

“I AM ONE OF YOU”: WHO IS “YOU”?
THE SELECTIVE EXTENSION OF DUAL CITIZENSHIP
PROVISIONS IN LITHUANIA

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Abstract

This thesis deals with the extension of dual citizenship provisions in Lithuania. After the 1989 adoption of a so-called “zero-option” citizenship law, that is the granting of citizenship to all permanent residents on the territory, further legal developments of the citizenship framework have marked a certain “re-ethnicization” of membership, to use Joppke’s expression (2003: 442).

The extension of dual citizenship provisions has addressed the considerable share of the Lithuanian ethno-nation scattered across the world. The political treatment of the question has proved confusing and inconsistent and has been at the core of a long-lasting political and legal controversy. I identify a project of “selective re-ethnicization” of membership, in the sense that successive revisions of the citizenship law have only concerned some selected categories of ethnic Lithuanians.

In this thesis, I investigate the underlying reasons and implications of such a project. I focus on the initial contradiction between a 1989 inclusive law and a more selective approach in subsequent developments. I analyze the extent and the structure of the Lithuanian diaspora, the influence of some of its segments on the so-called motherland and the relationship between them. I show that a certain vision of Lithuanian nationhood and a growing anxiety vis-à-vis demographic decline are at the core of a “selective re-ethnicization” project. I stress that issues of post-communist transition, minority protection and diplomatic relations have to be taken into account when considering extending dual citizenship provisions in the specific Lithuanian case.

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Introduction

On 26 February 1998, the newly-elected President of the Republic of Lithuania, Valdas Adamkus, declared in his inaugural speech “I am one of you”. More than an attempt to rhetorically deny the gap between the governing and the governed, this statement has to be understood in the context of his life story. Born in 1926 in the then capital city, Kaunas, Adamkus emigrated with his family in 1944 first to Germany and then to the United States. He spent there about 50 years and made a career in the U.S. Environment Protection Agency (EPA). He resigned in June 1997, settled back in Lithuania and decided to run for the 1998 presidential elections. He had first to win a battle in court, as doubts arose whether the long decades he had spent abroad were compatible with minimum residency requirements in Lithuania. Thanks to his effective involvement in Lithuanian political and cultural activities for many years, he was allowed to run. Eventually, he was elected President in January 1998.¹ Through his statement “I am one of you”, Adamkus stressed his belonging to Lithuania despite his long-lasting absence. Even after 50 years of living and working in the United States, he managed not to be considered as an American outsider running for presidency in a post-Soviet country.

Such a story and the subsequent declaration raise the issue of membership in Lithuania. My initial question has been to know who is the “You” Adamkus addressed. Is it Lithuania’s citizenry, of which he had just become President? Is it the ethnic Lithuanian majority of this citizenry, on which the state is based?² Is it the Lithuanian ethno-nation as such, despite its scattering? How can we explain that a 50-year émigré, former high-ranked civil servant in a foreign public administration, could be considered eligible to become president in his native

¹ Adamkus officially renounced his U.S. citizenship by turning in his passport at the U.S. embassy in Vilnius a day before his scheduled inauguration. He stayed in office until February 2003 and he lost the elections to Rolandas Paksas. After the latter was impeached by the Seimas in April 2004, Adamkus ran again and won the July 2004 elections. He stayed in office until July 2009.

² Preamble of the Constitution, see Appendix 2.

land after merely a few months of residence and win the election? In this thesis, I address this question through the issue of the extension of dual citizenship provisions and the surrounding long-lasting controversy.³

The question I answer through my research is: why, and on what ground, does the extension of Lithuanian dual citizenship provisions establish and justify a structural gap among the country's citizenry?

My initial hypothesis assumes that the first citizenship law was based on a civic trend including all permanent residents into the newly restored citizenship. In contrast, the gradual extension of dual citizenship provisions corresponds to a “selective re-ethnicization” project. Such a project might endanger the integrity, i.e. the constitutional and normative coherence, of both the Lithuanian citizenry and the diasporic ethno-nation. The assumption of the so-called “endorsers” (i.e. authors defending the limitless extension of dual citizenship across the world as a global political and economic stabilizing tool and as an ineluctable process) would be proved wrong as the Lithuanian case has to be replaced into a different context than Western countries.

I wish first to replace the issue of extending dual citizenship provisions in its Lithuanian context. Dual or multiple citizenship is here understood as a legal status of citizen held by a person in two or more states. It has long been considered as bigamy, as an anomaly of the international legal system and a phenomenon to avoid. In 1915, former US President Theodore Roosevelt referred to it as a “self-evident absurdity” because of legal, political and military reasons (quoted in Spiro 2002: 24). It corresponds to the vision of citizenship as “ineradicably political” since its “oldest, most basic, and most prevalent meaning is a certain

³ Several authors use the terms “citizenship” and “nationality” as synonyms. However, in the scope of this paper, I refer only to “citizenship” in respect to specificities of the Lithuanian language. The term “pilietybė” refers to the legal bond between an individual and a state. A person belonging to the nation (Tauta) is addressed by the words “pilietybė” or “tautybė”. In this context, it emphasizes an ethnic meaning of nationality.

sort of membership in a political community” (Smith 2001: 1857). In this sense, dual citizenship has long been assimilated to dual loyalty. According to Christian Joppke, it coincides with the rise of “modern national consciousness”. In this sense, citizenship appears to be much more than a set of legal provisions and “requires (...) a direct sense of community membership based on loyalty to civilization which is a common possession” (Joppke 2010: 12). Graham Smith talks about a “symbiotic relation” between the heart of the nation, the nation itself and citizenship (Smith: 1996).

A twist has recently occurred in the academic and political discourses, which tend to accept and even encourage the proliferation of dual citizenship.⁴ This has to be understood as a direct consequence of the relative pacification of international relations and the increased mobility of persons across the world, which directly affected Lithuania after 1990.

Here is a brief presentation of demographic particularities of the country. According to the 2001 Population and Housing census, about 3,480 million inhabitants reside in Lithuania.⁵ 83,45% of them state themselves as ethnic Lithuanians. It makes the country the most ethnically homogenous among the three Baltic states. At the same time, its population is also the most ethnically diverse, as it is divided into over a hundred different nationalities, mostly Poles (6,74%), Russians (6,31%) and Belarussians (1,23%). The overall majority of permanent residents (98,9% in 2010) holds Lithuanian citizenship. It is also essential to underline that because of historical and economic reasons a large proportion of the Lithuanian ethno-nation is spread across the world. One estimates that over a million persons of Lithuanian descent make up the so-called Lithuanian diaspora. The complex diversity of

⁴ A large share of the recent literature on dual citizenship gives way to the theories of the so-called “endorsers”, namely Peter Spiro, Peter Schuck, Thomas Franck, Stephen Legomsky and Patricia McGarvey-Rosendahl.

⁵ This figure has to be relativized: at the time of writing, a new census goes on in Lithuania. Its official results are to be announced in September-October 2011. Preliminary results indicate that the country hosts 3,54 million permanent residents, that is to say a 10,2% loss of population over the last decade (www.stat.gov.lt). In the scope of this paper, I rely on the 2001 data as it is officially approved and corresponds to the time span my research is based on.

Lithuania's population in both ethnic and geographical terms has made the definition of the "You", i.e. the issue of membership, a crucial topic since the return to independence.

Article 12.2 of the 1992 Lithuanian Constitution expressively stresses that "with the exception of individual cases established by law, no one may be a citizen of both the Republic of Lithuania and another state at the same time". Such a strict prohibition of the possibility for dual citizenship was meant to comply with the traditional rejection of the phenomenon and to protect the territorial integrity of the newly reborn citizenry. Yet, concerns regarding the demographic situation of the country as well as the unity of the nation have led to a progressive extension of the possibilities for dual citizenship. It has triggered a long-lasting conflict with the Constitutional Court. Lithuanian lawmakers in the Seimas (Lietuvos Respublikos Seimas – Parliament) have been attempting to circumvent the constitutional prohibition and to enlarge the definition of exceptional cases eligible to dual citizenship. Ethnic Lithuanians worldwide have been addressed by the legislator, whereas ethnic minorities in Lithuania have in no case been entitled to dual citizenship. In this sense, I identify here a "re-ethnicization" project, which aims to regroup the ethno-national community within the boundaries of the state (Joppke 2003: 442). Yet, only some categories of ethnic Lithuanians have been concerned by legislative developments. I understand it as a "selective re-ethnicization" process, which results from historical, political and economic dissensions among the Lithuanian ethno-nation.

The issue has proved particularly controversial regarding the presidential privilege to grant citizenship to persons holding another one.⁶ In December 2003, the President of the Republic, Rolandas Paksas, was charged by the Constitutional Court with abuse of power by misusing his right to grant Lithuanian citizenship.⁷ It led to his impeachment by the Seimas in

⁶ Former article 16 of the citizenship law, current article 20.

⁷ This procedure was originally dedicated to individuals having shown special merit to the Republic of Lithuania. Doubts arose vis-à-vis Yuri Borisov being offered Lithuanian citizenship. Indeed, he is a Russian citizen owner

April 2004. Although this event shows that the issue of dual citizenship has proved sensitive in Lithuania, I do not deal with the granting of citizenship by way of presidential decree in this paper. Its use has considerably decreased after the 2003 ruling.⁸ Its implications in numeric terms are minor. Plus, it makes up a parallel yet different case in comparison with the Seimas' attempts to modify the nature of membership in Lithuania.

In November 2006, another Constitutional Court ruling denounced the citizenship law as “very controversial, inconsistent and confusing”. The former President of the Constitutional Court, Egidijus Kūris, stated in May 2010 that it “would be premature to say that Lithuania has any sort of citizenship policy. It simply does not exist” (2010: 41). Overall, it took four years and two presidential vetoes for the subsequent revision of the law to be rightfully implemented in December 2010. The adoption of this latest version has brought the controversy to a standstill and the issue of dual citizenship seems unlikely to be tackled again in the nearest future.

This thesis comes as the final requirement of my Master of Arts in “Nationalism Studies” at the Central European University (CEU) in Budapest. Throughout the program I have focused mostly on issues of citizenship, migrations and diasporic ethno-policies. This paper complements my previous Master's thesis on a comparison between integration policies in Estonia and Latvia and confirms my interest in the Baltic Sea area.⁹ I have chosen here to

of the aviation company Avia Baltika and suspected of ties with mafia milieus. No special merit to the Republic could be proved, but his donation of about \$ 400,000 to Paksas' campaign.

⁸ An anecdote has here to be mentioned: an amendment passed on 16 July 2006 enlarged the category of persons entitled to benefiting from the presidential decree, in case their activities would have been “related to the public interest or glorification of the name of the republic of Lithuania by representing Lithuania”. The Seimas adopted this provision as Katie Douglas, a U.S. female basketball player had brilliantly played for a Lithuanian club. Were Lithuanian citizenship be granted to her, she would have been able to join the national team for the 2006 World Championship. Eventually, her application was refused by Adamkus on behalf of constitutional coherence. A few weeks later, she got injured and could not take part in the Championship. The amendment was quashed by the November 2006 Constitutional Court ruling.

⁹ Master's thesis: “Multiculturalism in ethnic democracies. The long path towards integration policies in Estonia and Latvia”, Institute of Political Sciences of Lille, France. Defended in May 2009.

focus on Lithuania, as its features differ significantly from Estonian and Latvian ones in respect to citizenship, minority integration and geopolitics.

This paper does not deal with the issue of minority protection and integration in Lithuania, which have been investigated extensively. In contrast to Estonia and Latvia, minority integration has been considered less controversial in Lithuania thanks to its demographic balance and the adoption of the “zero option”. The remaining problems I could identify, such as minority education and the spelling of names on official documents and street signs, are highly politicized and do not make up a structural cleavage within the Lithuanian population.

I focus here on the issue of dual citizenship, which has been largely understudied in the central and eastern European context. The “endorsers” have mostly investigated the progressive acceptance of the phenomenon in and among western countries, that is to say within a so-called “Lockean zone of trade”, to use Joppke’s expression (2010). It has primarily addressed long-term migrants in western countries in allowing them to retain or re-acquire the citizenship of their country of origin while holding a legal status in their country of residence. It has recently been used by former emigration countries such as Italy, Germany and Ireland to re-establish a bond between a so-called “motherland” and historic migrants and their descendants. The phenomenon has to be analyzed in a different context in central and eastern Europe, which is still a part of a “Hobbesian zone of war” despite recent rapprochement to western structures. Issues of diplomatic relations, political processes, perceptions of history and territorial identity encompass a different meaning in the region. Target groups of dual citizenship policies are mostly external kin populations, either emigrants scattered across the world (e.g. Croatia, Poland) or transborder minorities residing on territories once constituent of the homeland (e.g. Hungary in the Danube basin, Romania

and Moldova).¹⁰ I intend here to fill a gap in the existing literature through an examination of the Lithuanian case and contribute to a better understanding of the regional developments in citizenship matters.

My research relies first on the large literature on citizenship and dual citizenship. I investigate as well as questions related to diasporas and minority integration. As the debate on dual citizenship was undergoing in Lithuania at the time of the research, a large part of my understanding of the situation is also based on legal and journalistic sources. Despite my initial anxiety, my limited access to sources in Lithuanian language has not been an insurmountable obstacle. Because of the locations of the largest segments of the Lithuanian diaspora (i.e. Northern America, Ireland and the United Kingdom), there exists significant sources in English.

As a core part of the research, I took a field trip to Warsaw in Poland and to Lithuania in early April 2010. I had the occasion to meet with legal scholars, political and administrative personalities as well as journalists. I could conduct many interviews which contributed to my understanding of the case.

I also relied quite significantly on statistical data provided by official institutions such as the Department of Statistics to the Government of the Republic of Lithuania. It helped me understand the current demographic challenges Lithuania faces and their impact on policy-making. I drew several charts and maps from the data, which are spread throughout the paper.

Structure

The first chapter analyzes the 1989 reconstitution of a separate citizenry meant to represent a “continuous institution” of the interwar Lithuanian state (Kūris 2010: 2). The

¹⁰ Pogonyi, Szabolcs and Kovács, Mária M. and Körtvélyesi, Zsolt *The Politics of External Kin-State Citizenship in East Central Europe*, Florence: EUDO Citizenship Observatory, European University Institute, 2010.

“zero option” has been widely considered as tolerant and inclusive and part of a civic understanding of membership. I demonstrate that it was more a pragmatic response to the necessities of re-establishing national independence. The 1989 law established a structural difference between “existing” and “potential” citizens. A second law passed in 1991 marked the beginning of a certain “re-ethnicization” of membership. My initial hypothesis stating a contradiction between the 1989 law and further legal developments is proved partially right.

The second chapter introduces the main target groups of the extension of dual citizenship provisions, that is the various segments of the Lithuanian diaspora. I show that it is considerably large by Lithuanian standards and divided between different layers, namely the pre-1990 and post-1990 ones. Such a divide implies a strong differentiation of strategies and attitudes. I show a strong involvement of diasporic organizations and highlight evidence of a certain “long-distance nationalism” (Anderson 1992). The division has far-reaching implications in the government’s attitude regarding its diasporic policy and the extension of dual citizenship, which appear as a necessity for most of the actors involved.

The third chapter investigates the developments of the citizenship law for the past two decades. Despite a constitutional prohibition of dual citizenship (art.12.2), I demonstrate that there exists a political project of “selective re-ethnicization” of membership, namely through repeated redefinitions of the body of citizens and the extension of dual citizenship provisions. Only some categories of the Lithuanian ethno-nation have been concerned by these developments, which makes the “re-ethnicization” project a selective one. I demonstrate it results from a certain vision of Lithuanian nationhood as well as from worries regarding a reinforced diasporic influence on domestic affairs. The virtual impossibility to amend the constitutional prohibition unveils a poor quality of political life in Lithuania and of the respect of the rule of law.

The fourth chapter focuses on the implications of a “selective re-ethnicization” of membership project in a country part of a still “Hobbesian zone of war”. It also highlights double standards in the treatment of citizens along an ethnic line. They stand as a marker of practical concerns vis-à-vis land restitution, minority integration and international relations. It confirms my hypothesis of long-term endangering of the integrity of the citizenry. I investigate these double standards through a comparison between a Lithuanian geopolitical project and one of Poland’s diasporic policies (i.e. “Karta Polaka”) and the differences in the Lithuanian attitude.

Chapter 1.

A pragmatic “zero option”

On 11 March 1990, the Supreme Council of the LSSR declared the re-establishment of the independent Republic of Lithuania as of prior to 15 June 1940, on which date Soviet armed forces had occupied the country. According to the principle of legal continuity of the state, the 1938 Constitution was re-established. In the scope of this chapter, it is not relevant to overview the Soviet history of Lithuania and the renewal of independence as such. I focus here on the reconstitution of a separate citizenry, meant to represent a “continuous institution” of the interwar Lithuanian state (Kūris 2010: 2).

Using some historical and demographic data, I present and analyze the legal basis Lithuanians founded their claim for independence on in 1989. Further, I introduce Brubaker’s typology of the “internally inclusive” and “externally exclusive” functions of citizenship, defined by the criterion of a so-called “cultural idiom”. I show that the first Lithuanian citizenship law pragmatically included the resident population. It corresponded to an idea of “de-ethnicization” of membership compared to the interwar citizenship framework. Second, I demonstrate that such a law was not a “pure” zero option, as is commonly believed. It created an inherent division between “existing” and “potential” citizens, which was a direct reference to the idea of Lithuanian nationhood. Such an assumption is confirmed by further developments of the citizenship framework, which implies a certain “re-ethnicization” of membership. Nevertheless, I show that the Lithuanian pragmatically tolerant and inclusive approach has facilitated a more consensual transition than in Estonia and Latvia.

1.1 *The Lithuanian territory as a multiethnic mosaic in 1989*

I present here some historical facts on Lithuania and data on the multiethnic demographic balance in the territory of the Lithuanian Soviet Socialist Republic (LSSR) in 1989. Such a multiethnic mosaic had to be taken into account in the re-establishment of national institutions.

As with the whole eastern shores of the Baltic Sea, Lithuanian territory has been at the crossroads of diverse cultural and political influences for centuries. After having successfully established a central state in the early second millennium,¹¹ which conquered one of the largest empires in Europe ever formed, the Lithuanian political power underwent a long-lasting structural process of “Polonization” by the Polish nobility and intellectuals,¹² followed by strong “Russification” policies as part of the tsarist empire.¹³ Despite such acculturation processes, Lithuania was no exception to the Europe-wide movement of so-called national awakenings, through which intellectual, economic and political elites codified a national modern language, promoted a national press and literature and developed a national consciousness among the local populations. Terry Clark highlights that the understanding of so-called “Lithuanianness” is mostly based on cultural features, such as language, religion, folk-culture and traditions (2006). In this sense, the Lithuanian concept of nation as developed from the mid-19th century onwards is strongly connected to the idea of “cultural nation” as developed first by Johannes Herder in the 18th century. According to him, the highest expressions of the nation are folksongs and poetry, considered as “the imprints of a nation’s

¹¹ The first written mention of the name of Lithuania dates back to the year 1009. Lithuania celebrated its millennium in 2009.

¹² Through the Union of Lublin in 1569 and the adoption of Polish as the official state language of the Polish-Lithuanian Commonwealth in 1698, the Polish cultural sphere extended upon the Lithuanian elites over the centuries.

¹³ Following the partitions of the Commonwealth in 1772, 1793 and 1795, the Lithuanian territories were turned into Russian provinces. The 1830 and 1863 uprisings led to the implementation of a Latin alphabet ban from 1864 until 1904. All Polish and Lithuanian publications printed in the Latin alphabet were forbidden within the Russian empire during this period.

soul” (quoted in Lieven 1994: 113). The language is thus the core of the national spirit and determines the sense of belonging to the nation. Benedict Anderson considers the language as one of the most relevant elements to “generate imagined communities, to effectively build some particular solidarities” (Anderson 2001: 136). As Joshua Fishman states, in a cultural-based nation “the soul is not only reflected and protected by the mother tongue, but in a sense the mother tongue is itself an aspect of the soul, a part of the soul, if not the soul made manifest” (Fishman 1989: 276).

The Republic of Lithuania (Lietuvos Respublika) was proclaimed on 16 February 1918, shortly before the end of the First World War. The independent state was defined as a democratic and national republic. The state was a creation of the Lithuanian nation and the Lithuanian language was to be its official language. Despite territorial amputations¹⁴ and the establishment and gradual hardening of an authoritarian regime under Antanas Smetona from 1926 on, the independent state was successfully established and survived until the breakout of WWII. Lithuania, together with Estonia and Latvia underwent several foreign occupations and lost their independence. In the run-up to the Second World War, their fate was decided between Nazi Germany and the Soviet Union. On 23 August 1939, the infamous Molotov-Ribbentrop Pact granted the three Baltic republics and the eastern part of then Poland to the USSR. Thus, the Red Army occupied Lithuania on 15 June 1940. A month later, on 21 July, a newly-elected communist Seimas requested the admission of the new socialist republic into the USSR. Despite a brief Nazi occupation from 1941 until 1944,¹⁵ such a situation outlasted

¹⁴ In 1919, the newly re-established Polish state engaged militarily against Lithuania for the conquest of the Vilnius region, both largely populated by Poles and of great symbolic value. The city was eventually incorporated into Poland in March 1922. Nowadays, the so-called “Vilnius question” still fuels resentment among local populations and political tensions between the two countries. On the Western side of the country, the Klaipėda region (then called the Prussian Memelland), although mostly populated by Germans, was annexed by Lithuania in January 1923. The move contradicted plans of the League of Nations to turn it into an independent state, a so-called “free-city of Memel” (Die Freistaat Memelland). It was annexed by Nazi Germany in March 1939 and was returned to the LSSR in 1948.

¹⁵ During this occupation, up to 95-97% of the pre-war Jewish population perished. Jews made up to 7,6% of interwar Lithuania; 8,3% on the current territory of the Republic of Lithuania (including the Vilnius region). The

the upheavals of WWII. Although the annexation and occupation of the three Baltic states were never recognized by most of the Western powers, the post-war agreements confirmed their allocation to the USSR. Thus, Lithuania remained a *de facto* Soviet Republic until 1990. Clark emphasizes the importance of these occupations in the definition of a contemporary “Lithuanianness”. He argues that the Lithuanian national idea crystallized at independence into “a self-image that of a nation of ‘innocent sufferers’” (Snyder 1995: quoted in Clark 2006: 166).

In the scope of this paper, it is relevant to investigate the Soviet period in Lithuania in demographic terms. Indeed, at the renewal of its independence, Lithuania was both the most ethnically homogeneous and the most multiethnic of the three Baltic States. The 1989 Soviet census showed that Lithuanians made up 79.6% out of 3,674,802 residents. At the same time, over a hundred different nationalities were recorded. Among those, Russians (9.4%), Poles (7%), Belarussians (1.7%), Ukrainians (1.2%) and Jews (0.3%) were the largest ethnic groups.¹⁶ This contrasts clearly with the Estonian and Latvian demographic situations: the same census revealed that these Republics’ eponymous peoples made up 61.5% and 52% of the total population, respectively (see Map 1).¹⁷

Lithuanian responsibility in carrying out the extermination of the Jews, although demonstrated and officially acknowledged, remains a very sensitive topic up until now (Lieven: 1994; Clark: 2006).

