threat to state sovereignty* (for a review see Bosniak 2003: 38–9). They assert that dual citizenship *increases international instability* by creating conflict over tax, inheritance, military service, and property (Martin 2003). Dual citizenship constitutes an *impediment to integration*, by maintaining and supporting attachment to a foreign language and culture (Faist et al. 2004, Hansen–Weil 2002). More importantly, dual nationality *violates the principle of equality* (including the precept of "one person, one vote"), as dual citizens have access to the social space, resources, and citizenship entitlements of two states. Dual citizenship *challenges the congruence between the people and state authority*, as dual nationals have the option to exit when political outcomes are not to their liking (Faist et al. 2004).

Studies based on empirical, fieldwork data, have investigated the reasons of states in accepting and promoting dual citizenship or other forms of multiple belonging. Research is predominantly structured by the issue of *immigration*, and contrasts three main models of citizenship related to evolving trends and theoretical approaches in the field of international migration: the *traditional model* of sovereign nation-states, the *transnational model of deterritorialized citizenship* developed to describe multi-stranded social relations linking two or more national societies (Basch et al. 1994), and the *postnational model* that asserts that rights and benefits traditionally associated with citizenship are now increasingly vested in individuals, and derive from their "personhood," rather than membership in nation-states (Soysal 1994).

Most of these studies focus on several notorious cases only: the United States (Basch et al. 1994, Escobar 2001, Jones-Correa 2001, Joppke 1999, Levitt-de la Dehesa 2003), the United Kingdom (Hansen 2000, Joppke 1999), Germany (Faist–Triadafilopoulos 2006, Green 2005, Joppke 1999, 2005), and France (Kastoryano 2002, Weil 2002). They scrutinize both the reasons of the receiving states' political actors in accepting dual citizenship: liberal rationales, electoral strategies, or the pressure of civic organizations and businesses – "client politics," and motives of the sending states: to harness remittances and economic investments of co-nationals abroad, to secure influence over policies in destination states, to promote security and welfare for emigrants.

The collections of studies aiming to give a larger, comparative coverage of (dual) citizenship policies are often limited in their scope as they focus overwhelmingly (and naturally) on the immigration countries of Western Europe and North-America (Aleinikoff–Klusmeyer 2000, Faist 2007, Faist–Kivisto 2008, Joppke 1999,<sup>6</sup> Hansen-Weil 2001, 2002). With the exception of several studies scrutinizing citizenship policies in the Baltic countries (Barrington 2000, Orentlicher 1998), Russia (Ginsburgs 2000), former Yugoslavia (Štikš 2005), or Hungary (Kántor 2004, Yeda 2006, Kovács 2006), there is very little scholarship on the topic of citizenship policies, and practice of dual citizenship, in Central and Eastern Europe (Brubaker 1992b, Liebich 2000, Faist–Kivisto 2008). This study intends to enrich the theoretical discussion on dual citizenship by focusing on this under-investigated area of study.

## Dual Citizenship in Eastern Europe

■ If immigration is the most important phenomenon causing the reconsideration of principles of citizenship and nationhood in the Western world, and represents the main generative source of dual citizenship, the context is significantly different in Eastern Europe.

The fall of the communist regimes and the break-up of multinational states in Central and Eastern Europe fostered deliberation and debate on the founding principles of the new democracies and independent states, and the constitution and definition of the boundaries of their political communities

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6 Joppke discusses countries that favour immigration of ethnic affinity, whose main rationale is recognizing previous economic and colonial emigration (Joppke 2005).



(Brubaker 1996, Stark–Bruszt 1998, Elster et al. 1996, Linz–Stepan 1996, Smith 1996a, 1996b). Central to these discussions were *identity issues*, depicted by the relationship between nation and state, “nationality” and citizenship.<sup>7</sup> The struggle over the meaning of these two different forms of membership marked the course and outcome of state building politics.

My previous research investigating state building strategies in Eastern Europe - as revealed through constitutional deliberations over representations of the state and choice of institutions - showed that states had generally followed the logic of historical “restoration” (Culic 2003, 2004). Legitimacy claims and institutional forms were set upon the strive to assert statehood antiquity and continuity. Identifying a “Golden Era” of independent statehood and nation-building in the past, states were rebuilt according to ethnic-national lines as states *of* and *for* a particular nation (see Brubaker 1992a: 21, 28, 46; and particularly 1996).

Citizenship policies lie at the core of state building processes in Eastern Europe, as they directly affect the body politic of the newly democratised, newly restored, or new states. As such they are expressive of, and shaped by elite and popular visions of the state and of its grounding principles, as well as by perceived threats to its integrity and welfare. Struggles in the political space are articulated by these visions which collide with specific interests of various social actors (organisations of national minorities, private employers, transnational human rights organisations, neighbouring kin-states, supranational bodies).

The most important elements shaping citizenship and dual citizenship policies in these countries, as core elements of state building processes, are thus the *historical legacies* – *legacies of past and present empires*, and, more recently, the movement towards *European integration - political, economic and social*. The most obvious lingering traces of past empires are the *intermittence of statehood*, the *presence of historical national minorities* of various degrees of ethno-cultural consciousness and political organization within national borders, and the *existence of more or less substantial ethno-cultural kin minorities abroad*.<sup>8</sup>

The urgency of asserting independent statehood not only led states to adopt Constitutions which affirmed strong genealogies and traditions of statehood (Culic 2003), but also informed moves to produce peculiar decoupages of both its population and its nation through (dual) citizenship. States that conceived of themselves as demographically fragile (in terms of volume of population, and / or ethnic distribution), having experienced forms of dependence, occupation, incorporation, or (perceived or actual) national oppression, and which may have had or still have unresolved or unsettled territorial disputes with former federal units or their inheritors, tended to take unfavourable stances towards dual citizenship.

For example, Estonia (briefly discussed in a further section), states in Article 1(2) of its *Citizenship Act*: “An Estonian citizen shall not simultaneously hold the citizenship of another state.” Estonians naturalizing as nationals of other states automatically lose their Estonian citizenship, according to Article 2(4) “Estonian citizenship is lost through release from or deprivation of Estonian citizenship or upon acceptance of the citizenship of another state” (see also Article 22(3) on the Loss of Estonian citizenship, and Article 29). According to Article 3, “Persons who by birth acquire the citizenship of another state in addition to Estonian citizenship shall renounce either their Estonian citizenship or their citizenship of the other state within three years after attaining the age of 18 years.” Article 5(3) nevertheless declares that “No one shall be deprived of Estonian citizenship acquired by birth,” making it genetic to Estonianness, and introducing conflict with the previous provisions. Aliens who wish to become Estonian citizens must relinquish their previous citizenships.

The Polish Citizenship Act of 1962 states that “In accordance with Polish law, a Polish citizen cannot at the same time be recognized as a citizens of another state” (Article 2). Also, “Subject to the exceptions provided for in this Act, a Polish citizen may acquire foreign citizenship only by permission from the Polish competent authority to change citizenship. Acquisition of foreign citizenship shall bring about the loss of Polish citizenship” (Article 13, Paragraph 1). New citizenship legislation provisions do not allow for a citizen to be stripped of his/ her Polish citizenship against his/ her will. From 1 January 1999, Polish

7 Nationality and citizenship are two different words in the languages of Eastern Europe, and denote two different things. Nationality refers to the person's belonging to a nation conceived in ethno-cultural terms. Citizenship refers to the person's legal attachment to a state. See also Note 4.

8 More formally, the characteristics of a state's population (ethno-national distribution, rate of minority diffusion, volume) explain much of the variation in citizenship legislation and related policies.



citizenship may be lost only if the person renounces it himself/ herself, and receives permission to do so from the President of the Republic of Poland. This is the President's constitutional prerogative.

Problems may arise if a Polish citizen identifies oneself to Polish authorities using foreign identification documents, or doing military service in a foreign country. The only exception is made when a bilateral agreement has been put in place to recognize the foreign citizenship of an expatriate Polish citizen (such an agreement was negotiated in 1972 as a Consular Convention between the United States and Poland, which would recognize a Polish citizen as an American citizen provided s/he held a Polish visa. However, as Poland has eliminated visa requirements for US citizens in 1991, this Convention's provisions do no longer apply.)<sup>9</sup> The law also provides that "Marriage to a Polish national does not affect citizenship of both parties," and that "Granting Polish citizenship may be dependent on submitting evidence of loss of or release from foreign citizenship." Such ambiguous formulations, and the tacit recognition of the reality of dual citizenship in practice, express Poland's uncomfortable relation to its own definition of nationhood. In 2000 Poland enacted the Repatriation Act, "recognising that the duty of the Polish State is to allow the repatriation of Poles who had remained in the East and in particular in the Asian part of the former Union of Soviet Socialist Republics and due to deportations, exile and other ethnically-motivated forms of persecution could not settle in Poland." The law does not require the repatriates to abolish their previous citizenship.

Communist empires left a similar legacy (see Kymlicka–Opalski 2001). Complicated by Marxist and Stalinist theoretical elaborations, the "nationality" issue has taken particular institutional forms in the two multi-national federations, the Soviet Union and Yugoslavia. They now reinforce themselves by providing a basis for citizenship policies in the successor states. The subjects of these policies are the *internal migrants* settled in second (successor) states, during the communist period, and the *external co-ethnic (co-national) emigrants*, settled in second (successor) or third countries. Citizenship laws have been used to distinguish between legitimate members of the state, defined in ethno-national, cultural, ascriptive terms, and "foreigners," that the state wanted to exclude (many provisions of naturalisation introduced for these internal migrants seemed to have had the sole role of encouraging "foreigners" to leave the country and "return" to their national mother country). (See for example the cases of Estonia, and Slovenia and Montenegro.)

