

Citizenship against democracy?

Consequences of un-muting Hungarians beyond the borders on the EU's rule of law crisis

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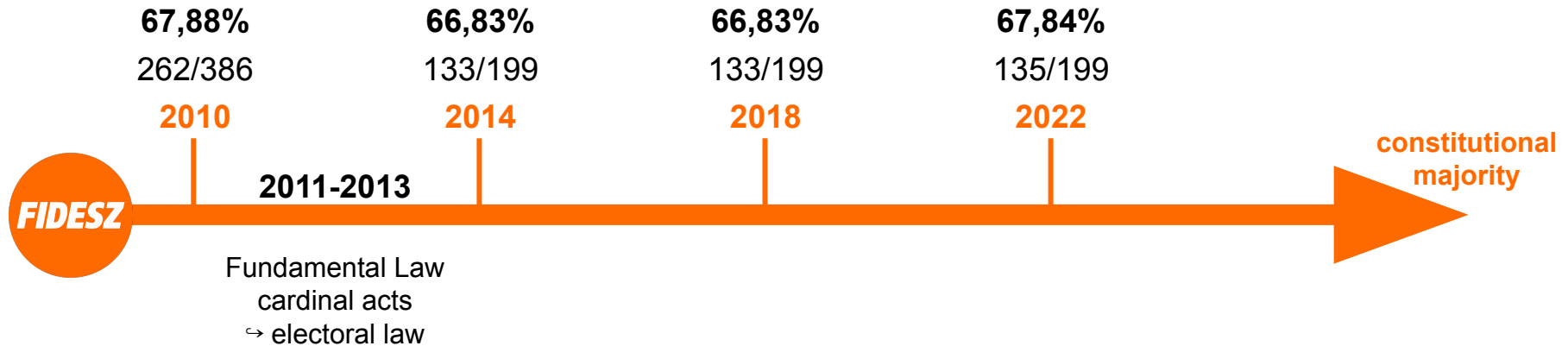


ECPR General Conference 2025
Aristotle University of Thessaloniki

Contested Citizenship Frameworks:
Institutional Legitimacy, Civic Education and the Future of Democratic Governance

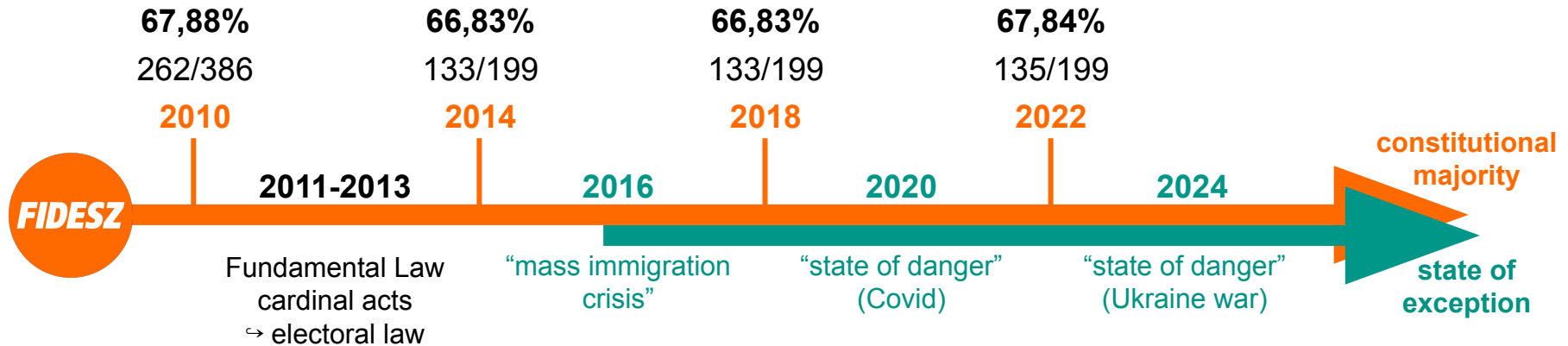
I. Starting point: the Hungarian context

Electoral autocracy = *de facto* multiparty elections are held for the chief executive, but democratic standards are fallen short on due to significant irregularities, limitations on party competition or other violations of institutional requisites for democracies (Lührmann et al, 2018)



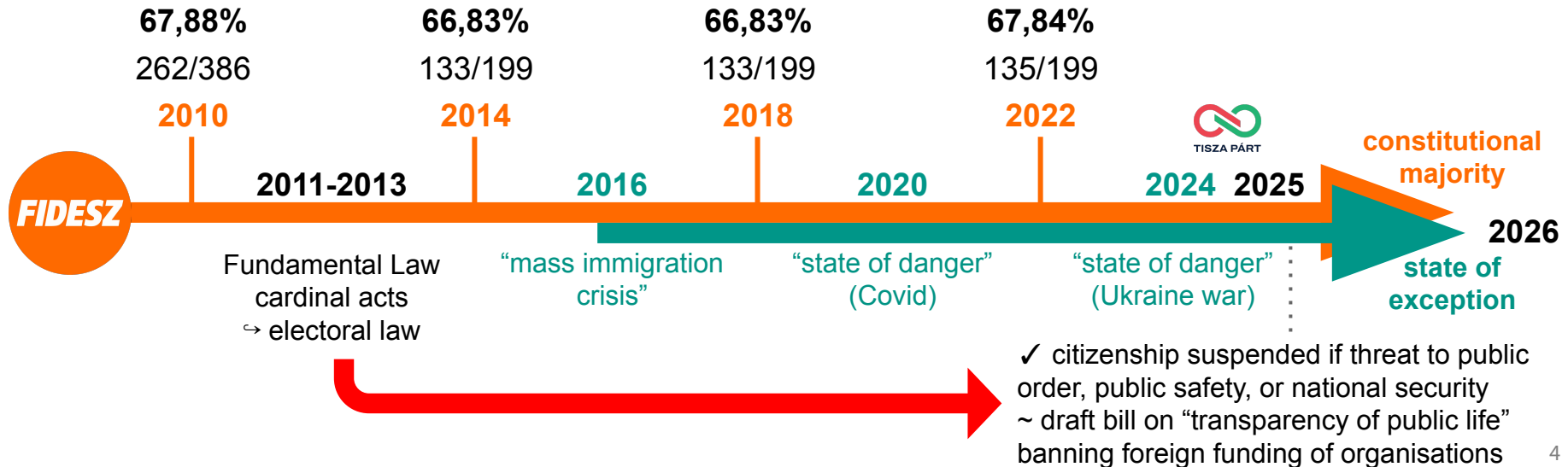
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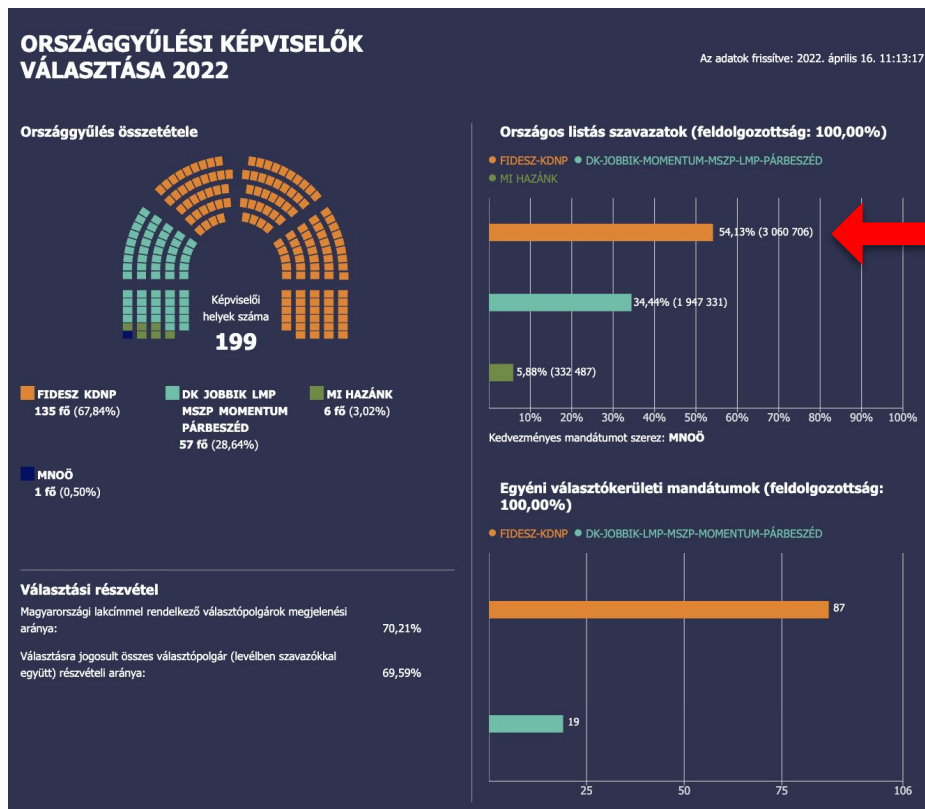