¹⁶ Source: Department of Statistics to the Government of the Republic of Lithuania (www.stat.gov.lt)

¹⁷ Sources: Statistics Estonia (www.stat.ee) & Central Statistical Bureau of Latvia (www.csb.gov.lv).

Map 1. Estonian, Latvian and Lithuanian populations by ethnicity, 1989

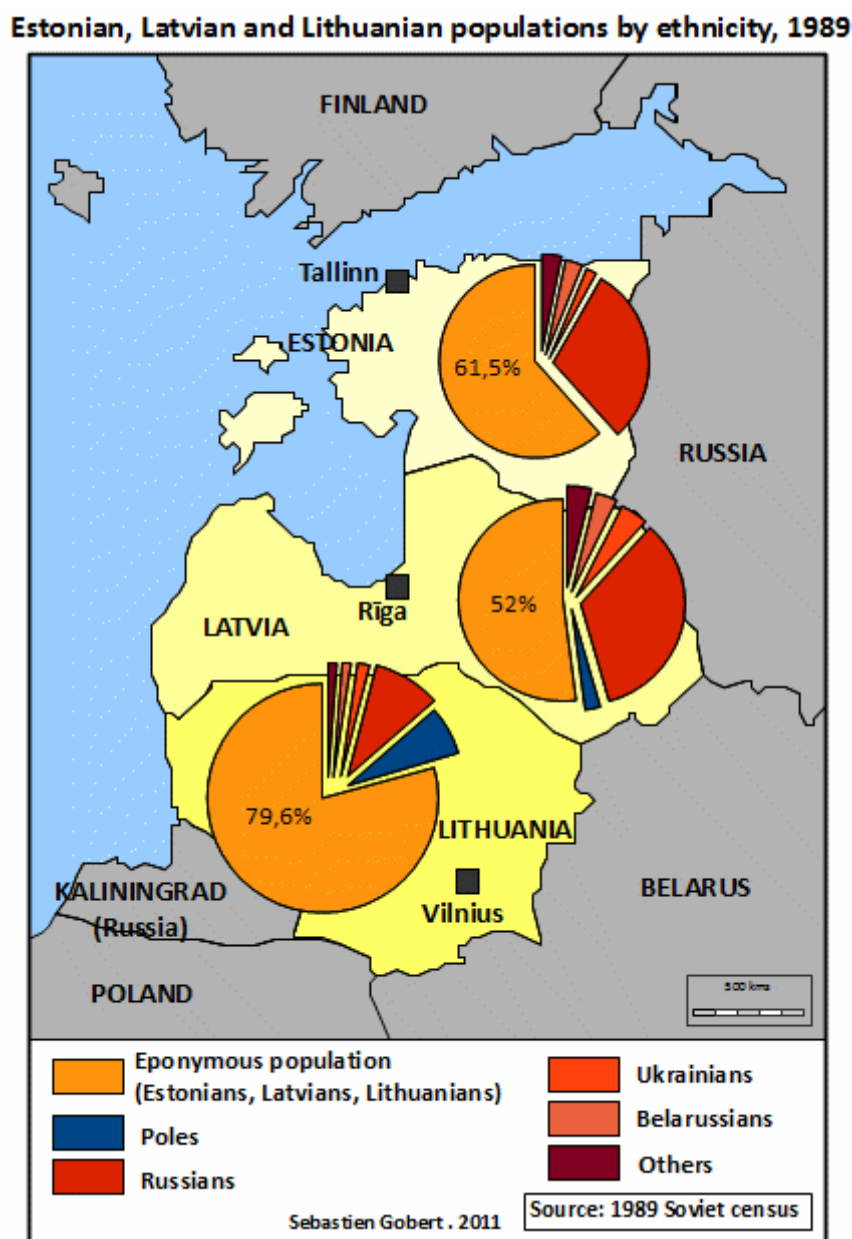
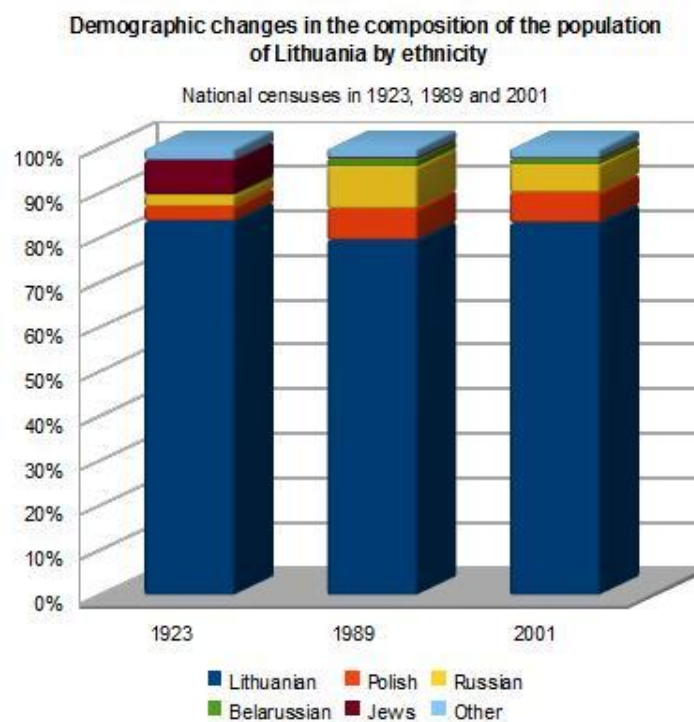


Figure 1 shows the evolution of Lithuania's population according to its ethnic composition. Considering Lithuanian history and the "Vilnius question" in the interwar period,¹⁸ the share of Poles is easily explainable by the fact that the city and its surroundings

¹⁸ In 1919, the newly re-established Polish state engaged militarily against Lithuania for the conquest of the Vilnius region, both largely populated by Poles and of great symbolic value. The city was eventually incorporated into Poland in March 1922. Nowadays, the so-called "Vilnius question" still fuels resentment among local populations and political tensions between the two countries. This partly explains both Lithuanian fears of Polish territorial claims and current issues regarding the loyalty of the Polish minority.

“returned” to Lithuania in the aftermath of WWII, both because of Lithuanian military offensives and of Stalin’s will to penalize Poland. Several thousand Poles were deported from Lithuania, both to Soviet Siberia and to Poland, whose borders had shifted westwards. Although this slightly diminished the Polish population in the eastern part of the country, there remained a significant community in 1989.

Figure 1. Demographic changes by ethnicity¹⁹



The share of ethnic Russians and Russian-speaking populations in general (Belarussians, Ukrainians, Tatars, etc.) had jumped from 2.5% in 1923 to 9.4% in 1989. This was a direct consequence of Soviet migration policy, which aimed to relocate Russian-speaking industrial

¹⁹ The 1923 census covered the territory of then Lithuania, i.e. without the Vilnius nor the Klaipeda regions. For more accurate data, see Appendix 3.

workers and military staff in the neighbouring Soviet Republics, as both an economic and political means.

Nevertheless, Soviet authorities refrained from implementing an intensive immigration policy in the LSSR for various reasons. First, post-war Lithuania was a predominantly agricultural country and did not offer the same industrial potentialities as Latvia or Estonia (Lieven 1994: 49). Second, the Lithuanian armed resistance to the Soviet occupation lasted longer than in Estonia and Latvia. Organized as guerrilla groups, the so-called “Forest Brothers” (Miško Broliai) waged significant warfare against Soviet rule until 1952-1953.²⁰ Such a long-standing resistance dissuaded Soviet authorities from provoking local populations through immigration. Because of this history, it is worth pointing out that Russian-speakers were scattered across the entire country, mainly in its urban centres, but did not constitute significant majorities in any region. For example, the construction of a nuclear power plant in the district of Ignalina (north-east of the country) from 1974 until 1987 resulted in a massive influx of Russian-speaking workers, scientists and engineers, despite the availability of Lithuanian ones (Clark 2006:167).²¹

Twenty years after recovering its independence, Lithuania is now fully integrated into world economic and trade networks, as well as into western geopolitical structures, namely through its full membership in the European Union (EU) and the North Atlantic Treaty Organization (NATO). After a long history of foreign dominations, the country appears to have finalized most of its 1990 priorities. Celebrating the twentieth anniversary of the restoration of independent statehood, the Prime Minister, Andrius Kubilius, proclaimed enthusiastically that the 1990-2010 achievements had been more important than any other 20 years of the millennium of Lithuania’s existence (The Lithuania Tribune: 18.03.2010).

²⁰ Let us mention that isolated groups of partisans kept on hiding and fighting into the 1960’s. One of the last known Forest Brothers emerged in 1971.

²¹ For more information on territorial repartition of ethnic groups in Lithuania, see Appendices 6, 7 and 8.

1.2 “*Ex injuria non oritur jus*” versus “*ex factis jus oritur*”

In the three Baltic Soviet Republics, the claim to re-establish independent states was based on their “illegal” incorporation into the USSR. I present and analyze below the two conflicting legal principles law-makers enforced at the renewal of independence. Although they felt entitled to implement the “*ex injuria non oritur jus*” (illegal acts cannot create law) principle, they had to take into account the “*ex factis jus oritur*” (the law arises from facts) principle.

In the late 1980’s, a wind of national revival blew over the Baltic Soviet Republics. After a few years under Mikhail Gorbachev’s rule, whose policies aimed to implement reforms (Perestroika) and transparency (Glasnost), cultural and political mass meetings were organized on a regular basis and tolerated by the authorities. Initiated in June 1988 and officially founded in October the same year, Sąjūdis, also known as the “Reform Movement of Lithuania” (Lietuvos Persitvarkymo Sąjūdis) openly promoted national issues in LSSR public life. As early as 1989, it emphasized the illegality of the annexation of Lithuania by the USSR. After the success of the so-called “Baltic Way” on 23 August 1989²² and a split within the ruling Communist Party, Sąjūdis representatives won an absolute majority in elections to the Supreme Council of the LSSR (91 seats out of 135) on 24 February 1990.²³ A few weeks later, on 11 March, 124 delegates voted in favour of the re-establishment of the independent democratic Republic of Lithuania. At that time, it was the first Soviet Republic to formally secede from the Union. After more than a year of efforts for control over its territory and regaining international recognition, during which a bloody Soviet military intervention occurred in January 1991, Lithuania was officially recognized by the USSR in September of the same year. Moreover, it joined the United Nations later the same month.

²² On the 50th anniversary of the Molotov-Ribbentrop Pact, between one and two million Estonians, Latvians and Lithuanians formed a human chain running on some 600 kilometres, from Tallinn through Riga to Vilnius.

²³ Although the Assembly numbered 141 seats, the election did not produce any result in six constituencies and had to be repeated in April.

As in Estonia and Latvia, the claim and decision to re-establish independence were based on the principle of legal continuity of the state. Indeed, the annexation of Lithuania proved to be contrary to international law because of the illegality of the Molotov-Ribbentrop Pact. In this case, the legal principle “*ex injuria non oritur jus*” (illegal acts cannot create law) was applied as far as possible. Hence, the Lithuanian legal scholar Dainius Žalimas argues that “the Soviet Union never had any sovereign rights in or over Lithuania’s territory” (2006: 81-82). According to international law, Lithuania was never legitimately part of the USSR. As a consequence, the LSSR “should be considered as nothing more than a puppet creation that obtained no sovereign rights to Lithuania’s territory” (Žalimas 2006: 82). Furthermore, the Republic of Lithuania continued to exist “as a subject of international law” during the entire period of the occupation, namely through the recognition of the Lithuanian diplomatic service by western states (Žalimas 2006: 83).

As a consequence, the Supreme Council reinstated at once the 1938 Constitution, although some of its articles were immediately suspended, both because they were not democratic²⁴ and because the corresponding institutions and authorities had not yet been restored (Krūma 2007: 97; Žalimas 2006: 85).

Nevertheless, as Žalimas stresses, it turned out to be impossible to ignore the structural changes that the country had undergone for 50 years, which meant that the restoration of the independent Republic of Lithuania could not mean a full “*restitutio in integrum*” (integral restoration). Hence, law-makers were also driven by the conflicting principle of “*ex factis jus oritur*” (the law arises from facts) and relied upon the Soviet legal and institutional basis in the restoration of national independence (Žalimas 2006: 93). To quote Ian Brownlie: “even in the cases of clear state continuity and identity, it is necessary to take into consideration

²⁴ The Constitutions adopted in May 1928 and February 1938 under Smetona’s rule had established and strengthened a presidential non-democratic regime.

concrete circumstances, with applicable principles of law and good policy dictating the decisions only in part pre-determined by state continuity” (1990: 83).

The definition of the “objects” of an independent state, that is a separate body of citizens, was one of the main issues at stake in 1989-90. In this case, demographic evolutions made up significant “concrete circumstances” and had to be taken into account: *de facto*, a renewed Lithuanian citizenry could not exactly correspond to the pre-war one.

1.3 Citizenship as an “internally inclusive” and “externally exclusive” instrument

Both in Lithuania and in its Baltic neighbours, the tension has revolved around the conflicting notions of inclusiveness and exclusiveness of citizenship. I base my analysis on Rogers’ Brubaker typology.

In his 1990 article, he sees citizenship as “membership” of a nation-state, which is itself perceived as an “ideal-typical model of membership”. According to him, membership is framed by six norms: “egalitarian” (there should be a status of full membership and no other), “sacred” (citizens must make sacrifices for the state), “national” (the political community should be simultaneously a cultural community, a community of language, mores, and character), “democratic” (full membership should carry with it significant participation in the business of rule), “unique” (i.e. exhaustive and mutually exclusive. Every person should belong to one and only one state) and “socially consequential” (it should be expressed in a community of well-being). Nevertheless, as Brubaker states, this “model of membership is largely vestigial. As such, it is significantly out of phase with contemporary realities of state-membership”. Indeed, constant “conspicuous deviations”, such as immigration, pre-existence of national minorities or cases of dual citizenship, pervert this ideal conception of citizenship and adapt it to the requirements of modern societies (Brubaker 1990: pp.379-407).

In his 1992 book, he defines citizenship in the context of a “modern state”, perceived as “not only a territorial organization but a membership organization, an association of citizens” (1992: 21). In this sense, he defines citizenship as “internally inclusive”: it is “not a mere reflex of residence; it is an enduring personal status that is not generated by passing or extended residence alone and does not lapse with temporary or prolonged absence.” On the other hand, as he points out, citizenship is also “externally exclusive”, in the sense that “there is a conceptually clear, legally consequential, and ideologically charged distinction between citizens and foreigners.” In this respect, Brubaker considers citizenship as “an international filling system, a mechanism for allocating persons to states” (1992: 31). Hence, citizenship acts as both an object (i.e. access to it is restricted) and an instrument (i.e. it is used to draw boundaries between a country’s residents) of closure.

According to Brubaker, such a distinction is based on a so-called “cultural idiom”, that is to say on some particular understanding of nationhood. His analysis is based on a comparison between early 1990’s France and Germany, which are widely known to have developed different concepts of nations, respectively “civic” (i.e. facilitating access to its citizenship) and ethnic (i.e. more restrictive access to citizenship). The “bounded citizenry” is in the latter “usually conceived as a nation – as something more cohesive than a mere aggregate of persons who happen legally to belong to the state” (Brubaker 1992: 21). According to this model, the nation has to coincide with the citizenry. In the same perspective, Peter Dahlgren assimilated citizenship with “a feature of culture, operative as a dimension of individual and collective identities” (Dahlgren 1995: 135).

The idea that citizenship politics reflects national politics of identity has been seriously questioned. Patrick Weil argues clearly that “there is no causal link between national identity and nationality laws” (2001: 34). By comparing the evolutions of nationality laws in 25 different countries he demonstrates a “process of convergence” and rejects an intimate

dependence between politics of citizenship and politics of identity. Nevertheless, he conditions this convergence to the extended sharing of some common features, such as democratic values, stable borders and a self-perception as countries of immigration (2002). In other words, his thesis applies more to Western countries than to Central and Eastern European ones. In the Lithuanian case, the notion of “cultural idiom” is relevant to explain the developments of the citizenship law provisions after Lithuania regained independence. As I show below, it has been intimately connected to a certain idea of nationhood.

Nonetheless, it seems too restrictive a criterion. In his 2010 book, Christian Joppke stresses a pragmatic interconnection between the civic and ethnic understandings of a nation. Other elements have to be taken into account, such as political balances, demographics and economics. Law-makers throughout the world are more likely to consider actual characteristics of their country rather than to base their decisions on sole civic or ethnic traditions.

1.4 1989: a pragmatic inclusiveness

The first Lithuanian law on citizenship dates back to 3 November 1989, a few months before the re-establishment of independence. As I show, the law-makers adopted a pragmatically inclusive law based on a residence criterion. I also introduce the concepts of “de-” and re-ethnicization” of membership.

According to the text, “Lithuanian citizenship could be granted to all persons who, on the day of its coming into force, were legal permanent residents of Lithuania, irrespective of the grounds on which their residence rested” (Kūris 2010: 3). This is perceived as a pragmatic “concession” to the Soviet legal system, in the sense that Soviet-time immigrants were legal under Soviet law yet not under the principle of state continuity (ibid). This decision has to be

understood as a consideration of the “concrete circumstances” Lithuania found itself in, to use Brownlie’s expression. It was a strict application of the “*ex factis ius oritur*” principle. The 1989 citizenship law opened a two-year period during which every permanent resident (as defined by the text) could decide on whether or not to acquire Lithuanian citizenship. 90% of non-Lithuanian residents opted for Lithuanian citizenship, whereas only 1% of the pre-1940 electorate decided not to become nationals of the newly re-established Republic of Lithuania (Krūma 2007: 99).

Such a law fulfilled the “internally inclusive” purpose of citizenship, as it turned most of the resident population of the LSSR into a separate citizenry, which owed loyalty to a specific renewed state. Moreover, citizenship was unquestionably “externally exclusive” because of the clear distinction it created between Lithuanian citizenry and other countries,’ namely the Soviet Union’s. I consider here that it has fulfilled its function as “an international filing system”, that is a mechanism for allocating persons to states. Yet, for a substantial part of this citizenry, citizenship has been a “mere reflex of residence”, which did not presuppose its bonds to the independent state. The reinstated state might be perceived as a mere “territorial organization,” which did not fully correspond to the ideal-typical nation-state, nor to the interwar citizenry it was supposed to incarnate.

In this sense, such a law corresponds to the idea of a “de-ethnicization” of membership, which is a “process of facilitating the access to citizenship, either through opening it at the margins in terms of liberalized naturalization procedures, or through adding *jus soli* elements to the modern main road of birth-attributed citizenship *jure sanguinis*” (Joppke 2003: 436). To open access to citizenship to new-comers is here understood as a way to break through the closed circuit of exclusively filiation-based membership. Such a concept lies in opposition to the idea of “re-ethnicization”, which aims to regroup the ethno-national community within the boundaries of the state (Joppke 2003: 442).

1.5 A “pure” zero option?

The citizenship law was not entirely disconnected from the idea of nationhood. I show below that it was the result of pragmatic concessions and political necessities. Moreover, a second law, passed in late 1991, proved less inclusive and marked a “re-ethnicization” of membership.

Such a pragmatic “zero option”, which has been praised by the international community, was based on the principle of “*ex injuria non oritur jus*”, that is the legal continuity of the state as sole representative of the Lithuanian nation. Indeed, it distinguished between four categories:

- Persons who were citizens or permanent residents prior to 15 June 1940 and their children and grandchildren;²⁵
- Permanent residents who were born in Lithuania or who were of Lithuanian descent;
- Permanent residents who had legally lived for at least two years in Lithuania at the time of the entry into force of the law, irrespective of nationality or language abilities;
- Persons who had been naturalized.

As the Justice of the Latvian Constitutional Court Kristīne Krūma notices, such a classification created a divide between “existing” and “potential” citizens. The first two categories addressed individuals who were considered as “having a permanent legal relationship with Lithuania”. In contrast, “potential” citizens constituted a category to which the access to citizenship was merely extended (Krūma 2007: 91). Indeed, the Lithuanian citizenry was also to represent a “continuous institution”, meant to incarnate the interrupted legitimacy of the Lithuanian nation-state (Kūris: 2010:2). Hence, the so-called “zero option”

²⁵ The difference between citizens and permanent residents was introduced due to the necessity to accommodate territorial changes Lithuania had underwent in the 20th century.

citizenship law already contained some elements of divisions among the citizenry, i.e. between ethnic Lithuanians and national minorities, through a moral goal to regroup the nation within the state. In this respect, Krūma does not consider the Lithuanian law as a “pure zero option” (2007: 95).

Furthermore, it has to be borne in mind that the 1989 inclusive citizenship law in Lithuania was passed by a communist Supreme Council in a country with a much more stable demographic balance between ethnic groups. This might explain the generous pragmatism of the law. Indeed, a revised law was adopted on 10 December 1991 by an Assembly controlled by Sajūdis, a movement whose nationalist orientations have been extensively investigated (Clark 2006, Lieven 1994, Plasseraud 2004). As Lieven points out, “no one could have exceeded Landsbergis [Sajūdis leader and Chairman of the Supreme Council from 11 March 1990 until 25 November 1992] and the Sajūdis radicals in their nostalgia for the pre-1940 republic. But because this demographic aspect was lacking [i.e. in contrast with Estonia and Latvia], they felt quite able to compromise even on such a key issue as citizenship” (Lieven 1994: 310) and to implement a “de-ethnicization” of membership.

The 1991 law confirmed and widened the gap between “existing” and “potential” citizens and ended the liberal period when any resident could opt for Lithuanian citizenship after at least two years of residence. Moreover, the law specified that individuals serving in the armed forces, internal troops and state security structures of the USSR were not considered as permanent residents or employed on the Lithuanian territory and therefore not entitled to automatic access to citizenship. Such a law was openly based on a “cultural idiom”, i.e. an ethnic understanding of the nation, and fostered a stricter exclusiveness by seeking to keep apart non co-ethnic elements of the resident population. As mentioned above, most of the non-Lithuanian residents had opted for the Lithuanian citizenship before this second law came into force. The 1989 inclusiveness law was not annulled and the 1991 law

did not provoke any noticeable protest. Yet, the elements developed above demonstrate that a certain form of “re-ethnicization” of membership occurred shortly after the recovery of the independence.

1.6 A comparison with “internally exclusive” citizenships laws in Estonia and Latvia

The 1989 citizenship law constituted a determinant factor in virtually wiping out the issue of minority integration and in ensuring a peaceful political transition from 1990 on. A comparison with Estonia and Latvia makes this statement quite clear, as these countries adopted at once “exclusive” citizenship laws (i.e. in a demographic and territorial sense).

These two Soviet republics had undergone deeper Russian acculturation and had to face a less favourable demographic balance, as mentioned above. The question was quite crucial in Latvia, where the titular population was on the verge of becoming a minority in its own state. In such a context, “the logics of the development of democracy and the nation-state” subjected to the Baltic nationalisms became a danger to democratization and the definition of the body of citizens had to be restricted (Linz & Stepan 1996: 401). As a sign of this anxiety, Nils Muižnieks, who was to be the Latvian minister for social integration (2002-2004), asked the following question in an article for the newspaper “Atmoda” in 1992: “Independent Latvia: Latvian or Democratic?”²⁶ (quoted in Lieven 1994: 303). Viesturs Karnups, chief of the Latvian Citizenship and Naturalization Department, explained openly the grounds of an exclusive citizenship law: “Latvians have nowhere to go. There is no other Latvia. If this Latvia is not truly Latvian, then the Latvian culture, traditions and language will disappear

²⁶ Atmoda (translated by: Awakening) was the weekly newspaper of the Popular Front of Latvia, issued from 1988 until 1992.

from the face of the earth. So, Latvians want to see a Latvian Latvia” (quoted in Lieven 1994: 312).