Citizenship policies are dependent on *elite and popular representations of the (new or newly independent) states*. For countries like Estonia and Latvia, the definition of the state as a "restored" state (Barrington 2000: 294, Brubaker 1992b: 277–279), that needs to be reconstructed according to (ethno-) national, historical lines, against the (cultural and other) distortions provoked by the incorporation into an alien empire (the former Soviet Union), has led to exclusive citizenship policies that left out of the political community many of the long-time communist-era residents, and explicitly prohibited dual citizenship (for the case of Estonia). Other countries prohibiting dual citizenship are Ukraine, Georgia, the Czech Republic, and Belarus by the 1991 Citizenship law), as well as Croatia, Latvia, and Slovenia, for aliens naturalized as citizens).

States that conceived themselves as multinational states, or grounded their sovereignty in the political community (population) rather than the ethno-cultural community (people/ Nation) adopted more inclusive citizenship laws, but still did not approach favourably dual citizenship. The only countries that explicitly or implicitly accepted dual citizenship are Albania, Bulgaria, Hungary, Romania, and Slovakia. Except for Slovakia, these countries have large portions of their "nation" living in neighbouring countries, and they all extended generous offers of "repatriation" or "restoration of citizenship". In intention and effect this is a form of historical rectification of past injustices – to citizens that were left outside the borders of the mother country and their descendants, or to co-ethnics living in historical regions to which they may entertain some remote symbolic claims<sup>10</sup> (see subsequent section).

However, as Barrington (2000) shows, the various understandings of the "state" and the "nation" cannot fully account for policy decisions in this area. International organizations (EU, CSCE/OSCE, Council of

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9 Poland had concluded a number of conventions to avoid dual citizenship (with the USSR, East Germany, Czechoslovakia, Hungary, Bulgaria and Mongolia), which stipulated that individuals holding dual citizenship were obliged to choose one citizenship within a specified period of time. If they failed to do so, they forfeited one of them. These conventions are presently no longer binding.

10 I refer here to historical kingdoms and other more or less imagined "national" territorial units that constitute part of the historiographical imagery of nation building and state building.

Europe) functioned as important leverage in homogenizing citizenship policies in these countries, and aligning their legislation to European norms (Barrington 2000: 286–292). The desire to join the European Union and other European structures determined states to alter their initial stance with respect to “aliens,” in the process of complying with European standards (Barrington 2000, Štiks 2005). And the relationship evidently works in both directions. EU commitments to states in the region – taking the form of some sort of clearly and firmly worded accession or partnership promise – is one of the ingredients of successful state building and ethnic-minority protection in fundamentally ethnic-national (self-)defined states (see for example the case of Croatia).

### **Vignette 1: Configuring citizenship**

The majority of the newly independent states were remade on national principles, as states whose ultimate aim was to engender, assist, and protect the flourishing of a particular (ethnic) nation and its culture. Citizenship legislation was used as a mechanism of some sort of social and political engineering. The objects of such adjustment were the political community, defined variably as the People or the Nation (and constituting the electorate), and the resident populations conceived as “alien” or “foreigner” (see Culic 2003).

The successor states of former Soviet Union and Yugoslavia privileged their “constitutive” or “titular” ethnic (national) group, and imposed many difficulties in acquiring citizenship to the nationals of the other republics, who were their permanent residents at the moment of independence. While most of the successor states followed the principle of legal continuity in designing their citizenship laws, many imprecise provisions or administrative obstructions prevented residents belonging to the minority nationalities acquire citizenship and legalize their situation.

In the Soviet Union republican citizenship had little practical significance, and the union republics did not issue citizenship acts. However, the system of internal passports, introduced to control mobility, came to be seen as criterion for republican citizenship. Parallel to this, and inscribed in the internal passports, functioned the system of personal nationality, based exclusively on the principle of *jus sanguinis* (or individual choice in case of mixed origin). Several successor states (Estonia, Latvia) followed the restoration principle according to which only the citizens of the pre-war independent states and their descendants were awarded citizenship, while all the rest, who came to or were born in these countries during the Soviet era, were declared aliens and imposed harsh conditions for naturalization. For example, in Estonia the compulsory one-year waiting period after application for citizenship had important political consequences, as non-citizens - about 500,000 of a 1.4-million population - could not vote in the 1992 general elections (Culic 2003). The Law on Aliens that followed in 1993, meant to regulate the status of non-citizens, required them to obtain residence permits that were to be renewed annually, thus producing great feelings of insecurity. Even though Russia granted citizenship to all former Soviet citizens, Estonian residents did not apply for Russian citizenship, for fear of being prevented to renew their Estonian residence permit, thus prolonging their statelessness status. Both Estonia and Latvia subsequently altered their citizenship policies, under pressure from European institutions (Council for Security and Cooperation in Europe, European Union, Council of Europe).

Russia extended citizenship to all former Soviet citizens. Following international best practices in the case of state dissolution, this approach was intended to prevent the occurrence of cases of statelessness, but also to give Russian ethnics in successor states a sense of belonging and security. Statistics indicate that significant numbers of immigrants from ex-republics of the former Soviet Union obtained Russian citizenship since 1992 (see e.g. Ginsburgs 2000: 179–180). Many of these were not ethnic Russians, but individuals whose main rationale was economic. Starting with 1993, Russia also allows for dual citizenship in cases specified by international treaties (Turkmenistan, Tajikistan) or federal law. Indirectly, by not requiring a proof of renunciation of other foreign citizenship, dual citizenship (or rather, the situation of bipatride – see below a



discussion of this) is also an occurrence in the Russian Federation. The 2002 Citizenship law hardened the conditions for accessing to Russian citizenship, and it does not distinguish between third country nationals and immigrants from the former Soviet Union republics. The new law once more requires proof of release of previous citizenship, in order to acquire Russian citizenship, unless dual citizenship “is provided for by an international treaty of the Russian Federation or this Federal Law, or if the renunciation of another citizenship is impossible for reasons beyond the person’s control.”

Moreover, Russian citizenship law explicitly addresses the issue of Russians citizens abroad. Paragraph 2 of Article 7 provides that “State authorities of the Russian Federation, diplomatic missions and consular authorities of the Russian Federation outside the Russian Federation and their respective officials shall have the duty to make every effort to ensure that citizens of the Russian Federation be given the opportunity to fully exercise all the rights established by the Constitution of the Russian Federation, federal constitutional laws, federal laws, by the generally accepted principles and rules of international law, by international treaties of the Russian Federation and by the laws and regulations of their host State, and the opportunity to protect their rights and legitimate interests.” Russia does not recognize other citizenship than Russian for Russian citizens, and refuses to take into account the legal consequences of a person holding a second citizenship. This allows for interference in the affairs of other states on behalf of its citizens, residents in these states. And Russia did use this approach of “priority assigned to [its] jurisdiction over the members of this constituency [which] is not hedged in with any reservations whatever for the sake of accommodation the other state’s stake in the same individual” (Ginsburgs 2000: 201) in order to impose its position in areas of interest, such as separatist regions of Transnistria in Moldova, or Abchazia in Georgia.

Yugoslavia’s system of dual nationality, set up by the 1974 Constitution, proclaimed that every citizen of a republic was “simultaneously” a citizen of the SFRY, and thus, any citizens of a republic, found on the territory of another republic, had the same rights and obligations as the citizens of that republic. The under-conceptualisation of the relationship between the two citizenships had consequences at the time of the dissolution of the federation. Administrators, citizens, and legal scholars did not agree on the primacy of one citizenship, republican / federal, over the other. Federal citizenship was legal internationally, while republican citizenship had only an internal role. Citizen registries were republican, not federal, and as a result of changes in republican citizenship laws, unawareness of the significance of the republican citizenship, and unclear procedures, they were not complete. This made it impossible for a large number of individuals to register as citizens of their respective successor states.

Since the federal citizenship guaranteed equality of rights of citizens living outside their republics the lack of relevance in everyday life of the republican citizenship stimulated (primarily economically motivated) territorial mobility within the federation. At the moment of the independence a large number of individuals lived outside their republic of origin, and had developed personal or family ties across republican borders. These persons encountered significant problems at the moment of the dissolution of the federation, because federal citizenship lost its consequence, while republican citizenship became the main criterion for acquisition of the citizenship of the new state.

*Croatia:* Having defined Croatia the “the national state of the Croatian people and a state of members of other nations and minorities who are its citizens (Serbs, Muslims, Slovenes, Czechs, Slovaks, Italians, Hungarians, Jews and others)” by Constitution, Croatian political elites established citizenship of Croatia according to principles of legal continuity and Croatian ethnicity. Croatian citizenship was automatically granted to all those who held the republican citizenship. For the rest of the residents, the article providing for the naturalization of foreigners applies. Article 8 of the Law on Croatian Citizenship requires that the applicant had his/ her foreign citizenship revoked, has been residing in Croatia for at least five years, that s/he is proficient in the Croatian language and Latin script, and that “a conclusion can be derived from his or her conduct that he or she is attached to the legal system and customs persisting in the Republic

of Croatia and that he or she accepts the Croatian culture." Apart from the problems encountered by those who had less than five years of residence or could not prove the release from citizenship of previous republican citizenship, more difficulties were posed by the employees of the Ministry of Internal Affairs, who had been granted discretionary power to judge whether an applicant met the above criteria, without having to state the reasons in case of refusal (Štiks 2005).<sup>11</sup> The law clearly favoured ethnic Croats, providing privileged naturalization to both "member[s] of the Croatian people who do[es] not have a place of residence in the Republic of Croatia" (Article 16), and "emigrant[s], as well as [their] descendants" (Article 11). These are not required to reside in Croatia, nor do they have to be proficient in the Croatian language. Also, they are not required to relinquish their foreign citizenship.

*Macedonia:* A similar approach was taken by Slav Macedonian elites, which devised a Constitution establishing Macedonia "as a national state of the Macedonian people, in which full equality as citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachs, Romanics and other nationalities living in the Republic of Macedonia." A residency condition of 15 years was imposed in the Act on Citizenship for naturalization, aiming at Kosovo Albanians, while emigrants and their first generation descendants could access to Macedonian citizenship without having to meet the residency requirement, and without having to renounce their foreign citizenship.

