

Fashioning the national body:
Citizenship and nationhood in contemporary Romania

Citizenship and politics have a distinct status in present-day Romania, to say the least. The two are bound together by ties that go beyond mere civic awareness. The political factor has molded citizenship in both material and ideological ways in order to mold it into a vessel for its own perusal. The vehicles for this transformation were both legal and discursive in nature, and the result was a highly effective political utensil, ready to buttress political power in various circumstances. The potency of this tool was dramatically proven in the 2009 presidential elections, when the vote of the Diaspora and the recently naturalized carried president Basescu through to a second term. The purpose of this study is to describe and analyze how citizenship was transformed in recent years from a legal status into a politicized affair, and point toward possible legal and ideological outcomes.

We have already stated that the main actor of this transformation is the political factor. The nature of these changes was strictly top-down, without prior consultation of the mass of ordinary citizenry. This is an important first characteristic to point out, since it shows the manner in which the major Romanian political actors envision change and political mobilization. The highly arbitrary manner in which the law which granted the status of citizen was amended, with little input from even those who would theoretically stand to gain a legal status upon the implementation of this measure, speaks volumes about the regard toward the electors in today's Romania. The masses of newly-enfranchised, "new" Romanians (at least from a legal standpoint), we can conclude, were regarded as groups ready for political mobilization, and nothing else. The ideological buttressing of these measures came to supplant this glaring disparity. Therefore, the essay shall be broken up into two major parts: the first shall succinctly summarize the legal measures involved, in chronological order. The second part shall give a few salient examples of the discursive brace of the political acts, and treat the main ideological-conceptual framework behind them.

The political actors shall be broken up, building on Rogers Brubaker's theoretical model¹, into three main categories: the proactive nation-states,

¹ Rogers Brubaker, *Nationalism Reframed. Nationhood and the National Question in the New Europe*, Cambridge University Press, 1996

national minorities and the host states of these minorities. In order to adapt Brubaker's seminal triadic nexus to this particular case-study, a further subcategory must be established: we must distinguish between compact blocs of ethnic minorities living abroad, but in the contingency of Romania, and the large groups of Romanians living in Diasporas abroad, with little physical contact with Romania. The first category can mostly be resumed as the Romanian minority living in Moldavia (as some of the measures were targeted at them specifically), and the second the Romanian Diaspora of Western Europe (mostly Spain, Italy and France). The manner, the scope and the reasons behind the political maneuvering of these two major groups is quite different, so a distinction must be made between them.

The two major laws that constitute the subject matter for our analysis are: the citizenship law of 1991, amended in 2009, and the electoral law 373 of 2004, amended² in the same year. Let us tackle the provisions of the electoral law first, for they are more simple to resume. Law 373 of 2004³, concerning the manner and regulations in which parliamentary and presidential elections are carried out in Romania (carried through under PM Nastase and president Iliescu's terms), contained a number of interesting provisions. It modified the previous laws, allowing for the legal measure to acquiesce the changed social spectrum (i.e. the growing number of expatriated Romanians). The most important provision was that Romanian citizens living abroad could now vote with the use of relevant identification documents much easier than before (section 2, alineat 17). The administrative obligations of handling these votes fell to the Romanian embassies and consulates abroad (section 1, alineat 13, part 4). They also create a special electoral circumscription for these voters under their administrative hold. With this system already in place, the adoption of the uninominal electoral system for the 2008 parliamentary elections meant the rather facile creation of electoral circumscriptions for Romanians living abroad. Deputies and senators were elected in electoral colleges set up for countries like Spain, Italy, France and even the United States. The only provision preventing electoral fraud was the institution of a declaration on one's own responsibility of belonging to a certain electoral circumscription abroad vis-à-vis one set up in his/her Romanian permanent domicile. Therefore, the legal repercussion of the institution of such an electoral system is that, de facto and de iure, Romania has a sizeable chunk of its