How did Fidesz...

secure a **67,84%**
majority in the
National Assembly...



(participation rate)



...by obtaining
only **54,13%** of
party list votes ?



(single member district votes)

National assembly mandates: 199

106 (53,3%)

SINGLE MEMBER DISTRICT
(majoritarian component)

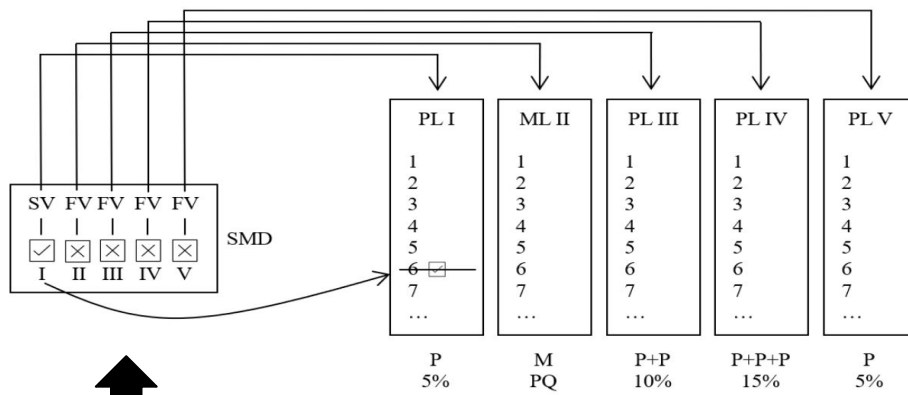
Criteria: **citizenship** + permanent address

93 (46,7%)

PARTY LIST (*MINORITY LIST*)
(proportional component)

Criteria: **citizenship** (*registration*)

II. Mixed electoral system



Vote transfer
 surplus votes & fractional votes
 do not go to waste

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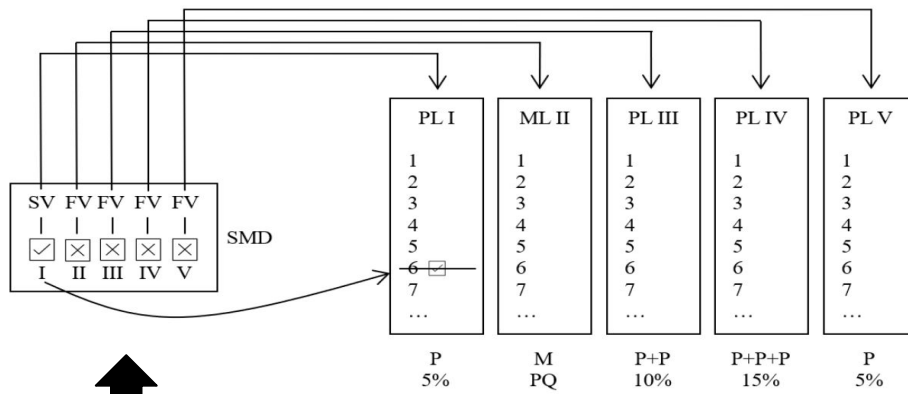
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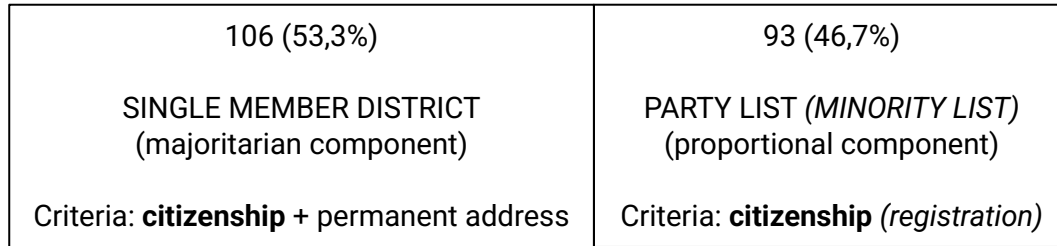
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II. Mixed electoral system