*Former Yugoslavia:* Yugoslavia (Serbia and Montenegro) postponed the moment of writing a new citizenship law until 1995, with the act entering into force in 1996. According to Štiks (2005, quoting several sources), "the 1995 explication to the draft of the law gives an instruction that the refugees from the territories under control of Bosnian or Croatian Serb authorities should not be granted citizenship, and 'transitional provisions' of the 1996 law explicitly [states] that decision upon granting the FRY citizenship to the citizens of other republics (refugees) should not be in collision with the interest of Yugoslavia's security, defence, and international position. The law made the acquisition of new citizenship apparently very difficult for Serb refugees." This was interpreted as part of a strategy aiming at territorial Serbian expansion.

International organizations' pressures and subsequent alignment to international norms were reflected in the transformation of several standard requirements for naturalization in the provisions of citizenship laws: shorter length of residence (e.g. Macedonia, from the original 15 years of stay required by the 1991 Act on Citizenship, to 10 years, as amended in 2002 – to which an oath of loyalty to the state was added, to 8 years, according to the last amendment in 2003); relaxation of language proficiency requirements (e.g. Estonia and Latvia); observation of the principle of uniformity of citizenship in a family, by relaxing the requirements of naturalization for foreign spouses of citizens (e.g. Macedonia, Russia).

The other face of the legacy of empire in Eastern Europe is national states having substantial national minorities *abroad*, whose status suffered various changes during the communist regime. Eastern European states devised competing views of nationhood and citizenship in order to mitigate the problem of *external minorities* and to provide institutional forms for their symbolic and practical belonging to the nation.

The fierce debate over Hungary's "Status Law" (*Act LXII of 2001 on Hungarians Living in Neighbouring Countries*), which introduced an institutional form of trans-state national belonging through its "certificate of Hungarian nationality," is a symptomatic example for the efforts to re-conceptualize the Hungarian nationhood in a deterritorialized form. Romania and Slovakia's protests made the law subject and source of substantial conceptual, theoretical, and political elaborations and repositioning (Kántor 2004, Yeda 2006). The law was to be annulled, in terms of its more lucrative practical significance, by Hungary's access to the European Union in 2004.<sup>12</sup> It was then followed by a proposal to grant dual citizenship to

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11 This applied until 1993, until a Constitutional Court's decision was made against it.

12 Another symptom of its largely symbolic character.



Hungarian ethnics abroad (and continuing to live abroad, in neighbouring home-states). Submitted to public sanction on 5 December 2004, the proposal was rejected. Still, Hungary continued to foreground different modes of institutionalising its relationship with the kin-minorities abroad, from introducing a “national visa,” came into force on January 1, 2006, permitting extended access on Hungary’s territory to Hungarians who want to “preserve their language or cultural and national identity, or to cultivate family ties,” to the *Homeland Program* introduced in 2005, “a supplementary overall economic development and job-creating frame program to support the operational goals of the Homeland Fund” (Government Office for Hungarian Minorities Abroad, HTMH, [www.htmh.hu](http://www.htmh.hu)).

## **Vignette 2: Hungary’s attempts at extra-territorial dual citizenship**

The Hungarian referendum on granting double citizenship to kin-minorities living in neighbouring countries failed because of the low voter turnout of only 37 per cent of the electorate.<sup>13</sup> Double citizenship has been supported since mid-1990s by the World Hungarian Union (MVSZ) as the form through which the Hungarian state should institutionalise its relationship with the members of the Hungarian nation left outside Hungary’s borders. One such envisioned objectified form was the idea of an external citizenship (adopted in May 2000 by the World Congress of Hungarians). In the summer of 2000 MVSZ framed a law proposal to grant Hungarian citizenship to Hungarians outside the borders in the practical form of a Hungarian passport, permitting free travel in the Schengen space, but being devoid of most rights and obligations associated with proper citizenship. Despite its support by the Hungarian population in Romania and by the Democratic Alliance of Hungarians in Romania (RMDSZ), many claims of juridical and political difficulties prevented the bill to enter the debate agenda of the Hungarian Parliament.

The issue of double citizenship appeared once again on the Hungarian political elite agenda after the closing of the chapter of the “Status Law” and Hungary’s accession to EU. The referendum on double citizenship was not initiated by the Hungarian government or by an organization within the Hungarian political space however, but by MVSZ. The proposal asked that the Hungarian Parliament adopt a law offering preferential naturalization and citizenship to ethnic Hungarians living outside Hungary’s borders (the formulation referred to the “Status Law”, making its recipients the beneficiaries of the proposed legislation too). The advantages of holding Hungarian citizenship were obvious, and were congruent with the advantages of belonging into the EU, especially the economic ones. Apart from that, ethnic Hungarians could have easily immigrated into Hungary, or, had they decided to stay in their host-states, they would have benefited of the protection of the Hungarian state. The enthusiasm and support received by the proposal from ethnic Hungarians abroad were surely fostered by the prospect of these advantages, leaving national sentiment a secondary concern. This proposal once again triggered an exchange of warnings from the neighbouring states, Romania in particular, around issues of sovereignty, group rights, discrimination among national populations in the home-state, and legality of such national legislation having as object citizens of a second state. The referendum once again reflected the division within the Hungarian political space. The Civic Union (FIDESZ), led by Viktor Orbán, placed itself on the side of the proposal, adopting a rhetoric that played on the nationalism card. Attacking the ruling party, which opposed the referendum, Orbán stated that the referendum would determine “for our descendants (...) what kind of Hungarians we were.” Prime Minister Gyurcsány retorted against nationalism with Europeanism, insisting that Hungary should let go her past and focus on the process of full European integration, and accused Orbán of cultivating nationalist populism.

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13 This section follows Culic 2006.

The international community was once again arbiter, and the European Commission issued a statement on 6 December 2004 stating that it was Hungary's full right to have a referendum on citizenship.

Important enough were the reactions of ethnic Hungarians in Romania at the result of the referendum. On a background of bitterness, estrangement, scorn, and irony, they articulated re-conceptualisations of a fragmented nation. The politics of the Hungarian government between 1998-2000 and the activity of MVSZ created expectations through their post-modern discourse on nation and nationhood. By downplaying the relevance of territorial borders in a united Europe, they created what I called a *dependency syndrome*, in terms of an "alternative space" to carry on existential strategies, and whose access key was Hungarian citizenship. Moreover, these Hungarians developed a worldview in which access to both clubs was granted: they expected to benefit from both what the Romanian state, and the Hungarian nation could provide, at the same time, and were upset with both of them when they did not obtain the maximal package. Also, these dual citizenship promises and the multiplicity of forms of belonging promoted by the Hungarian and the Romanian states made it difficult for Hungarians in Romania to fully internalise the flux of post-communist changes, in their existential chances, ethno-cultural identity, and political belonging. In a certain way, the Hungarian community in Romania has been entrapped in the state building strategies of both countries.

That citizenship policies and laws can only be fully understood, in both formulation and practice, in interaction with citizenship policies and laws of other (second) states, is almost a truism. Estonian and Latvian citizenship policies and the related laws on aliens cannot make full sense solely from the lens of ethno-national state restoration. They are better comprehended in relation to Russian moves towards Russian residents in successor states, and its inclusive extra-territorial understanding of its citizenry. The provision requiring non-citizens to renew their residency permit annually was intended to, or at least had the effect of, discouraging them to remain in the republic (which correlated with the financial incentives offered to those who intended to resettle in the Russian Federation), and take advantage of the citizenship offer granted by Russia.<sup>14</sup>

### **Vignette 3: Romania's intricate relationship with Moldova: one nation, two states, fuzzy citizenries**

Romania and Moldova share history, language, and citizens. This has been an essential ingredient in Moldova's post-Soviet state building, a failed one. Dual citizenship is one of the articulation points in this intricate relationship, and is expressive of the complexity of state building efforts under uncertainty about the identity of the nation.<sup>15</sup>

Since the annexation of Bessarabia in 1812 by the Russian Empire, this territory and its population underwent a tortuous historical process of territorial, national, and statehood transformation. In accordance with the various national policies carried out by the Russian and Soviet leaders and their strategic interests, the level of autonomy and the territorial borders of the province changed a number of times, to reach statehood as the present independent Republic of Moldova, declared in 1991. While during the Tzarist Empire there has been no attempt at providing a version of national history, ethno-genesis, or national identity to the largely rural and illiterate Romanian population (Pelivan 1920: 9–12), which identified mainly in terms of local attachments, the contrary is true for the experience of the province under Soviet and Romanian

14 See also a more complex analysis in Barrington 1995: 739–40.

15 As many authors suggest (see Kymlicka-Opalski 2001), successful state building in post-communist Europe depended on a successful (ethnic) nation building. This is the basis of subsequent transformations of the state into a liberal, democratic, civic nation state.



rule. Following the 1918 Union with Romania, an intensive Romanianization process of Bessarabia was carried out, engendering mixed feelings in the local population with respect to the Romanian administration (see Livezeanu 1998: 111–156). Re-annexed by the USSR in 1940 and 1944, Moldova was turned into a Soviet Socialist Republic (SSRM). This was preceded by the artificial setup of an Autonomous Soviet Socialist Republic of Moldavia (ASSRM) within the Ukrainian SSR in 1924, and this was intended as a territorial basis for political agitation aiming at the “reunification” of Moldova. Made up of mainly Slavic speaking people, it was the statal precursor of the SSRM. When Moldovan SSR was created, only a part of the ASSRM was allocated to it: Transnistria.

In 1925 the Comintern introduced the notion of “Moldovan nation” as part of the official dogma. The Soviet history rewritten several times an autonomous history of Moldavia, alternatively emphasizing the Slavic element in the Moldovan ethno-genesis, the socialist construction of the nation, or the process of nation-building as a result of capitalist development. At the same time, a Moldovan language started to get an autonomous life of itself. In contact with the Romanian interwar administration, the language spoken in specific dialect by the Bessarabians, and read with difficulties in Latin alphabet, was increasingly assumed as “Moldovan,” while the educated strata of the population preferred to speak Russian.