² <http://www.bec2004.ro/920-09.pdf>, 2010.02.10 ; <http://www.bec2004.ro/941-14.pdf>, 2010.02.10

³ <http://www.bec2004.ro/alegeri%20parlamentare%20si%20prezidentiale%202004%20maghiara.pdf>, 2010.02.10

voting citizenry existing in a non-residential status. This category of voters have been estimated by some statisticians to number around 2-2 and a half million in Italy and Spain alone⁴. From a legal standpoint, this would very simply translate into a muddled status, especially if we look at it from the viewpoint of the European Union. We have an EU member state, the citizens of which may not reside on the territory of the Union, in rather sizeable numbers, but may and do vote in European elections, sending their representatives to the EU Parliament, on peculiar mandates, such as the representatives of territorial circumscriptions like Afghanistan or South Africa⁵.

Local Romanian political actors existing on the territory of the EU seem to be few and far between. Due to the very nature of the Romanian diaspora, which exhibits a high level of atomization, a single political or civic organization representing the rights and interests of the Romanian diaspora cannot be found. Nevertheless, there are a few political organizations which claim to representativity among Romanians living abroad. Among these, the most significant are those located in Spain and Italy, PIRUM (The Iberian Party of Romanians)⁶ and PIR (The Romanian Identity Party)⁷, respectively. An organization named The European Movement of Romanians also exists⁸, which is sponsored by the PIRUM faction in Spain, and shares a number of leaders with this organization. The main characteristic of these parties are a rather tiny membership (estimated at under a few hundred), a lack of clear organization, and very little concrete activity outside of raising awareness and urging Romanians to exercise their rights to vote. Another peculiarity is their domination by domestic Romanian politics, both physically and at the level of their ideology and discourse. For example, at the inaugural meeting for the constitution of the PIRUM, alongside the party leadership and members, the president of Noii Golani (a small ultranationalist group from Romania) and the president of the Union of Bessarabian Students of Romania were also present⁹. This presence can be felt from the inaugural speeches and in the statute of the party, in which one

⁴ [http://nol.hu/kulfold/20110129-a_filologus_kovet_gyujt.\); <http://www.euractiv.ro/uniunea-europeana/articles/displayArticle/articleID_19009/Cei-mai-multi-imigranti-romani-sunt-in-Spania-Italia-si-Ungaria.html>](http://nol.hu/kulfold/20110129-a_filologus_kovet_gyujt.) (2011. 02. 20.)

⁵ http://www.becparlamentare2008.ro/coleguni/romani_strainatate.pdf

⁶ <http://partidulromanilordinspania.blogspot.com/>, 2011.02.10.

⁷ <http://www.romanalibera.ro/actualitate/eveniment/partid-al-romanilor-si-in-italia-condus-de-un-avocat-italian-26821.html>, 2011.02.10

⁸ <http://www.hotnews.ro/stiri-diaspora-6370521-luat-nastere-miscarea-romanilor-din-europa-unirea-diasporei-revenirea-tara-cheia-iesirii-din-conul-umbra-comunist.htm>, 2011.02.11.

⁹ <http://partidulromanilordinspania.blogspot.com/p/istoric.html>, 2011.02.10

of the main points is the union of Moldova with Romania¹⁰. In other proclamations of this party and other groups, the main discursive focal points seem to be aping those of Romania: for example, the declaration of ridding the diaspora of former Secret Service spies, who reported on their cultural and other activities during the period before 1989.

On the other hand, each of the main political parties in Romania, the Social Democratic Party, the governing Democratic Liberal Party and the National Liberal Party all have organizations specially dedicated for the mobilization of the diaspora¹¹. Their activity and presence is high, and their presentation up to the standard of the domestic political scene, with numerous campaigns either dedicated to local issues or echoing domestic ones. This situation translates into a dominance of the native country over the diaspora in political and cultural affairs (the Romanian Cultural Institute is also highly active abroad and has offices in most of the EU capitals where a high number of Romanians reside). The domestic actor acts by creating hubs of the community and also assumes the role of leader in these affairs, imposing some of its agenda on those who are willing to belong to the “imagined community”.