To re-establish valid systems of majority parliamentary representation was then conditioned by the very definition of the “demos”, which was almost exclusively restricted to the “ethnos” through the citizenship laws adopted in 1992 in Estonia and in 1994 in Latvia. Most of the Russian-speaking residents were dispossessed of their civic rights and the number of non-citizens rose to about 30% in Estonia and to 36% in Latvia.²⁷ Citizenship laws in these two countries proved to be restrictive and exclusive, in the sense that a significant part of the resident population was kept apart from the state structures and participation to political life.

Such a difference between Lithuania and its Baltic neighbours has proved determinant on both domestic and diplomatic levels. According to Dr. Raimundas Lopata, “Lithuania has managed to hinder preclude the emergence of any considerable ethnopolitical conflict”, which has facilitated its integration into western structures, such as the Council of Europe (CoE) as early as May 1993, and rapprochement to NATO and the European Union (EU) (Lopata 1998: 2). In this sense, Lithuania’s treatment of national minorities has been largely perceived as a “success story” across Europe (Vasilevich 2009). In contrast, Latvia could only join the CoE in February 1995. Both Estonia and Latvia hosted CSCE observation missions on minority integration until late 2001.²⁸

Hence, I have demonstrated that the 1989 fulfilment of the “internally inclusive” and “externally exclusive” functions of citizenship were more the result of pragmatic considerations than of a certain perception of Lithuanian nationhood. The 1991 reform turned out to rely more on Brubaker’s notion of “cultural idiom”. Because the second law did not affect many residents, the Lithuanian citizenship law has been considered tolerant and in

²⁷ Sources: Statistics Estonia (www.stat.ee) & Central Statistical Bureau of Latvia (www.csb.gov.lv).

²⁸ The Conference for Security and Co-operation in Europe (CSCE) was renamed Organization for Security and Co-operation in Europe (OSCE) in 1995.

compliance with western standards. However, I have shown that it had initiated a “re-ethnicization” of membership.

The division between “existing” and “potential” citizens, outlined in the 1989 law, has to be understood in the same perspective. As the “existing” category concerns descendants of citizens, it was clearly oriented towards ethnic Lithuanians living abroad. Yet, it has to be pointed out that the 1992 Constitution expressively forbade possibilities of dual citizenship except for exceptional cases (art.12.2). This ambiguity has proved problematic for the large Lithuanian diaspora, which I present and analyze in Chapter 2.

Chapter 2.

A scattered and divided nation

Because of economic and political reasons, the Lithuanian “ethno-nation” is scattered across the world in a large proportion: about a quarter of ethnic Lithuanians live abroad. After Lithuania regained independence, the renegotiation of relations with its diaspora has become one of its foreign policy priorities. Likewise, the diasporic organizations, namely the Lithuanian World Community (Pasaulio Lietuvių Bendruomenė – PLB), which had lost the monopoly of the representation of the independent country, underwent a substantial redefinition.

Using some theoretical background on diasporas as a modern concept, I show the extent of the Lithuanian communities abroad and the nature of their relationship to the ethnic homeland. This analysis unveils a structural division among the diaspora layers, namely between the so-called “Classical Diaspora” and the post-1990 emigration, both of which I investigate. Such a divide implies a strong differentiation of strategies and attitudes, both from the diaspora and the Lithuanian government. This gap is to have a determining impact on the extension of dual citizenship provisions, which, as I stress, appears more and more as a necessity for the actors involved.

2.1 Diaspora: the “rise” of a modern concept

Despite the ancient origin of the word “diaspora”, it has emerged as a modern concept only recently. I present below theoretical notions on diasporas, which I use throughout my analysis of the Lithuanian communities abroad.

“Diaspora” is as old a word as the Bible. Indeed, its first mention may be found in the “Septuagint”, which is the first version of the Bible translated from Hebrew to Greek.²⁹ Throughout history, the word has been applied to specific cases of scattered populations, such as Jews, Greeks or Armenians. Yet, despite such an ancestry, Lisa Anteby-Yemini and William Berthomière point out that “diaspora” as a modern concept is very “recent” in social sciences (2005: 262). Indeed, Judith Shuval stresses the fact that before the 1960’s, “immigrant groups were generally expected to shed their ethnic identity and assimilate to local norms” (2002: quoted in Anteby-Yemini & Berthomière 2005: 262). Yet, from the 1970’s onwards, politics of differentiation has been asserted against classical politics of assimilation in most of the Western states, which led to “a growing consciousness of a personal right to compose one’s identity” (Franck 1996: 359). In this perspective, Anupam Chander identifies the “rise of diasporas” as a modern concept (2001).

According to Takeyuki Tsuda, diasporas are “ethnic groups that have been territorially dispersed across different nations because of ethnopolitical persecution or for economic reasons and are united by a sense of attachment to and longing for their country of ethnic origin (the ethnic homeland)” (2009: 1). James Clifford explains the modern concept of diaspora as a consequence of the current globalizing trends. Drawing upon Benedict Anderson’s language of an “imagined community”, he states that “the language of diaspora is increasingly invoked by displaced peoples who feel (maintain, revive, invent) a connection with a prior home” (1994: 255). According to him, three main features explain this phenomenon. As Anderson demonstrates, people first began to imagine nations as a result of the interaction between capitalism, print communication, and linguistic diversity, Clifford considers that diaspora consciousness has been strengthened in recent years because of the increasing wealth of diasporas located in prosperous, industrialized states; of revolutions in

²⁹ The quote reads “Esē diaspora en pasais basileias tēs gēs” (thou shalt be a dispersion in all kingdoms of the earth’.

transportation and communication technologies and of a persisting feeling of difference, comforted by a deepening sense of an individual right to define one's identity in modern liberal societies. (Clifford 1997: quoted in Chander: 2003: 1023).

In a more essentialist perspective, Gabriel Sheffer stresses the “biological” components of diasporas, which are “more rigid in identity” than other forms of ethnic minorities because of their “struggle for survival” as groups. Therefore, he argues that “these are neither ‘imagined’ nor ‘invented’ communities. Their identities are intricate combinations of primordial, psychological/mythical, and instrumental elements. These identities may undergo certain adaptations to changing circumstances, yet they do not lose their core characteristics” (2006: 7). Hence, Sheffer states the need to conceive “ethno-diasporas”, such as the Lithuanian one, as results of combined elements, such as “genesis, identity and history”, which takes into account the diversity of the diaspora and influences from its surrounding environment (2006: 20). This distinction proves quite relevant in the case of the Lithuanian diaspora. As I show below, the strategies implemented by the different actors involved do not consider its awareness as constructed or re-invented, but carved in genealogical, cultural and linguistic components.

In Sheffer’s view, diasporas consist in “deterritorialized social entities” (2006: 116), which are not to be considered as mere actors of transnationalism (i.e. a “process by which immigrants forge and sustain multi-stranded social relations that link together their societies of origin and settlement” (Basch et al., 1994: 34)). More specifically, he lists three major criteria differentiating a diaspora from other transnational communities: the “maintenance and the development of an own collective identity in the ‘diasporised people’ ... the existence of an internal organisation distinct from those existing in the country of origin or in the host country ... [and] significant contacts with the homeland”, either real (i.e. travel, remittances)

or symbolic (i.e. political speech, cultural festivals, etc.) (1986: quoted in Anteby-Yemini & Berthomière 2005: 263).

Such contacts are expressed within a “triangular relationship”, which is at the core of the interactions between diasporas, their host states and their homeland (Sheffer 2006: 192). In a “shrinking world”, to use Allen and Hamnet’s expression (2006), all corners of this triangle have come to realize their interdependence, and even in some cases their “inescapable political symbiosis” (Sheffer 2006: 293). The nature and the intensity of this relationship is conditioned by the very diaspora’s strategies. As Sheffer argues, “it is clear that the scope and intensity of diaspora-homeland contacts no longer depend on close proximity to the homelands, nor on the goodwill of host governments, but solely on the intentions and strategies pursued by diasporas and, to a lesser degree, by their homelands” (2006: 98).

As I demonstrate below, these strategies are substantially influenced by two main factors: the age of the diaspora and the homeland status. Indeed, the so-called homelands are also likely to encourage co-ethnic diaspora members to participate in the constitution of a broader “deterritorialized nation-state” (Basch et al.: 1994), depending on whether they are independent states, on the nature of the political and economic regime, etc. In this respect, Sheffer identifies two different types of diasporas, which are either “stateless” (dispersed segments of nations that have been unable to establish / have lost the control of their own independent states) or “state-linked” (connected to societies of their own ethnic origin that constitute a majority in established states) (Sheffer 2006: 73). The shift from one to another corresponds to Robert Smith’s idea that homelands “tend to redefine their relationships with their diasporas when they experience a major reconfiguration in their relationship with the global system that causes a domestic political crisis in national identity, under conditions within which emigrants are seen to have become potentially or actually of greater strategic importance” (Smith 2003: 725).

In this case, Smith identifies the emergence of “transnational or diasporic public spheres ... which come to constitute the larger political system within which members of the diaspora operate, inside and outside the state. This new public sphere both creates and limits opportunities for migrants, establishing a form of diasporic membership fostering new forms of political participation for both migrants and the home state” (Smith 2003: 725). Eventually, the constitution of such transnational public spheres “entails reconfiguring the bounds of the political community, usually by including migrants in a more flexible notion of the sending country’s ‘nation’” (Smith 2003: 726). Terrence Lyons and Peter Mandaville identify “new arenas and spheres of influence in which to engage in politics” and stress that “it is increasingly difficult to understand political outcomes in many countries by looking exclusively at actors operating within that state” (2008: 2-3). Hence, diasporic descendants may be imagined as an integral part of a broader deterritorialized cultural nation of co-ethnics, living in other countries but united by common descent. As I emphasize below, one of the tools of such a reconfiguration is the extension of dual citizenship provisions.

I want here to stress a last conceptual issue which is the very use of the word “diaspora”. As Brubaker states, diasporas have become in the past decades the focus of numerous scholars and the increased use of the concept has resulted in a “‘diaspora’ diaspora – a dispersion of the meanings of the term in semantic, conceptual and disciplinary space.” (2005: 2). As he notices, “the universalization of diaspora, paradoxically, means the disappearance of diaspora” as a category of analysis, as the groupism it implies cloaks the differences between active parts of abroad communities and other groups who do not adopt any diasporic stance (2005: 3). Brubaker argues that “we should think of diaspora not in substantialist terms as a bounded entity, but rather as an idiom, a stance, a claim. We should think of diaspora in the first instance as a category of practice, and only then ask whether, and how, it can fruitfully be used as a category of analysis” (2005: 12). In this perspective, I use the word “diaspora” as a

“category of practice”, as an identifier of the worldwide Lithuanian communities as a whole. Yet I differentiate between several “categories of analysis”, which are the different waves of emigration.

2.2 A three-layer worldwide diaspora

Lithuania has a century-old tradition of emigration. Due to the upheavals of history and poor economic conditions, a large share of the Lithuanian population moved to different parts of the world from the mid-19th century onwards. I distinguish different waves of political and economic migrations, since their categorization turns out to be quite significant in their relations with their motherland. I also emphasize the size of the diaspora, which is considerable by Lithuanian standards.

Both fleeing from Tsarist authoritarian regime and looking for better living conditions, it is estimated that about a quarter of the then total Lithuanian population had emigrated before the outbreak of WWII, which includes both Tsarist and independent periods. Most of them were channelled towards the United States. The Lithuanian anthropologist Vytis Čiubrinskas points out that, in the early 1920's, there were more ethnic Lithuanians in Chicago than in Kaunas, which had become by then the capital of the independent nation-state (Čiubrinskas 2004: 43). Let us stress that, despite the fact that the pre-WWII diaspora would not be considered as such by Chander and Clifford's typology, some elements demonstrate a strong attachment of the emigrants to the so-called “old country.”³⁰ David Fainhauz argues that a Lithuanian national consciousness, or “nationalist Lithuanianness”, had developed in the United States “often at a faster pace than in Lithuania itself” and significantly influenced the

³⁰ Note that in the Old-Timers' case, the literature does not refer to the “motherland” but to the “old country”. Indeed, most of the first wave of emigrants left long before Lithuania was turned into a linguistic nation and a modern nation state.

emergence of an independent nation state (Fainhauz 1991: 9). Such a statement is firmly connected to the idea of political émigrés' influence on western states' diplomacy. In his 2002 book, *The Immigrant as Diplomat*, Gary Hartman analyses the impact of the Lithuanian emigration on the acknowledgment of Lithuania (as well as Estonia and Latvia), as rightfully entitled to creating their own nation-states. In another respect, the Lithuanian historian, Egidijus Aleksandravičius, points out that, in interwar Lithuania, the amount of remittances sent by emigrants to the young state accounted for almost one-tenth of the then national budget (2003: 5). Such elements are worth mentioning in the scope of this analysis, since they imply an idea of “primordial” identity of the early waves of the diaspora, to draw on Sheffer's concept.

Nowadays, these so-called Old-Timers (Senbuviai) appear to fit David Hollinger's concept of “post-ethnic” American people, with dissipated and multiple ethnic identities (1995). Indeed, Čiubrinskas underlines that their predominant feature as a group is their “rooted-ness and in-born relationship to their “new” home country, although they are overwhelmingly guided by rural and heroic romanticism of the old underdeveloped country” (Čiubrinskas 2004: 44). I do not deepen my analysis on this category of emigrants, since the later waves are more affected by the issue of extending dual citizenship provisions.

Another wave of emigration occurred during the successive occupations of the country, which officially lasted from 15 June 1940 until 11 March 1990. The so-called “Dee Pees” (Dipukai), whose nickname refers to the status of “Displaced Persons”, started their journey in the wake of WWII and in the first years of the second Soviet occupation. A large share of them spent some time in refugee camps in Germany before moving westwards, namely to the United States. Another aspect of this wave of emigration caused by political persecution consists in deported populations to other regions of the USSR and the Lithuanian diplomatic corps. As I show below, this second layer has preserved a strong commitment to the external

homeland and has developed significant diasporic stances. In this sense, I consider it as a core segment of the Lithuanian diaspora.

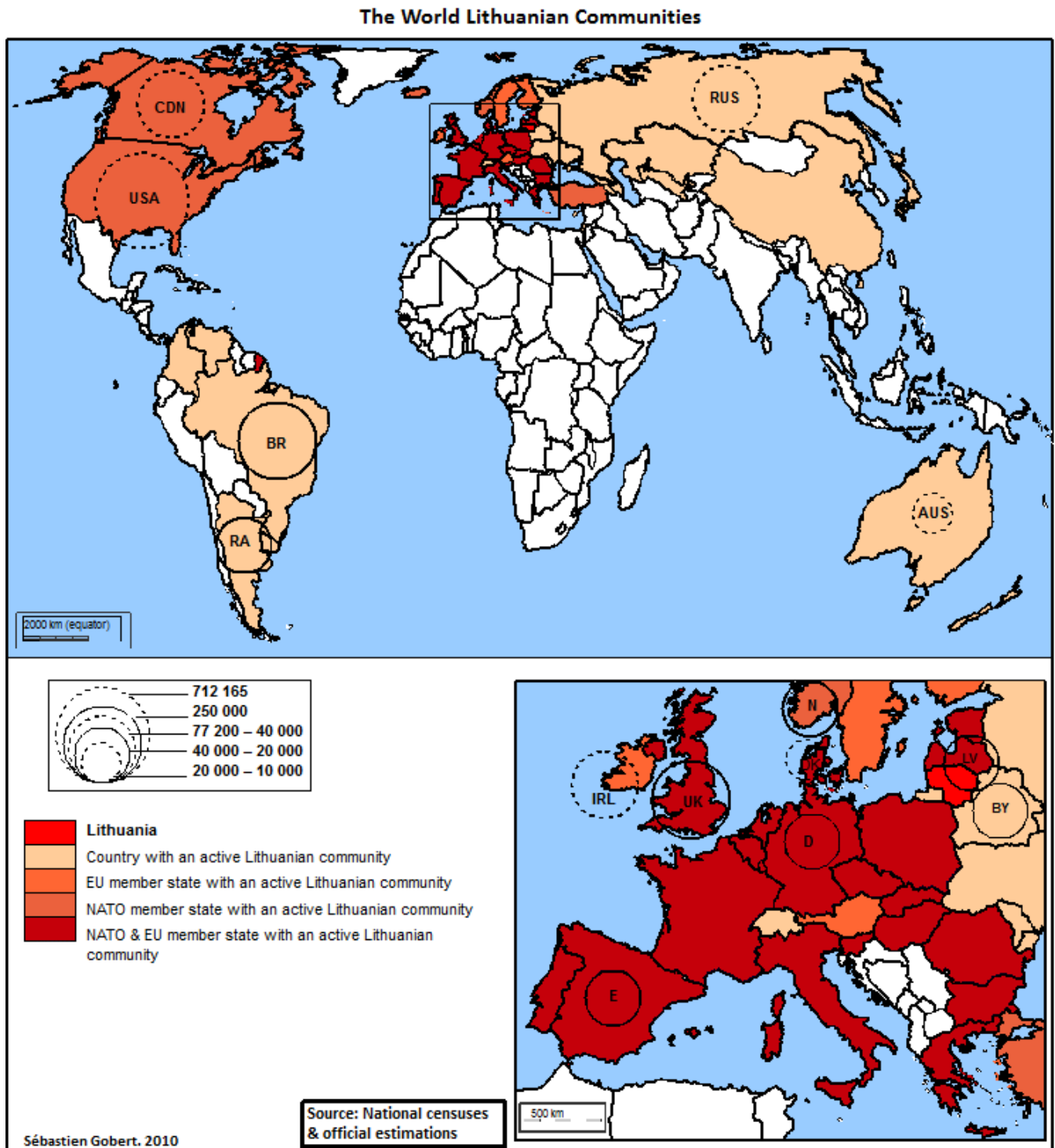
A last category is made of emigrants who left after the re-establishment of independence in 1990, mostly for economic purposes. These “Little Soviets” (Tarybukai), as some “Dee Pees” nicknamed them, first moved to the United States before turning towards the United Kingdom and Ireland in the run-up to EU accession. I refer to them as “expatriates”, who are “citizens who live permanently (or for a long time) outside their country of citizenship” (Bauböck 2007: 2400). I demonstrate below how attempts to include them into the larger Lithuanian diaspora “invokes a specific project of identity formation and political mobilization” (Bauböck 2007: 2400).

As a result of these migrations, the American segment of the diaspora is its largest. Indeed, about 712,000 persons claimed Lithuanian ancestry in 2008, according to the American Community Survey.³¹ About 250,000 reside in the United Kingdom, about 77,000 in Ireland, about 47,000 in Canada, about 45,500 in Russia, about 40,000 in Brazil, about 30,000 in Latvia, about 30,000 in Argentina, about 22,300 in Spain, about 20,300 in Germany in 2008 and about 20,000 in Norway.³² These figures are mere estimations, although based on official statistics. It seems impossible to record the actual number of Lithuanians across the world because of issues of undeclared emigration, attitudes of host countries on ethnic classification of migrant populations or ethnic self-identification of the migrants’ descent. In any case, one has to bear in mind that the so-called Lithuanian diaspora represents well over a million individuals, that is at least a quarter of the Lithuanian “ethno-nation”. Map 2 highlights another fundamental fact to take into consideration. Most of the diaspora resides in western, developed and liberal democratic countries, with which independent Lithuania has developed intimate political and economic cooperation.

³¹ This figure does not take into account the large number of illegal immigrants in the United States, which Aleksandravičius estimates as at least 100,000 persons (2003: 5)

³² I introduce here only the communities larger than 20,000 people. For more extensive data, see Appendix 5.

Map 2. The world Lithuanian Communities



Apart from maintaining cultural bonds, the development of close relations between the diaspora layers and the “homeland” has appeared as a strategic asset when the latter recovered independence.

2.3 A “state-linked incipient diaspora”

Whatever their actual sizes, these Lithuanian communities abroad have undergone a “major reconfiguration” over the past two decades, which is the shift from a “stateless diaspora” to a “state-linked” one (Sheffer 2006: 73). While there is clear evidence of ancient economic and political connections with Lithuania, the renewal of independence on 11 March 1990 has induced a structural shift in the diasporic organizations’ purposes and actions. I emphasize in this part the evolutions and characteristics of the Lithuanian “state-linked” diaspora, which is still under construction.

During the Soviet occupation of Lithuania, both the Lithuanian diplomatic corps and Lithuania’s Supreme Liberation Committee (Vyriausiasis Lietuvos Išlaisvinimo Komitetas – VLIK’as) preserved the continuity of the legal existence of the state through a permanent representation to the majority of the Western states. Aleksandravičius argues further that the influence of the diaspora, especially its American segment, has made the new foreign policy guidelines, such as membership in NATO, perceived as “natural processes” for the independent state (2003: 4). Moreover, according to him, the peaceful resolution of the “Vilnius question” in the 1990’s is almost entirely due to joint efforts by members of both Lithuanian and Polish diasporas.³³ Having lost the monopoly of the legitimate and legal representation of the oppressed Lithuanian nation, ethnic Lithuanians living abroad have been redefining themselves from a political community in exile to a worldwide well-established diaspora. This, added to the constant augmentation of the diaspora because of new departures from Lithuania, explains why, despite the historical dimension of some of its segments,

³³ Aleksandravičius quotes in particular the influence of Jerzy Giedroyc, editor of the Polish magazine “Kultura”, published in Paris from 1947 until 2000 (2003: 3).

Sheffer considered it in 2006 as an “incipient” one (i.e. in the process of forming organized communities) (2006: 106).

To provide a well-structured and global organization to the diaspora as such, which would unite and represent the scattered communities, has been an official goal since the interwar period. Being both pursued by the diasporic representatives and the Lithuanian government (although not by the LSSR regime), such a process was developed from the perspective of both maintaining the emigrants’ “Lithuanianness” and of retaining and developing connections with their motherland. The first Lithuanian World Congress was held in Kaunas in 1935. On this occasion, the Lithuanian World Union (Pasaulio Lietuvių Sąjunga) was initiated in order to foster cultural and economic cooperation between the Republic of Lithuania and the already-massive diaspora. After a significant share of the Lithuanian elite had left the country to escape from Soviet and Nazi occupations, the VLIK’as was founded in 1943. In 1949, it established the Lithuanian World Community (PLB), which is now the main representative of the communities worldwide. Dozens of local Chapters formed Lithuanian Communities in 41 different countries, which are attached to the PLB.³⁴ Its main institutional body is the “Parliament of the Lithuanian World Community” (Pasaulio Lietuvių Bendruomenės Seimas - PLBS). Its official purpose, as inscribed in its founding Charter, has been a mission of preservation of Lithuanian culture and language, as well as of the legal institutions of the independent state of Lithuania.³⁵

Despite some prognoses on an increased apathy of the diasporic organizations after the 1990 “major reconfiguration”, Lithuanians residing abroad have actively strengthened their organizational identity. The PLB has managed to remain the most legitimate diasporic

³⁴ During an interview conducted in Vilnius on 09.04.2010, Regina Narušienė mentioned that two more Communities were under formation in Mexico and Egypt. Yet, I was unable to gather any complementary information on this matter.