The emancipation movement of the late 1980s and the December Revolution in 1989 in Romania brought RSSM closer to the Romanian state, as the latter enthusiastically took up the revival of Romanian language and culture in the republic. At the same time, once asserted its nationhood, it was clear that RSSM could not define itself outside a relation with the Romanian nation and its independent state. A strong symbolic victory was marked on 5 June 1990, when the name of the republic was changed from the Soviet version Moldavia, to the historical name of Moldova.

On 27 August 1991, after the state coup in Moscow, the Parliament declared, not very convinced, independence. Romania recognized the new state hours after. At this point, possibilities of a union with Romania became very problematic. Separatist claims from Russofiles in Transnistria and the Gagauz minority, as a reaction to a perceived Romanianization of the country and consequent lose of economic and political advantages, complicated the situation and drew even further away the possibility of a union. By 1994 on the background of economic integration and dependency with Russia, the topic of the union with Romania disappeared from the mainstream discourse in Moldova and became confined to nationalist groups trying to score electoral points in Romania. The Moldovan President Mircea Snegur was an adamant supporter of Moldovan state independence, and by 1994 the support for reunification dwindled away. The Popular Front (Frontul Popular), refashioned as the Popular Christian Democrat Front (Frontul Popular Creștin Democrat), the sole party promoting the independence, won only 7.5 percent in the February elections. At the 6 March 1994 referendum, in which the Transnistrian and the Gagauz populations did not take part, 95 percent of the participants voted against unification with Romania.

Increasingly, the state got an identity of its own, which was not that of a second Romanian state but rather that of a state for the multi-ethnic society of Moldova, fostering a matching national identity. The 1994 Constitution described the official language as “Moldovan language with Latin script.” On 9 February 1996, the Parliament rejected the motion to term the national language Romanian with 58 votes against 25. The Law regarding the rights of the persons belonging to national minorities of 2001 introduced actual Moldovan-Russian bilingualism in the public space (*Law of the Republic of Moldova regarding the rights of the persons belonging to national minorities and the legal status of their organizations*, No. 382-XV of 19 July 2001). The Conception of the National State Policy of Moldova, devised by President Vladimir Voronin and adopted as law (*Law of the Republic of Moldova on approving the conception of the National Policy of the Republic of Moldova*, No. 546 of 19 December 2003), described the republic as “the political-legal continuation of the centuries long continuous statehood of the Moldovan people” and stated that “the Moldovan-Russian and Russian-Moldovan bilingualism which had been historically established is characteristic for Moldova.” The



official terminology, which supplies the administrative and practical categories of organizing the social world, talks about the principle of poliethnicity, multiculturalism and multilingualism in the process of consolidation of the unique Moldovan people" (*Conception of the National Policy*).

If statehood occurred unexpectedly, it was easy to deal with. However, Moldova's continuing road to fully fledged nationhood is a tortuous one. The appropriation of the history of the old principality of Moldova, the invention of a Moldovan language, and the declaration of a Moldovan people cannot wipe away Greater Romanian nationalism so easily. Romania expressed its interest in strengthening the relations between the "two Romanian states," a formula initially put forward by the Moldavian Popular Front in 1989. To this end Romania granted Moldovan citizens the right to visa-free and passport-free travel to Romania. The new "Law on Romanian citizenship" adopted by Romania in March 1991, introduced new criteria for ascribing and obtaining Romanian citizenship. Among the novel stipulations was restoration of citizenship. Article 37 of the law allowed former Romanian citizens, who, before 22 December 1989, had been stripped of their Romanian citizenship for various reasons (including redrawing of state borders), the possibility to reacquire Romanian citizenship by request (aimed principally at Romanians who had lost their citizenship during the communist regime, as a result of their flight abroad). The main beneficiaries of the restoration provision were the inhabitants of the (then) Moldovan SSR, and of the former Romanian territories of Northern Bukowina and Southern Bessarabia, now in Ukraine. Granting dual citizenship to inhabitants of these two countries,<sup>16</sup> Romania was advancing a strategy of unification of the political community, a gradual step in a possible process of a more substantial political reunification.

As a new state, Moldova adopted inclusionary citizenship legislation, based on the territorial principle of legal continuity of citizenship. All permanent residents of the republic at the time of the declaration of independence were given full citizenship rights. The Constitution of Moldova however stated that Moldovan citizens could be citizens of other states only in cases of international agreements of which Moldova was a party. As Moldova and Romania had not signed any such agreement, acquiring Romanian citizenship put Moldovan citizens into violation of Moldovan legislation. Only as late as July 2003, failing various attempts to prevent the boost of dual citizenship,<sup>17</sup> did Moldovan President Vladimir Voronin propose a Law on Dual Citizenship, allowing the Moldovans who acquired Romanian citizenship, and the estimated 140,000 Moldovans who also held Russian citizenship, 60,000 who held Israeli citizenship, and several tens of thousands who have Ukrainian citizenship, to enter legality.

Granting the possibility to obtain citizenship to the bulk of the citizenry of another country, with or without imposing the condition of residency (the latter is the case of the Romanian citizenship law), may trigger some substantial migration of ethnic affinity. Motivated by the need to improve their economic situation, diversify their income, and control the risks of a dependent economy, many Moldovans came to Romania. There is a widely shared public perception that Moldovans flooded the Romanian space, based on their presence in informal market places and universities.<sup>18</sup> However, the 2002 census recorded only 3,576 Moldovan citizens residing in Romania, of which 2,125 had been staying in the country for over 12 months. Estimates of the number of Moldovans who obtained Romanian citizenship, circulated in the public space, also varied between 300,000 (Iordachi 2004: 247–250, 253–257) and the utterly unrealis-

16 Citizenship was not aimed at ethnic Romanians only, as other similar kin-state legislation in Eastern Europe provided, but at any former citizens of Romania and their descendants, irrespective of their ethnic belonging. However, in the line of restored states model, Romania did not grant the possibility to acquire Romanian citizenship to those inhabitants of Moldova who immigrated into the republic during Soviet administration.

17 And failing to get to sign a bilateral treaty between Romania and Moldova.

18 Due to a generous continuing fellowship program of the Romanian government. According to the Romanian Ministry of Education and Research, the number of full fellowships offered by the Romanian government to Moldovan students in the academic year 2005-6 was as follows: 884 for high school pupils, 1000 for undergraduate studies, 120 for graduate studies. See [www.edu.ro](http://www.edu.ro). [Accessed 20 April 2007]



tic 1 million (in an interview with Ilie Ilaşcu, published in *Moldova Noastră*, March 18, 2005). The only source claiming to hold official figures released by the Ministry of Foreign Affairs, the Ministry of Administration and Internal Affairs, and the Ministry of Justice, indicated that 96,496 Moldovans received Romanian citizenship by the end of 2005, of which the overwhelming majority were granted before 2002. Another 15,345 applications are pending (George Damian et al., "România bagă vize pentru şase milioane de români", *Ziua*, February 1, 2006).

A record number of applications for Romanian citizenship were filed at the end of 2001, preceding the lifting of visa requirements to access the Schengen space for Romanian citizens, on 1 January 2002. Due to the lack of administrative resources to process the applications, the Romanian government decided to suspend the Article 35 of the Law on citizenship for six months, thus preventing new requests for restoration of citizenship for Moldovans (Urgent Ordinance 176/2001). The number of applications for Romanian citizenship stayed at soaring levels for the rest of the year 2002 (August-December), determining the Romanian government to issue another Ordinance, preventing repatriation for six months, as stipulated by an earlier alteration of the law (Urgent Ordinance 160/2002). After Romania had been pressed by the EU for stricter control of her Eastern borders in exchange for visa-free access in the Schengen space, Romania introduced the requirement of passports for Moldovan-Romanian border crossing. Moldova continues to be on the EU's list of countries whose citizens require a visa for entry. Moreover, with the enlargement process, all Central and Eastern European candidate countries (except for Romania) have introduced visa requirements for Moldovan citizens. The process of granting restoration citizenship was stalled, as the Romanian government was precautious in turning more Moldovans into Romanian citizens.<sup>19</sup> In 2002 not one Moldovan received Romanian citizenship, only 6 in 2003, 257 in 2004 and 1,317 in 2005, compared to a number of 15,567 applications filed between 2003-5 at the Consulate in Chişinău (Damian et al., n.p.). This generated even more animosity and disappointment for Romanianist Moldovans, who experience everyday maladjustment in their relations with Romanians.

On another note, as Iordachi remarks, dual citizenship rather undermined, than strengthened, the Moldovans' desire for a reunification with Romania, as it offered the exit option to Romanianist intellectuals, students, pro-unionist activists, and artistic performers, who generally preferred to emigrate to Romania (Iordachi 2004: 249–250). As Romania opened its cultural, political and social space to Moldovans, the Romanianist Moldovans found an alternative and more profitable way to assert their Romanianness and to succeed in their profession in a Romanian state with a secure and strong identity.

Another commonly shared view within the Romanian public space is that Moldovans use Romania as a transit country to access the labour markets of the EU, taking advantage of the privileged access to the Romanian territory. Whether this view is substantiated by empirical statistical data remains to be established. However there is ethnographic evidence that Moldovans tend to adopt a utilitarian approach to their link with Romania and the access to political, social and economic benefits associated with Romanian citizenship. Better wages, better opportunities on the labour market, mobility to EU countries are the main reasons invoked when talking about their intention to settle in Romania or obtain Romanian citizenship, rather than asserting their Romanianness.