The second legal measure is the most significant one, from the standpoint of minority policy in the EU. Romania regulates the ascription of citizenship on Law nr.21 of 1991¹². This law strictly consecrated the assignment of citizenship on the *ius sanguini* principle¹³. Citizenship is gained at birth, with the conditions that at least one of the parents be a Romanian citizen, the adoption of a child by Romanian citizens, repatriation of former citizens, or (most importantly) upon request, by naturalization of aliens born in Romania or who have lived there for a certain period of time. There are two important features of this law which need to be taken into account before we proceed to describe its further amendments. The first one, its conceptualization on the *ius sanguini* principle means that in the hypothetical case of the immigration of a high number of Romanian citizens abroad, into countries that do not outlaw dual citizenship (such as the vast

¹⁰ <http://partidulromaniordinspania.blogspot.com/p/statut.html>, 2011.02.10

¹¹ <http://www.pdldiaspora.com/>, <http://www.psddiaspora.ro/>, <http://pnldiaspora.wordpress.com/>, 2011.02.10.

¹² <http://www.roembus.org/english/services/legea-cetateniei-romane.htm>

¹³ CONSTANTIN IORDACHI, POLITICS OF CITIZENSHIP IN POST-COMMUNIST ROMANIA: LEGAL TRADITIONS, RESTITUTION OF NATIONALITY AND MULTIPLE MEMBERSHIPS in Rainer Bauböck, Bernhard Perchinig, and Wiebke Sievers (eds.), Citizenship Policies in the New Europe, 2nd enlarged and updated edition (Amsterdam: Amsterdam University Press, forthcoming, August 2009), p.7

majority of EU countries), Romania may eventually have a high number of citizens, with voting rights (as seen above), who transmit this status to the future generation of Romanians living abroad. This situation therefore can be prolonged indefinitely, and is governed only by the uncertain laws of demographics and identity politics. The second most important feature concerns the ascription of citizenship to those requesting naturalization, on an individual basis, with the precondition of prolonged (5 years) residency on the soil of Romania. In the 2001 and 2003 debate around Hungary's attempt to extend its citizenship to the Hungarian minority living in Romania, the Romanian authorities adopted a strict conceptual position of a statist dimension of nationality, i.e. those who enjoy Romanian citizenship are equaled to the Romanian nation¹⁴. This position has been consistently favored since the 1980's, when Romanian-Hungarian debates regarding the Transylvanian Hungarian minority were again rekindled. This "Francophone" (according to Hans Kohn's typology¹⁵) definition of nationality, as political nationhood, was countered by Hungary's attempt to establish its own nationality on an ethno-cultural basis. This traditional position was subverted with the 2009 amendment of the 1991 law. The governmental decree of 15th of April, 2009¹⁶, set in place a mechanism of simplified adoption of citizenship. It extended the eligibility of citizenship to second or third-degree descendants of former holders of Romanian citizenship, the process of deliberation was reduced to a maximum of five months, and most importantly, erased the provision according to which one may only apply for Romanian citizenship after at least 4 years of residence on the soil of Romania. From April of 2009 until February 2011, Romania gained over 60 thousand new citizens only from Moldova (which legalized dual citizenship in 2000), some estimates say¹⁷. The reception of the new law of the now-official extension of Hungarian citizenship to the Hungarian minority of Transylvania this year was rather muted. This is due not only to the good diplomatic and political relationship between the two states in recent years, but also to the fact that from a legal-conceptual standpoint, the two countries now operate with the same ethno-cultural definition of nationality, transposed into laws for the ascription of citizenship.

