

REVIEWS

MEGAN FOREMAN

Reading sovereignty in a transnational era

Osamu Ieda (editor in chief), Editorial board:
Balázs Majtényi, Zoltán Kántor, Balázs Vizi, Iván Halász,
Stephen Deets: *Beyond Sovereignty: From Status Law to
Transnational Citizenship?* Sapporo: Hokkaido University
– Slavic Research Center, Slavic Eurasian Studies, 2006.

*Beyond Sovereignty: From Status Law to Transnational Citizenship*¹ attempts to further situate the various challenges stemming from a state's interaction with “minority” populations within and beyond its own borders. Building off *The Hungarian Status Law: Nation Building and/or Minority Protection*,² an earlier edition in this series, *Beyond Sovereignty* attempts to further elucidate why states have an interest in developing legislation that addresses kin minorities who reside in other countries. Additionally, it also seeks to explore why some and not others types of legislative action have been deemed permissible by international bodies. While these issues might at first glance appear clear cut, this collection of essays indicates that there is much more than meets the eye in regards to kin-minority legislation.

Although it does attempt to balance its considerations, *Beyond Sovereignty* primarily considers the case of Hungary and its kin minorities. This is perhaps because of the singular treatment that (what is

¹ See the full texts: http://src-h.slav.hokudai.ac.jp/coe21/publish/no9_ses/contents.html

² Zoltán Kántor, Balázs Majtényi, Osamu Ieda, Balázs Vizi, Iván Halász (eds.): *The Hungarian Status Law: Nation Building and/or Minority Protection*. Sapporo, 2004. See the full texts: http://src-h.slav.hokudai.ac.jp/coe21/publish/no4_ses/contents.html

commonly known as) the Hungarian Status Law received in the international community. As the collection points out quickly and often, laws like the Hungarian Status Law are not unusual for states within Central and Eastern Europe, which has experienced large population shifts over the previous decades. However, for various reasons, the Hungarian Law provoked discord among neighboring states and, therefore, within the international arena. By following the various logics pertaining to the Hungarian case, then, it is possible for states and researchers to further understand how the category minority, generally, and kin-minority, specifically, operate within (developing) states and international arenas.

The first three sections are devoted to fleshing out of the various threads relating to the Hungarian Status Law. They explore how issues of modern day sovereignty, European integration, and historical background relate to Hungary's decisions towards its kin minorities. Each section helps to further contextualize the Hungarian Status Law within both Hungary and the more broadly defined European community. Additionally, the thorough analysis of the reasons behind and reactions to the Law continue to nuance our understanding of how the category minority can function in legal, political, and social fields. Because of this, reading any of these sections independently is beneficial for anyone who possesses a general or more in-depth knowledge of minority issues in Central and Eastern Europe, especially for those who are interested in states aspiring to EU accession.

As the first section commences, the Hungarian Status Law and the objections raised against it are theoretically scrutinized. At the outset, the arguments by Majtény, Deets, Kántor, and Stroschein appear as if they will demonstrate how minority issues extend beyond the realm of state sovereignty; while these essays do demonstrate how the category minority extends across borders and is inherently influenced by extra-state actors, they also do much more. They take us through the various theoretical models that can anchor modern day knowledge about minority issues in Central and Eastern Europe. These bold analytical moves intend to show us that the changes in present-day international interaction also affect how states and minorities interact. As these essays demonstrate, there are many international actors – including but not limited to kin-states – who have a vested interest in securing and monitoring the rights of minorities. But, how much is too much?

The limit of extra-state actors' involvement is the second question this set of essays seeks to examine. Primarily, they attempt to answer if the Hungarian Status Law theoretically over-stepped the boundaries of this legitimate and necessitated international involvement with minorities residing within another sovereign state. Since these essays want to explore both the law and the objections to it, they do not focus on the concrete legislative terms. Rather, they focus on the categories and theoretical implications of the law. This ranges from a discussion of the place of the various structures of the state, a state's relationship to kin minorities, the concept of the nation, and the various manners in which minority issues may be read. These diverse renderings allow readers to ascertain the various theoretical positions behind the opponents and proponents of the Hungarian Status Law. In doing such, these discussions demonstrate how the Hungarian Status Law can be read within as well as outside of the boundaries of state action in regards to kin minorities. In other words, this section helps us determine the current possible limits of a state's legislative relationship to kin minorities.