Intended to rectify past injustice towards the Moldovan population, the Romanian citizenship law expressed the larger scope of a reunification of the Romanian people into a single state. However, successive leaders of the Republic of Moldova interpreted this, and other acts of the Romanian political class displaying such a brotherly

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19 According to a subsequent Urgent Ordinance 43/2003, the Romanian government imposed a four year residency requirement for the former citizens who lost the citizenship before 22 December 1989, and their descendents of up to the second order.

interest,<sup>20</sup> as imperialist moves and independence threats. Under the 2000-4 administration of Romanian Prime Minister Adrian Năstase, the relationships between Romania and Moldova worsened continually. Only with the new Romanian President Traian Băsescu's expressed interest in Moldova's fate and Moldovan President Vladimir Voronin's unexpected European turn<sup>21</sup> had the relations between the two countries warmed somehow, with the first Romanian state's explicit attempt at formulating a foreign policy position with respect to Moldova.

However, the last developments in the relationships between Romania and Moldova took the form of tough attacks from President Voronin against Bucharest, and the Moldovan government, which accused Romania of "undermining national security and principles of statehood for which citizens of Moldova have sacrificed." (Ciobanu, Claudia-Oprea, Cristian: "Chisinaul ne acuza ca le furam moldovenii" *Cotidianul*, March 8, 2007). They also made reference to Romania's alleged refusal to recognize Moldovan sovereignty and independence,<sup>22</sup> and to recognize the Moldovan separate identity (Barber, Tony: "Moldovans suspicious of Romania's intentions" *Financial Times*, December 9, 2007).

One source of the Moldovan discontent lies in the increased number of requests for Romanian citizenship applied by Moldovans. These are estimated around 800,000-900,000 (including the family members of principal applicants). Also, the Moldovan government deplored Romania's intention to use the European Center for Visas to register applications for Romanian citizenship. All these were considered an intervention in Moldova's internal affairs. Romania has been ambiguous with respect to its prospect citizens from the Republic of Moldova: while the Minister of Justice, Monica Macovei, announced on March 2, 2007, that the procedures of reinstatement into Romanian citizenship will be simplified for those Moldovan citizens whose parents or grandparents were Romanian citizens, declaration reiterated by President Băsescu in September 2007, when he suggested that simplified access to Romanian citizenship will also solve labour force scarcity in the EU, the Home Affairs Minister, Vasile Blaga, warned on the negative effects of granting Romanian citizenship to Moldovan citizens, that is, the colonization of Moldova with Russian speakers, and proposed the solution of a "special regime (free) visa" for prospective workers from Moldova. (Popa, Simona-Popescu, Oana-Oprea, Cristian: Romania se teme sa nu lase Moldova fara romani. *Cotidianul*, March 19, 2007).

Clearly, the regime of restoration of Romanian citizenship for Moldovans has changed between 1991 and the present date. If until up to 1996 the image of Romania as a state where things were not advancing smoothly made it unattractive in contrast to Russia (or the European Union) and the free movement regime between the two countries made it easily accessible, it is now a complicated process involving a long wait to have the intention of obtaining citizenship acknowledged, and another long wait to actually get it. Even mediating paths to Romanian citizenship – via the system of study fellowships offered to Moldovan students by the Romanian state – has become more difficult in time, as there are more tests (including a language test) and more candidates to be admitted to it. Becoming a Romanian citizen is now the expression of the "exit option," where the exit is not necessarily – or only temporarily – Romania, but the European Union.

Unlike Hungarian ethnics turning themselves into Hungarian citizens, Moldovans do not conceive of the Romanian state as a homeland, a mother country, nor do they feel themselves unambiguously Romanian, facing a foreign Romanianness strengthening a separate "anti-Romanian" identity as expressed by the former. They are essentially accounts of instrumental strategies of improving life chances. But their stories of inclusion

20 See the Declaration adopted by the Romanian Chamber of Deputies on 14 April 1994 protesting against the decision of the Moldovan Parliament to join the Community of Independent States, or the Declaration of 29 July 1994 of the Romanian Government with respect to the adoption of the new Constitution of Moldova, which defined the state language as "Moldovan".

21 Expressed for the first time in November 2003, when he unexpectedly refused to sign the Kozak Memorandum.

22 See Popescu, Oana – Popa, Simona: Au atacat suveranitatea Republicii Moldova. *Cotidianul* December 14, 2007, for an account of Romanian Ambassador in Chişinău's attack of the terms of the 1947 Peace Treaty setting the boundaries between Romania and USSR, and the ensuing expulsion of two Romanian diplomats in December 2007.



talk of similar deficit of formative experiences. "I am not part of their tribes and their clans. I do not belong to their groups genetically . [...] I will never make part of the core of their groups, of none of them" (interview with VL, male, 39, Hungarian intellectual emigrated from Romania and naturalized Hungarian citizen, March 2008). The biologic metaphor of my Hungarian subject is consistent – they have not grown up together, they have not gone to school together. These are the times and places where friendships are forged and where networks of solidarity are developed. Moldovans subjects find same "genetic" differences impossible to overcome. "By 'integration' I mean to 'feel at home.' Not only me, but my wife, and other Moldovans, say the same. You, Romanians, for example, have a different sense of humour, your jokes are different than ours. If you have not shared them from the beginning, you cannot understand them. These are the things that constitute the glue, and this glue does not exist for us. It is hard to feel at home when these things are missing" (interview with BE, male, 31, IT specialist, emigrated from Moldova and naturalized Romanian citizen, March 2008. Original emphasis.) Paradoxically, not the emotional ties of nationhood, but the bureaucratic ties of legal citizenship become the source of commonality between the old and the new Hungarian and Romanian citizens.

## Dual Citizenship in Eastern Europe: What's There in It?

■ As Liebich's (2000) analysis of plural citizenship legislation in twenty-seven post-communist countries indicates, the numerous and varied versions of the institution of dual citizenship are hard to capture in a coherent scheme of categories. Moreover, dual citizenship regulations in these countries are in constant flux, as they have increasingly been striving for European integration, and have consequently been altering their post-communist citizenship legislation according to European and international norms in the field. The latter, themselves, are subject to continuous adjustment and reconsideration too.

We can make some sense of the practices of dual and multiple citizenship of states, and of the accomplishments of dual citizens, if we recognize that dual citizenship policies are (purposely) designed and altered to serve particular (elite or putatively popular) interests, or to solve a particular social-political problem. Identifying the dominant interest(s) that shaped these policies will allow us understand the particular characteristics of such legislation and interpret it in context. Broadly speaking, citizenship policies in post-communist countries have been the result of individual and competing state-building processes: political elites were constructing both internal and external boundaries for the newly formed or redefined states. As such, constitutional provisions regarding kin living abroad, and citizenship legislation provisions regarding dual citizenship for non-resident co-ethnics were expressive of various visions of the states, and their political, symbolic, and territorial grasp. The following ideal types express the variety of approaches to this dimension of statehood, encompassed by dual citizenship policies.

### Transnationalism

The literature on transnationalism is generous, and many empirical anthropological and sociological studies richly document the existence of persons who, through their traffic between countries and practices embedded in more than one national society, build multifaceted social fields, straddling national borders (Basch–Glick Schiller–Szanton Blanc 1994, Portes 1999, Portes–Guarnizo–Haller 2002, Vertovec 2004, among many others).

Many states have acknowledged this increased mode of economic and cultural adaptation of migrants, and have altered their legislation to meet the needs of these individuals, and to make the most of their enduring relationship with their origin state (Jones-Correa 2001, Levitt-de la Dehesa 2003). Thus, extraction possibilities associated with economic development opportunities, remittance benefits, leverage on destination state's international policies orientated toward the origin state, are the principal interests of home countries that encourage a favourable approach towards dual citizenship for their emigrant populations. Emigrants have been lobbying for dual citizenship following their own structure of interests: facilitated economic investment opportunities, right to property in origin country, right to inheritance, more objectified way of asserting and expressing an identity.

In post-communist Europe, the transnationalist version of dual citizenship is best captured by the case of German ethnics living in Poland (Silesia). Neither Poland, nor Germany, accepts dual citizenship, however, from both countries a tacit consent is granted to this class of citizens who, by virtue of birth and descent, qualify for citizenship in both countries. If Poland “does not recognize” another citizenship for its nationals – meaning that Poland does not recognize the legal consequences of German citizenship on its territory for dual citizens, it nevertheless allows for its citizens to gain and hold multiple citizenships.<sup>23</sup> Germans from Silesia use their German citizenship to obtain work in Germany and EU countries, and practice a form of transnationalism on the territories of these states.

### Extra-territorial Nationalism

Much of the rationale of dual citizenship provisions in Central and Eastern Europe states’ citizenship legislation is “remedial.” By granting citizenship to ethnics/ nationals/ kin abroad, these states attempt at a symbolic (and perhaps, to a certain degree, practical) reconstitution of the historical national space across present borders, based on an ethno-national definition of the nation. This “national reunification” through an extra-territorial institutionalised form can be both revisionist and innovative in form. The variety of *kin-state legislations* expresses the complexity and salience of nation as constitutive principle of present states (Council of Europe 2001).

Symptomatic for this is the *double standard* practiced by most states with respect to dual citizenship. While liberally granting double citizenship to national emigrants, foreign citizens of national extraction or descent, and co-ethnics living in neighbouring or third countries, under simplified procedures, sometimes simply at request, the naturalization requirements for foreigners are significantly more difficult (see e.g. citizenship legislation of Croatia, Latvia, Macedonia, Slovenia). This will be discussed in more detail in the next section of the paper.<sup>24</sup>

### Integration and Protection

Dual citizenship is used in certain contexts as a means to facilitate integration and for protection. Former Federal Republic of Yugoslavia (FRY) passed legislation permitting dual citizenship, for refugees, who have been eligible for Yugoslav citizenship according to the 1997 Citizenship Law, but were required renunciation of former citizenship. Dual citizenship was aimed at displaced persons now residing on the state’s territory and displaying slight chances of return or repatriation. FRY legislation permitted refugees from Bosnia-Herzegovina and Croatia to settle permanently in the country, retaining rights to property and eventual return to their former home country. “This provides both psychological and practical safeguards to those who are unwilling to renounce their homeland even if they are doubtful that return will take place” (Martin 2002: 65).