¹⁴ Constantin Iordachi, *Dual Citizenship and Policies toward Kin minorities in East-Central Europe: A Comparison between Hungary, Romania and the Republic of Moldova*, p. 265-266

¹⁵ KOHN, Hans, *Nationalism. Its meaning and tradition*, Princeton, NJ, 1965, pp. 29-31

¹⁶ http://www.dreptonline.ro/legislatie/oug_modificarea_completarea_legii_cetateniei_romane_36_2009.php, 2010.02.10

¹⁷ http://www.cotidianul.ro/121120-Moldovenii_de_peste_Prut_rasplatiti_cu_cetatenie_romana_la_minut, 2010.02.13.

We have then synthesized the main episodes and described the manner in which these legal changes came about, and also hinted toward some of the legal repercussions that may come out of this situation. It is now important to point out some of the concrete reasons for this radical transformation in minority and citizenship policy, and present some of their ideological buttressing. Dual citizenship has been around since the early 1990's in the Eastern European area as a political tool for the reglementation of inter-state relationships concerning national minorities. Romania also has a rich historical background of political debate around these questions. The early 1990's were full of political agitation of the closure of the "Moldovan question", a problem of the collective historical memory of the Romanians. These attempts came to a crescendo in 1993, with the Ilie Ilascu group's agitation in the separatist republic of Transnistria for Romanianism, their subsequent arrest and show-trial in the separatist republic¹⁸. He was hailed as a martyr of Romania (he was sentenced to death, never carried out), and his case is a good example of how things turned out in Romania. He enrolled in the ultra-nationalist party of Greater Romania, and was granted Romanian citizenship in 2000. His case was presented as an ideal-type of Moldovan desires to be re-unified with the national body of Romania by political parties interested in utilizing his fame for political reasons. The Romanian-Moldovan relationships, in a lukewarm limbo state in the period after early 1990's, came to a head in April of 2009. When lively demonstrations for democracy, many of them with a marked "Romanian" content, erupted in Chisinau, the reflex of the Romanian state was to immediately react in some fashion. While most of the Romanian public opinion followed the events in Chisinau with neutrality (see the scarce attendance of sympathy rallies in Bucharest and other major cities at the time), the political factor felt the need for some reaction, which was embodied by the previously mentioned governmental decree amending the law of citizenship. The measure was explained as the restoration of "lost citizenship", in a manner of speaking, reintegration of lost parts back into the body of the nation. The decree was passed with 209 votes, 1 against and only two abstaining, was signed by the president and sponsored by the government¹⁹. According to the Romanian constitution's 115 paragraph, 3rd line, prescribes that any government ordinance that modifies existing organic laws must be debated before

¹⁸ Constantin Iordachi, *Dual Citizenship and Policies toward Kin minorities in East-Central Europe: A Comparison between Hungary, Romania and the Republic of Moldova*, p. 250-251

¹⁹ <http://www.ziare.com/basescu/presedinte/presedintele-basescu-a-promulgat-legea-cetateniei-947856>, 2011.02.10

parliament²⁰. The modified law must be approved (according to paragraph 77, line 1 of the constitution), as any other law, by the president. The initiative for measure was hotly debated between the governing majority and deputies of the opposition, each attempting to claim ascendancy over the other²¹ and accusing each other of trying to arrest it for their own good. The debate centered around the who had the initiative for the law²² and its procedural correctness²³. The discrepancy between the lack of grassroots activism and the rush for action at the highest level is interesting, especially in the light of the fact that the announcements for the candidatures for the office of president of Romania coincided with the events in Chisinau. In any case, the decree marked a significant milestone: dual citizenship became a tool for not only international politics, but also an item on the internal political stock market. Politicians recognized its potential of bringing votes and political might, and acted accordingly. This recognition was coupled with that of the influence of Moldovan and Diaspora Romanians as voting blocs. The main reason was their superficial knowledge of day-to-day Romanian political realities (at least when compared to Romanians residing in Romania), their high desire to be politically integrated and mobilized and their different voting pattern from that of autochthonous Romanians. These groups were much more present at the ballot than their counterparts, and each party devoted significant time at campaigning abroad and lobbied in the interest of Moldavians. President Basescu was at the vanguard of this