³⁵ The Charter reads: “A nation is a natural community of people; ... a Lithuanian remains a Lithuanian everywhere and always; his parents maintained the Lithuanian national consciousness; a Lithuanian relays it to the generations yet unborn, to remain alive; a language is the strongest tie to the national community; the Lithuanian language is the most precious national honour for a Lithuanian” (selected extracts, www.plbe.org).

representative. In August 2006, President Adamkus identified it as “a specific means of organizing the democratic and communal-lifestyle of foreign Lithuanians.”³⁶ Furthermore, the PLB has developed intimate bonds with Lithuanian governments, which has led to the development of a “diasporic public sphere”. The PLB, which owns an office in the building of the Seimas in Vilnius, holds sessions of the PLBS every three years. Since 1997, these sessions have been organized in Vilnius, which demonstrates a close relation to the Lithuanian motherland, if not to its government.

Despite the fact that the recovery of independence did not initiate a massive “diasporic homecoming”, to use Tsuda’s expression (2009), it has to be pointed out that some members of the diaspora had a profound impact on Lithuania’s transition process in the past two decades. Let us here mention Brigadier General Jonas Kronkaitis, current Commander of the Lithuanian Armed Forces and a primordial actor in preparing Lithuania’s accession to NATO, who is a retired U.S. Air Force Colonel; Mr. Algis Garsys, Inspector General of the Armed Forces, who is a retired U.S. Marine Corps Colonel; Mikolas Drunga, journalist and philosopher, former journalist at ‘Radio Free Europe’ and awarded the prestigious prize “Tolerance Man 2008”³⁷; and as previously mentioned, Valdas Adamkus, twice President of the Republic of Lithuania, who is retired from the U.S. EPA.³⁸

Furthermore, the involvement of diasporic representatives in Lithuania’s public life appears to be quite significant. The American Lithuanian attorney Regina Narušienė was involved in the drafting of the 1992 Constitution, as well as in the designing of the coins of “litas”, the national currency. As the current chairwoman of the PLB, she stresses that diasporic associations connect and integrate at all levels of Lithuanian economic and social

³⁶ Speech given at the opening ceremony of the 12th PLBS, Vilnius, 07.08.2006.

³⁷ This title is awarded each year to a person defending ideas of tolerance and fighting xenophobia in Lithuanian society.

³⁸ It has to be pointed out that, in comparison with Estonia and Latvia, the phenomenon of émigrés returning to their motherland to occupy high functions has been less important. In these two countries, a significant share of the pre-independence administration and political elite has been replaced (Interview with Kęstutis Girnius, Vilnius, 07. 04.2010).

life. The PLB's investments aim to reform the judicial system and to foster further development in civil society. As she acknowledges, the PLB's requirements are not necessarily met with enthusiastic reactions from its partners in Lithuania: "We love our country of birth so much that sometimes we demand more reform than they are capable of doing. Like parents who like their child and want him to do better and better. And it's never good enough."³⁹ I argue here that some of the PLB priorities do not actually reflect Lithuania's realities and necessities. For example, the PLB has been one of the main investors in the reconstruction of the Palace of the Grand Dukes in Vilnius since 2002. In March 2011, after multiple delays in the construction, diaspora representatives signed, among other prominent personalities, a petition demanding the completion of the Palace (The Baltic Times: 16.03.2011). Considering the dramatic public deficit the government has to tackle, I question the adequacy of such a demand with Lithuania's priorities.⁴⁰ I associate it with Lyons and Mandaville's statement that, "in contrast to a transnational politics [theory] that takes the transformation of the human condition as its object, we find today many types of transnationalism that articulate highly particularist, parochial, and often territorially and ethno-nationally specific visions of the political" (2008: 4). In this context, Anderson describes some migrants' political participation as "directed towards an imagined 'heimat' in which he [the migrant] does not intend to live, where he pays no taxes, where he cannot be arrested, where he will not be brought before the courts – and where he does not vote: in effect, a politics without responsibility or accountability" (1992: 11). He qualifies such a political behaviour as "long-distance nationalism" (1992).

The Lithuanian state has made the intensification of contacts with the diaspora a priority of its foreign policy (Čiubrinskas 2004: 56). The late "Department of National Minorities and Lithuanians Living Abroad" had been setting up a wide range of projects and transborder

³⁹ Interview with Regina Narušienė, Vilnius, 09.04.2011.

⁴⁰ Lithuania has undergone a recession of -14,7% and a public budget deficit of 9,2% of GDP in 2009 (Source: Eurostat).

programmes, designed for “supporting Lithuanian communities abroad” (1998-2006), for “returning of political prisoners and deportees and their families to Lithuania” (2002-2007) or “the Long-term strategy of state relations with Lithuanians living abroad for the years 2008-2020”. The Department was shut down in December 2009 and replaced by the “Department of Lithuanians Living Abroad”, attached to the Ministry of Foreign Affairs.⁴¹ Such an initiative unveils concerns for a more specialized and targeted policy. Public funding has also been made available for diverse diaspora projects, such as youth programs, lituanistic education (through the more than 200 weekend schools worldwide) and transnational exchanges (Bagdonavičienė 2009: 5). According to Vytautas Mikielonis, a senior officer at the Lithuanian foreign ministry, about a hundred projects are financed each year, for a total amount of about a million litas.⁴² Furthermore, a so-called “Global Lithuanian Strategy” is under definition and should be launched sometime in 2011.⁴³ This is meant to foster educational, cultural and economic projects in order to both involve Lithuanians living abroad into the country’s public life and to contribute to Lithuania’s welfare, progress and the development of its national interests.

Yet, despite its global objectives, the government’s policy is based on a differentiated approach and does not consider the diaspora as a coherent entity. Vida Bagdonavičienė recalls the different “target groups” of the government diaspora policy: the Lithuanians living in “ethnographic Lithuanian areas” (namely Poland, Belarus and Kaliningrad); “exiles of the Second World War and the Soviet occupation and labour migrants and their descendants” living in former Soviet countries; the “Classical Diaspora” living in western countries and the “New Wave Diaspora”, made of economic migrants after the restoration of Lithuania’s

⁴¹ In parallel, the Department of National Minorities has been attached to the Ministry of Culture, while minority schools are now the responsibility of the Ministry of Education and Science. It seems that Lithuanians living abroad benefit from a more elaborated and comprehensive state policy than national minorities residing on Lithuanian soil.

⁴² In April 2011, this amounts to about 230,000 euros.

⁴³ Interview with Vytautas Mikielonis, Vilnius, 09.04.2010.

independence (2009: 3). Indeed, it appears that a strict and questionable distinction between segments of the diaspora, both in historical and geographical terms, conditions the homeland's attitudes towards it.

2.4 The Crystallized identity of the “Classical Diaspora”

In the scope of my analysis, I am interested in the last two target groups, since these are the largest and most dynamic segments of the diaspora. Among the “Classical Diaspora”, I focus here on the American Lithuanians, since they constitute by far the largest and “the most efficiently organised and operating Lithuanian diaspora” (Aleksandravičius 2003: 4). I focus particularly on the altered vision of “Lithuanianness” that seems to prevail among the “Classical Diaspora” and its consequences.

As Čiubrinskas argues, the notion of “retaining nation-ness” proved “crucial to most Lithuanian-Americans” and focused on cultural, linguistic and traditional elements of a so-called “Lithuanianness”, as inscribed in the 1949 Charter (Čiubrinskas 2004: 52). The main challenge both Old-Timers and “Dee Pees” have been facing, and still are in Čiubrinskas' opinion, is the transmission of the culture to future generations “to insure the eternal nature of his/her nationality”. Hence, the issue at stake is the “normative image of the country” the emigrants have developed (Čiubrinskas 2004: 57). In this respect, the so-called “Classical Diaspora” seems to carry a rather “idealized, romantic, if not mythical” image of their homeland, to use Tsuda's expression (2009: 26). Such an image is composed of both rural and heroic romanticism and the traumas of deportations and occupations. The “Dee Pees” in particular are “obsessed by nation-state caused nationalism, from which springs the stereotype of Lithuanianness as an inborn and inscribed phenomenon. ... [They] adhere to the opinion that ethnicity is a fixed phenomenon tied to the homeland” (Čiubrinskas 2004: 58). From his

analysis, he denounces the persistence of a “nationalist mission”, which aims to defend Lithuanian interests (2004: 53). Developed by the “Dee Pees” during the Soviet occupation, it seems to have outlived Lithuania’s recovery of independence.

Given their rich experience in public offices, their well-established organizations and their intimate connections with the Lithuanian Seimas and public administration, the impact of the old layers of the diaspora’s perception of “Lithuanianness” is not to be underestimated. Indeed, it grounds most of its interactions with their homeland. In this respect, Aleksandravičius underlines that American-Lithuanians “have been and continue to be representatives of popular diplomacy or simply lobby groups” (2003: 4). Given the substantial influence the United States has on current international relations, such a strong and well-organized community is also in a convenient position to push for a favourable treatment of its homeland in U.S. foreign policy.

Yet, as I showed above, the “forged transnationality” American-Lithuanians developed, to use Louisa Schein’s expression (1998), does not seem to consider Lithuania’s post-Soviet realities. Raimundas Sidrys states that post-1990 migrants discover with surprise how the latter “pay so much attention to such ‘old fashioned matters’ as national heritage and cultural traditions. Many of the new immigrants are baffled or amused by their first exposure to the parishes, social halls, and concerts of the Lithuanian American community” (Sidrys 1996: quoted in Čiubrinskas 2004: 44). Another anecdote reveals how problematic such a “romanticized” vision of Lithuanian history and heritage might be. In July 2008, in preparation for a Lithuanian cultural festival in Los Angeles, the chairman of the local community association, Darius Udrio, proposed to invite a Yiddish “Litvak” Lithuanian dance group for a performance. After being openly accused of betraying the spirit of the festival by introducing non-Lithuanian elements, he had to resign from his position (Lithchat: 22.01.2008). Such an anecdote illustrates the danger of an idealized way to imagine the

Lithuanian motherland, which ignores the essential cultural contributions that other influences, and in this case the Jewish one, brought to the national culture.

Because of its age, of its geographical location and of its relative wealth, the American part of the “Classical Diaspora”, one of the major constituent of the PLB, has developed significant relations with the Lithuanian homeland. Yet, its altered vision of “Lithuanianness” makes some aspects of these relations inadequate with the country’s realities. As I express below, the situation of the “Little Soviets” is quite the opposite.

2.5 The “Little Soviets” and their “poorly-expressed sentiments for the motherland”

I show in this part that, because of the conditions of their emigration, post-1990 expatriates are not well represented within the diaspora organization, despite an accurate perception of post-Soviet Lithuanian and an intense relation with their homeland, namely on financial terms.

Post-1990 emigrants bear an image of the homeland that is full of “postcolonial transitional uncertainty, with a clear understanding that Lithuania belongs to the Eastern European region with Russian as lingua franca” (Čiubrinskas 2004: 58). They seem to identify only two most important and visible sources of the so-called “Lithuanianness”, which are language and the Catholic Church (Čiubrinskas 2004: 63). Being even more cynical, Aleksandravičius contrasts the impressive number of new migrants with “their poorly-expressed sentiments for the motherland” and reduces their cultural self-identification to mere interest in basketball (2003: 4).

Nevertheless, most of these economic migrants seem to still express strong emotional and familial attachments to the country and consider their settlement abroad as a temporary phase. A study carried out in 2005 among university students on the verge of leaving

Lithuania demonstrated that about 92% of them were considering emigration as temporary and only 5,9% as a permanent resettlement (Focus Migration 2007: 2). Another study carried out by Lithuania's market and opinion research centre the same year showed that 73% of those surveyed had no intention to emigrate. Only 1,3% of the respondents considered permanent emigration as a possibility. Hence, their actual departure does not necessarily induce a break-off from all connections to their home country, but seems mostly justified by education and employment concerns.⁴⁴ Due to frequent seasonal migrations, to direct connections with relatives and friends, one might assume that the relationship between this segment of the diaspora and its homeland might turn out to be quite intense. Despite the availability of reliable statistics, Aleksandravičius states that “considerable financial injections into the current Lithuanian economy are already noticeable” (2003: 5).

Yet, their often unstable economic and social situations abroad have prevented emigrants from participating in diasporic organizations, which has aggravated an uncertainty about their identity as expatriates. As Čiubrinskas puts it, they adhere to “groups of their owns”, based on social and economic status (2004:64). According to him, “their Lithuanianness seems to be globalized and could be defined as world-Lithuanianness. It is not only displaced or uprooted but rather situational”, which differentiates them quite significantly from the older layers of the diaspora (2004: 64). Such an uncertainty “undermines quests for Lithuanian culture and heritage and puts forward strategies of survival and career”, which do not necessarily go along lines of ethnicity or nation (Čiubrinskas 2004: 64). Media reports highlight the difficulty diasporic organizations encounter in mobilizing new emigrants for cultural or political events. One example was reported by *The Baltic Times* in April 2009: a movement called “I Am” (Aš Esu), made of Lithuanian emigrants in Ireland, was leading a campaign to encourage Lithuanian citizens to take part in the May general

⁴⁴ For further information on this issue (i.e. sensitive life situations leading to emigration to Western European countries), see the documentary movie: “Ar Verta?” (Shall I?) by Igor Drozdov, 2010, about 30,08 minutes long. www.drozdoff.net/shalli

elections. Through posters and stickers, “Aš Esu” was offering tickets for a wonderful journey (the elections) for just 0.00 euros (voting ballot). Nevertheless, as the article points out, only 1,511 Lithuanian citizens living in Ireland registered to vote for the previous election in 2008, which was a bad omen for the 2009 poll.

Because of the intensity of familial and financial relations the “Little Soviets” maintain with their country of citizenship, I consider them as “expatriates” and mere actors of a transnationalism phenomenon. As a consequence of this weaker involvement in diasporic structures, the latest wave of emigrants lacks recognition and is less valued by the Lithuanian state in its relationships with its “co-ethnic” communities from abroad.

2.6 More and more “Little Soviets” abroad

Despite such a difference in treatment between the layers of the diaspora, I demonstrate here that the number of the “Little Soviets” is growing, due to a persistent emigration. This trend is part of an ineluctable demographic decline. In this perspective, post-1990 migrants increasingly become a concern of Lithuanian policy-makers.

There exists few reliable statistics on the emigration flow Lithuania has been experiencing since it recovered its independence, although many estimations are available. According to the available data from the Department of Statistics to the government of the Republic of Lithuania, a total of 204,704 departures have been recorded between 2002 and 2009. When considering the total of arrivals (64,225 persons), one notices that the balance of migrations is a negative ratio of 140,479 losses for Lithuania between 2002 and 2009 (Table 1). The studied period is interesting in the sense that it shows a constant increase in emigration after Lithuania’s EU accession. 2010 marked a record in this respect, since over 100,000 emigrants left the country.

Table 1. Declared International Migration Flows

	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Departures	-7 086	-11 032	-15 165	-15 571	-12 602	-13 853	-17 015	-21 970	-83 157	-197 451
Arrivals	5 110	4 728	5 553	6 789	7 745	8 609	9 297	6 487	5 213	59 531
Net migration	-1 976	-6 304	-9 612	-8 782	-4 857	-5 244	-7 718	-15 483	-77 944	-137 920

Such official data does not take into account the large number of persons who do not declare their departure. Overall, Kūris estimates that more than 400,000 people have left Lithuania since 1990 (2010: 32). A recent Eurobarometer survey has found that about a quarter of Lithuanians (24%) plan on emigrating. It makes up the second highest rate of the kind among the 27 EU member states (The Baltic Times: 15.04.2011).⁴⁵

The emigration of Lithuanian citizens contributes for a large share to the phenomenon of demographic decline, which affects many countries in the region but takes dramatic proportions in such a small country. According to the Department of Statistics, the total population dropped from 3,483,972 residents in 2001 to 3,329,006 on 1 January 2010, that is a 4,45% decrease.⁴⁶ As Eurostat demonstrates, the country is threatened by a long-term and ineluctable demographic decline: Apart from emigration, a relatively low life expectancy (70,92 years on average in 2007 compared to 79,18 for the EU-27), a low birth rate (10,442 children per 1000 inhabitants compared to 10.883 for the EU-27) and a significant death rate

⁴⁵ Latvians are the most likely to emigrate, with a 34% rate. The survey was published in early April 2011. It included 27,500 respondents from all EU member states.

⁴⁶ According to the Department of Statistics, the overall diminution of the population between 1989 and 2010 is worth 9,4% (from 3,675,000 residents to 3,329,006). This is worth mentioning, yet we have to take into consideration the “artificiality” of such a figure, because of the “diasporic homecomings” of many Russian-speakers in the 1990’s. Complementary data are to be published in September-October 2011, as results of the latest nationwide census.

(1,095 deaths per 100,000 inhabitants in 2007 compared to 624,3 for the EU-27).⁴⁷ Hence, Eurostat population projections forecast a 18,7% decrease of the Lithuanian population by 2050, from 3,4 million in 2008 to 2,7 million in 2050.⁴⁸

The anxiety regarding the critical demise of the country's population is palpable. In his 2005 annual speech to the Seimas, President Adamkus warned that "Lithuania now sees its towns are becoming empty. A considerable number of people are starting to have doubts about the future in their country and are not linking their life and the life of their children with Lithuania any more." In this perspective, and despite the "poorly-expressed sentiments for the motherland" (Aleksandravičius 2003: 4) the latest wave of migrants seem to show, they have been increasingly considered as an object of policy-making. The aim of such an approach is to both retain the bonds between migrants and Lithuania and to gain some benefits from their activities abroad.

As I have shown, the Lithuanian diaspora is widespread and extremely large by the country's standards. After having undergone a "major reconfiguration" of its relationship with Lithuania in 1990, it is now a "state-linked" diaspora. Yet, it is still an "incipient" one, because of the different degrees of integration of the three layers of emigration. The "Classical diaspora", generally wealthy and influential, maintains close relations with the homeland. Yet, I have demonstrated a certain gap in the understanding of the latter's realities and priorities, which unveils a certain "long-distance nationalism" (Anderson 1992). In contrast, the expatriates, that is the latest wave of migrants, does not participate in diasporic organizations and thus lacks recognition, despite a more accurate vision of the homeland and a potential for intense relations.

⁴⁷ Source: www.epp.eurostat.ec.europa.eu

⁴⁸ Source: Eurostat (EUROPO2008), Commission Services (DG ECFIN), EPC (AWG)

As the country suffers from a significant demographic decline and the number of post-1990 migrants increases, the need to guarantee their attachment to the homeland appears to be a necessity. One of the tools of retaining bonds is the extension of dual citizenship provisions, which has been under debate for many years. Yet, such a project relies upon the structural distinction among different segments of the diaspora. As *The Baltic Times* stressed; “spats over who is ‘more Lithuanian’ arise almost every time the question of dual citizenship comes up” (25.02.2009). Thanks to the already analyzed division of the diaspora, I investigate the terms of the dual citizenship debate in Chapter 3.

Chapter 3.

A “selective re-ethnicization” project

The 1989 law on Citizenship did not allow Lithuanian citizens to hold dual citizenship. The Basic Provisional Law stated clearly that, as a rule, Lithuanian citizens could not be citizens of another state at the same time (art.13). This was confirmed by the 1992 Constitution, which allowed for dual citizenship only for the “exception of individual cases” (art.12.2). As it appears, such a prohibition was both the continuity of a strict rejection of dual citizenship in interwar Lithuania and a necessary safeguard for the integrity of the citizenry of the newly-restored state. By refusing the possibilities of dual citizenship but for some exceptions, the Lithuanian lawmakers were also complying with a long-lasting rejection of the phenomenon by the international community. Yet, in the following years, they gradually extended such provisions in order to address the evolution of international norms in this respect, as well as to tackle the issue of post-1990 massive emigration.

In this chapter, I analyze the nature and grounds of legal developments regarding dual citizenship in the past two decades. Using arguments on both its traditional refusal and the recent trend towards its acceptance, I show that the citizenship legal framework has undergone several revisions, which have been considered as confusing and inconsistent. I demonstrate that they consecrated a trend of a “selective re-ethnicization” of membership, which is based on a “cultural idiom”, i.e. a specific vision of nationhood. I finally focus on the crucial role of the Constitutional Court in this matter and show that the dual citizenship issue has become a legal question rather than a political one.

3.1 Dual citizenship: an anomaly to avoid?

Since the establishment of modern nation-states and the increasing mobility of individuals in the second half of the 19th century, questions of migrant identity and allegiances have been raised through conflicts between different citizenship laws. In this context, dual citizenship has been morally rejected and compared to all kinds of evils until very recently. Very expressively, the American historian and statesman, George Bancroft, observed in 1849 that states should “as soon tolerate a man with two wives as a man with two countries; as soon bear with polygamy as that state of double allegiance which common sense so repudiates that it has not even coined a word to express it” (quoted in Spiro 2002: 24). The 1930 Hague Convention concerning certain questions relating to the conflict of nationality laws, explicitly stated that “one should have a nationality and should have one nationality only”. In one of the rare studies on citizenship and dual citizenship of his time, Nissim Bar-Yaacov confirmed that this status is “an undesirable phenomenon detrimental both to the friendly relation between nationals and the well-being of the individuals concerned (...) and should be abolished” (Bar-Yaacov 1961: 4). Indeed, the very idea of dual citizenship does not fit into the traditional perception of the legal relationship between citizens and state, even more so when this latter comes to define itself as a nation-state.

In their 2002 book, Patrick Weil and Randall Hansen identify and deconstruct five main arguments in what they coin the “case against dual nationality”.⁴⁹ A first argument against dual citizenship questions the dual citizen’s loyalty, according to self-evident logics: “as one cannot serve two masters, one cannot serve two countries” (2002: 7). However, are loyalty exclusive and allegiance perpetual? Peter Spiro describes how political behaviours might also

⁴⁹ Let us remember Weil and Hansen use the terms “citizenship” and “nationality” as synonymous (see Introduction).

be influenced by a set of multiple allegiances, such as church, family, university, etc. As he points out, “why membership in other polities are so fundamentally different in today's international dynamic as to render them a continuing concern is no longer clear” (Spiro 2002: 26). Yet, in the Lithuanian context of a long-standing foreign occupation, avoiding “competing loyalties” has been a crucial concern for the state, according to a widespread fear of national minorities as “fifth columns”, at least in the 1990's.

A second argument the authors identify is the security threat caused by the dual allegiance one has toward two different states. However, this idea of the dual citizen as a “Trojan horse” does not seem very credible. Indeed, security threats exist independently from dual citizenship. Furthermore, actual spies are not likely to be eager to obtain dual citizenship, in the sense that it might draw attention to them.

A third argument relates to a “more substantial” problem of international stability, which is quite salient in terms of military service or inheritance rules (2002: 7). This argument does not constitute an insurmountable obstacle in the endorsers’ opinion, since it might be overcome through legal reforms or bilateral agreements. Joppke argues further that since most of the world has turned from a “Hobbesian zone of war” into a “Lockean zone of trade”, the risks of confronting citizenship laws have recently been lessened (Joppke: 2010). This assumption is underlying in the current Lithuanian debate as the country is now attached to western geopolitical structures. I question nonetheless its relevance below.