### Minority Protection

Whatever the progress with respect to observation of human rights and promotion of ethnic minority flourishing in home countries, mother countries will always aim at and press for more cultural and political rights, and better conditions for their external minorities, especially in the situation of significant discrepancy between the economic development of the two states (see for example the policies of countries such as Hungary, Russia, Slovenia). Dual citizenship for members of the “people”/ nation abroad is conceived here as the most appropriate way of protecting their cultural identity, way of life, and interests within the home state, and ensuring their thriving outside the borders of the nation state. In such situations, dual citizenship provides an avenue for direct intervention over non-resident co-ethnics, and formalizes an encroachment of one state over the national policies of another state.

23 Foreign citizens of Polish parentage or Polish nationality may acquire Polish citizenship upon taking permanent residence in Poland, without having to relinquish their first citizenship. Also, Poland eliminated the provisions that stipulated that acquisition of foreign citizenship would automatically result in the loss of Polish citizenship.

24 Also, as Liebich (2000: 106) remarks, “none of the post-communist States grants citizenship solely by virtue of birth on its territory.”



## Home and Foreign Policy

This approach is similar to South American states' moves towards allowing dual citizenship for their migrants in the United States, due to realizing their importance as a(n external) constituency that can be used to gain extra votes in party competition internally. Migrants are also the medium through which the origin state's political elite can exercise leverage on the foreign state's policies concerning their country. Eastern European elites clearly understood the way external minorities can play a role in changing the balance internally – in terms of ethnic population distribution, or political influence, via votes in elections (see e.g. the case of Croatia). Dual citizenship may also be used to maintain spheres of influence in regions or countries of dual citizens' residence.

Such is the case of Russia and its interest in several regions of its new borderlands (Georgia, Ukraine, Moldova). As successor of the former Soviet empire, Russia offered citizenship to all former Soviet citizens following the principle of legal continuity, both as a means to avoid statelessness and to grant protection to Russian ethnics outside its territory. The 2002 Citizenship Law simplified the acquisition procedure, so that residents of former Soviet republics, as yet unable to obtain citizenship of those republics and stateless, are admitted to Russian citizenship upon submission of a written petition to a Russian consular office in their country. They receive Russian travel passports as a proof of their Russian citizenship. For the case of South Ossetia, this was even more simplified, as Russian NGOs associated with the Russian administration they simply took people's documents to nearby Russian cities for processing. Following the referendum of independence from Georgia (November 2006) supported by 90 percent of the voters, reportedly about 90,000 of the 100,000 population of the republic were issued Russian passports. When Russia attacked Georgia in August 2008, Russian officials justified the operation by the need to protect Russian citizens in South Ossetia from "genocide" by the Georgian army (Roudik 2008).

## Economic Rationale

This approach should more appropriately be called the "Economic-Demographic Rationale," as it refers to structural conditions of states' internal labour markets, and more generally to their demographic balance. Countries who face a labour force shortage naturally look for recruits from linguistically and culturally compatible populations. External kin-minorities are thus natural pools for demographic replacement, and ethno-national privileged naturalisation is the least costly, most effective way to achieve it. Hungary, and, more recently, Romania, which faces massive labour emigration, are implicitly following such an approach to dual citizenship.

## Double Citizenship: A Two Way Road

■ Analytically dual citizenship can be obtained in five ways: by birth, from mixed marriages, where the child receives citizenships of both parents, based on *jus sanguinis* principle; by birth (of same citizenship parents) in a foreign country that grants citizenship based on *jus soli* principle; by naturalisation, following settlement on the territory of the state as a result of marriage, immigration, or repatriation; by naturalisation, without residence on the territory of the state (usually granted to ethnic kin abroad, or in the case of persons who practice some forms of transnationalism); and by automatic naturalisation, as a result of marriage to a foreign national (this is however a rare occurrence presently).<sup>25</sup>

Western European states that have experienced large waves of emigration have adopted such privileged naturalisation policies aimed at persons of national extraction (Italy, Spain, Ireland, Greece), practicing a form of asymmetry with respect to other foreigners intending to naturalize as citizens. (West) Germany, the state that has practiced a policy of privileged access *par excellence* for its ethnic kin abroad, has explicitly defined itself as homeland of all Germans dispersed by the Second World War and victims of communist oppression (Joppke 1999: 63, 261). Similarly, most Eastern European coun-

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25 Combinations of these may result in multiple (more than two) citizenships.

tries practice *asymmetry* in their dual citizenship policies. With very few exceptions, these states *grant eased and privileged access to citizenship to their co-ethnics abroad, or to expatriates who express the wish to return*. (See provisions of Poland, Croatia, Latvia, Serbia, Slovenia, Macedonia, Romania, Hungary, Slovakia, and Bulgaria).

The asymmetry concerns the permanent residence requirement – where descendents of emigrants may not be required to take up residency in order to obtain citizenship, or shorter residency requirements apply to them; the language test and the citizenship / integration test requirements, from which persons of national extraction are generally exempted; social status requirements, such as proof of income or employment, proof of living space, which do not commonly apply to them; lack of criminal record, which is not required for persons of national extraction; and finally, most countries require relinquishing of foreign citizenship to those who want to naturalize as citizens, while persons of national extraction are allowed to retain it.

■ **Table 1.** *Asymmetry in acquisition of citizenship through naturalisation between foreigners and persons of national extraction.*

Note: Criteria used by states for naturalisation: 1-residence; 2-language proficiency; 3-knowledge of Constitutional order and society; 4-existence of living support; 5-claim to loyalty; 6-clean criminal record and security threat; 7-oath requirement; 8-renunciation of foreign citizenships; 9-health and safety requirement.

State	Acquisition by Naturalisation	Facilitations for Co-ethnics/ Emigrants / Descendants of Citizens
Albania (1998)	<ol style="list-style-type: none"> <li>1. 5 years of lawful residence</li> <li>2. language test</li> <li>3. constitution test</li> <li>4. accommodation and sufficient financial means</li> <li>5. no</li> <li>6. no penal crimes charged with more than 3 years imprisonment</li> <li>7. oath</li> <li>8. no</li> <li>9. no</li> </ol>	3 years of lawful residence for Albanians by origin up to the second generation.
Bulgaria (1968)	<ol style="list-style-type: none"> <li>1. 5 years residence (simple)</li> <li>2. no</li> <li>3. no</li> <li>4. no</li> <li>5. no</li> <li>6. no</li> <li>7. no</li> <li>8. no</li> <li>9. no</li> </ol>	<p>Persons of Bulgarian nationality are exempted from all conditions of naturalisation.</p> <p>The citizenship of a person released from Bulgarian citizenship may be restored at request. [Article 21]</p> <p>[Obs. Law on Bulgarians living outside Bulgaria 2000]</p>
Czech Republic (1993)	<ol style="list-style-type: none"> <li>1. 5 years of permanent residence, on top of at least 10 years of legal residence</li> <li>2. language test</li> <li>3. no</li> <li>4. fulfilment of statutory duties (taxes, health, social, retirement insurance)</li> <li>5. no</li> <li>6. clean criminal record; no infringement of immigration law</li> <li>7. oath</li> <li>8. renunciation of previous citizenship</li> <li>9. no</li> </ol>	<p>5 years of permanent residence may be waived by the Ministry of Interior for former Czech/Czechoslovak nationals.</p> <p>Exemption from the requirement to relinquish former citizenship for Czech/Czechoslovak nationals.</p> <p>Language test waived for Slovak nationals.</p> <p>By Act 193/1999, Act 357/2003, and Act 46/2006, various categories of former Czechoslovak citizens in 1992 who did not acquire Czech citizenship could obtain it by declaration (including those who acquired Slovak citizenship).</p>



State	Acquisition by Naturalisation	Facilitations for Co-ethnics/ Emigrants / Descendants of Citizens
Hungary (1993)	1. 5 years residence in possession of residence permit 2. language test within 3. constitution test 4. proven income and residence in Hungary 5. no 6. clean criminal record, naturalisation must not violate state's interests 7. oath 8. no 9. no	No permanent residence, only residence, for ethnic Hungarians. Applicant was born from a Hungarian national mother and a foreign father before 1 Oct 1957 and did not become a Hungarian national by birth may acquire Hungarian nationality. Hungarians deprived of their nationality between 1945-1989 shall have it restored upon request. [Obs. Status Law on Hungarians Living in Neighbouring countries 2001]
Poland (1962)	1. 5 years permanent residence 2. no 3. no 4. no 5. no 6. no 7. no 8. no 9. no	Granted on the spot to holders of repatriation visa; however, there are provisions that makes this difficult to obtain.
Romania (1991, republished 2000)	1. 7 years lawful and continuous residence 2. [knowledge of language and constitution required but not tested] 3. no 4. means of living 5. displays loyalty for the Romanian state and people, by attitude and behaviour 6. good behaviour and no condemnation for crimes that make the person unworthy to be Romanian citizen. 7. oath 8. no 9. no	Former Romanian citizens and their descendants may regain Romanian citizenship at request, no residency required. [Article 35 of the republished version in 2000, former Article 37] [Obs. Law of support to Romanian communities in the world 1998]
Slovakia (1993)	1. 5 consecutive years residence and physical presence 2. language test in the form of written questionnaire 3. no 4. no 5. no 6. clean criminal record during these 5 years 7. oath 8. no 9. no	Former Czechoslovak citizens whose citizenship expired, was lost due to long absence from the country, or to communist laws are waived the 5 years residence requirement. Former Slovak citizens who return to live in Slovakia (Slovak expatriate status) are required only 2 years of residence. [Obs. Act on Expatriate Slovaks 1997]



