T. C.
MARMARA UNIVERSITY
EUROPEAN UNION INSTITUTE
DEPARTMENT OF POLITICS AND
INTERNATIONAL RELATIONS

RECONSTRUCTION OF NATIONAL IDENTITES AND CITIZENSHIP IN THE CONTEXT OF THE EU MEMBERSHIP: HUNGARY, POLAND AND THE CZECH REPUBLIC

Ph. D. Thesis

EBRU OĞURLU

Istanbul, 2007

T. C.
MARMARA UNIVERSITY
EUROPEAN UNION INSTITUTE
DEPARTMENT OF POLITICS AND
INTERNATIONAL RELATIONS

RECONSTRUCTION OF NATIONAL IDENTITES AND CITIZENSHIP IN THE CONTEXT OF THE EU MEMBERSHIP: HUNGARY, POLAND AND THE CZECH REPUBLIC

Ph. D. Thesis

EBRU OĞURLU

SUPERVISOR: PROF. DR. GÜNAY GÖKSU ÖZDOĞAN

Istanbul, 2007

ACKNOWLEDGEMENTS

TABLE OF CONTENTS

CHAPTER III

IMPACT OF NATIONALISM ON IDENTITY CONSTRUCTION IN CENTRAL AND EASTERN EUROPE

CHAPTER IV

HUNGARY: DILEMMA OF THE DUAL HUNGARIAN IDENTITY

CHAPTER V

POLAND: HISTORICAL LEGACY OF TENSION BETWEEN STATEHOOD AND NATIONHOOD

CHAPTER VI

THE CZECH REPUBLIC: CONFLICT BETWEEN THE LIBERAL PRINCIPLES AND ETHNIC UNDERSTANDING

CHAPTER VII

TOWARDS DEMOCRATIC CONSOLIDATION: A TEST OF

EUROPEANISATION

LIST OF TABLES

LIST OF ABBREVIATIONS

CEE	Central and Eastern Europe
CEECs	Central and Eastern European Countries
CSFR	Czech and Slovak Federal Republic
EU	European Union

INTRODUCTION

Especially since the beginning of the 1990s citizenship has become a topic of utmost importance in contemporary European politics because of a number of developments. Advancement of globalisation, the process of European integration and issues of immigration and multiculturalism introduced a challenge against the traditional concept of citizenship. The process of political and economic integration within the states of the European Union (EU) specifically necessitated a reconsideration of the subject so far strongly associated with the nation states. Previously the discussions had been dominated by the contending idea of exclusive Westphalian model of membership based on nationality. The changes in the shape and institutional features of the nation states since the 1980s and the emergence of multiple actors, groups and communities, in turn, have seriously questioned this automatic equality. With the rediscovery of importance of ethnicity and cultural identities in politics throughout Europe and increasing demands for cultural and religious diversity also certified after the collapse of communist systems in Central and Eastern Europe (CEE), it has become clear for the European countries that they can no more tie citizenship exclusively to nationality or national membership. Consequently, the discussions on the topic have followed a new direction and the debates have mainly focused on the inclusive post-Westphalian model of membership.

The above-mentioned international developments and emerging tensions between regionalism, nationalism and even supranationalism have forced the European countries to contend with those challenges and redefine and reconstruct the notions of citizenship and identity. Actually the rising awareness of identity politics, complemented with the effects of widening and deepening processes of the EU, triggered a challenge to the traditional understanding of belonging and membership and, hence, provided a stimulating factor behind the recent concern with citizenship debates. In this context, the issue of citizenship needed to be evaluated in conjunction with identity politics and perceptions, instead of confining it to the legal and institutional domain only. The emergence of supranational and sub-national identities in the age of

the overlapping membership, which intensified with the European integration process, has forced the European countries to re-evaluate the traditional link between citizenship and the nation, national identity, nationality and nationalism. In this framework decoupling of citizenship and nationality has appeared as a promising alternative for the strengthening of the inclusive citizenship practices throughout Europe against the exclusionary practices based on strong ethnic demarcations favoured by the politically dominant ethnic group.