Another claim argues that it impedes integration instead of favouring it, as it encourages an attachment to a foreign culture and language. In this sense, it might undermine the political identification and participation of dual citizens to one country’s democratic life and, if applicable to a large share of the population, the very legitimacy of its political system. Such an argument is applied to countries of immigration. Yet, I consider it relevant in the case of multiethnic countries such as Lithuania. Weil and Hansen argue that toleration of dual

citizenship furthers integration, in the sense that it encourages confidence and abolishes the reluctance to truncate a part of one's identity. Hansen demonstrated in 1998 that denying dual citizenship to newcomers and "alien residents" might act as a disincentive effect that would turn to be both mechanical and psychological (Hansen 1998: 757-758). Indeed, a country's persistent refusal to grant citizenship might be interpreted as a structural defiance vis-à-vis newcomers and ethnic minorities. Moreover, historical experiences demonstrated that dual citizens mostly practice their country of residence's citizenship.⁵⁰

A fifth argument poses the question of inequality, which is "particularly compelling" (2002: 8). Indeed, "citizenship is premised on equality among citizens, and, if dual citizenship violates this equality, this is a serious mark against it" (2002: 8). Equality in citizenship should be nurtured precisely because it is one of the few institutions through which it might be achieved (Martin 2002: 36). Spiro employs here the same kind of argument he uses for the claim against the dual citizen's plain loyalty, pointing out that membership of a particular business or of a church might provide an individual with greater rights than the rest of the citizenry. For their part, Weil and Hansen rely on Michael Walzer's distinction between "simple" and "complex" equality. While the former is said to be universal, the latter is limited to some "particular spheres" (Walzer 1983, quoted in Weil and Hansen 2002: 8). Applied to citizenship, "simple" equality would require that all citizens have the same entitlements regardless of which national citizenship generated them, which means that they would have to be equal within and across polities. Hence, a citizen from a given country might not acquire greater rights on the sole basis of his country's membership. By contrast, "complex" equality only requires that each citizen possesses the same range of entitlements as all others holding the same citizenship. The same citizen, who would as well be another country's citizen, could

⁵⁰ For example, Faist demonstrates that the Netherlands has witnessed a causal relation between the acceptance of dual citizenship and the increased naturalisation rate of Turkish immigrants, especially during the 1992-97 period when dual citizenship was accepted without any restriction. In contrast, an equivalent group of Turkish immigrants in Germany was more reluctant to naturalize as Germany did not accept dual citizenship as a general rule. This causal relation checks in several European countries (Faist 2008: 8-9).

thus secure greater rights on the basis of his second citizenship. As a consequence, according to this idea, dual citizenship might be said to violate “simple” but not “complex” equality. Although not entirely satisfactory, this distinction might prove useful in dealing further with the Lithuanian case.

The 1989 law and the 1992 Constitution complied with this long-lasting refusal of dual citizenship and strictly forbade it but for “the exception of individual cases” (Art.12.2). Yet, Lithuanian law-making was to evolve and to take into account changes in the international and domestic approaches to dual citizenship.

3.2 Towards an ineluctable “embracing” of dual citizenship?

More than deconstructing arguments against the toleration of dual citizenship, the so-called “endorsers” recently developed a whole set of positive arguments encouraging states to accept, even “embrace”, the phenomenon. Although this twist reflects more of a western trend, some of its arguments have been used in the revised Lithuanian approach.

According to Weil and Hansen, dual citizenship is first “inevitable” because of the “increased mobility of citizens across today’s world” (2002: 9). This opinion reflects the stance the Council of Europe adopted in its 1997 Convention on Nationality: it denied the 1963 Convention and its rejection of dual citizenship, because of labour migrations between European states leading to substantial immigrant populations and the need for the integration of permanent residents.⁵¹

Furthermore, endorsers perceive such a phenomenon as a “value generator”. Spiro goes as far as encouraging national governments, and primarily in his view the United States government, to “embrace” dual nationality. According to him, it has to be “facilitated rather

⁵¹ For more information, see the Council of Europe website: www.coe.int.

than discouraged”, in the sense that it might “advance the national interest” by fostering immigrants integration and by expanding western liberal values abroad, especially in the case of immigrants originating from non-democratic countries (2002: 29). In this perspective, Adamkus was elected to the Lithuanian presidency in 1998 in the belief he would input American practices to his motherland (Lituanus: 1998). This argument seems particularly interesting in the asymmetric attitude the Seimas’ lawmakers have adopted regarding Lithuanian and Polish ethno-political and geopolitical projects (see Chapter 4.2 and 4.3)

It appears as well that the psychological factor identified by Hansen and Weil (i.e. it fosters the integration of immigrants in allowing them to retain, develop and practice dual or multiple identities) proves also quite relevant for diaspora members willing to re-acquire their previous citizenship or their parents’ while preserving their current citizenship. Authorizing dual citizenship in these cases might strengthen a diaspora’s confidence and lifts the disincentive effect of abandoning a part of one’s identity. This argument seems particularly compelling in the Lithuanian case.

To grant dual citizenship to communities abroad might also produce significant economic advantages, in a context where emigrants live and work in wealthier countries than their motherland. On an individual level, holding two or more citizenships is undoubtedly an important asset in the quest for free mobility and access to jobs and education. It facilitates the transfer of remittances from emigrants to their relatives and stimulates foreign direct investments, a process which has obviously benefited Lithuania for the past 20 years (as shown in Chapter 2). It also makes it easier for the migrants to invest in the real estate market, for those willing to secure a comfortable accommodation in prevision of their return. Peter Schuck also stresses a very practical advantage in the development of international trading networks, since “employees [holding dual citizenship] can travel and work abroad more

easily, are more likely to be bilingual, and can more readily build transnational market networks” (2002: 75).⁵²

Within a “triangular relationship” between a diaspora, its host countries and its motherland (Sheffer 2006: 192), dual citizenship might reinforce the moral and emotional connections to the latter’s communities abroad, if not its influence on them. The diaspora’s impact on its host states’ diplomacy might turn out to be substantially valuable as well, as Hartman reported in his 2002 book *The Immigrant as Diplomat*.

Narušienė has been fiercely advocating dual citizenship for the Lithuanian diaspora and offers some complementary arguments in favour of embracing dual citizenship. She first confirms Weil and Hansen’s idea of the inevitability of dual citizenship cases by stating it as “an unavoidable and widespread phenomenon. Little reliable data exist on the number of persons in the world today holding dual citizenship, because it is impossible to verify and lies well beyond the means of the countries to control. ... A prohibition of dual citizenship is basically unenforceable” (Lituanus: 2007).

Dual citizenship represents a considerable asset in terms of the symbolic importance of the motherland, which sees its population inflated and thus the worldwide moral authority of the state strengthened. In the Lithuanian case, dual citizenship for the emigrants would indeed prevent a further loss of migrant citizens and their descendants who might adopt their host state’s citizenship. As Narušienė stresses, “Lithuania is too small a country” and cannot afford losing population.⁵³ “Countries with small populations believe population loss is harmful to their country’s economic growth and cultural survival, and thus see the need to preserve the goodwill of the émigré population and encourage it to return”, she says (Lituanus: 2007). In Narušienė’s vision, the emotional aspect of legal membership to the nation seems essential,

⁵² The example that is most often quoted in this respect is the Irish economic breakthrough, which has been openly supported by at least 35,000 Irish nationals, many of them dual citizens, who have moved their assets and/or businesses back to their ethnic motherland in the 1990’s.

⁵³ Interview with Regina Narušienė, Vilnius, 09.04.2011.

which confirms Čiubrinskas' allegations on the American Lithuanians' "primordial" identity (see Chapter 2.2). "For them, citizenship is the most important real tie to their country of origin, which they continue to love. For them it is a symbol, a marker of their identity throughout the world" (Lituanus: 2007).

I am quite critical of the open enthusiasm the "endorsers" demonstrate in their assumption that the acceptance of dual citizenship is a part of liberalization of citizenship laws and includes a drive towards a more civic-based notion of membership and a stabilization of international relations. Spiro states that "to imagine even hypothetical situations in which dual nationality poses a threat to the national interest is now increasingly difficult" (2002: 19). A few pages further, he affirms that "once one acknowledges that dual nationality cannot be opposed on grounds of political influence [as explained above, the assertion of ethnic political interests has nothing to do with the formal attachment to citizenship], no compelling reasons remain to justify stigmatising the status" (Spiro 2002: 29). This statement seems quite irrelevant in the Lithuanian case, both from the political, legal and geopolitical perspectives. Indeed, Krūma argues that "one of the major areas of confusion [in Lithuanian nationality law] relates to the regulation of dual nationality in Lithuania. ... [It has] provoked public debates due to its exclusionary nature and unclear application" (2007: 116). Furthermore, a distinction has to be established between the endorsers' "Lockean zone of trade", that is mostly western countries, and "Hobbesian zones of war", that is most of the world and in this case Central and Eastern Europe. Whereas dual citizenship policies directed at ethnic kin groups are implemented also in the West (e.g. Ireland, Spain, Italy), it is understood in a different context in the East in respect to historical, political and economic factors, as well as to target groups. It appears frequently as "a nationalist or imperialist project of expanding the size of their nation across its present borders" (Pogonyi et al. 2010: 10).

According to Constantin Iordachi, it is also the consequence of the two-speed European integration process and its subsequent economic cleavages (2004: 267).

Using these arguments in favour of dual citizenship, Lithuanian lawmakers have induced a change in the approach to dual citizenship in Lithuania, which aimed to ensure the legal continuity of the citizenry to respond to the massive post-1990 emigration and to update the citizenship legal framework to new geopolitical realities.

3.3 The extension of the body of citizens

The legal basis for a progressive acceptance of dual citizenship has been the qualitative and quantitative expansion of categories entitled to citizenship, namely the body of citizens and persons holding an indefinite right to retention of citizenship. I demonstrate that the successive revisions of these categories have been conducted according to a “cultural idiom”, i.e. along an ethnic line.

Table 2. Legal developments of citizenship law (selection)

Legal act	Adoption	Entry into force	Repeal	Main content
Law	03/11/89	Idem	10/12/91	definition of the body of citizens
Law	05/12/91	11/12/91	17/09/02	Redefinition & extension of the body of citizens. Prohibition of dual citizenship
Constitution	25/10/92	02/11/92		Prohibition of dual citizenship
Amendment	03/10/95	Idem	17/09/02	extension of body of citizens – introduction of 'repatriation'
Amendment	02/07/97	Idem	17/09/02	extension of body of citizens
Law	17/09/02	01/01/03	15/07/08	extension of body of citizens – normalization of dual citizenship
CC ruling	30/12/03	Idem		On Granting dual citizenship by wa of Presidential exception
Amendment	06/04/06	Idem	15/07/08	Restoration of citizenship not conditioned by renouncement

				of former one
CC ruling	13/11/06	Idem		On the prohibition of dual citizenship
Amendment	30/06/08	Vetoed 11/07/08		suppression of 'repatriation' – extension of dual citizenship provisions (UE/NATO – bordering countries)
Amendment	15/07/08	idem	02/12/10	Limited extension of dual citizenship provisions
Law	04/11/10	Vetoed 11/18/10		Extension of dual citizenship provisions (UE/NATO – bordering countries)
Law	02/12/10	idem		Limited extension of dual citizenship provisions (marriage – adoption – child born abroad)

The Lithuanian citizenship legal framework has undergone successive and quite incoherent revisions since the adoption of the first law in 1989 (Table 2). One of the most frequent and significant evolutions has been the constant redefinition of the body of citizens, that is the categories constituent of the Lithuanian citizenry. In each version of the law and subsequent amendments up until the latest 2010 text, they were specified in the first article under the announcement: “the following persons shall be citizens of the Republic of Lithuania...”. It includes both “existing” and “potential” categories of citizens described in Chapter 1.5, as persons having a “natural” and long-lasting legal relationship to Lithuania and persons to which citizenship was merely extended (i.e. through naturalization), respectively.

Table 3 illustrates the constant changes in the very nature of categories. As shown in Chapter 1.5, the 1989 law defined a quite extensive body of citizens based on permanent residency on the national territory. The 1991 law enhanced this distinction between former interwar citizens and their children and grandchildren on the one side and permanent residents, who had been residing on the territory of Lithuania prior to 15 June 1940 and their children and grandchildren on the other. It is noteworthy that the requirement of permanent residency was lifted for the first category, which was made a constituent of the citizenry

regardless of their place of residence. Both categories were nonetheless conditioned to the impossibility of holding another citizenship.

Table 3. Categories making up the body of citizens

Categories	1989	1991	1995	1997	2002	2008	2010
interwar citizens (if permanent residents)	x						
their children (if permanent residents)	x						
their grandchildren (if permanent residents)	x						
all permanent residents (born or one parent born in LSSR)	x						
interwar citizens (if no other cit.)		x				x	
their children (if no other cit.)		x				x	
their grandchildren (if no other cit.)		x				x	
their great-grandchildren (if no other cit.)						x	
interwar citizens (no prohibition of dual cit + if not repatriated)			x	x	x		
their children (no prohibition of dual cit + if not repatriated)			x	x	x		
their grandchildren (no prohibition of dual cit + if not repatriated)				x	x		
their great-grandchildren (no prohibition of dual cit. + if not repatriated)					x		
Interwar permanent residents (if permanent residents + no other cit.)		x	x	x	x	x	
their children (if permanent residents + no other cit.)		x	x	x	x	x	
their grandchildren (if permanent residents + no other cit.)		x	x	x	x	x	
their great-grandchildren (if permanent residents + no other cit.)					x	x	
persons of Lithuanian descent (if no other cit.)					x	x	
ethnic Lithuanian emigre prior to 1918 if no other cit.			x	x			
naturalized citizens	x	x	x	x	x	x	x
persons holding cit. On entry into force of the law							x
persons restoring cit.							x
child born from two parents citizens, at home or abroad	x	x	x	x	x	x	x
child born from at least one parent citizen (in Lithuania or parents permanent residents)	x	x	x	x			
child born from at least one parent citizen (no condition)					x	x	
child born from at least one parent citizen (if no other cit.)							x

Article 17 of the law on the indefinite retention of the right to citizenship introduced the notion of “repatriation”. It was understood as one’s departure to one’s ethnic homeland, regardless of the fact that this person had acquired another citizenship or not. It implied that non-Lithuanian interwar citizens, who would have departed from Lithuania towards a kin state, such as Poles to Poland or Russians to Russia, were not be entitled to restoration of citizenship. The notion of “repatriation” created a discrimination on ethnic grounds, which was to be quashed by the Constitutional Court in 2006. Nonetheless, it has to be underlined that such a clause did not make up a strict criterion of ethnic selection. Jews who had relocated to the United States or stateless Tatars were still entitled to an indefinite retention of Lithuanian citizenship.

The 1995 and 1997 amendments confirmed the use of the “repatriation” clause in extending the body of citizens along a generational and ethnic line. The prohibition of holding several citizenships disappeared for the interwar citizens, their children and grandchildren, whereas it was maintained for the interwar permanent residents. Moreover, a new category made up the body of citizens: persons of Lithuanian descent who would have emigrated from Lithuania before 1918, if they would not hold any other citizenship (this category disappeared in the 2002 version). The ethnic preference in the reconstitution of a body of citizens was clearly expressed through these developments, although it was not an exclusive preference. It culminated in the 2002 law, which extended further the body of citizens to great-grandchildren of both interwar citizens and permanent residents, as well as replacing the “pre-1918 emigrant ethnic Lithuanians” category by a “person of Lithuanian descent”.

Table 4. Categories entitled to indefinite retention of the right to citizenship

Categories	1989	1991	1995	1997	2002	2008	2010
persons deported/left from Lithuania, their children & grandchildren	x						
interwar citizens abroad						x	
their children						x	
their grandchildren						x	
their great-grandchildren						x	
Interwar citizens abroad (no repatriation)		x	x	x	X		
their children		x	x	x	X		
their grandchildren				x	X		
their great-grandchildren					X		
persons of Lithuanian descent abroad		x	x	x	X	x	
interwar citizens and their descendants							x

The indefinite retention of the right to Lithuanian citizenship has undergone a similar evolution (Table 4). It is here understood as the affirmation of a wider “spiritual” citizenry which, if effectively materialized, would annul changes caused by Nazi and Soviet occupations. The 1989 law reserved this right to “persons who were deported from the territory of Lithuania or left it on or about 1940 or thereafter, as well as for children and grandchildren of such persons” (art.22). But the 1991 piece of legislation and its subsequent amendments up until the 2002 law referred to sole interwar citizens and their descendants, provided they had not been repatriated from Lithuania. It introduced also a clause on “persons of Lithuanian origin” residing abroad (art.17). Interestingly enough, the 1995 amendment specifies the definition of an “ethnic Lithuanian”, that is “a person whose parents or grandparents, or one of the parent or grandparents are Lithuanians and the person himself admits that he considers himself Lithuanian” (art.17). As this analysis shows, legal evolutions that took place over a decade have led to a progressive extension of the body of citizens along an ethnic preference, although not exclusively.

The repatriation clause was declared, among others, unconstitutional by the 2006 Constitutional Court ruling. It considered it as discriminatory on ethnic ground and thus a

breach of article 29 of the Constitution⁵⁴. The 2008 amending version of the law, after being first vetoed by President Adamkus, suppressed the notion of repatriation and included all interwar citizens into the body of citizens, as well as into the category of persons entitled to indefinite retention of citizenship. The latter maintained a reference to persons of Lithuanian descent abroad (art.17).

The 2010 law, currently in force, bears significant changes. Although a first draft has been vetoed by President Dalia Grybauskaitė⁵⁵, the lawmaker has redefined and clarified the said categories. The body of citizens is now made up of persons holding citizenship on the date of entry into force of the law, of naturalized citizens and of persons restoring their citizenships (art.5). The latter category is made up of the interwar citizens and their descendants (art.9). No mention is made of ethnic origins in either of these categories, as a sign of compliance with the Constitutional Court ruling. Nevertheless, article 10 introduces a “simplified procedure” of acquisition of Lithuanian citizenship, reserved for the persons of Lithuanian descent who have never held Lithuanian citizenship. It is noteworthy that this procedure is not conditioned by permanent residency in Lithuania.⁵⁶

Over the past two decades, the Lithuanian citizenship framework has undergone multiple and significant changes, some of which have been denounced as ambiguous, confusing and unconstitutional. As I analyze below, such ambiguities induced a series of legal loopholes, which a “certain number” of persons throughout the world enjoyed to acquire Lithuanian citizenship while retaining other ones. I identify here a clear political push for an ethnic preference in the reconstitution and development of an independent citizenry, which reflects in a trend towards the generalization of dual citizenship.

⁵⁴ See Appendix 2.

⁵⁵ Dalia Grybauskaitė was elected President of the Republic in July 2009.

⁵⁶ In this case, applicants just have to provide a “personal identification document, a document certifying Lithuanian descent, a statement whereby the applicant declares that he considers himself Lithuanian., documents evidencing the change of name or surname if applicable, a document proving that the person is stateless or eager to renounce his current citizenship (art.39).

3.4 A “selective re-ethnicization” process

The extension of the body of citizens has supported a progressive acceptance of dual citizenship by Lithuanian lawmakers, regardless of the constitutional prohibition. Such a trend has focused on some categories of ethnic Lithuanians, despite a generalized anxiety to retain bonds with recent émigrés and a widely acknowledged “natural” entitlement of each ethnic Lithuanian to citizenship. I analyze here such a trend and its underlying logics and coin it as a “selective re-ethnicization” process.

The initial prohibition of dual citizenship in 1989-1992 was due to a legitimate concern of sealing the Lithuanian citizenship from the Soviet and Polish ones. Once the independence had been restored and internationally recognized however, the gradual extension of dual citizenship provisions was meant to take into account the spread of both interwar citizenry and ethnic Lithuanians beyond Lithuania’s borders. Such a concern encompasses both departures before and after 1990. Indeed, the massive wave of post-independence emigration and the subsequent demographic decline have provoked anxious reactions as for the very functioning of Lithuania as a nation-state. Furthermore, the intensification of the relations between the diaspora layers and their motherland has been perceived as a potential political and economic benefit for Lithuania, as I showed in Chapter 2.3.

As demonstrated above, ethnic Lithuanians, as the core constituent of the Lithuanian nation, have been almost integrally included into the state’s existing, potential and “spiritual” citizenry. This evolution has been in line with the Constitution’s Preamble, which asserts the Lithuanian nation as the historical founder of the Lithuanian state, as well as with the governments’ attempts to strengthen the ties with the large diaspora. I acknowledge here as well the influence of the “primordial” vision of ethnicity developed by the PLB regarding the biological identity of the diaspora members, regardless of generational cleavages. As

Narušienė writes in 2007 in “Lituanus”: “for them [the émigrés], citizenship is the most important real tie to their country of origin, which they continue to love. For them it is a symbol, a marker of their identity throughout the world” (Lituanus 2007). In the same perspective, President Adamkus, who repeatedly threw his support behind the cause of extended dual citizenship, considers that “no matter where Lithuanians live, they have an inborn right to be Lithuanian citizens. Thus, we must seek for methods to grant them this right” (Baltic Course: 12.08.2008). Yet, article 12.2 of the Constitution allows only for the “exception of individual cases” and, as I develop below, it is virtually impossible to alter this provision. In this configuration, the definition of the exceptions has been the key to an actual extension of dual citizenship possibilities.

Table 5. Categories entitled to dual citizenship

Categories	1989	1991	1995	1997	2002	2008 (1)	2008 (2)	2010 (1)	2010 (2)
interwar citizens abroad		x				x	x	x	x
their children		x							
their descendants								x	x
interwar citizens (if not repatriated)			x	x	x				
their children			x	x	x				
their grandchildren				x	x				
their grandchildren					x				
child born from at least one parent citizen, at home or abroad						x	x	x	x
foreign citizens with refugee status						x	x	x	x
way of exception for special merit		x	x	x	x	x	x	x	x
bilateral agreement with another state						x	x		
persons of Lithuanian descent 'traditionally' residing in bordering countries						x		x	
persons of Lithuanian descent citizens of Nato/EU						x		x	

marriage with a citizen of another state								x	x
child -21 who has acquired both Lithuanian and another cit. At birth)								x	x
adopted child -21 (foreigner adopted by citizens)									x
adopted child -21 (citizen adopted by foreigners)									x

The 1991 citizenship law designated interwar citizens and their children both as constituents of the body of citizens (i.e. existing citizens, art.1) and persons entitled to retention of citizenship (i.e. “spiritual” citizens, who could restore their citizenship, art.17). It also lifted the requirement of permanent residency in Lithuania in the restoration of one’s citizenship. As a consequence, an ambiguous loophole was established. This was confirmed by the 1995 and 1997 amendments, which simply lifted the requirement of not holding another citizenship. As the Constitutional Court established in 2006, this implicitly allowed interwar citizens and their descendants who were permanently residing abroad to apply for Lithuanian citizenship while retaining another one. No statistics are available on this 15-year long phenomenon. Kūris states that “a number of persons (...) managed to make use of this ambiguity and to acquire Lithuanian passports” (2010: 20). This trend was consecrated by the 2002 law and by an amendment adopted on 6 April 2006, which clearly authorized a person restoring his or her citizenship not to renounce the citizenship of another state (art.20.2). Through the acceptance of this legal ambiguity, the lawmaker progressively came to broaden the regime of exceptions and to eventually deny the constitutional prohibition. It was to be denounced and invalidated by the Constitutional Court.