State	Acquisition by Naturalisation	Facilitations for Co-ethnics/ Emigrants / Descendants of Citizens
Russia (2002)	<ol style="list-style-type: none"> <li>1. 5 years of lawful residence in possession of residence permit</li> <li>2. language test</li> <li>3. no</li> <li>4. legal source of subsistence</li> <li>5. no</li> <li>6. applicants are not under criminal penalty [Article 16]</li> <li>7. no</li> <li>8. filed application for waiving foreign citizenship.</li> <li>9. no</li> </ol>	<p>For persons who have a Russian citizen parent and are residing in Russia; and for persons who have had USSR citizenship and as residing in former USSR states they are stateless, the residency requirement is dropped.</p> <p>Former citizens of USSR, foreign citizens and stateless persons, residing in Russia as registered as of July 1, 2002, or temporary residents, or declaring their wish to become Russian citizens if not registered, will be waived residency, income, and language requirements.</p> <p>Former citizens of the Russian Federation will have a 3 year lawful residence requirement only.</p> <p>[Obs. Federal Law on State support for compatriots abroad 1999]</p>
Belarus (2002)	<ol style="list-style-type: none"> <li>1. 7 consecutive years of lawful permanent residence prior to application</li> <li>2. knowledge of both Russian and Belarusian, not tested though.</li> <li>3. undertakes responsibility to respect Constitution and law of Belarus</li> <li>4. legal source of income</li> <li>5. 6. clean record of grave criminal acts</li> <li>7. no</li> <li>8. application for renunciation of citizenship, unless this is impracticable; or no other citizenship</li> <li>9. no</li> </ol>	<p>Permanent residency shortened or waived for (self-identified) Belarusians and their descendants (children, grandchildren, great grandchildren) born outside present Republic of Belarus; for persons who have possessed citizenship of the Republic of Belarus or a right to its citizenship; and for foreign citizens or stateless persons who have previously been citizens of the Republic of Belarus; Citizenship by course of registration for persons who were citizens of the former USSR provided that they were born or lived in the Republic of Belarus before 12 November 1991, their spouses who were citizens of the former USSR, and their descendants.</p>
Ukraine (2001)	<ol style="list-style-type: none"> <li>1. 5 year continuous lawful residence prior to application, and permanent residence permit</li> <li>2. command of official language, but no test required</li> <li>3. observance of Ukrainian Constitution and legislation</li> <li>4. has sources of subsistence</li> <li>5. no</li> <li>6. clean record of very serious crimes</li> <li>7. no</li> <li>8. obligation to terminate, or no, foreign citizenship</li> <li>9. no</li> </ol>	<p>All conditions except forfeiting foreign citizenship are waived for a person or at least one of that person's parents or both, grandfather or grandmother, sister or brother born or constantly residing before July 16, 1990, in a territory that became part of Ukraine.</p> <p>Former citizens who have no, or renounce, foreign citizenship, irrespective of where they reside, are registered as Ukrainian citizens by request.</p>



State	Acquisition by Naturalisation	Facilitations for Co-ethnics/ Emigrants / Descendants of Citizens
Moldova (2000, amended 2003)	<ol style="list-style-type: none"> <li>1. 10 years of lawful and habitual residence immediately prior to application; or 5 years prior to the age of 18 years old.</li> <li>2. language test</li> <li>3. Constitution test</li> <li>4. has lawful means of subsistence</li> <li>5. no</li> <li>6. clean record of grave criminal activity; “performs activities which jeopardise the safety of the state, public order, people’s health or their moral conduct.” [Article 20 (d)]</li> <li>7. no</li> <li>8. renunciation or loss of foreign citizenship</li> <li>9. no</li> </ol>	Citizenship by recognition based on <i>jus soli</i> : those born on the territory of Moldova, or descendants (children or grandchildren) of persons born in Moldova; those who resided in Bessarabia, North Bukowina, Hertza region, and MASSR, before June 28, 1940, and their descendants, if they reside lawfully in the Republic of Moldova; the deported or fled from Moldova after June 28, 1940. Previous citizens may obtain citizenship by recovery.
Estonia (1995)	<ol style="list-style-type: none"> <li>1. 5 years residence with residence permit + 1 year wait (2004: 6 months wait)</li> <li>2. language test</li> <li>3. citizenship test</li> <li>4. permanent legal income insuring subsistence for the person and her/his dependents.</li> <li>5. loyalty</li> <li>6. no criminal record, no spy etc. [Article 21]</li> <li>7. oath</li> <li>8. no foreign citizenship.</li> <li>9. no</li> </ol>	No provision (facilitation), except for persons who lost Estonian citizenship as minors.
Latvia (1994)	<ol style="list-style-type: none"> <li>1. 5 years permanent residence</li> <li>2. language test</li> <li>3. history, constitution test</li> <li>4. legal source of income</li> <li>5. loyalty</li> <li>6. not served in the KGB, Russian Army, acted against independence etc. [Section 11]</li> <li>7. oath</li> <li>8. notice of renunciation of former citizenship</li> <li>9. no</li> </ol>	Application for naturalisation reviewed before all others, at request.
Lithuania (1989, 1991, 2003)	<ol style="list-style-type: none"> <li>1. 10 years permanent residence</li> <li>2. language test</li> <li>3. constitution test</li> <li>4. legal source of support in Lithuania/ permanent employment</li> <li>5. no</li> <li>6. no criminal record, no crimes against humanity etc.</li> <li>7. oath</li> <li>8. lack of other citizenship</li> <li>9. no chronic alcoholism, no infectious diseases</li> </ol>	Yes: automatic to nationals before 15 June 1940 and their children, grandchildren, and great-grandchildren. No: to Lithuanians by origin. These are persons with one grandparent Lithuanian, and themselves Lithuanian by ethnicity.

State	Acquisition by Naturalisation	Facilitations for Co-ethnics/ Emigrants / Descendants of Citizens
Croatia (1991)	<ol style="list-style-type: none"> <li>1. 5 years of lawful (registered) residence in Croatia</li> <li>2. language test</li> <li>3. "a conclusion can be derived from his or her conduct that he or she is attached to the legal system and customs persisting in the Republic of Croatia and that he or she accepts the Croatian culture." [Article 8(5)]</li> <li>4. no</li> <li>5. no</li> <li>6. no</li> <li>7. no</li> <li>8. previous citizenship revoked</li> <li>9. no</li> </ol>	<p>Yes, and emigrant and her/his descendants are waived all naturalisation requirements.</p> <p>A non-resident member of the Croatian people can acquire Croatian citizenship if s/he issues a written statement that s/he considers her/himself be a Croatian citizen, and is attached to the Croatian legal system and culture [satisfies condition Article 8(5)].</p>
Slovenia (1991, last amended 2006)	<ol style="list-style-type: none"> <li>1. 10 years of lawful living in Slovenia, of which the five years before application without interruption. Added in 2002 – the person should have the status of foreigner. Added in 2006 – foreigners are persons that hold wither a temporary or a permanent residence permit. Applicant should not have had his/her residence in Slovenia curtailed.</li> <li>2. knowledge of Slovene language; 1991-communication, 1994-obligatory examination (very difficult), 2006 - obligatory examination at elementary level.</li> <li>3. no</li> <li>4. guaranteed source of income; fulfilled tax obligations. [guaranteed residence dropped in 2002]</li> <li>5. no</li> <li>6. clean criminal record. [in 2006 the meaning of this became harsher] -no threat to public order, security, defence of Slovenia.</li> <li>7. oath; replacing the signed declaration of consent to the legal order of the Republic of Slovenia, which had been introduced in 2002.</li> <li>8. release from current citizenship or proof thereof at acquisition of Slovenian citizenship (not required before 1994)</li> <li>9. no</li> </ol>	<p>An individual of Slovenian descent (up to the third generation) can become citizen after one year of uninterrupted residence; from 2006 – to the fourth generation;</p> <p>Persons who lost Slovenian citizenship in accordance with the present Citizenship Act and previous acts is required only 6 months of permanent residence.</p> <p>Slovenian ethnics and former Slovenian citizens who want to naturalize are not required to relinquish foreign citizenship. [Obs. Slovenians Abroad Act 2006]</p>
Serbia (FRY) (1996)	<ol style="list-style-type: none"> <li>1. lawful permanent residence</li> <li>2. no</li> <li>3. no</li> <li>4. permanent job on the place of residence or sources of income to support her/his family</li> <li>5. conclusion from her/his behaviour that s/he will be a loyal Yugoslav citizen</li> <li>6. no criminal record making the person unfit for FRY citizenship</li> <li>7. no</li> <li>8. release from foreign citizenship</li> <li>9. no</li> </ol>	<p>Emigrants are waived the job/income and renunciation of foreign citizenship requirements if they wish to naturalize as FRY citizens.</p> <p>Former FRY citizens may acquire FRY citizenship upon one year of residence in FRY, if they have a clean criminal record and are deemed loyal to FRY.</p>



State	Acquisition by Naturalisation	Facilitations for Co-ethnics/ Emigrants / Descendants of Citizens
Macedonia (1991, amended 2002, 2004)	1. 8 years of lawful permanent residence (shortened from 15 years by the 1991 law, to 10 years by the 2002 amendment). 2. language test 3. no 4. permanent means of subsistence and place of living. 5. no 6. clean record of crimes punishable for more than one year of imprisonment; no threat to security and defence of Macedonia. 7. signed oath 8. renunciation of former foreign citizenships 9. no	Emigrants and their descendants up to the first generation are waived all requirements (including residence) if they want to naturalize as Macedonian citizens.
BiH (1999)	1. 8 years of lawful permanent residence 2. Knowledge of the language of one of the entities required 3. no 4. no 5. no 6. no offence punished with more than 3 years of imprisonment during the 8 years of residence prior to application; not subject of security or protection expulsion from BiH 7. no 8. renunciation of foreign citizenship 9. no	Emigrants and their descendants up to the second generation are waived the residency and renunciation of foreign citizenship requirements if they want to naturalize as BiH citizens.
Montenegro (1999)	1. 10 years of residence 2. no 3. no 4. no 5. no 6. no 7. no 8. no 9. no	No.