The second section continues to develop this discussion on the limits of a state's legislative relationship to kin-minorities. This is done through an exploration of the process and effect of European integration. While both are good, the second set is fuller than the first because of the various fields and methods of inquiry that it employs. Its breadth helps balance the first section and begins to contextualize the circumstances under which the various status laws were conceived and received. This information makes the various positions taken in the first section a bit more accessible. Meaning, it helps us understand the various positions and readings available to the different actors involved and affected by the creation and contestation of the Hungarian Status Law. By echoing the questions of the first section, the second is able to further develop a discussion about kin minorities and states.

Within this second set of essays, the ties created between theory and legislation are exceptionally useful. Though these ties are made throughout, they are more prevalent in the opening essays. Here, Tóth, Vizi, and Kemp concurrently trace theory and international legislative measures regarding the relationships between kin states and minorities within an enlarging EU. While the amount of attention paid to theoretical implications and practical measures varies, these beginning pieces

generally help make connections between specific theoretical implications and legislative actions. Making the legislative terms and theoretical connections available to readers helps make the first section more palpable. Additionally, the connections developed within these opening pieces give the collection a place to go. That is, these terms move the collection past the purely theoretical and open the possibility for new types of discussions surrounding the issue of kin relationships. Through the second section's opening essays, then, the collection is able to move past pure theory while continuing to elaborate its usefulness.

While there are numerous ways to direct this movement away from theoretical renderings, the editors opted to use this shift to contextualize the circumstances in which the Hungarian Status Law developed. This contextualization occurs through a slow but perceptible shift from more to less general discussions. Commencing with an overview of European standards in regards to minority legislation, the section is given speed and direction by Karod's and Hornburg's discussions on the role of kin states and transnational minority protection in Central and Eastern Europe before eventually culminating in Küpper's exploration of the Hungarian dual citizenship referendum. As the section develops and passes through more in-depth considerations of standards and precedents within international and European communities, the ambiguity surrounding international treatment of minority issues is provided some shape. While by no means indicating a definitive European or international standard, this section simply offers the outline of international influence. It shows that while the "international community" might not be considered a "player" in the complex relationships between kin state, kin minority, and home states, it does "provide a framework, standards" which influence these legislative relationships (Kemp 123). In doing such, it begins to re-contextualize the arena in which relationships between kin-states and kin-minorities occur.

Though the process of re-contextualization begins in the second section, it is by no means complete. Nor is it meant to be. Rather, it intends to complicate the connections by exploring legislative terms and demonstrating the meaning these terms acquire on the ground. Not only does this help contextualize the significance of various status laws across central Europe, it also opens the way for the types of historical and political analyses of the Hungarian status law that occur within the third section.

The third set of essays compliments the previous two by providing an in-depth analysis of the various local contexts impacting Hungary's legal relationships to its kin-minorities. At first glance, this might seem like a bit of a departure from the previous discussions, but by providing these analyses, the editors further contextualize Hungary's kin-minority legislation. These historical and political considerations offer a much needed exploration of the local circumstances that influenced the meaning and directed the readings of the Status Law. Additionally, these discussions help the reader grasp the stakes involved – which, moreover, sheds further insight into other state's and international bodies' objections to the Hungarian Status Law. In other words, these essays add not only depth to the analysis of Hungarian kin-minority legislation but also promote the idea that legislation is influenced not only by a state's aspirations but by its historical limits as well.

While the third section continues the gradual conceptual unraveling that the previous two sections began, the editors have provided a nice interplay of more and less local circumstances. These essays are organized so that the reader moves between the various local and international contexts that have influenced the development as well as the readings of the Hungarian Status Law. It begins with Ieda's thorough sketch of the political history surrounding the issues of Hungarian minorities in Hungary. It then moves to Schöpflin's theoretical reading of power distribution within the EU and how these distributions relate to the Hungary's relationships and strategies towards its kin-minorities. This undulation between specifically Hungarian and more international circumstances is continued with an essay by Swain which focuses on how ethnic-issues have developed within Central Europe through an exploration of monuments. This essay in particular relocates theoretical discussions of the EU and international concerns within concrete contexts and greatly emphasizes the interplay between the local and the international that is developed elsewhere. In doing such, it opens a possibility to think concretely about Pap's considerations of the ambiguity surrounding minority and diasporic legislation. That is, these essays provide the reader clear images to understand how sentiment might infiltrate – without being explicitly stated – legislative design. By juxtaposing these essays, the editors have not only further contextualized the Hungarian Status Law but have also managed to demonstrate the layers of interaction which come to influence these types of laws.