At the same time, post-1990 emigrants enjoyed another loophole, that is the “don’t ask, don’t tell” rule, i.e. the impossibility for states to enforce a strict prohibition of holding two passports. A certain number of them emigrated from Lithuania and acquired citizenship of their new country of residence. By simply omitting to inform Lithuanian authorities of their

new situations, they were able to use both passports at their convenience. Thus, before the 2006 Constitutional Court ruling, the possibilities of dual citizenship were a non-spoken generalized situation.

Yet, it is noteworthy that the legislator addressed only the cases of pre-1990 emigrants, mostly the interwar citizens and their descendants and the persons entitled to indefinite retention of the right to citizenship. The post-1990 emigrants merely benefited from a non-written contradiction of national and international laws but were not formally subject of Lithuanian provisions regarding dual citizenship. Given the total disregard of article 12.2 of the Constitution, one might have assumed that the Seimas could have included each configuration into the law. Instead, the re-ethnicization of membership turned out to be partial. In this sense, I consider it a “selective re-ethnicization” project.

Such a selection among ethnic Lithuanians is first a history-based one. Indeed, it seems that the Seimas has used the citizenship policy as “a means to right historical wrongs”, to use André Liebich’s expression (2009: 20). In the same perspective, Iordachi has identified citizenship policies in central and eastern Europe as “generalised attempts at reconstructing the national ‘imagined communities’, against the background of radical post-communist socio-political and territorial reorganisation” (2004: 240). The Lithuanian lawmaker *de facto* distinguished between two waves of emigration of different nature and valued the pre-1990 wave over the post-1990 one by granting it the status of “exception”. Gabrielus Žemkalnis, former Chairman of the PLB (2003-2006),⁵⁷ considers it “reasonable” that those who emigrated from Lithuania before the return to independence “deserve” exceptions because of the then political situation. “There are two different groups but I don’t think they are divided, those two groups have formed under different circumstances, the later emigrants have made the choice themselves,” he says (The Baltic Times: 25.09.2009). In this sense, the latest wave

⁵⁷ He was persecuted by the KGB and departed to Australia. He is the brother of Vytautas Landsbergis, who did not emigrate and became the first head of state of independent Lithuania (March 1990 – November 1992).

of emigration would not “deserve” any preferential treatment despite the economic hardship it is based on. I argue here that such a stance, implemented by the lawmaker up until 2006, reinforces the image of Lithuania as a “nation of innocent sufferers”, to use Clark’s expression (2006).

The Constitutional Court examination of the law was initiated by a petition of a group of members of the Seimas and the Vilnius Regional Administrative Court who challenged the citizenship law and its ambiguities. The ruling invalidated most of the developments introduced since 1991 and charged the law as “very controversial, inconsistent and confusing”. Namely, the Justices declared unconstitutional the notion of “repatriation” as being in conflict with article 29 and the provisions extending, directly or indirectly, the possibilities of dual citizenship as contrary to the spirit of article 12.2, which permits only the “exception of individual cases”. The Court narrowed down the possibilities for dual citizenship cases to “extraordinary rare, exceptional” individual-based circumstances. The Justices also deplored that the ethnic-based provisions adopted since 1991 onwards were contrary to the spirit of the 1989 inclusiveness (Kūris 2010: 43-44). Despite the ruling, it has to be underlined that it is impossible to “hunt” the already existing dual citizens. A certain number of them, probably numbered in thousands, may still hold a Lithuanian passport and another one, or more.

It took two years for the Seimas to pass a revised version of the law, which was then vetoed by President Adamkus on suspicions of unconstitutionality. The draft allowed dual citizenship to citizens of Lithuanian descent who would have acquired citizenship of a EU or NATO member state, as well as to ethnic Lithuanians permanently residing in bordering countries. I deal with these proposals in Chapter 4.2 as a part of a “selective re-ethnicization” project with wider geopolitical implications. A temporary amendment was passed in July 2008, naming interwar citizens (not their descendants), children born abroad from at least one

Lithuanian parent and foreigners in Lithuania holding refugee status as solely entitled to dual citizenship (Art.1.2 & ref.). Facing the inefficiency of the Seimas to reach a Constitution-compatible agreement, President Adamkus gathered a committee of experts and presented a draft law in March 2009. Although a fierce supporter of dual citizenship offered to all Lithuanians, his proposal mostly addressed the emigration of interwar citizens as a case of exception, which persistently maintained a division between the diaspora's layers. As the draft did not meet enough support, the temporary amendment was prolonged. Overall, it was extended four times until a new law was passed in November 2010 and vetoed by President Grybauskaitė on suspicions of unconstitutionality. As I develop below, such a long revision process unveils political contempt for the Court's authority and structural shortcomings in Lithuanian public life.

The current text was adopted on 2 December 2010. It modernizes the country's citizenship framework and clarifies the legislation on several points. Article 7 clearly states the categories of people entitled to dual citizenship as a way of exception:

- Child under 21 who has acquired Lithuanian citizenship and another one at birth;
- Persons who were exiled/ have fled from Lithuania before 11 March 1990 and their descendants;
- Lithuanian citizen who has acquired another citizenship through marriage;
- Foreign child under 21 who has been adopted by Lithuanian citizens before turning 18;
- Lithuanian citizen under 21 who has been adopted by Lithuanian citizens before turning 18 and has acquired another citizenship;
- Person who has acquired Lithuanian citizenship by way of presidential decree;
- Foreigner having refugee status in Lithuania.

Article 8 establishes the status of a dual citizen from the point of view of the Lithuanian state, that is that the dual citizen is primarily a Lithuanian citizen. The retention of another passport does not relieve him or her from a citizen's responsibilities under the law. It has also to be pointed out that article 39.6 requires from applicants to Lithuanian citizenship a written statement that they renounce the citizenship of another state. This innovation comes as a means to enforce the constitutional prohibition.

The current law highlights the effort to modernize and clarify by the Seimas lawmakers, as well as an attempt to take into account the post-1990 departures. It still considers the pre-1990 emigration as an exceptional case in itself, regardless of whether the émigrés were holding Lithuanian citizenship prior to 1940 or not. The provisions referring to post-independence emigrants only regulate some isolated cases in order to accommodate the reality of massive emigration and the anxiety of demographic decline. These categories are no longer ethnic-based, so as to comply with the Constitution.

The 2010 law brings the dual citizenship controversy to a standstill. It is unlikely that the issue will be dealt with again in the near future. Yet, the diaspora appears “disappointed” and persists in asking for extended possibilities of dual citizenship (Lithuania Tribune: 02/12/2010). Narušienė, in contrast to her predecessor Žemkalnis, advocates for dual citizenship for all ethnic Lithuanians. In an interview conducted in April 2010, she blamed the Seimas for cowardice and the Constitutional Court for a narrow-minded political decision. She considered the dual citizenship issue as a political issue rather than a legal one, which came down to the definition of exceptional cases through the legislation. According to her, discrimination on ethnic grounds is a “legitimate, justifiable and reasonable class under the circumstances of the occupations this country has endured”. In her opinion, the elite in power in Lithuania have estranged over a million ethnic Lithuanians who would wish to retain a bond with their homeland by taking away their “birthright” to citizenship. Asked about the

reasons of such a move, she perceived a sort of jealousy and fear. “They [the ones in power] don't want us to become the deciding factor of who rules this country. ... For some of them they might be afraid of the changes the diaspora would bring about”.⁵⁸ As PLB chairwoman, Narušienė explicitly displayed a fierce contempt for the Constitutional Court ruling and legitimized a bypass of the constitutional prohibition of dual citizenship through legislation. I interpret it here as a sign of the “long-distance nationalism” analyzed in Chapter 2.3.

The legal developments of the citizenship framework have been characterized by a political inconsistency and a constitutional deadlock. As shown above, the progressive extension of dual citizenship provisions has been based on the contention of historical justice and, to a smaller extent, on the consideration of massive emigration after the return to independence. The cornerstone 2006 Constitutional Court ruling and subsequent presidential vetoes reiterated the fact that the Lithuanian citizenship policy cannot be ethnic-based as it would constitute a breach of Article 29 of the Constitution. Yet, I have demonstrated that there exists an ethnic-based political project, which aims to extend membership to some categories of ethnic Lithuanians. In this sense, I consider it a “selective re-ethnicization” project.

3.5 The Constitutional Court as a forefront lawmaker

I show here such a project has been constrained by the Constitution's provisions and the alleged impossibility to change them, which reveals fundamental shortcomings in post-Soviet Lithuanian public life. It turned the Constitutional Court into a national policymaker.

Over two decades, the Seimas' projects regarding the extension of dual citizenship provisions underwent four significant downturns, namely two seriously critical analyses by

⁵⁸ Interview with Regina Narušienė, Vilnius, 09.04.2011.

the Constitutional Court in 2003 and 2006, and two presidential vetoes by two different Presidents of the Republic, in 2008 and 2010, the latter being motivated by the Court jurisprudence. At the core of the issue is the constitutional prohibition of dual citizenship established by its Article 12.2. According to Article 148, any alteration of the first part of the Constitution, which includes Article 12.2, has to be validated through a popular referendum.⁵⁹ The law on referendum states strict conditions for the vote to be valid. Not only do at least 50% of the registered voters have to take part in the vote, but at least 50% of them (not the participating voters) have to support the proposal (art.7.3). Yet, these conditions seem hard to achieve given the Lithuanian context, characterized by a low civic involvement in public affairs and low turnout rates at national elections.⁶⁰ Narušienė, although a firm supporter of an extension of dual citizenship provisions, declared in February 2009: “Those that suggest and understand the requirements of the present referendum law fully understand that the present referendum law requires that at least half of the Lithuanian people vote and at least half to approve the change. That barrier has not been met in even the Ignalina vote.”⁶¹ That many people do not vote” (The Baltic Times: 25.02.2009). In the case of a failed referendum, the risk is that the dual citizenship issue might lose its public credibility and be ignored for a long time. It has partly justified the lawmakers’ attempts to circumvent the constitutional prohibition.

Kūris considers the political reactions *vis-à-vis* the Constitutional Court ruling as “instructive as to the mode and intensity of public debate in a post-communist country on the issues that lie on the boundary between law and politics” (2010: 40). Despite the November

⁵⁹ It has to be initiated either by ¼ of all the members of the Seimas or by a petition gathering not less than 300,000 voters (Art.147).

⁶⁰ A few recent examples illustrate this fact: 48,54% took part in the 2008 general election and 51,71% in the 2009 presidential election. Although no reliable statistics exists on this topic, one might assume the massive emigration of Lithuanian citizens since 1990 hinders their political participation.

⁶¹ A referendum took place in October 2008 on extending the period of activity of the Chernobyl-type Ignalina nuclear power plant. Although 91,41% of the voters agreed with the extension, the referendum was invalidated because of a 48,44% turnout. In total, 10 referendums have been organized since Lithuania recovered independence. Only four have been successful. Three have been invalidated because of insufficient turnout.

2006 ruling, the law remained in force until June-July 2008, to be replaced by a mere provisional amending version. Altogether, it took almost four years and two presidential vetoes for the Seimas to adopt a renewed and Constitution-compatible law. Furthermore, the Court became the target of “populist pressures” from politicians and diaspora leaders, which aimed at questioning the very legitimacy of the Court in giving official interpretations of the Constitution. Some accused the Justices of usurpation of their power in a move to overrule the Seimas’ authority in what they saw as a “killing of policy” (Kūris 2010: 40). Such political moves have endangered the very respect of the rule of law and democratic checks and balances. In this configuration, I interpret the 2008 and 2010 presidential vetoes as signs of a certain political maturity. Indeed, Presidents Adamkus and Grybauskaitė have not vetoed the texts out of political beliefs or political manoeuvres. Instead, their decision was a strict answer to the necessity of respecting the Lithuanian constitutional order. In 2008, an apologetic Adamkus explained that “the Constitution imposed such a duty on me, and I, as the president of the country, am responsible for it” (Baltic Course: 12.08.2008).

This case highlights one of the most striking specificities of the Lithuanian dual citizenship developments. The definition of the citizenship policy has become a legal matter rather than a political one. The successive projects the Seimas has tried to adopt show that the 1992 Constitution does not correspond to the ambitions of current politics. Because of the incapacity to amend the Constitution, the policy-making is squeezed into the framework defined by the Constitutional Court. In this sense, it has become a forefront national lawmaker, to use Robert Dahl’s expression (1957), which counters the Seimas’ attempts to implement a generalized “selective re-ethnicization” policy.

As I have shown, the Lithuanian legal framework of citizenship has undergone numerous revisions for the past two decades. Because of changes in the international

appreciation of dual citizenship and in the country's geopolitical situation, the lawmaker has increasingly aimed to implement a generalization of dual citizenship despite a constitutional prohibition. It has been mostly motivated by the will to retain bonds with considerably large groups of the diaspora and expatriates, as well as by a certain vision of nationhood. Such a trend has been mostly ethnic-based, although it has established a selection among ethnic Lithuanians. It has yet been narrowed by a virtually unchangeable constitutional prohibition. The political disdain for the Constitutional Court's authority unveils structural shortcomings of Lithuanian political life as unsolved issues of the post-Soviet transition. The dual citizenship issue highlights the fact that Lithuania does not strictly belong to the western "Lockean zone of trade", in which the acceptance, even "embracing" of the phenomenon is relatively consensual. Instead, it shows Lithuania as a part of a still "Hobbesian zone of war", in which some specific elements such as ethnic minorities, and international relations have to be taken into account.

Chapter 4. A “Lockean zone of trade”?

The “selective re-ethnicization” project promoted by the Lithuanian lawmaker aims at regrouping the ethnic nation within the borders of the state citizenry along selective criteria. The gradual acceptance of dual citizenship has been based on the stabilization of Lithuania’s domestic and international situation and its progressive rapprochement to western standards and structures, that is to a “Lockean zone of trade”. Yet, one has to distinguish some specific features of the geopolitical area Lithuania lays in.

Although the Court has restricted the discrimination on ethnic grounds, the Seimas has repeatedly attempted to implement it. In no case have ethnic minorities been addressed by the legislation. I focus here on the *de facto* division that has been established within the Lithuanian citizenry. I present its underlying reasons and demonstrate the use of double standards in political speech. I compare a Lithuanian geopolitical project included in the vetoed provisions extending dual citizenship and the Lithuanian response to the Polish ethno-policy of the “Karta Polaka”. I argue that the use of double standards is a marker of minority integration and of the state of international relations. It might have long-term implications on the integrity (i.e. constitutional and normative coherence) of the citizenry.

4.1 The non-inclusion of ethnic minorities

The extension of dual citizenship provisions has mostly addressed ethnic Lithuanians, despite a selection between categories of the diaspora. In doing so, the lawmaker has almost entirely ignored non-Lithuanian components of the country’s population. I analyze here the reasons and implications of such an exclusion.

The legislation introduced in 1991 and in force until declared unconstitutional by the 2006 ruling has allowed persons who were holding Lithuanian citizenship prior to 1940 and their descendants to retain an indefinite right to citizenship, provided they had not repatriated. As highlighted above, the repatriation clause excluded from such a possibility citizens of non-Lithuanian descent who would have left to an ethnic-kin country, i.e. Poles to Poland, Russians to Russia or Jews to Israel. In this sense, a significant share of the interwar citizenry was excluded from the founding concept of legal continuity of the state, which had underlined the restoration of independence. Yet, it did not establish a strict ethnic discrimination as Jews who would have left for the United States, Belarussians to Canada or stateless Tatars were still entitled to an indefinite right to citizenship. The repatriation clause was to be quashed by the Constitutional Court in 2006. The current law now reserves the retention of citizenship to all interwar citizens and their descendants. The provisions of the law pertaining to dual citizenship stated in article 7 treat all Lithuanian citizens on an equal footing and do not establish any kind of discrimination.

Among other reasons, such an ethnic preference in previous legislation appeared as a way to narrow the land restitution the newly restored state had undertaken. Indeed, properties that had been taken away by Nazis and Soviets through requisitions and nationalizations could only be turned over to Lithuanian citizens. The same underlying logics may be perceived in the choice of 15 June 1940 as starting point of “exceptional” emigration. However, it is noteworthy that a significant share of the interwar population had left the country prior to this date, as a reaction to Antanas Smetona’s authoritarian and discriminatory rule from 1926 on. It legitimizes the idea of a “nation of innocent sufferers” in denying that interwar citizens, in this case mostly of Jewish descent, have emigrated because of Lithuanian-generated persecution. It also prevents these interwar citizens and their

descendants from claiming their lost properties.⁶² As Girnius points out, between 50% and 60% of interwar properties, including a “disproportionate share” of Vilnius real estate, belonged to persons of non-Lithuanian descent, i.e. Poles, Jews, Russians and Germans.⁶³ Not extending dual citizenship to most of these interwar citizens and permanent residents and their descendants is meant to protect Lithuanian assets from a foreign buy-out.

It is noteworthy that the ethnic minorities permanently residing in Lithuania have been constantly ignored by the legislation. The Seimas has attempted to offer citizenship to persons of Lithuanian descent who were permanently residing and holding citizenship in other countries. However, ethnic minorities in Lithuania have been in no case allowed to seize a similar opportunity from an ethnic kin state. According to the very logics displayed by the Seimas, ethnic Lithuanians in Belarus could be able to hold both Belarussian and Lithuanian citizenships (2008-2010 vetoed provisions). In contrast, ethnic Belarussians in Lithuania would not be entitled to acquire their kin state’s citizenship. When it comes to the Polish minority, one would argue they are actually entitled to restoration of Polish citizenship, as a consequence of past territorial changes. Yet, in order to acquire this citizenship, they would have to renounce the Lithuanian one. I interpret this as a double standard in the treatment of the dual citizenship issue, which reveals some structural shortcomings of minority integration.

One of the reasons to forbid ethnic minorities acquiring another citizenship is the traditional fear of hosting so-called “fifth columns” on the national territory, which could legitimize another state’s interference in domestic affairs. This concern has been revived by the massive delivery of Russian passports to persons living in South Ossetia and the subsequent 2008 Russian-Georgian war. It allegedly broke out because of the Kremlin’s

⁶² During the negotiations on the latest version of the citizenship law, a proposal emerged to set the date of 1918 as starting point of the “exceptional” emigration instead of 1940. It has eventually not been accepted. It is noteworthy that the Lithuanian Minister of Foreign Affairs, Audronius Ažubalis, clearly stated in the newspaper “Lietuvos Rytas” that such a proposal was the result of the lobbying of persons of Jewish descent in order to ease the land restitution (quoted in Lithchat 16.10.2010).

⁶³ Interview with Kęstutis Girnius, Vilnius, 07.04.2010.

worries for the safety of its citizens against Tbilisi's aggressive moves. As Lithuania is both a NATO and EU member state, it is unlikely that such an extreme situation could occur. Nonetheless, it is noteworthy that Russia has been using its ethnic and linguistic kin minorities as an influence tool in its "near abroad", namely in Estonia, Latvia and Lithuania since their returns to independence.⁶⁴ In endorsing a new foreign policy strategy in July 2008, Russian President Medvedev has conditioned a good cooperation with the Baltic states to the issue of Russian-speaking minorities. Although Russian communities in Lithuania have proved peaceful and politically passive,⁶⁵ the fear of them becoming Russia's instrument of interference explains their non-entitlement to dual citizenship.

The situation appears less clear-cut with the Polish community, which makes up the largest ethnic minority in Lithuania. Although its integration into Lithuanian society has been considered effectively consensual, it is much more territorially-based and politically organized than other communities. Suspicions of Polish separatism arose in the early 1990's when a group of five local government councillors from the Šalčininkai district attempted to establish a Polish autonomous area in the east of the country.⁶⁶ Such concerns persist nowadays, as the "Karta Polaka" case highlights (see Chapter 4.3). The main ethnic Polish political party, the Electoral Action of Poles in Lithuania (Akcja Wyborcza Polaków na Litwie – AWPL), voices numerous claims on what it considers "unresolved issues". Questions of minority education, spelling of names on passports or on public street signs in Polish-populated areas and land restitution are still hot topics in Lithuania and in relations

⁶⁴ Russian pressures were explicit in the 1990's as an instrument of international leverage, mostly within the OSCE. Despite a cooling down of relations in the 2000's, the Kremlin-supported clashes in Tallinn in May 2007 demonstrate the fierce sensitivity of the issue.

⁶⁵ The reaction of ethnic Russians to the "National Programme for Supporting Voluntary Migration of the Compatriots Residing Abroad to the Russian Federation", adopted in June 2006, comes as an evidence of this phenomenon. The head of the Lithuanian-Russian Cultural Centre Tatjana Jasinskaja declared in 2007: "I haven't heard that any one of us would like to go to Russia. We have already taken roots in Lithuania – we have chosen our country" (Lituanica: 22.11.2007). The program encounters a mild success, as about 24,000 ethnic Russians from around the world had relocated to Russia by October 2010. No statistics are available on Lithuanian Russians.

⁶⁶ In August 1999, they had been convicted and sentenced to two to three and a half years imprisonment.

between Vilnius and Warsaw. Indeed, the Polish government has repeatedly expressed concerns about its ethnic kin communities in Lithuania. After a twenty-year process of what Joanna Rohozinska has coined “the conquest of pragmatism” (1999), Poland is now one of the closest strategic allies of Lithuania within NATO and the EU. Yet, it seems that some kind of mistrust endures.

As I demonstrate, the Seimas has some historical and political grounds for not extending dual citizenship to ethnic minorities in Lithuania. Yet, I argue that this refusal constitutes a discrimination among citizens despite their constitutional equality. In this sense, it violates not only the “complex equality” Walzer described, but also the “simple equality” within the Lithuanian citizenry. In some respect, it acts a marker of the state of minority integration. Although the so-called “zero option” has virtually wiped out all international concerns regarding minority protection, there remain a few structural issues, such as linguistic rights, minority education, integration on the job market and media representation. Arturas Tereskinas has demonstrated a persistent low level of visibility of, and a high level of discrimination against, ethnic minorities in the main media. According to him, they fail to “mirror the real proportion of ethnic minorities in the Lithuanian population” (2003: 230). Furthermore, most newspaper reports and television broadcasts focus on minority members who committed a crime. Much less attention is paid to stories about minorities experiencing problems, prejudice, discrimination or higher unemployment. From his analysis, one of the current challenges I identify is the need for the consolidation of a consensus-oriented public sphere, of a so-called “consociational democracy” to use Arend Lijphart’s expression (1977). When it comes to dual citizenship, Hansen has demonstrated that a constant denial of this possibility to so-called “alien residents”, here about 16% of the population, might act as both a mechanical and psychological disincentive effect on integration (Hansen 1998, quoted in Weil and Hansen 2002: 10).

I argue here that such a division might endanger the integrity of Lithuania's citizenry, in the sense that the *de facto* non-inclusion of ethnic minorities into the dual citizenship legal framework may be considered as a breach of article 29 of the Constitution pertaining to non-discrimination on ethnic grounds. It may also be seen as contrary to article 20 (equality before the law) and article 21 (non-discrimination) of the EU Charter of Fundamental Rights. In case the lawmaker would manage to pass the 2008 and 2010 vetoed "re-ethnicization" provisions, the citizenship law would clearly go against the Lithuanian constitutional framework. It is noteworthy that it was the basic motivation underlying both presidential vetoes.