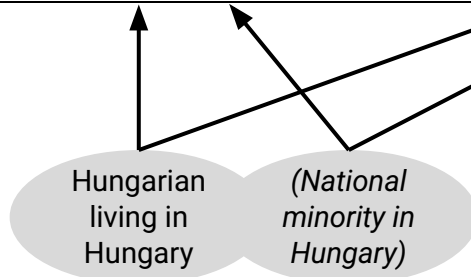
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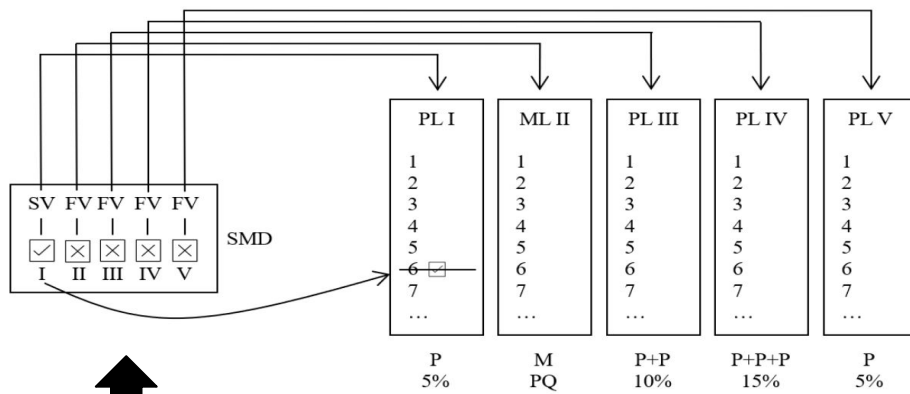
National assembly mandates: 199



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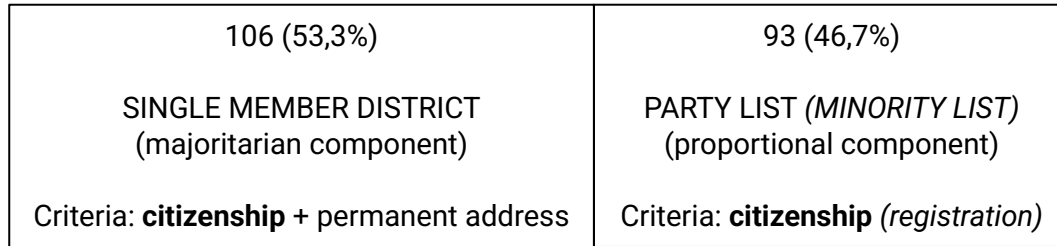
Electorate





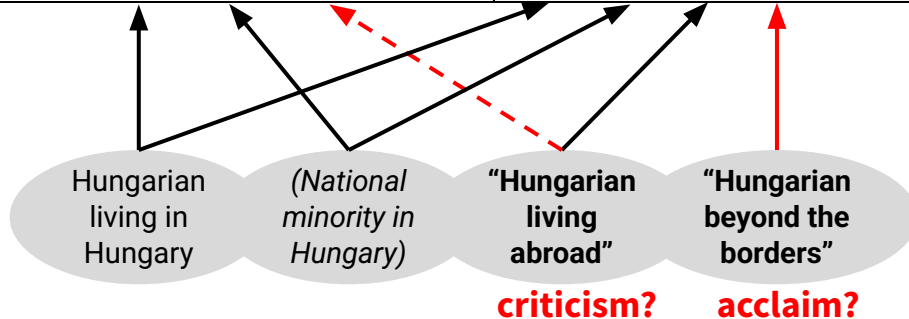
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II. Mixed electoral system

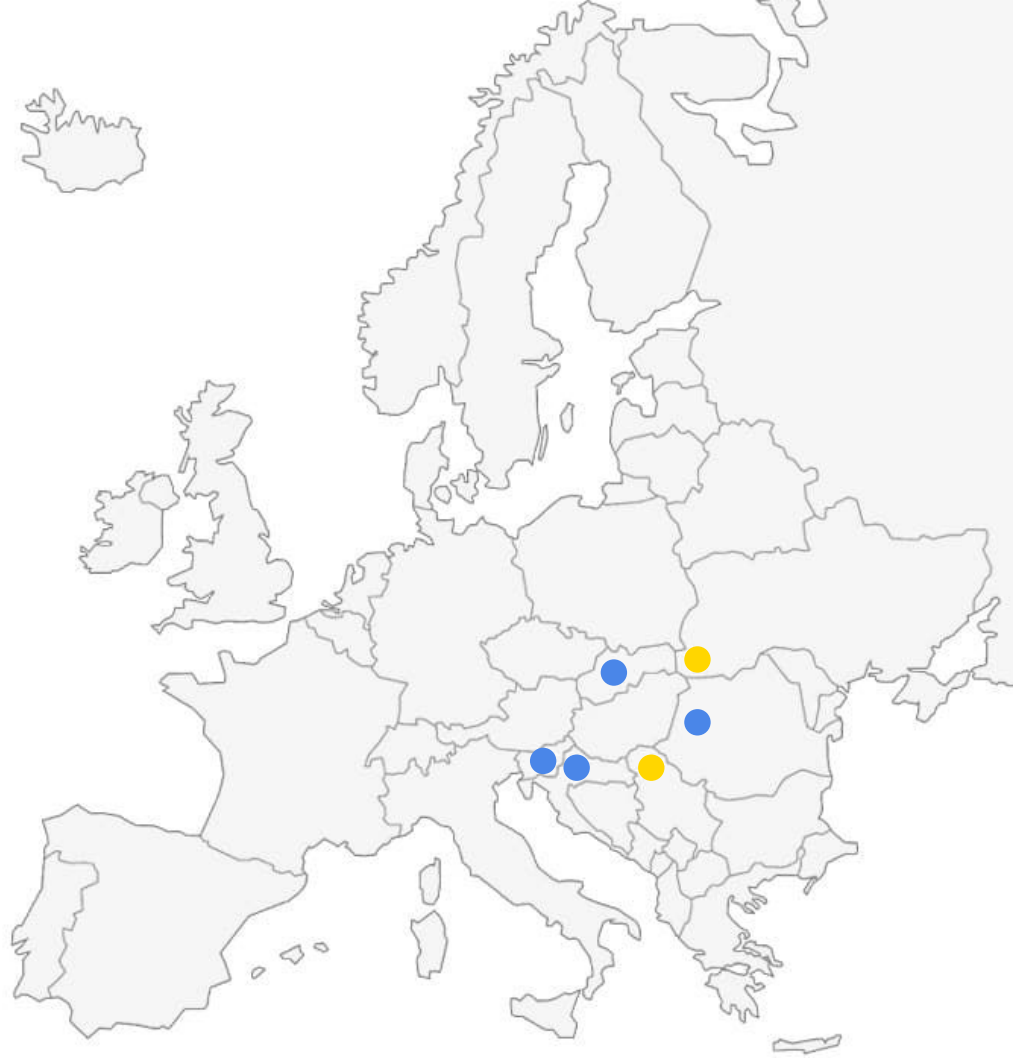
Electorate
muted dissent, amplified consent?