In the light of these discussions, theoretical and empirical studies have increased in Europe. Among all other factors, one of the most prominent reasons behind the proliferation of citizenship studies and of identity politics in Europe is the regime changes in the Eastern part of the continent and the dramatic political, economic and social changes therein. The collapse of the communist systems and the merging of the Central and Eastern European Countries (CEECs) with their counterparts in the West irrespective of any ideological differences have become one of the most important historical developments that the EU faced ever. Within the framework of the transition of CEECs to liberal democracies and their membership to the EU, citizenship has appeared as one of the most debatable issues and played a crucial role both in the new and old member states during the whole enlargement process. The international conjuncture has forced the European countries not to remain indifferent to the ongoing political developments and the 1990s have given the issue a priority in the European agenda. Considering the rise of nationalism in the post-communist Central and Eastern European region with due emphasis on ethnic identities and yet the inadequacy of civic structure for the development and flourishing of democratic citizenship practices, the issue of citizenship has become a test case to evaluate their ability to harmonise their policies with those of the EU.

Within this framework, Hungary, Poland and the Czech Republic have been chosen as the main cases of this study. They had historically close relations with the Western European countries as being 'the East of the West and the West of the East'. They have similar characteristics in terms of their nationalisms and construction of national identities. Moreover, their common communist past and similar post-communist developments, which have direct impacts on their citizenship and identity

politics, differentiate them from their Western counterparts. These similarities make it possible to study them as a block of countries.

Hungary, Poland and the Czech Republic have gone through similar historical processes as being the Central European Countries of pre-1914 and Eastern European countries of post-1945 period and followed similar paths in their political, social and economic developments. After World War I, in accordance with the principle of national self-determination, they tried to form their nation states in similar ways. In this period, the creation of homogenous nation states and the repression of their minorities were their primary policies. Therefore, they did not refrain from attaching themselves to the principles of ethnic nationalism, which strengthened the national identities. As an arena for the competition among the Great Powers, Hungary, Poland and Czechoslovakia could not escape from their effects. Especially in the period paving the way to World War II and during the war, Germany had become very influential in all three countries. The rise of fascist and authoritarian regimes led to further deterioration in the rights and status of the minorities as a result of the homogenisation policies.

The end of World War II put an end to German effects, instead brought those countries under the full control of another great power: the Soviet Union. The rise of the communist ideology and communist identity loyal to the state and party politics froze national identities during the communist period and all kinds of identifications including the religious, regional or ethnic were discouraged and suppressed, even though they never disappeared. Subdued ethnicities, suppressed national identities and national interests, as well as the imposition of the totally Soviet oriented policies led to the fierce criticism against the Soviet Union and a gradual awakening of national interests, which manifested themselves in the form of nationalism against the Soviet Union. So, each of them started to initiate reform attempts, e.g. 1956 revolution in Hungary, 1968 Prague Spring and the attempts for the formation of 'Solidarity' in Poland. Although the responses from the Soviet Union were harsh to those reforms attempts, it was not possible to turn to the past policies. When the Soviet leaders announced the policies of *glasnost* and *perestroika* due to deteriorating internal situation in the Soviet Union, those countries declared their independence from the Soviet Union beginning from the late 1980s.

After the fall of communist regimes, they have been experiencing a similar transition and consolidation process of liberal democracy and the same process of the EU candidacy and membership. The beginning of the transition period was a cornerstone in the history of these three countries. The radical systemic changes, reemergence of nationalisms and revival of ethnic-based identities and identity politics in turn affected redefining and reconstruction of citizenship leading to a tension between ethnic and civic concerns. In this period, the minorities have become once more subjected to the exclusionary forms of identity and ethnic preferentialism inherent to citizenship practices of the countries, despite the initial promises of civic and democratic forms of citizenship and equal treatment of minorities. These historically similar external and internal experiences have had a direct impact on current discussions about citizenship and identity in the region. Their evaluation is important to see the commonalities and divergences throughout the region. In this framework, transition movements have provided an ideal ground for analysing the dynamics of citizenship in post-communist Hungary, Poland and the Czech Republic.

Nevertheless, owing to specific historical, cultural and political circumstances of each country, they historically intended to address different concerns with different political and social implications. While Hungary, as a response to its historic national trauma, -the Trianon Peace Treaty- still tries to create the unification of all ethnic Hungarians (Magyars) and solve its dilemma in terms of the ethnicity- or citizenship-based nation, Poland experiences the historical tension between its statehood and nationhood. As a nation developing without a state, its emphasis on ethnic and nationalist traits impedes its promising attempts for the reconciliation of ethnic and civic conceptions. On the other hand, as the most civic one, the Czech Republic has generally been accepted as the historical advocator of the civic and democratic principles. However, even the Czech civicness has some limits, which comes to surface in its treatment of the historically denied Roma minority group.