There is, however, another side of the asymmetry of dual citizenship practiced by the states. It refers to *the degree to which states accept their emigrated citizens to become dual nationals* (to naturalize as citizens of second countries), as compared to their eagerness to accept dual citizenship at naturalized citizens. While countries such as Estonia and Georgia explicitly prohibit dual citizenship in all cases, several countries practice this type of asymmetry. Russia is perhaps the best example here.

The Law on the Citizenship of the Russian Federation, No 111948-I, November 28, 1991, amended in 1993 (and replaced in 2003 with a more restrictive one), was reformulated to the effect that all legal consequences that the possession of dual citizenship entailed were ignored, so that a Russian citizen would not be recognized as belonging to the citizenship of another state except according to international treaties. At the same time, all barriers to the genesis of dual citizenship had been removed, by not requiring naturalising foreigners to forfeit their foreign citizenship. The law also stated that a citizen of the RSFSR could be permitted, upon his request, to possess simultaneously the citizenship of another state with whom a corresponding treaty of the RSFSR exists. However, such agreements have only been signed with Turkmenistan and Tajikistan so far. Ginsburg (2000: 195) comments on this double standard practiced by Russia: "The new procedures were calculated to facilitate the acquisition and deployment of Russian citizenship by citizens of other states in tandem with their own, while striving to protect Rus-

sia's domestic monopoly from dilution by foreign brands of citizenship." Thus, he proposes a distinction between dual citizenship *stricto sensu* (where the states have signed a bilateral agreement regulating individual's relations with both states), and holding two passports/ bipatride as the "legal situation where the problem does not exist as far as the state is concerned, it has no legal consequences. It is the private business of the dual citizen himself." (Ginsburg 2000: 197-198, quoting Sadkovskaia 1996).

■ **Table 2.** *Asymmetry in dual citizenship regulations for naturalising foreigners and emigrated citizens.*

State	Dual citizenship [not considering dual citizenship arising from birth to parents of different citizenships]	Renunciation of Foreign Citizenship at Naturalisation	Dual Citizenship for Emigrants
Albania (1998)	Permitted [Article 3] The Albanian state preserves the right to request its citizens or applicants for Albanian citizenship to choose only one citizenship in compliance with international covenants [Article 27]	Not required.	Yes, except when regulated by international covenants.
Bulgaria (1968)	Tolerated.	Not required.	No. A Bulgarian citizen may acquire foreign citizenship only if he has been released from Bulgarian citizenship. [Article 16] but No one shall be deprived of a Bulgarian citizenship acquired by birth. [Constitution Article 25(3)]
Czech Republic (1993)	Tolerated. Various exemptions and particular rules apply. As a principle, dual nationality should be prevented.	Required.	Yes, for spouses of foreign nationals acquiring the foreign citizenship, and dual nationals by descent. No, for emigrants who acquire voluntarily citizenship of another country.
Hungary (1993)	Tolerated. In Hungary Hungarian legislation apply to dual nationals. Dual national residents are not allowed to serve in police and security forces.	Not required.	Yes. Persons having another citizenship are entitled to all rights on Hungarian territory, except for employment in police or security services.
Poland (1962)	Tolerated. With the proviso that in Poland dual citizens are recognised only as Polish nationals.	Not required.	Yes. No one can be deprived of Polish nationality unless by expressed desire to do so.
Romania (1991, republished 2000)	Implicitly permitted. No mention of the issue of multiple citizenship in the Romanian law.	Not required.	Yes. No mention of the issue of multiple citizenship in the Romanian law.
Slovakia (1993)	Tolerated. Especially for dual Slovak and Czech citizens (in relation to the successive amendments to the Czech citizenship legislation concerning former Czechoslovak citizens)	Not required.	Yes.



State	<b>Dual citizenship</b> [not considering dual citizenship arising from birth to parents of different citizenships]	<b>Renunciation of Foreign Citizenship at Naturalisation</b>	<b>Dual Citizenship for Emigrants</b>
Russia (2002)	Tolerated. The acquisition by a Russian Federation citizen of another citizenship shall not cause termination of Russian Federation citizenship. [Article 6(2)] Also, in accordance with international treaties stipulations. Also, see the situation of the Union with Belarus.	Required.	Yes. The acquisition by a Russian Federation citizen of another citizenship shall not cause termination of Russian Federation citizenship. [Article 6(2)]
Belarus (2002)	Tolerated. In case of persons of Belarusian origin, citizens of foreign countries, obtaining Belarus citizenship by naturalisation, and where residence is not required; and in case of emigrant Belarusians obtaining the citizenship of a foreign country.  According to the Charter of the Union Treaty of April 2, 1997, between Russia and Belarus, there is a Union citizenship: every citizen of Russia and Belarus is also citizen of the Union (entitling them to diplomatic protection, voting rights, right to be elected at local level, on the territory of the other state.)	Required.	Yes, implicitly, by Article 11.
Ukraine (2001)	No. Explicitly forbidden, in all situations.	Required.	No. Acquiring foreign citizenship automatically brings loss of Ukrainian citizenship.
Moldova (2000, amended 2003)	Yes. Explicitly regulated in Chapter Four. Also Articles 12, 16, 17. Multiple citizens are recognized only as Moldovan citizens on the territory of Moldova. [Article 24(4)]	Required.	Yes. See Articles 16(1), 24(3).
Estonia (1995)	No. Explicitly forbidden. Children with dual nationality by birth should renounce one within 3 years of age 18.	Required.	No. Explicitly forbidden.
Latvia (1994)	No (+). Explicitly not recognizing other citizenship than Latvian in relation with the Latvian state. Naturalisation entails loss of previous citizenships.	Required.	Yes. Those who hold another citizenship may renounce Latvian citizenship. [Section 23] but Latvian citizenship may be revoked if the person acquired citizenship of another state without applying for renunciation of Latvian citizenship. [Section 24]

State	Dual citizenship [not considering dual citizenship arising from birth to parents of different citizenships]	Renunciation of Foreign Citizenship at Naturalisation	Dual Citizenship for Emigrants
Lithuania (1989, 1991, 2003)	No. Dual citizenship permitted for nationals before 15 June 1940 and their children, grandchildren, and great-grandchildren, who did not renounce Lithuanian citizenship.	Required.	Yes, by the 2002 Law, for ethnic Lithuanians only.
Croatia (1991)	Tolerated. Permitted for emigrants. Foreigners who want to naturalize as Croats are required to relinquish previous citizenships.	Required.	Yes. On the territory of Croatia, a dual citizen is considered exclusively a Croatian citizen.
Slovenia (1991, last amended 2006)	Tolerated. Permitted for emigrants. Foreigners who want to naturalize as Slovenians are required to relinquish previous citizenships. Former Yugoslav citizens who might have acquired other successor country's citizenship may also hold Slovenian citizenship.	Required.	Yes. On the territory of Slovenia, a dual citizen is considered Slovenian citizen.
Serbia (FRY) (1996)	Tolerated. Former emigrants are not required to renounce foreign citizenship. Dual citizenship is permitted according to binding international agreements. A dual citizen will be considered FRY citizen on the territory of FRY. [Dual citizenship of FRY and constituent republics.]	Required.	Yes. On the territory of FRY, a dual citizen is considered FRY citizen.
Macedonia (1991, amended 2002, 2004)	Yes. Regulated by Article 2. Permitted for Macedonian emigrants. On the territory of Macedonia, a dual citizen will be considered solely a Macedonian citizen.	Required.	Yes. On the territory of Macedonia, a dual citizen is considered Macedonian citizen.
BiH (1999)	Tolerated. Permitted, according to international agreements on dual citizenship. [Article 4] Permitted for emigrants. Dual citizenship of BiH and one of the Entities, regulated by Articles 2529. Also Article 2.	Required.	Yes.
Montenegro (1999)	Tolerated. As provided by international agreements. Implicit at naturalisation (no renunciation clause).	Not required.	No. A person will cease to be Montenegrin citizen if s/he acquires a foreign citizenship.



## Conclusion

■ The paper analyzed dual citizenship policies in Central and Eastern Europe in the framework of *state building qua nation building*. As such, crucial in the argument were the structure of historical conditions at the outset of independence or transition to democracy of the states, and the interplay of local political elite interests and representations for their states, and those of their neighbours, other international, and supranational political actors. The former refers to the shape and strength of the representation of the nation and the institutionalised forms it took – in terms of state institutions at different levels and of different consequence, and to the objective conditions “on field” – ethnodemographic, economic, and social characteristics of the population. The latter refers to the intricate dialectics of international interaction between and among states and supranational actors.

While identifying the logic of dual citizenship policies (within the larger field of citizenship policies and other forms of belonging, as main ingredients in the process of state building as nation building), I rephrased the argument by looking at several ways of practicing dual citizenship. Two analytical operations were performed to this end: I identified a set of ideal type models of interpreting the main rationale in devising dual citizenship legislation, and I investigated the asymmetry in dual citizenship approaches available in most of the Eastern European postcommunist states. While the first interpretation looked at political elites (and states) as main actors seeking to fulfil some macro, supreme, national/state goal, the second interpretation brought in the analysis the objects of their actions: internal and external national minorities, diasporas (emigrants and their descendants), casualties of empire dissolutions (refugees, displaced persons, individuals of mixed origin, stateless people), and national majorities in national states.

This study intended to contribute to the theoretical elaboration on the topic of dual citizenship. Merely asserting that same policies in Western European countries are received and treated differently than their fellow creations in Eastern Europe does not illuminate the core issues shaping the choices of states on dual citizenship. Nor does it do justice to processes of crucial importance in the lives of individuals and in the fates of states, which, simply by taking place with half a century lag from similar processes in the West, are inevitably of a substantially different nature.

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