“Hungarians beyond the borders”

- ✓ “Historical legitimization”
- ✓ Preferential naturalisation if ancestors most likely of Hungarian origin (no residence requirement)
- ✓ Citizenship = vote by post, but for party lists only
- ✓ Travel, educational and cultural benefits upon “Hungarian Card”

Is there an impact on election results?



III. Methodology: longitudinal correlation analysis

- **Data on naturalisations/citizenship acquisitions since 2010 (Fidesz in power)**

Annual, time-series (when available)

How significant is preferential naturalisation of “Hungarians beyond the borders”?

- **Data on election results (system reconfigured after Fidesz’s $\frac{2}{3}$ majority in 2010)**

Three observation points: 2014, 2018, 2022

Was Fidesz able to keep its $\frac{2}{3}$ majority?

- **Correlation between number of naturalisations and support for Fidesz party**

Cross-sectional data

Does preferential naturalisation of “HBB” influence election outcomes for Fidesz?

Longitudinal correlation analysis - variable 1

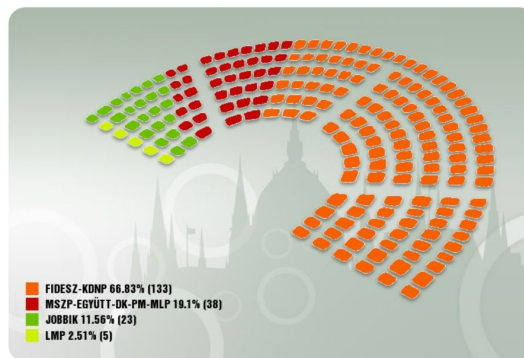
More than 90% of naturalisations/citizenship acquisitions concern “Hungarians beyond the borders”

\	Naturalisations				Total naturalisations		Total preferential naturalisations	
	Of persons living in Hungary	From Romania, Serbia, Slovakia, Ukraine	Of persons living outside Hungary	In Romania, Serbia, Slovakia, Ukraine	Year	Cumulative	Year	Cumulative
2011	20.600	19.900 (97%)	78.700	73.000 (93%)	99.300	99.300	92.900 (94%)	92.900 (94%)
2012	18.400	17.800 (97%)	163.600	154.700 (95%)	182.000	281.300	172.500 (95%)	265.400 (94%)
2013	9.200	8.700 (95%)	168.600	159.200 (94%)	177.800	459.100	167.900 (94%)	433.300 (94%)
2014	8.700	7.800 (90%)	155.900	143.900 (92%)	164.600	623.700	151.700 (92%)	585.000 (94%)
2015	4.000	3.400 (85%)	80.200	70.600 (88%)	84.200	707.900	74.000 (88%)	659.000 (93%)
2017	?		?		?	1.000.000	?	?
2022						1.100.000		940.000 (85%)
2024						1.175.934		?

Központi Statisztikai Hivatal, *Új magyar állampolgárok. Változások az egyszerűsített honosítási eljárás bevezetése után* (2017), available at https://www.ksh.hu/apps/shop.kiadvany?p_kiadvany_id=955944&p_temakor_kod=KSH&p_lang=hu; A. Örkény and M. Székelyi, “Honosítás és aktív állampolgárság a harmadik országbeli bevándorlók körében” in K. András (ed), *Bevándorlás és integráció. Magyarországi adatok, európai indikátorok* (MTA Társadalomtudományi Kutatóközpont, Kisebbségkutató Intézet, 2013), p. 172-199, available at https://real.mtak.hu/10022/1/12_nyilv.pdf. Figures for the period after 2015 come from press articles referring to ad hoc ministerial statements mentioning these figures, see X., “Orbán bemutatta az egymilliomodik külhoni magyart”, *HVG* (2017), available at https://hvg.hu/itthon/20171216_Orban_bemutatta_az_egymilliomodikat, M. Gál, “Az Orbán-kormány azt is titkolja, hány új állampolgárral bővült a magyar nemzet, de a voksokért bármit megtesz”, *Népszava* (2022), available at https://nepszava.hu/3146590_kulhoni-szavazas-voks-valasztas-2022, X., “Elárulta a kormány, hányan kaptak magyar állampolgárságot 2011 óta”, *HVG* (2024), available at https://hvg.hu/itthon/20240321_kormany-semjen-zsolt-magyar-allampolgarsag-egyszerusített-honositas-visszaeles, and Zs. Semjén, Minister for National Politics, Church Politics and Church Diplomacy, written answer to MP Á. Vadai (DK) to question K/7670 “How many new citizens has Hungary acquired through the simplified naturalisation procedure?”, PSÁT - PF/89/3 (2024), available at <https://www.parlament.hu/irom42/07670/07670-0001.pdf>.

Longitudinal correlation analysis - variable 2

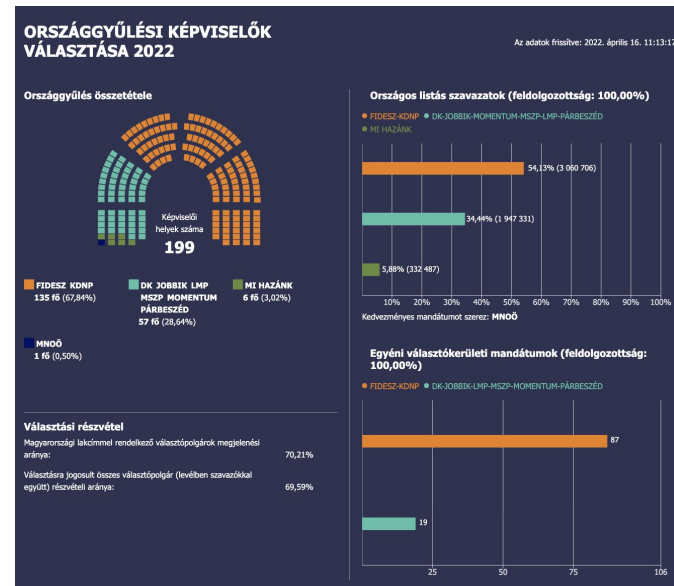
Fidesz conserved its ⅔ majority in 2014, 2018 and 2022



FIDESZ-KDNP 66.83% (133)
MSZP-EGYÜTT-DK-PM-MLP 19.1% (38)
JOBBIK 11.56% (23)
LMP 2.51% (5)

Az országgyűlési képviselői helyek száma : 199

Indulók	Egyéni választókerületben	Országos listán	Összesen	Mandátumok aránya	Százszólok
FIDESZ-KDNP	96	37	133	66,83 %	
MSZP-EGYÜTT-DK-PM-MLP	10	28	38	19,10 %	
JOBBIK		23	23	11,56 %	
LMP		5	5	2,51 %	
LDU				0,00 %	<input checked="" type="checkbox"/>
MGOÓ				0,00 %	<input checked="" type="checkbox"/>
MROÓ				0,00 %	<input checked="" type="checkbox"/>