Within this general framework, Chapter I offers a theoretical discussion while also highlighting the historical backdrop. It focuses on historical foundation of citizenship and a general evaluation of theories pertaining to construction, acquisition and practice of citizenship.

Chapter II examines the relationship between citizenship and national identity. As strictly tied to the nation states, national identities create exclusionary tendencies. Therefore, citizenship, which is traditionally discussed within the framework of its attachment to the national identities, is seriously criticised because of its exclusive character. When a state embodies a single nationality, national identities are used to homogenise the population by overlapping citizenship and nationality, and minorities become the mostly disadvantaged groups. Hence, the discussion aims to highlight the alternative of multiple identities and fragmented loyalties.

Chapter III evaluates the impact of nationalism on identity construction in the specificity of CEE. Considering the fact that different forms of nationalism eventually lead to different types of citizenship, they are the primary factor behind their identity and citizenship understanding and practices of the regional countries. Ethnic nationalism, with the objective to 'nation-nise' the population, has become the common discourse of the regional countries throughout history. The collapse of the communist systems in the late 1980s provided a suitable ground for the re-emergence of nationalism and return of ethnic identities.

Chapter IV discusses the Hungarian example, within the framework of the changes in its nationalism, national identity and citizenship concepts. With the transition to democracy, nationalism reappeared as a prominent force and attempted to find a new formulation of ethnicity, nationalism and national identity. In this period, with quite nationalist sentiments, the Hungarians living abroad has re-emerged as a salient issue and the discussion around it were shaped around the Status Law, which further intensified ethnic sentiments. Citizenship issue in Hungary is also criticised because of its ethnic preferentialism. Despite its attempts to initiate civic and inclusive citizenship and harmonise them with international standards, it can not escape from international criticism by the related institutions and internal complaints, mainly by the Roma minority.

Chapter V elaborates the Polish example within the framework of the tension between its statehood and nationhood policies. The desire for an ethnically and religiously homogenous state and strong Polish national identity has always affected its

citizenship understanding. Therefore Poland could never develop civic citizenship understanding. In post-communist Poland, ethno-centric understanding of nationalism was further strengthened and led to intolerant nationalist feelings. The ethnic preferences and exclusive aspects of Polish citizenship still continue despite initial intentions of promotion of civic principles and ideals.

Chapter VI scrutinises the situation of the Czech Republic in terms of its nationalist understanding and citizenship policies by referring to the Czech policies to reconcile the liberal understanding and ethnic principles. The Slovak identity was always an important factor in the Czechoslovak and Czech nationalist understanding. In the post-communist era, as different from other examples in the region, the country separated into two republics in a peaceful way. The dissolution did not remove nationalism from the political agenda and national sentiments, which were suppressed during the previous period, could come to the surface as it was the case in the other two examples. The nationalist feelings were strong especially against the Roma, which is the only prominent minority group of the country. So, the ethnic understanding of the new regime, as opposed to the professed civic ideal can be realised in a detailed examination of its citizenship regulation, which restricts the conditions for the Roma to acquire citizenship status, and implies discrimination even if they could get citizenship after long and complicated process. So, the Roma minority presents the test case for the liberal understanding of the Czech Republic.

Chapter VII emphasises the attempts of regional countries towards democratic consolidation within the framework of the Europeanisation of citizenship as a test case of Europeanisation. Europeanisation of citizenship has emerged together with the whole process of both integration and enlargement processes of the EU, with the development of new norms and practices, which is valid not only for the EU but also for the CEECs. So, Europeanisation of the domestic policies, ideas and values of the regional countries is important when adopting themselves to the changing European norms, procedures and structures. In this framework, Europeanisation of citizenship can be felt when the peoples' senses of identity no longer turn around the categories of religion, folk or national interests, but around categories of exchange, difference and value in the multi-ethnic and multi-cultural societies. However, the practices of the regional countries are

not promising in the age of increasing ethnic nationalism and exclusivism. Persistence of ethnic identities, preferential status of dominant ethnic groups, subordination of minorities and ethnically biased practices of citizenship regulations show that Hungary, Poland and the Czech Republic are far from the civic and theoretically inclusive practices.