Although there exist legitimate concerns on allowing members of ethnic minorities to hold two passports, they appear questionable in terms of equality among citizens and highlight fundamental shortcomings of minority integration in Lithuania. They rely on double standards in political speech, which I investigate below.

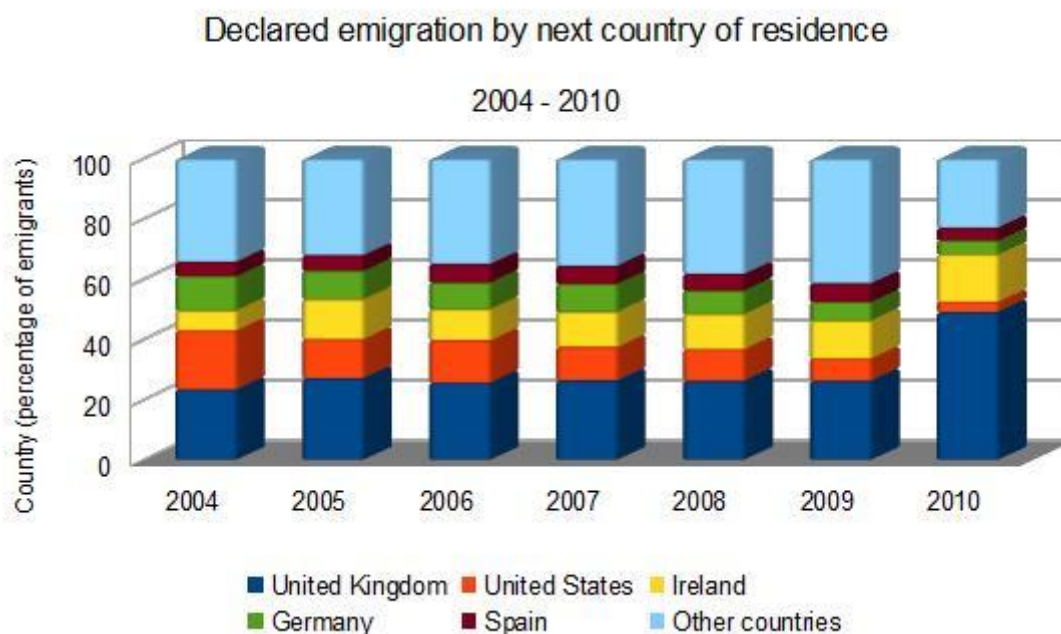
4.2 Dual citizenship as a geopolitical project

I focus here on two legislative proposals adopted by the Seimas twice, in 2008 and 2010 and vetoed by two different Presidents. They reflect a geopolitical project meant to serve Lithuanian interests.

The first provision established that citizens of Lithuanian descent who would acquire citizenship of an EU or NATO member state could retain their Lithuanian citizenship.⁶⁷ Such a project is expressively ethnic-based. It encompasses most of the diaspora in quantitative terms, as Map 2 illustrates. Furthermore, as Figure 2 shows, latest emigrants mostly elect EU and NATO member states as new countries of residence.

⁶⁷ In the same perspective, another clause implied that Lithuania could contract bilateral agreements with other states on the acceptance of dual citizenship. It was passed in the second 2008 version (Art.18.2) but disappeared in the 2010 one.

Figure 2. Declared Emigration by next country of residence (2004-2010)⁶⁸



It excludes communities of post-1990 emigrants who settled elsewhere, for example in Latin America or in Australia. Therefore it remains part of a “selective re-ethnicization” project. It consecrates Lithuania’s strategic affiliation to Western structures. If implemented, it might have fostered the building-up of transnational business and investment networks through citizens residing in Lithuania’s main economic partners, as Schuck (2002: 75) argues. The mention of NATO countries permits the inclusion of the large segments of the diaspora located in northern America. But it also aims at solving the issue of international stability identified by Weil and Hansen, namely in terms of a citizen’s loyalty and military duties⁶⁹. Indeed, no major conflict is likely to break out between members of the military alliance. It has to be underlined that such a project had been first formulated after the July 2006 Israeli

⁶⁸ For more accurate data, see Appendix 4.

⁶⁹ Compulsory basic conscription in Lithuania was terminated by the 15 September 2008 resolution of the National Defence Minister. The service of already called up conscripts ended on 1 July 2009. Nevertheless, the Ministry states that the “constitutional responsibility of all the citizens of the country to defend their motherland remains just like record of conscripts” (http://kariuomene.kam.lt/en/military_service.html).

intervention in Lebanon. In the course of the war, it turned out that about 40,000 persons were holding Canadian passports, some of whom spent only a few years in Canada, acquired citizenship and departed to Lebanon. In the name of a state's duty to protect its citizens, the Canadian government was constrained to launch an emergency rescue mission. About 15,000 of its citizens were successfully evacuated to Turkey and Cyprus before being repatriated to Canada, at a cost of CAD 85 million (about EUR 62 million).⁷⁰ On this occasion, Jack Granatstein, former head of the Canadian War Museum and prominent Canadian historian, has called for a "serious review" of Canada's citizenship law (Canada.com: 03.06.2006). Such an event questions the accuracy of a universal generalization of dual or multiple citizenship, which the endorsers consider "inevitable". Yet, their perception of the world as a "Lockean zone of trade" does not necessarily apply to countries such as Lebanon and, to some extent, Lithuania.

A second provision was to allow persons of Lithuanian descent holding citizenship of one of Lithuania's neighbouring countries (i.e. Poland, Russia (Kaliningrad), Latvia and Belarus) to be entitled to dual citizenship whether they have had a past contractual relationship with Lithuania or not. It encompasses one of the "target groups" of Lithuania's diaspora policy, namely the Lithuanians living in "ethnographic Lithuanian area" (Bagdonavičienė 2009: 3). Poland and Latvia were already mentioned in the first provision on EU and NATO member states. As for Russia, it is unclear whether the provision addresses persons in sole bordering regions or in the entire country. In this sense, such a possibility might spread to individuals of Lithuanian descent residing as far as Siberia. In any case, such a project relies upon the assumption that ethnic Lithuanian communities are left beyond the countries' borders due to the history of the Polish-Lithuanian Commonwealth and to territorial changes during the 20th century. A member of the Seimas, Stasys Šedbaras,

⁷⁰ Official estimate by the Ottawa government.

expressed his support to the clause, which addresses persons of Lithuanian descent living “on what was once Lithuanian lands and is now in other countries” (LTV News Service: 01.06.2010). It aims at (re-)constituting a zone of ethno-cultural influence around Lithuania. In this sense, it is similar to a revisionist law passed by the newly-elected right-wing Hungarian government in May 2010, who initiated a simplified procedure of acquisition of citizenship destined to about 2,5 million ethnic Hungarians living in Hungary’s surrounding countries.⁷¹ The same logics are reflected in the project of establishing a so-called “Lithuanian card”, as I develop in Chapter 4.3.

I wish here to stress one more geopolitical implication of the extension of dual citizenship provisions, that is the granting of EU citizenship to a significant number of persons. In case the lawmaker would have been able to implement a wide acceptance of dual citizenship, it might have led to a kind of an indirect enlargement of the EU. Over a million persons of Lithuanian descent might have been eligible to dual citizenship. as a consequence, these EU citizens might have benefited from EU consular protection and visa-free access to both EU and Schengen countries. In this sense, I consider it as a “clandestine enlargement”, to use *Der Spiegel*’s expression about the granting of Romanian citizenship to Moldovan citizens (Der Spiegel: 15.07.2010).⁷²

As already stated, these Lithuanian measures were invalidated by presidential vetoes. Had the Seimas had its way however, they would have come into force. The concrete geopolitical project they initiate illustrates the specific Lithuanian configuration. Despite its membership in western structures and the cooling of its relations with CIS countries (namely Russia and Belarus), there remain legitimate security concerns. One may not say that Lithuania is fully part of the “Lockean zone of trade” the endorsers describe.

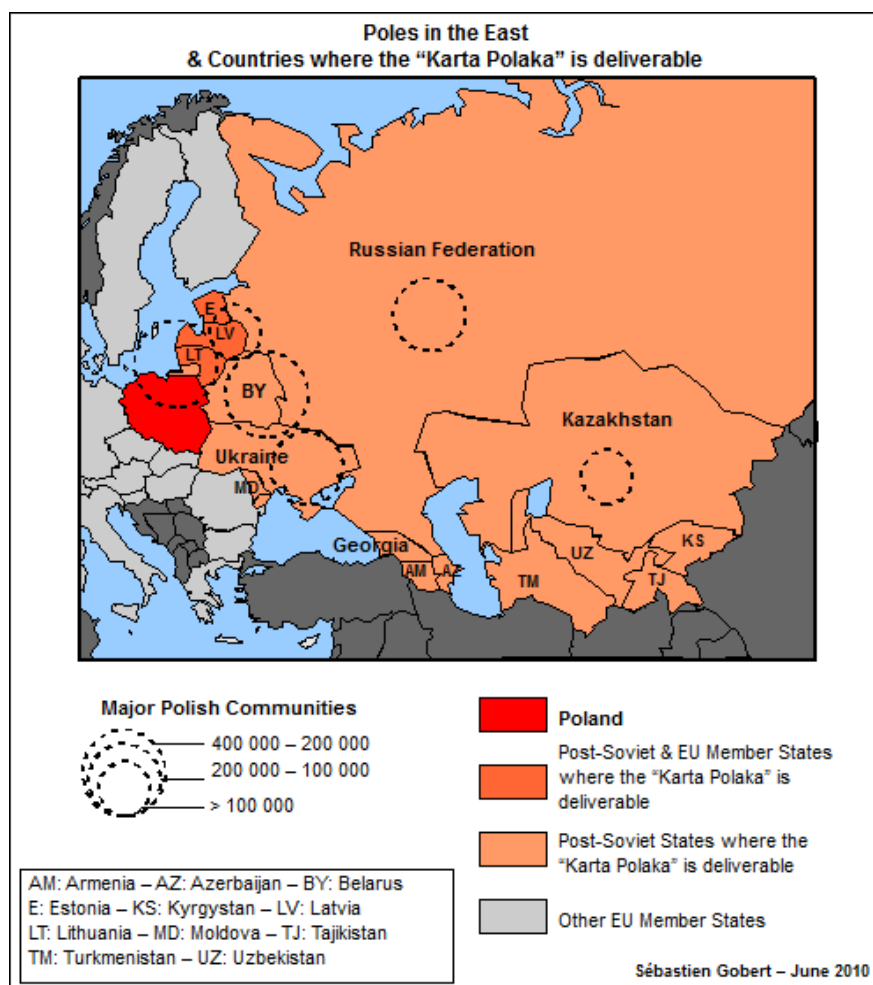
⁷¹ In the aftermath of the collapse of the Austro-Hungarian empire, Hungary lost about 2/3 of its “historical” territory through the 1920 Trianon Treaty. About 2,5 million ethnic Hungarians are spread in the country’s “near abroad”, mostly in Romania, Slovakia, Serbia and Croatia.

⁷² The Romanian government has launched a simplified procedure for Moldovan citizens of Romanian descent to acquire Romanian citizenship. Such a move concerns over a million persons.

4.3 The “Karta Polaka” issue

Aside of the issue of actual dual citizenship, Lithuanian politicians prove extremely wary of any concern a kin state shows for its ethnic kin minorities. A case clearly illustrates the double standards used in political speech, that is the issue of the “Karta Polaka” (translated by: Card of the Poles or Polish Charter). Provisions of the “Karta Polaka” prove interesting in the sense that the Polish initiative has inspired similar projects in Lithuania and Russia as a way to circumvent citizenship issues. I here present the reasons, provisions and implications of the Card and I analyze the Lithuanian reaction to it, in respect to the geopolitical project the Seimas has attempted to pass.

Map 3. Poles in the East & countries where the “Karta Polaka” is deliverable



As is the case for Lithuania, the Polish nation has had a strong tradition of emigration for centuries. Primarily because of economic and political factors, as well as of significant upheavals of history, there are estimations that between 15 and 20 million people throughout the world could claim Polish descent. This makes the Polish diaspora, so-called “Polonia”, one of the largest in the world. A large part of “Polonia” is disseminated across the post-Soviet space: between 1,5 and 3 million individuals of Polish descent reside in the 15 post-Soviet republics. To use Smith’s 2003 expression, Poland recently underwent a similar “reconfiguration [of its] relationship with the global system” as Lithuania, (i.e. the NATO and EU memberships) (2003: 725). It led the government to shape a new tool to redefine its connections with the Poles from the east. Thus, the “Karta Polaka” bill was passed on 7 September 2007. It came into force on 29 March 2008.

Cards are deliverable to ethnic Poles from the 15 Post-Soviet states, in which they have no access to dual citizenship (see Map 3). The “Karta Polaka” is issued by consulate authorities and is valid for ten years, extendable upon the holder’s request.⁷³ In order to obtain the Card, applicants have to prove that one parent or grandparent or two great-grandparents are or were ethnic Poles and to master at least a basic knowledge of Polish. In the case these two conditions can not be filled, applicants have to own a certificate from an expatriate Polish organization stating one’s commitment to the promotion of Polish culture and language. This alternative condition makes one’s assertion of one’s identity quite flexible. Furthermore, every application is coupled with a questionnaire, which comprises about 150 questions “about traditions, customs, literature and geography” (The Warsaw Voice 16.04.2008). An amendment passed in September 2008 made some of these requirements more flexible, in order to enlarge the number of people entitled to hold the document. A first provision

⁷³ One exception to this rule: In the case the holder of the Card is over 65 years old, it is then valid for life.

extended the eligibility to the Card to stateless individuals, which favoured the Polish communities in Estonia and Latvia. A second provision made demonstrating evidence of relatives' Polish ancestry unnecessary: applicants might now just have to prove it on the basis of their own documents (i.e. birth certificate). As this list shows, The Card promotes a quite flexible, even loose in some respect, definition of Polish ethnicity.

The Card enables the holder to be reimbursed for the cost of a Schengen visa, offers access to Polish schools and universities, makes it easier to obtain state scholarships, apply for a job and conduct business operations in Poland and even grants some discounts in public transportations and national museums. Although it does not offer any kind of welfare benefits to its holder, the Card ensures access to medical care in emergencies or for any serious health issues (accidents, poisoning or childbirth). However, the possession of the “Karta Polaka” does not condition the granting of either a Schengen visa, or residence permit in Poland, or Polish citizenship. It is, nevertheless, based on the assumption that the holders share common national cultural features, do not require any cultural re-adaption in their interactions with Poland and might turn out valuable assets for Polish economic development.

The implementation of the Card has provoked political tensions in the post-Soviet bloc, mostly in Belarus and Lithuania. It is deliverable in the 15 post-Soviet countries regardless of national differences. It considers them as if they were a single, coherent bloc of governments that has “deprived” ethnic Poles of their fundamental freedoms. Hence, this bill has ignored the structural differences between states such as Lithuania, Belarus and Kazakhstan, which stirred up many tensions. In this respect, Lithuania, a NATO member state, one of Poland's closest strategic partners within the EU and home to a large Polish community, has been one of the states to react the most violently, in considering imposing sanctions on the holders of the Card. In February 2009, Gintaras Songaila, a conservative Member of the Seimas and a supporter of an extended dual citizenship to all ethnic Lithuanians, publicly stated that two

MPs representatives of the Polish minority should resign for having applied for the “Karta Polaka”.⁷⁴ He was supported in his pledge by a large share of the Seimas, as well as by the Prime Minister Kubilius. The problem Lithuanian officials pointed out is the issue of Lithuanian Poles’ loyalty to the Lithuanian state, and the risk of undermining the integrity of Lithuanian citizenry (Rzeczpospolita 20.02.2009). Songaila also points out that Warsaw’s initiative was unilateral and not discussed with the target countries. Stating that the Polish government “is not our [Lithuania’s] friend”, he perceives its move as a part of a larger trend of “friendly re-polonization”, which aims at increasing Polish political, economic and cultural influence on the former Commonwealth territories.⁷⁵

The Polish initiative has been emulated in a bid to issue a Russian Charter accessible to some 30 million ethnic Russians living abroad. Nothing concrete has yet emerged from the proposal, nevertheless it has stirred up anxiety in Lithuania. Former Head of State Landsbergis sees it as a diplomatic provocation and a legal anomaly. “It would be strange if Lithuanian citizens made commitments to the state of Russia. By undertaking such commitments the citizens would be hypocritical. This comes as a black-hearted move on their [Russia’s] part, one aimed at provoking and unsettling the state of Lithuania”, (Lituanica 13.07.2009). Although the Charter would not consist of granting citizenship and thus would not establish a legally binding relationship between Russians abroad and Moscow, there are fears that it might reproduce the Abkhazian/South Ossetian configuration. However, it has to be pointed out that Georgia is neither an EU nor a NATO member state. An extreme situation such as war with Russia is less likely to occur in the Lithuanian case.

It is noteworthy that, because of the virtual impossibility of amending the Constitution (see Chapter 4.1), the idea of an ethnic card has emerged in Lithuania. Žalimas has challenged

⁷⁴ I refer here to the former Member of the Seimas and current Member of the European Parliament Valdemar Tomaševski (Waldemar Tomaszewski in Polish) and the Member of the Seimas Michal Mackevič (Michał Mackiewicz). Tomaszewski is the leader of the AWPL.

⁷⁵ Interview with Gintaras Songaila, Vilnius, 09.04.2010. For more information, see Katarzyna Korzeniowska, *Polityka III RP wobec Polaków na Wschodzie*, Obecność kultury polskiej na Wschodzie, 1999.

the Seimas' repeated attempts to overrule the Constitution and claims Lithuania could solve the issue of strengthening ties with the diaspora through such a Card. Girnius, who does not question the introduction of the Karta Polaka, also advocates a Lithuanian card.⁷⁶ So far, no concrete bill has been announced.

This case highlights the double standards developed in Lithuanian political speech. Whereas the “Karta Polaka” does not imply an access to Polish citizenship, it stirred up anxious tensions regarding the Lithuanian Poles' alleged dual loyalty. No such concerns have been raised on the gradual extension of dual citizenship provisions in favour of ethnic Lithuanians worldwide, although some of the target groups had no relation with Lithuania for a long time. In this sense, loyalty to the state appears to be ethnic-based. Furthermore, the very preoccupation of a kin state, though a strategic ally, towards its co-ethnic minorities abroad is interpreted as an intolerable political interference in Lithuania's domestic affairs. In contrast, proponents of extended dual citizenship provisions, in this case to the Lithuanian minority in north-east Poland, acknowledge the side-effect of increasing the country's influence abroad. Yet, they do not see it as a potential interference in other states' affairs, nor as a source of tensions.

Such use of double standards in the treatment of dual citizenship is not unique and unveils one of the main contradictions of the phenomenon. Although Spiro refutes the suspicions of loyalty pertaining to dual citizens and the worries regarding a certain loss of state sovereignty through the acceptance of the phenomenon, he encourages the U.S government to “embrace” it as it might “advance the national interest” (2002: 29). In his opinion, “the United States now enjoys a direct voice in the politics of other countries” through its dual citizens, who may “influence the political processes of the homeland” (2006). Such a contradiction might nonetheless appear consensual when it comes to countries located

⁷⁶ Interview with Kęstutis Girnius, Vilnius, 07.04.2010.

in the “Lockean zone of trade”, tied to one another through an intricate system of political, military and economic alliances and enjoying a state of relatively appeased international relations. It turns more controversial when it comes to states encountering tensions in bilateral relations. Aside of the Lithuanian – Polish case, one might refer here to the ongoing row between Hungary and Slovakia. The dual citizenship law mentioned above (see Chapter 4.2) concerns about 520,000 ethnic Hungarians residing on the northern shore of the Danube, that is about 9,7% of Slovakia’s population.⁷⁷ The ruling Fidesz party has been denouncing all calls for bilateral negotiations on this issue as an attempt to interfere in Hungarian domestic affairs. At the same time, the extension of Hungarian citizenry to co-ethnic populations would significantly increase Budapest influence in Slovakia.⁷⁸

The “Karta Polaka” issue compared to the Lithuanian geopolitical project presented above illustrate the use of double standards in political speech. Although it is not a unique case, it has to be understood in the context of a “Hobbesian zone of war” Lithuania is part of. It stirs up diplomatic tensions and highlights a remaining structural mistrust between Lithuania and its neighbours.

As I demonstrate, the project of “selective re-ethnicization” of membership ignores de facto ethnic minorities in Lithuania. It stands as a marker of unresolved issues in minority integration, as well as of structural tensions in international relations with the minorities kin states. The geopolitical implications of the extension of dual citizenship provisions shows that the country is not located in an ideal “Lockean zone of trade” as legitimate security concerns persist. I prove that the “selective re-ethnicization” of membership relies on the use of double standards in political speech.

⁷⁷ Source: 2001 census (www.statistics.sk)

⁷⁸ As a reaction to the Hungarian initiative, the Slovak Parliament passed an amendment to the citizenship law on 26 May 2010. Under the new law, a Slovak citizen who would voluntarily acquire the citizenship of another state would be stripped from the Slovak one.

Conclusion

The question I have answered throughout this thesis is: “why, and on what ground, does the extension of Lithuanian dual citizenship provisions establish and justify a structural gap among the country's citizenry?”

I have first established that the 1989 law on citizenship was not a pure “zero option”, as it is generally promoted. It did not rely on a civic trend of inclusiveness but on pragmatic considerations of Lithuanian lawmakers at the time of ensuring a renewed national independence. Nevertheless, it induced a consensual integration of almost all permanent residents into the restored citizenry and supported a peaceful transition, especially when compared to Estonia and Latvia. In this sense, further developments of the citizenship framework stand as a contradiction with an initial inclusiveness as they relied more on a so-called “cultural idiom”, that is a specific vision of nationhood. A categorization of persons entitled to dual citizenship was introduced by the 1989 law and emphasized in the 1991 law.

Such a classification echoes in the division of the diaspora into different layers. The diaspora has undergone a “major reconfiguration” of its relationship with Lithuania from 1990 on, as it has become a “state-linked” diaspora. It is considerably large by Lithuanian standards and keeps growing because of a constant emigration from Lithuania for the past two decades. The “Classical diaspora”, generally wealthy and influential, maintains close relations with the homeland. Yet, I have demonstrated a certain gap in the understanding of the latter's realities and priorities, which unveils a certain “long-distance nationalism” (Anderson 1992). In contrast, the expatriates, that is the latest wave of migrants, does not participate in diasporic organizations and thus lacks recognition, despite a more accurate vision of the homeland and a potential for intense relations. The diaspora has become a policy target of the Lithuanian

government. The desire to retain bonds with Lithuania's kin communities abroad has induced a gradual acceptance of dual citizenship provisions.