Parliamentary election year	2014	2018	2022
TOTAL ELECTORS (citizens)	8.241.562	8.312.173	8.215.304
Minimum number of emigrants	550.000	650.000	714.420
Minimum number of emigrants since 2011 (Hungarian living abroad with or without permanent address in Hungary)	46.957	167.576	254.336
Minimum number of preferentially naturalised Hungarians beyond the borders since 2011	433.300	Min. 659.000	940.000
TOTAL VOTERS (voted)	5.096.310	5.796.268	5.717.182
Foreign representation electoral register (Hungarian living abroad with permanent address in Hungary)	No data	58.310	65.480
Register of postal voters (Hungarian living abroad without permanent address in Hungary + Hungarian living beyond the borders)	193.793	378.449	456.129
TOTAL VOTES FOR PARTY LISTS before vote transfer	5.027.820	5.694.751	5.624.225
For Fidesz party list by all electors	2.264.780	2.824.551	3.060.706
Votes for party lists by voters at foreign representations	No data	No data	No data
Votes for party lists by postal voters	128.429	225.025	267.834
For Fidesz party list by postal voters	122.638	216.561	251.468
Surplus votes and fractional votes	3.327.395	3.515.209	3.216.469
SV and FV transferred from SMD Fidesz candidates to Fidesz party list	940.881	1.218.518	1.330.256
TOTAL VOTES FOR PARTY LISTS after vote transfer	8.172.871	8.827.857	8.556.993
For Fidesz party list	3.205.661	4.043.069	4.390.962
NATIONAL ASSEMBLY MANDATES	199	199	199
For Fidesz	133	133	135
Single member district mandates	106	106	106
For Fidesz	96	91	87
Party list mandates	93	92	92
For Fidesz after vote transfer	37	42	48
Minority list mandates	0	1	1

Longitudinal correlation analysis - cross-sectional data

4 key findings

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1. Effects of positive discrimination of ethnic Hungarians

100%

48,42%

54,42%

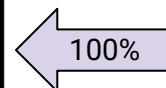
93,89%

67,84%

**Confirmed:
Ethnic Hungarians favor
Fidesz with their votes**

“amplified consent”

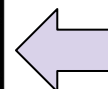
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2. Effects of negative discrimination of emigrated Hungarians



Confirmed:
Hungarians living abroad
are deterred from
exercising their
right to vote



“muted dissent”

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For Fidesz	96	-5 91	-4 87
Party list mandates	93	92	92
For Fidesz after vote transfer	37	+5 42	+6 48
Minority list mandates	0	1	1

3. Distortion of proportional component

In addition to majoritarian component that already favors larger parties

69,7%

+30,3%

100%

Confirmed:
Vote transfer from SMD candidates to their party's list inflates final result

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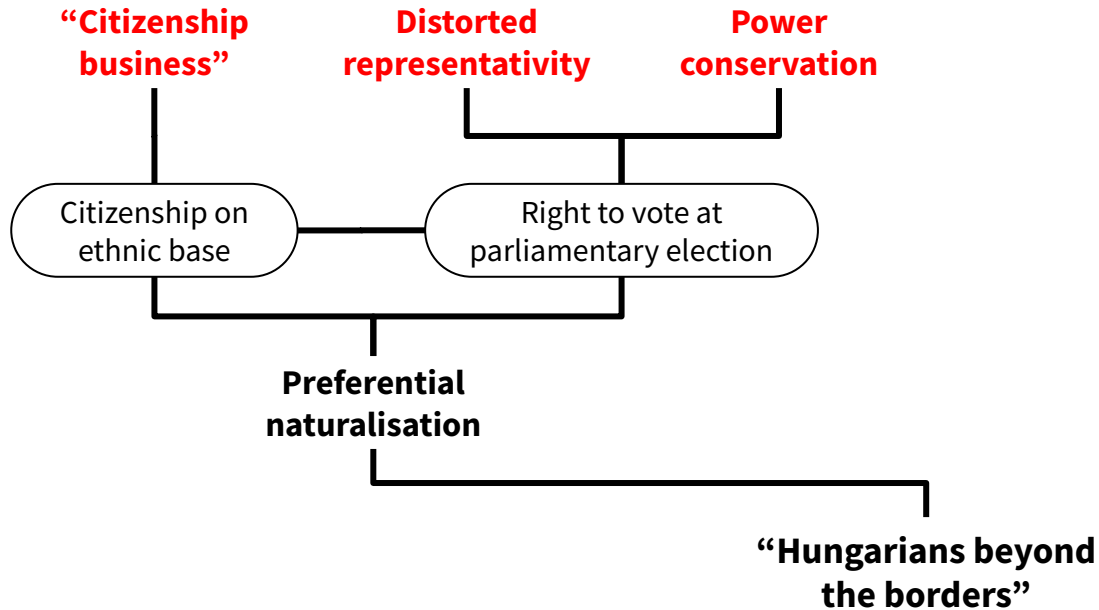
4. Distortion of representativity

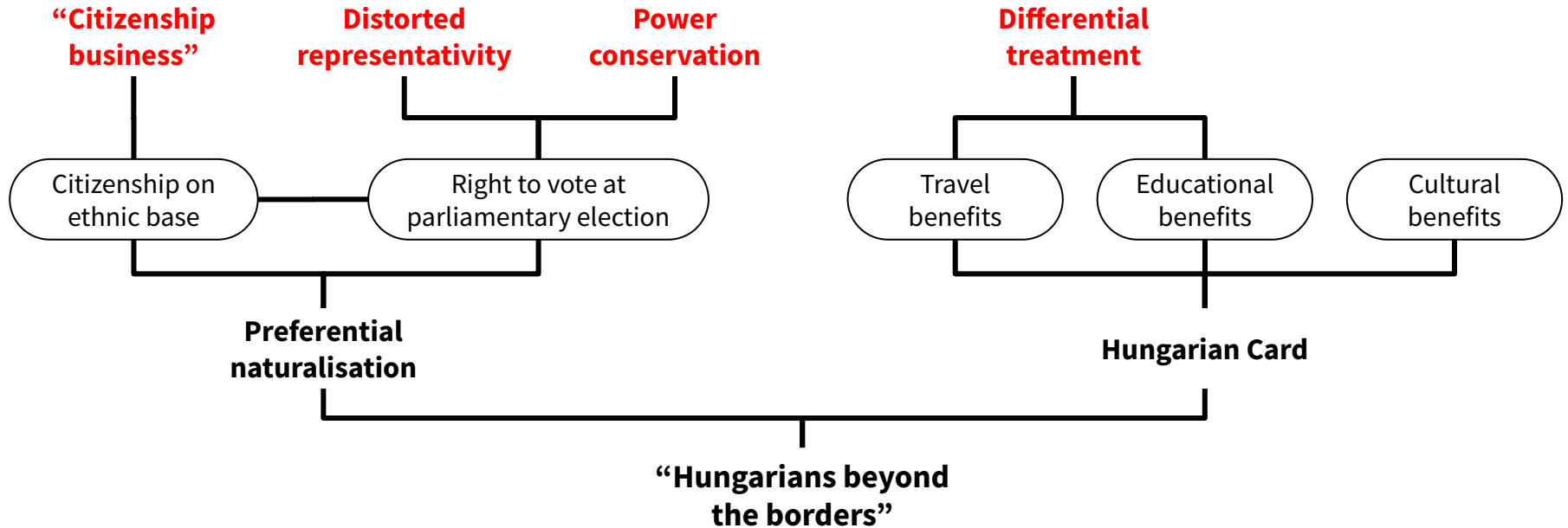
Confirmed:
Positive correlation between number of naturalisations and election outcomes