CHAPTER I

HISTORICAL AND THEORETICAL BACKDROP:
CONSTRUCTION OF CITIZENSHIP

In the modern contemporary political life, citizenship has become one of the central topics in many political debates and discussions. For centuries, the issue has been studied from different points of view. While some focus on the emerging legal provisions, which structures and formalises the concept, some prefer to study it within the theoretical framework as an urgent problem of identity. On the other hand, some others analyse the effects of the political culture and public opinion on the definition and redefinition of citizenship. In a very general term, if we take Douglas Klusmeyer's definition as a starting point, we can accept that "[it] is one of the primary categories by which states define membership".[1] According to this membership, the states attach certain rights and duties to some formal categories to make the membership meaningful and significant in both practical and material terms. However, despite this common assumption, it is very difficult to find and adopt a single, unified and fixed definition. Moreover because of its complex and multidimensional characteristics its definition may easily vary according to its context; social, political and cultural links and the interests and identities of those engaged with it. In this framework, the substance of citizenship is central to its history and essential to its continued relevance.

Regarding different meanings of citizenship, we have to admit that various types of nation states, their attitudes towards the concept and their different cultures have been the main factors behind the variations in the meaning and implications of citizenship. In this framework, the examples of three different European states, France, the United Kingdom and Germany, can prove this fact. In the French example, citizenship refers to an assembly of citizens who enjoy certain limited rights within a city (*cite – citoyen*). In the English one, the idea of citizen is closely related to the idea of living in a city. In the

---

[1] D. Klusmeyer, "Introduction" in T. A. Aleinikoff and D. Klusmeyer (eds.), *Citizenship Today – Global Perspectives and Practices* (Washington D. C.: Carnegie Endowment for International Peace, 2001), p 13.

German example, on the other hand, the origins of the modern citizen are associated with the idea of the civil society. In this case, the citizen is the Bürger (*bourgeois*) and citizenship is tied to the emergence of Bürgertum (*bourgeoisie*) implying a special status rather than being a member of a city.[2] Although the difference of the German example from the others can clearly be recognised, the nuances between the first two categories can be overlooked. In this framework, while citizenship is based on the national political identity in the French republican understanding, the British plural citizenship is based on the importance of the minority groups and the recognition of multiculturalism. In other words, while race and ethnicity is totally rejected from the French understanding of citizenship, these concepts are central to the British approach and understanding.[3] Despite those disagreements, on the other hand, what is common in all dimensions is that citizenship is used as a legal bond between a person and a state and designates a set of mutually enforceable claims or rights relating to the categories of persons. Moreover, in each definition, "three key components to citizenship" can be recognised: membership in a political community making the people able to experience being and express themselves as citizens; the sense of citizenship implying the affective significance that people give their membership in a particular political community and the practice of citizenship entailing both political participation and civil activity.[4]

If we would like to understand what different definitions of citizenship imply, we have to look at the perceptions of different approaches and academics in a more detailed way to make a consistent and meaningful classification, which is the topic of the next part of this study. First of all, from the point of the constitutional law, citizenship can be defined as a collection of rights and duties, which define the individuals' socio-political membership in a political community and make them as fully-fledged members of that community. In this framework, we have to take Charles Tilly's description as the main reference point. He says that "citizenship has a character of contract: variable in range, never completely specified, always depended on

[2] B. S. Turner, "Contemporary Problems in the Theory Citizenship" in B. S. Turner (ed.), *Citizenship and Social Theory* (London: Sage, 1993), pp. 9-10.
[3] For detailed information, see C. Bertossi, "French and British Models of Integration – Public Philosophies, Policies and State Institutions", *ESCR Centre on Migration, Policy and Society*, Working Paper, No. 46, 2007, pp. 2-9.
[4] P. J. Conover, "Citizen Identities and Conceptions of the Self", *The Journal of Political Philosophy*, Vol. 3, No. 2, 1995, p. 134.

assumptions about context, modified by practice, constrained by collective memory, yet ineluctably involving rights and obligations sufficiently defined that either party is likely to express indignation and take corrective action when the other fails to meet expectations built into the relationship".[5] This definition implies the transactions between the governmental agents and the members of broadly defined categories. From these transactions we can abstract a bundle of rights and obligations, which distinguish the whole category of the state's subject population defined by their relation to that state. In other words, citizenship resembles the run of contracts in drawing lines between insiders and outsiders. In that sense, citizenship is directly related to the distribution of status and power.