What is perhaps most surprising about the third group of essays is the manner in which it addresses its subject matter. As opposed to other sections, this one levels criticism at all levels. To be certain, criticism is not absent in the other essays. In fact, many use their analysis as a point of critique, but here, the assessments becomes more biting. For example, it is noted that “there is more than a sneaking suspicion that different standards are applied to Western and Central or Southeastern Europe” by the High Commission of National Minorities (Schöpflin 218) and that monuments include statements which serve “no purpose other than to heighten the sense of injustice” (Swain 233). Additionally, it is asked why ethno-national identities deserve more protection than other identities “such as corporate or gender, or, for that matter, the non-enumerated ethno-national identities” (Pap 251). Though these types of comments do serve an analytic function, they draw attention to the fact that these topics are not just cases to be dissected and analyzed. They are highly sentimental and contestable topics. Granted, the subject matter in this particular section more directly touches upon the political manipulations surrounding the issues of kin-state-minority relationships than others; the overtly critical edge in these essays could possibly a direct product of this. But, whatever the reason, the critical aspect is a delightful surprise that adds passion to the debates included in this collection.

Although the first three sections are filled with adequate information, they do seem to be limited in their explorations. With a couple of exceptions – such as Swain – these sections are primarily limited to the Hungarian case. In order to broaden the claims that are made within *Beyond Sovereignty's* first three groups of essays, the editors have included a fourth section that centers on examples comparable to the Hungarian case and serves to tie the collection together.

The conclusion compliments the other three sections by expanding their depth through international comparative examples. In a manner, this set returns us to the first group of essays by thinking through what it means to for states to be in kin-minority relationships, but rather than considering the theoretical underpinnings and legislative validity of the Hungarian case, this section uses it as a point of comparative departure. These essays demonstrate that the considerations faced by Hungary are also a fact of life for many other countries. More importantly, it hints at possibilities that might create similar problems for other states. It indicates, for example, how the EU's enlarging borders and other possible

new developments in communication might alter the interactions between host states, home states, and kin minorities. By using Hungary as a point of departure for a comparative case analysis, the conclusion demonstrates that the issues faced by Hungary are becoming – if are not already – a concern for many other states.

As a conclusion, this section develops the issues that are touched but not fully explored within the other three. It commences with a discussion of the various models of home state, host state, and kin minority interaction by Halász, Csergő and Godlgeier, and Singh; these three essays moves from a broad discussion of kin-minority models, to the idea of virtual nationalism, to the specific Hungarian case model. As they do such, these essays take-up a great number of the theoretical themes provided within the first section. By enumerating these themes, these essays do two things: first, they re-articulate and re-emphasize theoretical problems; second, they complicate the issues by adding a new level of concrete analysis. This re-articulation and complication is continued within the second half of this section, which is initiated by Singh's discussion of the Hungarian model. Although Singh's discussion offers a theoretical model, it also provides a concrete example and offers a transition to discussions of politics, political uncertainty, and kin-minority relationships in Turkey and Bulgaria, Kazakhstan, and Mennonites in Eurasia by Özgür-Baklacioglu, Oka and Graaf respectively. Through these examinations, readers encounter in concrete terms how commonplace kin-minority legislation and problems are. Here, the questions raised elsewhere are provided immediacy. They are developed with details and given material life.

As the concluding section animates the questions that are raised throughout the collection, its editorial edge is altered significantly. Here, the editorial design that is present and well executed throughout the rest of the collection seems to have diminished importance. This is perhaps due to the subject. While the other three sections attempt to create internal links between the international and the local through the arrangement of essays, the fourth group shows that the sections themselves are also linked in a similar manner. Here, the conclusion is the international link to the more local considerations occurring within the first three. This frees the fourth section's internal arrangement a bit. By no means does this mean a loose or undeveloped composition; in fact, the fourth set seems more effective because it leaves the reader oriented towards the points made

within the first three groups of essays rather than forcing conclusions on him/her. Instead of a loss of overall effect, the softening of the editorial edge within the conclusion makes a reader want to continue grappling with the problems presented throughout the collection.

Overall, *Beyond Sovereignty* is well worth the time of anyone interested in minority and legal issues. Through careful editorial work and mostly sound arguments, it offers insight into the process and circumstances that affect any modern state's legislative practices. It demonstrates how interwoven international aspirations and local histories are as well as how this intermeshing affects the means of producing, enacting, and reading different pieces of legislation. This is particularly relevant in a world where diasporic and minority populations are finding their own political voices and asking for state assistance.