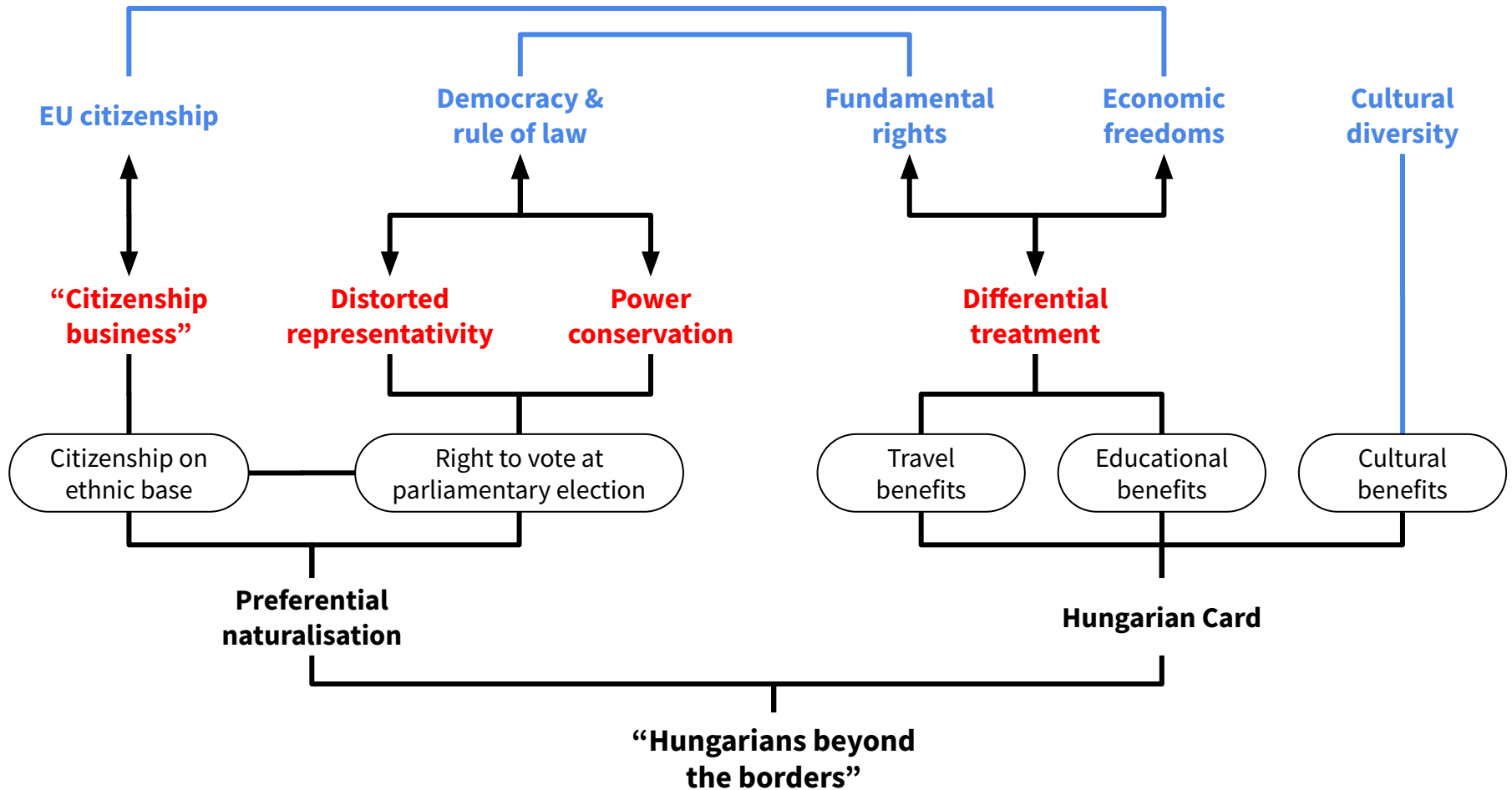
54,42%

More votes for party lists than total of electors

67,84%



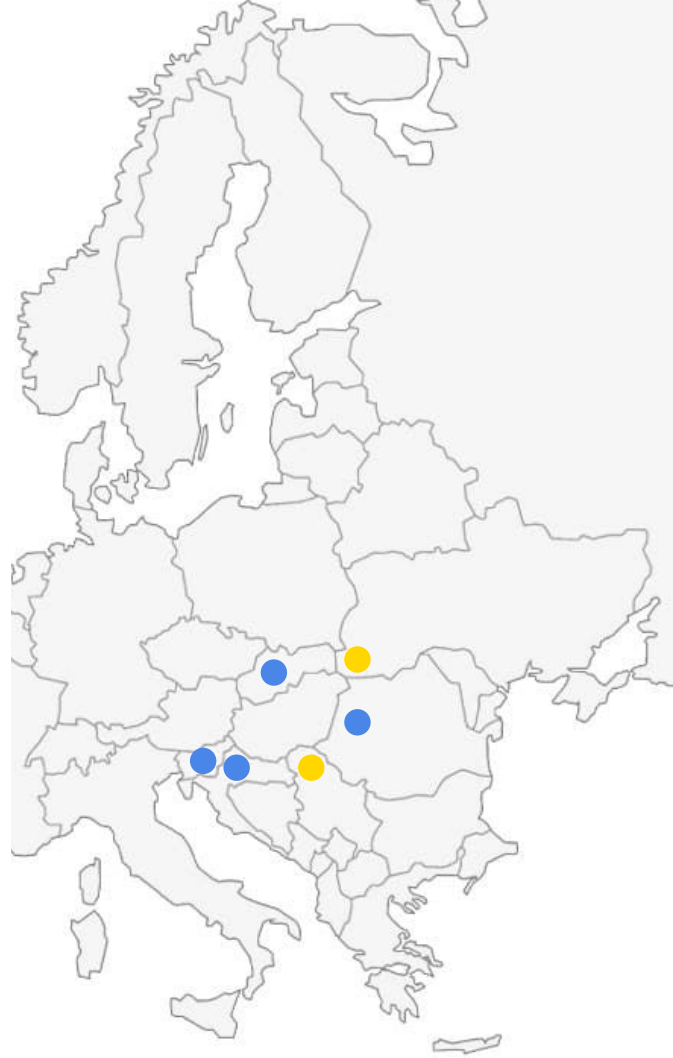




IV. The EU's limited capacity to interfere (1)

General problems

- ❑ No competence when **prerogatives reserved for Member States** (Art. 4(2) TEU) (see also ECtHR *Vámos and others*)
- ❑ **Scope of EU law** limited to “HBB” in Croatia, Romania, Slovakia, Slovenia (not Serbia and Ukraine)