However, while studying citizenship, it is of utmost importance to examine not only to the legally defined procedures and contracts, which determine the attributes of citizenship; but also to the sociological impact of the affected individuals. Because, the term itself has some sociological dimensions and implications by affecting individuals' self-reflection, their identification and their definitions of the relations with the rest of the society. From a sociological view, therefore, "citizenship can be considered both as a constituent of modernity and an effect of the process of modernisation. Therefore, … it presupposes all of the changes, which have undermined traditional society, namely urbanisation, secularisation, industrialisation and the modernisation of culture".[6] In that sense, citizenship means a set of practices, which define a person as a competent member of the society and which, as a consequence, shape the flow of resources to persons and social groups. The flow of resources, in this respect, is concerned with the differences in the individual life cycle in relationship to the enjoyment of citizenship benefits and privileges. Within this framework, citizenship forms the basis of social membership and solidarity within the modern social collectivities.

Another definition of citizenship can be given within the framework of Ferdinand Toennies's distinction between the community (*Gemeinschaft*) and the

---

[5] C. Tilly, "Conclusion: Why Worry about Citizenship" in M. Hanagan and C. Tilly (eds.), *Extending Citizenship, Reconfiguring States* (New York and Oxford: Rowman and Littlefield Publishers Inc., 1999), p. 253.
[6] "General Commentary" in B. Turner and P. Hamilton (eds.), *Citizenship – Critical Concepts,* Volume I (London and New York: Routledge, 1994).

society (*Gesellschaft*). While the former focuses more on descent and mother tongue and reflects a more traditional and cultural image of the community, the latter one centres around citizenship and the image of the nation as a political society. Such a distinction shows the nature of the social membership and the character of citizenship identity. To be more specific, it can be argued that community imposes a morality of status, while society imposes an ethic of equality and individualism. In this case, as Anthony Smith argues, "the subordination, or even eradication, of *gemeinschaft*-like membership within an ethnic primary group (or '*ethnie*'[7]) would be required for the creation of citizenship within *gesellschaft*-like political space of the modern state".[8] In that sense, if we observe the historical evolution of the European societies in the direction from community to society, then citizenship should be accepted as a modernised version of the more primordial bonds of tradition, such as the religion or locality.

Liberals and communitarians, on the other hand, have different perceptions about citizenship. Liberals strongly support citizenship within the framework of rights granting and guaranteeing to the people to pursue their interest free from any kind of interference and to shape their common governmental institutions. The communitarians, on the other side, emphasise the duties and obligations attached to citizenship. Accordingly, the citizens should be responsible to their political communities. So, rights and duties/obligations, as the two different sides of the same coin value different characteristics of citizenship.

Within the framework of the definition of citizenship, we can understand the developmental nature of citizenship and its characteristics through a consideration of three interconnected dimensions that are the extent, the content and the depth of

---

[7] Smith describes '*ethnie*' as a named human population with myths of common ancestry, shared historical memories, one or more elements of shared culture, a link with a homeland, and a measure of solidarity, at least among the elites. *Ethnies* differ from nations, although they share with nations the elements of common name, myth and memory. To be more specific, the former is defined largely by its ancestry myths and historical memories; the latter, on the other hand, are defined by the historic territory they occupy and by their mass, public culture and common laws. See A. D. Smith, *The Nation in History – Historiographical Debates About Ethnicity and Nationalism* (Hanover: University Press of New England, 2000), p. 65.
[8] A. D. Smith, *The Ethnic Origins of Nations* (Oxford and Cambridge: Blackwell, 1986), p. 157.

citizenship.[9] In this framework, the extent of citizenship implies the fact that who should be regarded as a citizen and what criteria are legitimate in excluding some from the benefits of citizenship. The content of citizenship includes the rights, duties and obligations attached to the concept. The depth of citizenship, on the other side, indicates how demanding and extensive our identity as citizens should be and to what extent it should take precedence over other sources of social identity and competing claims.

Considering those three dimensions, on the other hand, we can identify two important characteristics of citizenship. First of all, citizenship acknowledges individuals' ability to make judgements about their lives, which is not predetermined by their race, religion, class, gender or any other single part of their identity. Therefore, it emphasises the view that all citizens should be treated equally. They must be judged by objective and transparent criteria without any arbitrary treatment, mainly due to the necessity of the legitimate and equal membership of a society. This approach will let he citizens feel a sense of inclusion to the wider community and recognises the contribution of particular individuals to that community. In this framework, the "ethic of participation"[10] as one of the main attributes of citizenship differentiates the concept from the mere subjecthood and makes it an active rather than a passive status. In order to understand the difference between the last two concepts, we have to refer to William Safran's argument that "[passive citizenship] have 'natural rights', which include the right to life, liberty and property, whereas [active citizenship] also have 'political rights', such as the formation of public powers or the formulation of public policy".[11]