Despite a constitutional prohibition, the Seimas has attempted to generalize the cases of dual citizenship over the past two decades, first to ensure the full implementation of the "legal continuity of the state", i.e. the reconstitution of the interwar citizenry, and then to tackle the issue of demographic decline the country has been encountering since its independence. It has mostly concerned some specific categories of ethnic Lithuanians. Through the notion of "repatriation" and the express mention of ethnic criteria in successive revisions of the law, the Seimas has established a discrimination on ethnic grounds. It has also initiated an structural cleavage within the Lithuanian ethno-nation as pre-1990 and post-1990 have been treated in different ways. In this sense, I consider the extension of dual citizenship provisions as a tool of a "selective re-ethnicization" of membership. I have proved that such a situation results mostly from concerns over land restitution, a certain vision of nationhood and worries of a too strong influence from the diaspora organizations. The assumption of the endorsers, i.e. extending dual citizenship would correspond to a liberalization trend, is proved wrong in this case.

I have also demonstrated that the dual citizenship debate, namely the virtual impossibility to amend the Constitution and controversial attitudes vis-à-vis the Constitutional Court authorities, unveils structural shortcomings of Lithuanian post-Soviet public life.

The last chapter of my thesis replaces Lithuania in a geopolitical context of a still "Hobbesian zone of war". The ethnic minorities have in no case been addressed by the lawmaker, whereas ethnic Lithuanian minorities in neighbouring countries may have been eligible to dual citizenship. I have investigated the double standards used in the Lithuanian political speech and showed that they stand as a marker of the state of minority integration in Lithuania. Although formally consensual, it is still characterized by some structural cleavages

within the public sphere as well as some highly politicized issues. International relations between Lithuanian and its minorities' kin states (i.e. Poland and Russia) illustrate these problems as they raise the question of the minorities' political loyalty. It partly explains the non-inclusion of the ethnic minorities (about 16% of the population) into the dual citizenship debate. I have argued that it might endanger the constitutional coherence of the Lithuanian citizenry in neglecting the equality among citizens.

This paper brings a contribution to the field of comparative studies of citizenship policies within the particular context of the EU. Despite two decades of political transition and a quite extensive integration into western structures, central and eastern Europe has to be understood and analyzed in a different context than the western parts of the continent. The spread of western values eastwards, and in this case the acceptance of dual citizenship, does not annul regional structural specificities, such as demographic components, political culture and state of international relations. In this sense, I have emphasized that Lithuania has to be understood as constituent of a still "Hobbesian zone of war".

As a final remark, I believe the controversial debate on dual citizenship in Lithuania highlights one of the shortcomings of the European integration process. It has initially started as a reconciliation and strengthened cooperation between neighbouring countries after the trauma of WWII. Along successive waves of enlargements, I consider that it has turned into a western-oriented process. It has neglected the benefits of regional cooperation and appeasement of international relations in the belief that integration to western structures and importation of eastern values and practices would be a solution in themselves. The recent Hungarian-Slovak row and the recurrent Polish-Lithuanian tensions highlight this trend and the relative shortcomings of this approach. It is the same of the acceptance of dual citizenship. "Endorsers" seem to imply that it may induce an appeasement of international relations

through the development of business networks, an encouraged integration of migrant populations and the spread of democratic values. It appears however to be more a consequence of appeased international relations than its cause.

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Appendix 1. List of interviewed persons

Vytautas Mikelionis. *Senior Officer, Department of Lithuanians living abroad, Ministry of foreign affairs of Lithuania, 09.04.2010, Vilnius*

Vida Beresnevičiūtė. *PhD, Centre of ethnic studies, Lithuanian Social Research Centre, 09.04.2010, Vilnius*

Donatas Žvinklys. *Chief Specialist, Department of Migrations, Citizenship section; Ministry of Internal Affairs of Lithuania, 08.04.2010, Vilnius*

Egidijus Jarašiūnas. *Former Justice of the Lithuanian Constitutional Court (1996-2005), 08.04.2010, Vilnius*

Gintaras Songaila. *Member of the Seimas (Homeland Union – Lithuanian Christian Democrats – TS-LKD; centre-right ruling party), 09.04.2010, Vilnius*

Kęstutis Girnius. *Journalist, Historian, 07.04.2010, Vilnius*

Regina Narušienė. *U.S. Attorney, Chairwoman of the PLB, 09.04.2010, Vilnius*

Nijole Druto. *Journalist, 06.04.2010, Warsaw*

Stanisław Cygnarowski. *Department of Cooperation with Polish Diaspora, Ministry of Foreign Affairs of Poland, answers received by e-mail on 25-26 March 2010*

Waldemar Tomaszewski. *Leader of the AWPL, Member of the European Parliament (ECR), answers received by e-mail on 27.04.2010*

Appendix 2. Lietuvos Respublikos Konstitucija The Constitution of the Republic of Lithuania (Extracts)

Adopted by citizens of the Republic of Lithuania in the Referendum of 25 October 1992.
Entered into force on 2 November 1992.

THE LITHUANIAN NATION

- having created the State of Lithuania many centuries ago,
- having based its legal foundations on the Lithuanian Statutes and the Constitutions of the Republic of Lithuania,
- having for centuries staunchly defended its freedom and independence,
- having preserved its spirit, native language, writing, and customs,
- embodying the innate right of the human being and the Nation to live and create freely in the land of their fathers and forefathers—in the independent State of Lithuania,
- fostering national concord in the land of Lithuania,
- striving for an open, just, and harmonious civil society and State under the rule of law, by the will of the citizens of the reborn State of Lithuania, adopts and proclaims this

CONSTITUTION

Chapter I – THE STATE OF LITHUANIA

Article 1

The State of Lithuania shall be an independent democratic republic.

Article 2

The State of Lithuania shall be created by the Nation. Sovereignty shall belong to the Nation.

(...)

Article 9

The most significant issues concerning the life of the State and the Nation shall be decided by referendum.

In the cases established by law, the Seimas shall announce a referendum.

A referendum shall also be announced if not less than 300,000 citizens with the electoral right so request.

The procedure for the announcement and execution of a referendum shall be established by law.

Article 10

The territory of the State of Lithuania shall be integral and shall not be divided into any State-like formations.

The State boundaries may be altered only by an international treaty of the Republic of Lithuania after it has been ratified by 4/5 of all the Members of the Seimas.

(...)

Article 12

Citizenship of the Republic of Lithuania shall be acquired by birth and other grounds established by law.

With the exception of individual cases provided for by law, no one may be a citizen of both the Republic of Lithuania and another state at the same time.

The procedure for the acquisition and loss of citizenship shall be established by law.

Article 13

The State of Lithuania shall protect its citizens abroad.

It shall be prohibited to extradite a citizen of the Republic of Lithuania to another state unless an international treaty of the Republic of Lithuania establishes otherwise.

Article 14

Lithuanian shall be the State language.

(...)

Chapter II – THE HUMAN BEING AND THE STATE

Article 29

All persons shall be equal before the law, the court, and other State institutions and officials.

The rights of the human being may not be restricted, nor may he be granted any privileges on the ground of gender, race, nationality, language, origin, social status, belief, convictions, or views.

(...)

Chapter XIV – ALTERATION OF THE CONSTITUTION

Article 147

A motion to alter or supplement the Constitution of the Republic of Lithuania may be submitted to the Seimas by a group of not less than 1/4 of all the Members of the Seimas or not less than by 300,000 voters.

During a state of emergency or martial law, the Constitution may not be amended.

Article 148

The provision of Article 1 of the Constitution “the State of Lithuania shall be an independent democratic republic” may only be altered by referendum if not less than 3/4 of the citizens of Lithuania with the electoral right vote in favour thereof.

The provisions of the First Chapter “The State of Lithuania” and the Fourteenth Chapter “Alteration of the Constitution” may be altered only by referendum.

Amendments of the Constitution concerning other chapters of the Constitution must be considered and voted at the Seimas twice. There must be a break of not less than three months between the votes. A draft law on the alteration of the Constitution shall be deemed adopted by the Seimas if, during each of the votes, not less than 2/3 of all the Members of the Seimas vote in favour thereof.

An amendment of the Constitution which has not been adopted may be submitted to the Seimas for reconsideration not earlier than after one year.

Appendix 3. Demographic changes in the composition of the population of Lithuania by ethnicity (1923 – 2001)

Ethnicity (%)	1923	1989	2001
Lithuanian	83.9	79.6	83.45
Polish	3.2	7	6.74
Russian	2.5	9.4	6.31
Belarussian	0.2	1.7	1.23
Jews	7.6	0.3	0.12
Other	2.6	2	2.15
Total	100	100	100

National censuses in 1923, 1989 and 2001

Appendix 4. Declared Emigration by next country of residence (2004-2010)

Country	2004	2005	2006	2007	2008	2009	2010	Total by country
United Kingdom	3 525	4 223	3 223	3 659	4 472	5 719	40 091	64 912
	23.4%	27.1%	25.6%	26.4%	26.3%	26.3%	49,20%	36.5%
United States	2 980	2 010	1 771	1 540	1 782	1 700	2 783	14 566
	19.6%	12.9%	14.1%	11.1%	10.4%	7.4%	3,30%	8.1%
Ireland	1 009	2 073	1 313	1 616	1 983	2 763	13 048	23 805
	6.6%	13.3%	10.4%	11.7%	11.7%	12.6%	15,70%	13.3%
Germany	1 727	1 473	1 114	1 277	1 349	1 350	3 806	12 096
	11.4%	9.5%	8.8%	9.2%	7.9%	6.1%	4,60%	6.7%
Spain	730	794	766	841	917	1 355	3 535	8 938
	4.8%	5.1%	6.1%	6.1%	5.4%	6.2%	4,30%	5%
Other countries	5 194	4 998	4 415	4 920	6 512	9 083	19 084	54 206
	34.2%	32.1%	35.5%	35.5%	38.3%	41.4%	22,90%	30.3%
Total by year	15 165	15 571	12 602	13 853	17 015	21 970	83 157	178 523
	100%	100%	100%	100%	100%	100%	100%	100%

Appendix 5. Lithuanian communities across the world

Countries with active Lithuanian communities within the PLB			
Country	Code	Lithuanian citizens (official)	Ethnic Lithuanians (total)
Argentina	RA	96	30 000
Australia	AUS	x	11 000
Austria	A	651	x
Belarus	BY	5 914	30 000
Belgium	B	1371	x
Brazil	BR	x	40 000
Canada	CDN	x	46 690
Colombia	CO	x	x
Czech Republic	CZ	432	1 000
Denmark	DK	5 227	10 000
Estonia	EST	2 072	x
Finland	FIN	682	800
France	F	894	x
Georgia	GE	x	200
Germany	D	20 285	x
Greece	GR	144	x
Hungary	H	85	x
Iceland	IS	2 000	x
Ireland	IRL	77 208	77 208
Italy	I	3 640	x
Japan	J	166	x
Kazakhstan	KZ	38	x
Latvia	LV	3 722	29 999
Luxembourg	L	479	x
Moldova	MD	40	x
Netherlands	NL	1 743	x
New Zealand	NZ	30	111
Norway	N	10 377	20 000
Poland	PL	1 003	5 700
Portugal	P	505	x
Russia	RUS	4 583	45 569
Slovenia	SLO	27	x
Spain	E	22 332	x
Sweden	S	5 484	9 000
Switzerland	CH	757	x
Ukraine	UA	x	x
United Kingdom	UK	87 330	250 000
United States	USA	40 600	712 165 *
Uruguay	ROU	x	3 000
Uzbekistan	UZ	x	x
Venezuela	YV	x	x

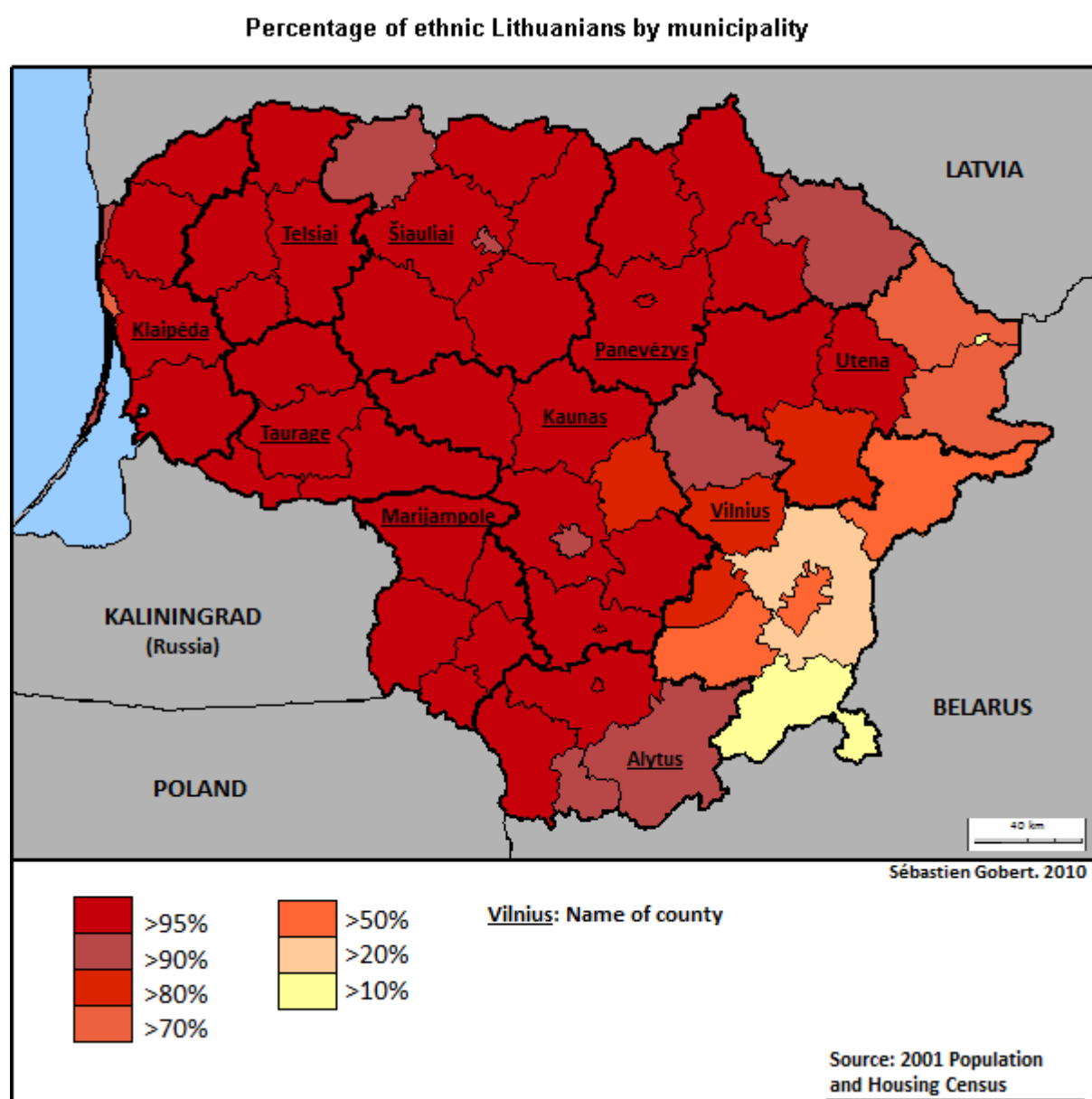
Other countries with recorded Lithuanians			
Country	Code	Lithuanian citizens (official)	Ethnic Lithuanians (total)
Armenia	ARM	4	x
Azerbaijan	AZ	29	x
Bulgaria	BG	43	x

China	PRC	64	x
Cyprus	CY	305	x
Israel	IL	160	x
Romania	RO	88	x
Slovakia	SK	58	x
Turkey	TR	297	x

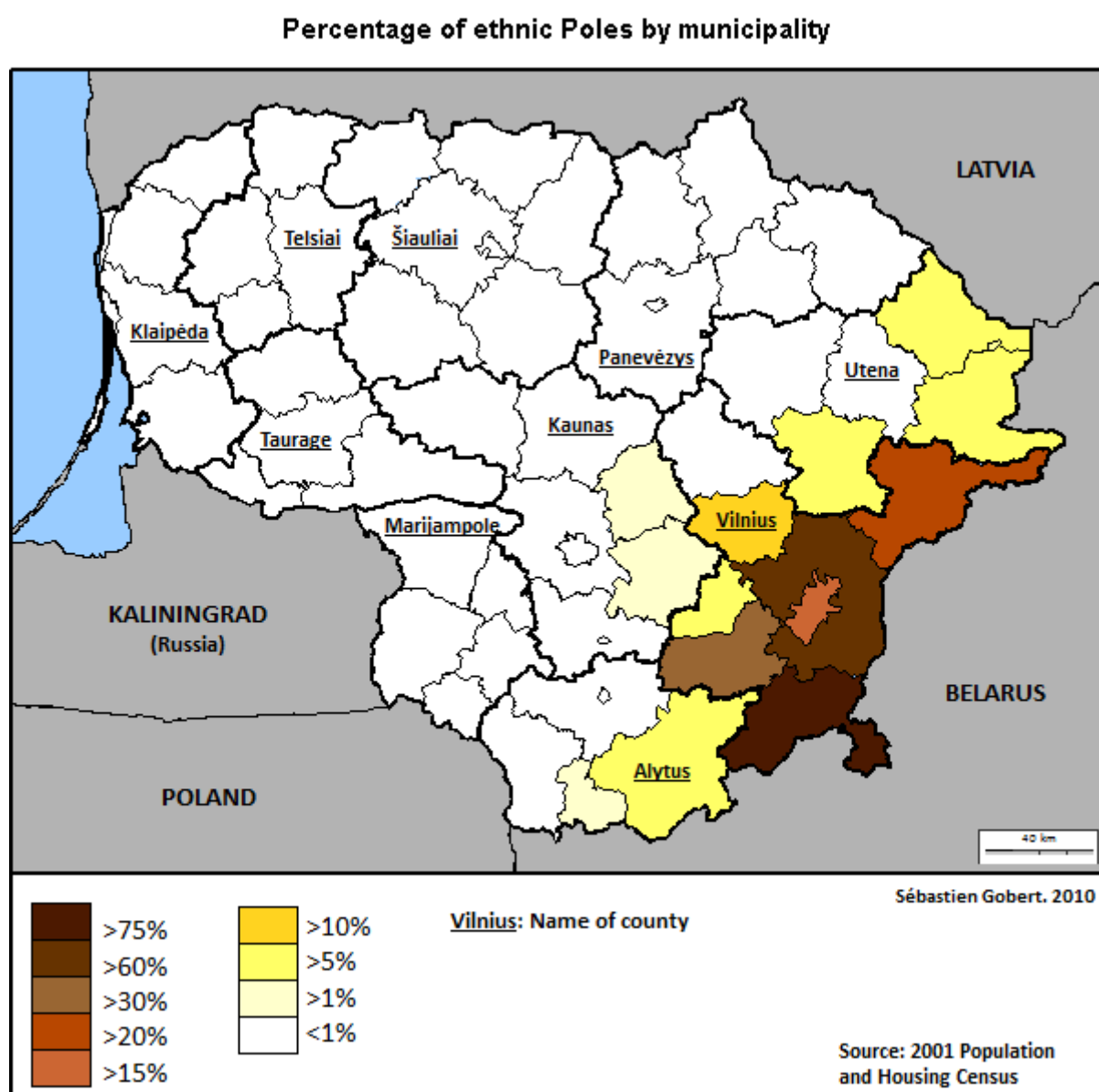
* Source: 2008 American Community Survey. Figure from Lithuanian Foreign Ministry: 680 000

Source: Department of Lithuanians Living Abroad, Global Lithuania Division
Ministry of Foreign Affairs of the Republic of Lithuania

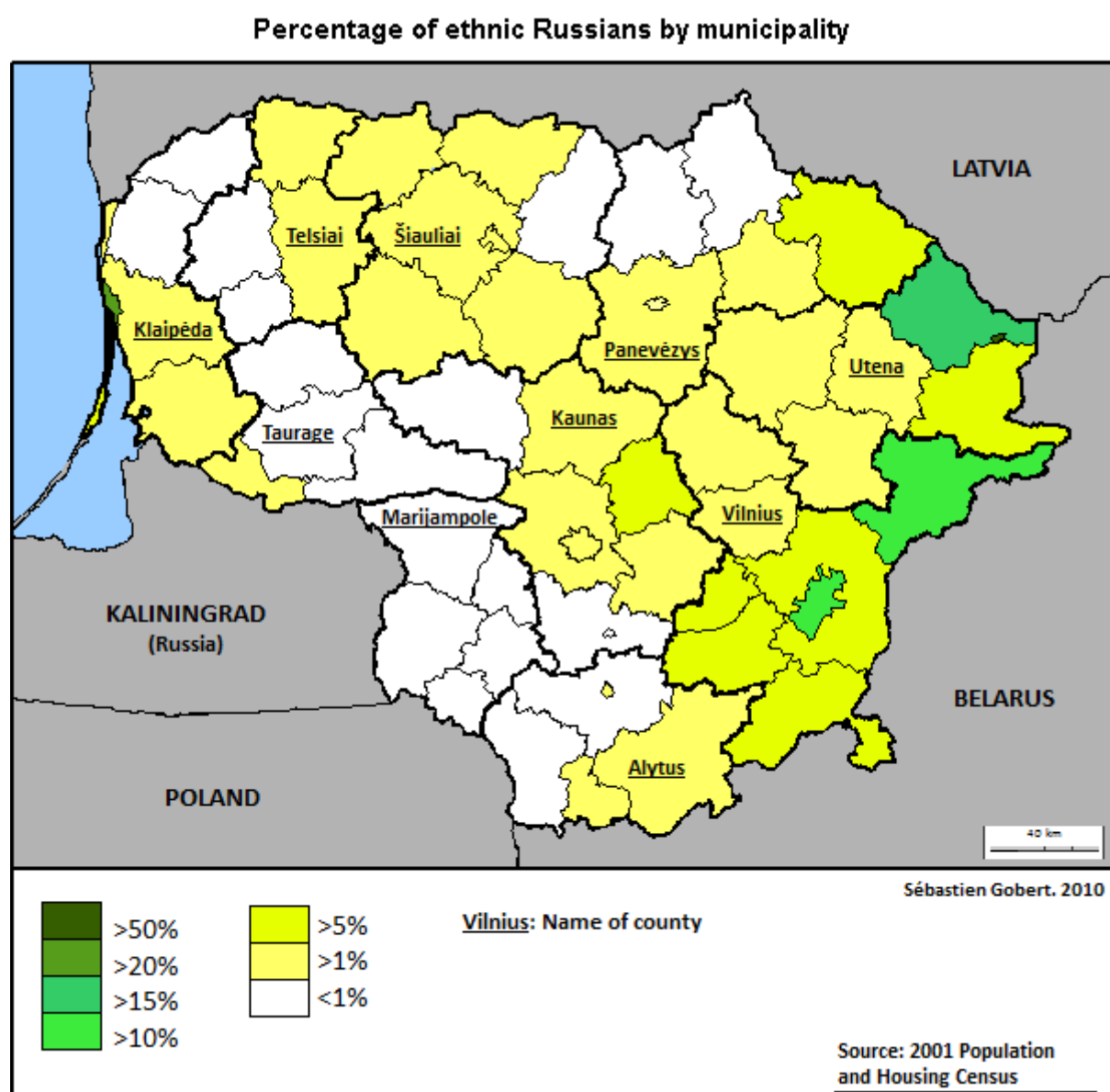
Appendix 6. Repartition of ethnic Lithuanians by municipality



Appendix 7. Repartition of ethnic Poles by municipality



Appendix 8. Repartition of ethnic Russians by municipality



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