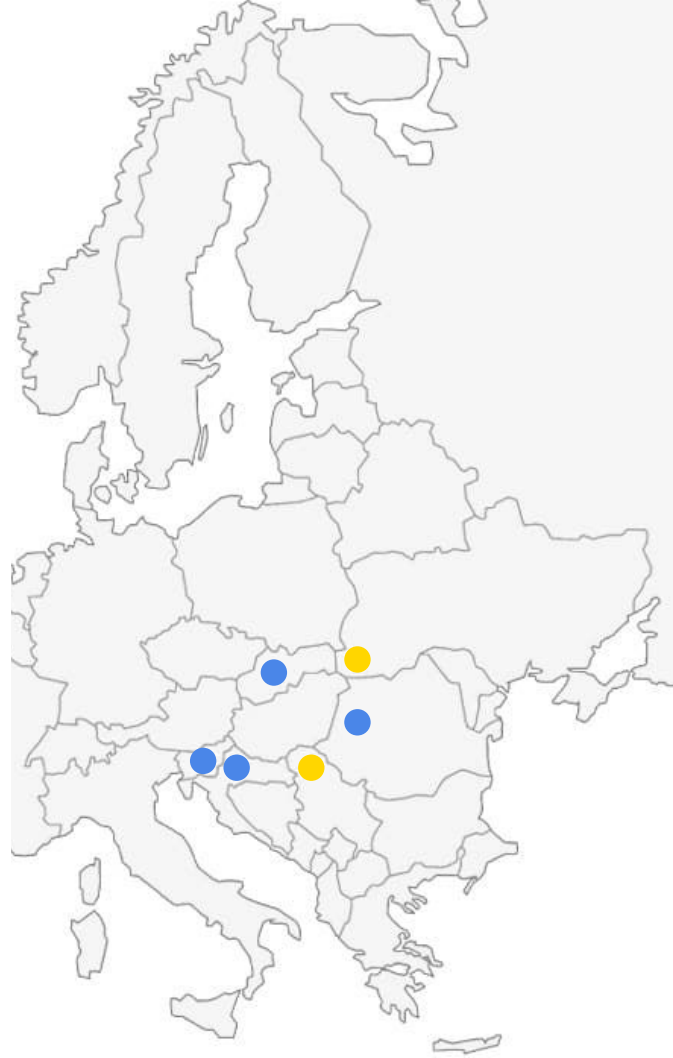


IV. The EU's limited capacity to interfere (2)

General problems

EU citizenship: no grip on acquisition rules as exceptions do not apply

- ❑ Right to vote concerns **inclusion in** and not exclusion from political life (C-808/21 *Commission v Czech Republic* & C-814/21 *Commission v Poland*)
- ❑ Art. 20 TFEU cannot be invoked
 - ❑ right to vote and benefits **unrelated to** right of residence derived from EU citizenship of minor children (C-34/09 *Zambrano*)
 - ❑ preferential **acquisition** and not loss of citizenship (C-221/17 *Tjebbes*)
- ❑ No **officialised commercialisation** of Hungarian citizenship (C-181/21 *Commission v Malta*)



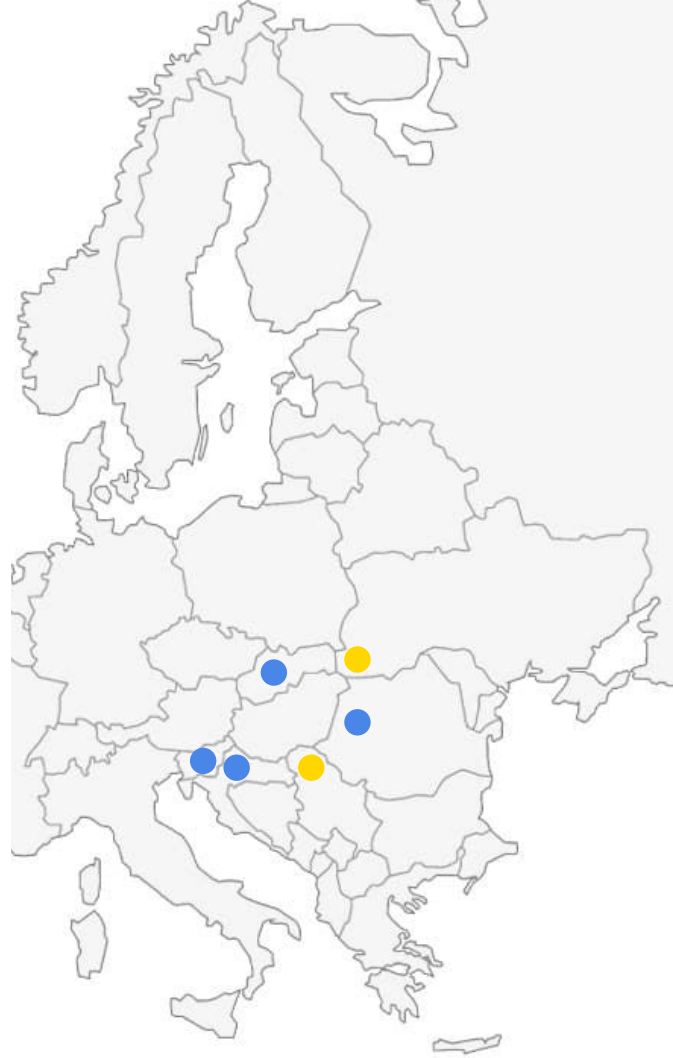
IV. The EU's limited capacity to interfere (3)

General problems

EU citizenship: no grip on acquisition rules as exceptions do not apply

Democracy & rule of law: no common enforceable understanding

- ❑ Scholars still unsure whether **equal or subordinate** relationship
- ❑ Questionable **autonomous justiciability of Art. 2 TEU** (C-769/22 *Commission v Hungary*), even though EU identity is concerned (C-156/21 *Commission v Hungary*, C-157/21 *Commission v Poland*)
- ❑ Rule of law mechanisms **do not address** democracy issues beyond electoral campaign transparency
- ❑ Problematic **operability** of Art. 10 TEU (mutual amplification with Art. 2 TEU)