As the second characteristics of citizenship, we have to say that it is always a social idea and can never be purely a set of rights that free the individual from obligations to others. In other words living in a community makes the citizens responsible to other members of the same community, which reaffirms the social context for the fulfilment of both rights and obligations. So, through the package of rights, duties and obligations together, citizenship provides a way of distributing and

---

[9] K. Faulks, *Citizenship – Key Ideas* (London and New York: Routledge, 2000), pp. 3-14.
[10] *ibid*., p. 4.
[11] W. Safran, "Citizenship and Nationality in Democratic Systems: Approaches to Defining and Acquiring Membership in the Political Community", International Political Science Review, Vol. 18, No. 3, 1997, p. 315.

managing resources justly by sharing the benefits and burdens of the social life. In this framework, the social and political arrangements forming the context for the practice of citizenship are of utmost importance. When the need for the new rights and obligations emerge in the society, citizens have to find new ways and construct new institutions to give form to those changing needs and aspirations, which makes citizenship, at the same time, a "dynamic concept"[12] defying the simple, static definitions that can be applied to all societies at all times.

1. 1. History of Citizenship

The notion of citizenship, as the legal and social framework for individual autonomy and political democracy, has been a central axis of the Western political thinking since the formation of the classical Greek political culture. Within this framework, citizenship evolved through the establishment of autonomous cities, developed through the emergence of the nation state in the eighteenth and nineteenth centuries, and found its full blossoming in the nation states of the twentieth century. Therefore, considering citizenship as "a process with identifiable phases in time and with contexts in history"[13], we can argue that the long tradition of citizenship served the role of a bridge between the antiquity and modern era, linking the civic and political self-conception of the Greek *polis* and Roman Empire with the Enlightenment and the French Revolution, which strongly influenced the contemporary idea of citizenship and its implications.

In this historical evaluation, the modern history of citizenship starts with the socio-political consequences of the French Revolution with which it became possible for the nation states to bound and entail the relationship between the state and the individual. In this sense, the basis of equal treatment among members was the 'shared nationality' implying belonging to a specific state, which is based on predetermined legal and political criteria and not on the conviction of an individual and his or her ethnic origin. In other words, while citizenship was defined by the legal system of the

---

[12] Faulks, *Citizenship,* p. 6.
[13] G. A. Kelly, "Who Needs a Theory of Citizenship?" in B. Turner and P. Hamilton (eds.), *Citizenship – Critical Concepts,* Volume II (London and New York: Routledge, 1994), p. 7.

state as belonging to a political community (the state), not a national (ethnic or cultural) one; the nationality (or the ethnic origin) of a person mainly related to his or her consciousness, and his or her identification with a particular national (ethnic) group, which, therefore, can not be 'ordered' by the law.[14] This point emerged as an important assumption mostly with the flourishing of the nation states. Because, after that the notion of a person's citizenship and his nationality seemed to merge.[15] Within this framework, while nation states have been regarded as responsible to provide formal equality in the sense of uniform citizenship rights and privileges, citizenship implies certain established opportunities and commitments for all who hold it without any distinction among them. Moreover, it creates a chance for them to participate in the life of the community and to take parts in the shaping of the conditions, which determine the community.

In this context, since the idea of citizenship developed in history and gained new meanings and implications under different historical contexts, it would be meaningful to divide the development of citizenship into stages in order to fully grasp its historical evolution. This will help us both understand the ancient and pre-modern ideas on which the modern citizenship has been built[16] and underline the changes in the definitions and implications of the concept, namely from its origin in the ancient world to the modernity and beyond. Therefore, the expansion of citizenship can be understood by the evaluation of some historical turning points. Regarding those turning points, we can take Gershon Shafir's classification as a reference point. He divides the time period as the antiquity from the Greek *polis* to the Roman Empire, during the middle ages from the Roman Empire to towns and finally in the modern era from towns to the states.[17] Below,

---

[14] S. Lodzinski, "Polish Citizenship – Ethnic Boundaries and Issue of Citizenship in Polish Society" in B. Balla and A. Sterbling (eds.), *Ethnicity, Nation and Culture – Central and East European Perspectives* (Hamburg: Krämer, 1998), p. 149.

[15] R. Dahrendorf, "Citizenship and Beyond: The Social Dynamics of an Idea" in B. Turner and P. Hamilton (eds.), *Citizenship – Critical Concepts,* Volume II (London and New York: Routledge, 1994), p. 295.