²⁰ . <http://www.cdep.ro/pls/dic/site.page?den=act2_1&par1=3 (2011. 02. 10.),

²¹ http://webcache.googleusercontent.com/search?q=cache:sU55e7Dj3XQJ:old.cotidianul.ro/bataie_pe_lege_a_cetateniei_romane-103046.html+legea+cetateniei+2009+boc&cd=10&hl=hu&ct=clnk&gl=hu&source=www.google.hu, 2011.02.11.;

L.<http://www.realitatea.net/c--diaconescu--cetatenii-moldoveni-isi-recapata-cetatenia-romana--nu-o-dobandesc-acum_524076.html>(letöltve 2011. 02. 10.),

L. <<http://www.ziare.com/politica/stiri-politice/paternitatea-legii-cetateniei-disputata-intre-guvern-si-parlamentari-728390>>(letöltve 2011. 02. 10.),

L. <<http://www.libertatea.ro/stire/geoana-vrea-ca-moldovenii-sa-primeasca-rapid-cetatenia-romana-237361.html>>(letöltve 2011. 02. 10.)

²² L. < http://old.cotidianul.ro/bataie_pe_legea_cetateniei_romane-103046.html>(letöltve 2011. 02. 10.),

L.<http://www.realitatea.net/c--diaconescu--cetatenii-moldoveni-isi-recapata-cetatenia-romana--nu-o-dobandesc-acum_524076.html>(letöltve 2011. 02. 10.),

L. <<http://www.ziare.com/politica/stiri-politice/paternitatea-legii-cetateniei-disputata-intre-guvern-si-parlamentari-728390>>(letöltve 2011. 02. 10.),

L. <<http://www.libertatea.ro/stire/geoana-vrea-ca-moldovenii-sa-primeasca-rapid-cetatenia-romana-237361.html>>(letöltve 2011. 02. 10.)

²³ L. <<http://www.ziare.com/geoana/psd/psd-vrea-dezbatere-in-parlament-pentru-acordarea-cetateniei-romane-moldovenilor-725839>> (letöltve 2011. 02. 10.)

movement, appearing in Spain, Italy and various Moldavian students' and other civic association gatherings. He often voiced the ethno-cultural concept of the Romanian nation, and declared, "Bessarabia, you are Romania, and citizenship is your right"²⁴. The results of the presidential elections were a good example of the success of campaigning among diaspora and Moldovan Romanians, the voting behavior category making a significant contribution. Official statistics show that Romanian citizens abroad participated in the last elections in record numbers. For example, president Basescu received 5 votes for any votes cast for his opponents, and in some places, such as Moldova, won by a landslide of 90,95 percent²⁵. The general participation is still small vis-à-vis the general voting bloc of Romanians, but it can make a significant impact in tight situations, especially since this category acts as a voting bloc.

This attitude toward the status of citizenship and nationality in Romania is an interesting development, one that sparked emulation in the area (see the case of the recent Hungarian status law). The question still remains open: what might be the consequences on the legal, and more importantly on the international stages? Such a move toward adopting legal measures to fight political battles at home, which might affect relations with neighboring states is a worrisome development, since it may hint toward the practical uselessness of the EU citizenship in resolving inter-ethnic conflicts.

²⁴ http://www.youtube.com/watch?v=IFpPV9YMFdI&feature=player_embedded, 2011.02.11

²⁵ L. < <http://www.ziare.com/alegeri/alegeri-prezidentiale-2009/turul-doi-al-prezidentialelor-organizat-pentru-romanii-din-strainatate-in-92-de-tari-967536>>, (letöltve 2011. 02. 10.)