IV. The EU's limited capacity to interfere (4)

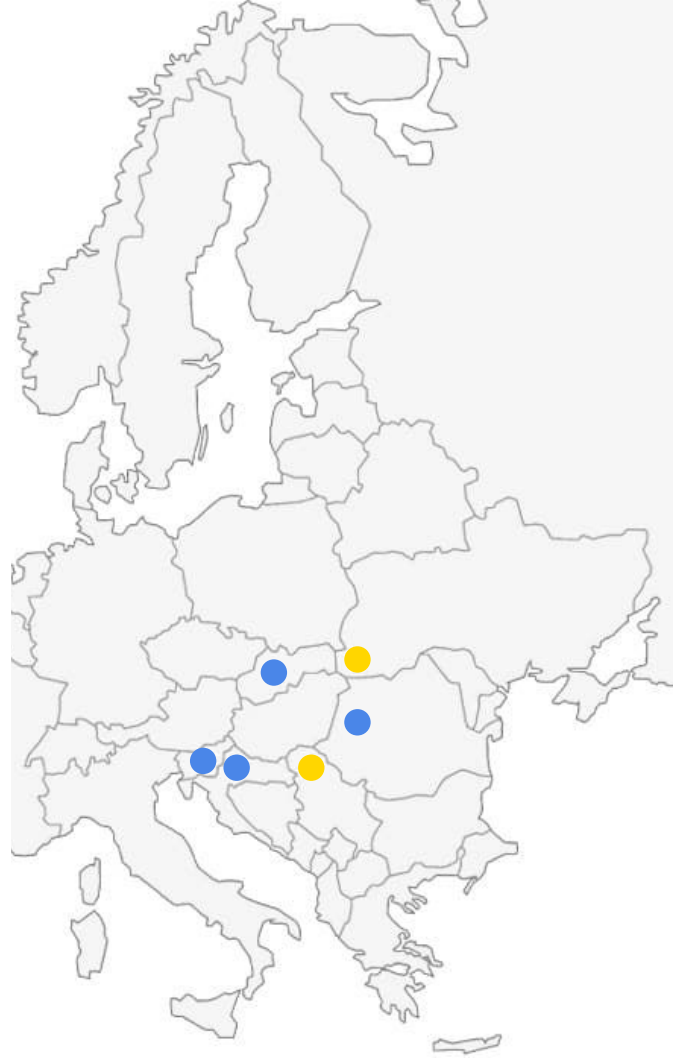
General problems

EU citizenship: no grip on acquisition rules as exceptions do not apply

Democracy & rule of law: no common enforceable understanding

Fundamental rights: lack of proper instruments

- ❑ **Principle of equal treatment:** Art. 21 CFR => Directive 2000/43 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
 - ❑ Covers travel benefits (Art. 3(1)(f)) & educational benefits (Art. 3(1)(g))
 - ❑ **“One ethnicity shared by all Hungarians” or distinct ethnicities for “HBB”** = direct discrimination of “plain Hungarians” (Art. 2(2)(a)) or positive action (Art. 5)?
- ❑ **Lack of harmonisation** (Art. 19(1) TFEU)



IV. The EU's limited capacity to interfere (5)

General problems

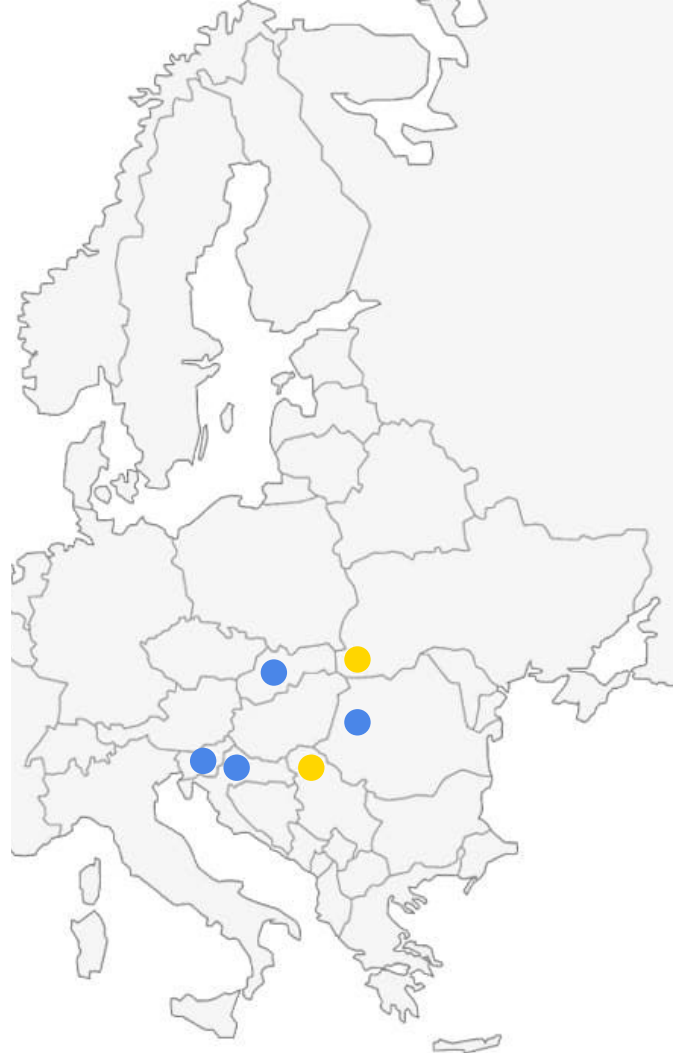
EU citizenship: no grip on acquisition rules as exceptions do not apply

Democracy & rule of law: no common enforceable understanding

Fundamental rights: lack of proper instruments

Economic freedoms: very limited relevance

- ❑ **Free movement of workers:** Art. 45 TFUE
 - ❑ Even if cross-border movement, right to vote and travel and educational benefits **do not concern** discrimination as regards to employment, remuneration or work conditions
 - ❑ N.B. Regulation 492/2011 cannot be invoked against MS of nationality (C-638/20 *MCM*)
- ❑ **Free movement of persons:** Art. 24 Directive 2004/38
 - ❑ Application to educational benefits = “social assistance” (C-140/12 *Brey*)
 - ❑ **“HBB” have no interest** and **Hungarians are not in cross-border movement** (Art. 3(1))
- ❑ **Transport services:** Art. 5 Regulation 2021/782 + Art. 58 TFEU
 - ❑ Application to travel benefits when discrimination between passengers **in rail travel**



**...Or how to exploit
the limits of EU law
as tools of power**

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**Thank you for your
attention!**