[16] For example, the values of universality and equality, which are important to modern citizenship has their theoretical roots partly in the works of the Greek Stoic philosophers who asserted the moral equality of human beings. In the ancient Athenian *polis,* citizenship was deep in the sense that citizens felt strong commitments to common institutions of government and the obligations that citizens were expected to perform were extensive. For detailed information, R. Beiner, *Liberalism, Nationalism, Citizenship – Essays on the Problem of Political Community* (Vancouver and Toronto: OBC Press, 2003), p. 55.

[17] G. Shafir, "Introduction: The Evolving Tradition of Citizenship" in G. Shafir (ed.), *The Citizenship Debates – A Reader* (Minneapolis and London: University of Minnesota Press, 1998), p. 5.

different time periods and their impact on the meaning and practices of citizenship will be examined briefly within the framework of pre-modern and modern citizenship.

1. 1. 1. Pre-Modern Citizenship

The development of the pre-modern citizenship was an automatic result of the rise of the cities, increasing trade and the expansion of public sphere through the notion of political and civil rights. But, citizenship at this time was never broad in its scope and did not include large segments of the population. On the contrary, it was a response to the qualitatively enhanced economic activities of the cities. Within this framework, when social relationships rooted in economic activities became more prominent, the economic transactions brought the heterogeneous people together and the interactions among them became more complicated. Under those conditions, membership in family, clan, village, ethnic or religious groupings could no longer be sufficient to govern the relations among those people due to the undervaluation of the definitions of persons exclusively by reference to such narrow membership. On the contrary the association of the people took place in the public realm and the formulation of the political rights were accepted as the justification of those new more universalistic types of interaction. As a result, those rights associated to citizenship became applicable to all residents of the city who became legally equal.[18]

Citizenship in the pre-modern era can be evaluated from two perspectives: the Greek city-states and the Roman Empire. In this framework, the roots of the practices of the pre-modern citizenship found its first institutional expression in the Greek *polis*, in Athens from the fifth century until the fourth century B.C. However, the citizenship of the Greek city-states was very different in its formation and functions from citizenship in the modern period. In this framework, the main differences between citizenship in Greek *polis* and modern citizenship can be seen in the Table 1. 1 below.

---

[18] S. Kalberg, "Foundations of Modern Citizenship" in B. S. Turner (ed.), *Citizenship and Social Theory* (London: Sage, 1993), pp. 91-97.

Table 1. 1: Citizenship in the Ancient Greek *Polis* and the Modern States

	Polis	Modern State
Type of community	Organic	Legal/Differentiated Association
Scale	Small	Large
Depth of citizenship	Thick	Thin
Extent of citizenship	Exclusive and inequality naturalised	Progressively inclusive and theoretically egalitarian, but limited by statist context
Content of citizenship	Extensive obligations	Rights and limited duties
Context of citizenship	Slave society, agricultural production	Patriarchal, racialised and capitalist state system, industrial production

Source: K. Faulks, *Citizenship – Key Ideas* (London and New York: Routledge, 2000), p. 15.

In the context of the Greek city-state, the *polis*, citizenship appeared as a double process of emancipation. Shafir describes those processes "first as the liberation of humanity from tribal loyalties and its fusion into a voluntary civic community with the citizenship as the legal foundation of this community and second as the transcendence of instrumental sphere of necessity into the sphere of freedom".[19] For further discussions about the history of citizenship, the ideas of Aristotle have also been very influential. In his understanding, citizenship has two dimensions; namely the active and passive modes implying not only to govern and make laws, but also to obey and observe them. While the former implied the participation through office holding, the latter necessitated the election in the governance of the state and obedience to the laws made by other citizens. In this framework, the people were willing to step forward and assumed the burdens of public office. Moreover they subordinate their private interests to the requirements of public obedience. In other words, in this understanding the status of citizenship is confined to the effective participation in the deliberation and exercise of power and the public interests and public goods are put ahead of the private ones with the justification that the man could exercise his highest capacities in the public.

---

[19] Shafir, "Introduction", p. 3.

However, when we consider both the emancipation processes and the practices of citizenship, we should not forget that at this time, citizenship was limited and granted only to those who were independent and considered as having the capacity of rational choice. In that sense, only the adult men could be granted the status of citizenship, while the dependent ones (slaves, those who worked for wages, women and children) were excluded from it. Therefore, citizenship was an exclusionary category, justifying the coercive rule of the included over the excluded ones or the rule of citizens over the non-citizens. This fact, therefore, left the question 'how to accommodate the practices of citizenship with broader notion of inclusion' unresolved in ancient times.

Besides the Greek city-states, the period of the Roman Republic should also be taken into consideration within the framework of the pre-modern citizenship, considering the fact that liberal discourse of natural rights, which has a great impact on the modern theories of citizenship, drew its aspirations from the universalistic traditions of Rome and the Roman natural law. In this period, the notion of citizenship transformed with the changing political reality of the Roman Empire whose size, social differentiation and bureaucratic complexity no longer corresponded to the moral idea of the *polis*.

The Roma, therefore, devised new facets to the basic idea of citizenship and they made citizenship as a much more flexible concept. Within the framework of multiple and diverse types of membership in its heterogeneous structure, the Roman Empire granted to individuals and groups various gradations of citizenship. First, the status was extended to the non-Roma peoples and the status was divided by introducing the category of the second-class citizenship, although this category implied only "legal but not political rights"[20] without any right of franchise. Moreover, under the Roman Empire, citizenship was not defined by freedom, but by the right to own property. With the growth of citizenship from local to a state-wide institution, the freedoms conferred on citizens were radically expanded and became a right, not a privilege. As a result, instead of providing the freedom for the participation in political decision-making,

---

[20] D. Oliver and D. Heater, *The Foundations of Citizenship* (New York and London: Harvester Wheatsheaf, 1994), p. 13.

citizenship became a legal status, which provided some protection mechanisms and opportunities for the people.

So, if we compare this understanding with the Greek one, we have to accept Shafir's evaluation stating that the "Greek approach about the idea of citizenship resembles the communitarian discourse of citizenship, while the Roman approach is more likely as the liberal version of contemporary period".[21]

1. 1. 2. Citizenship in the Modern Era

Concerning citizenship in the modern era, on the other hand, the influential stages were the revolutionary developments of the Renaissance, the Enlightenment, the American and French Revolutions, although, even in those periods, the citizenship issue was discussed and dealt with references to the classical antiquity. Starting from the nineteenth century, on the other hand, the classical tradition of citizenship first weakened, then disappeared and gave way to new ideas. In all these periods, the issue of citizenship has been closely tied to the ideas about civility and civilisation. The civic responsibility of the citizens, their duties and obligations has become more prominent in the modern time and enable the individuals to take active part in political participation.

Although modern citizenship is an ambiguous concept, what is certain is that its meaning and its modern notions are closely tied to the development of the nation states. With this trend, the writers and thinkers studying on the subject have focused their attention on the states as the main reference point to citizenship. Therefore, general characteristics of the nation states and their impact on citizenship is analysed in a more detailed way after examining the theories of citizenship.

1. 2. Theories of Citizenship

As it was explained above, citizenship is a practice or a set of practices of certain rights and obligations. However, for a successful implementation of those practices, the

---

[21] Shafir, "Introduction", p. 5.

concept has to be settled within a consistent theoretical framework. Moreover, since it is not a unitary concept, but reflects profound differences in the historical experiences of political participation, any theory of citizenship must pay attention to the political and cultural differences. Therefore, in the academic literature, there are many debates and studies about the theories of citizenship, although any systematic grand theory could not be reached.

As a starting point concerning different theories of citizenship, we can accept Füsun Üstel's argument stating "one of the main problems for the democracies is to make (or not to make) the distinction between the rights-based citizenship and community-based citizenship".[22] Accordingly, the former understanding accepts the necessity of the human rights doctrine, in other words, of the extension of the rights to the whole humanity regardless of different characteristics, such as the social status, ethnic origin, colour, belief and gender and opposes the rights of the communities based on the above-mentioned criteria. On the other side, the latter understanding of citizenship provides individuals with the rights within the framework of belonging to the community. However, as Üstel reminds us "the 'pure' application of either the rights-based understanding of citizenship that is shaped by an abstract model of humans who are supposed to have common needs or the community-based rights and citizenship understanding which assumes that needs only arise in line with specific attributes of the community one belongs to would not meet the requirements of the modern world".[23] Therefore, it is quite natural that when dealing with citizenship issue, we have to take into account all currents, which evaluate the issue from different perspectives, e.g. civic and ethnic traditions with references to their distinctions, or liberal tradition emphasising the rights of individuals, or the psychological or cultural traditions denoting emphasising the identity or solidarity that a person maintains in collective or public life.[24] In this framework, the next part analyses the theories of citizenship in a more detailed way.

---

[22] F. Üstel, *Yurttaşlık ve Demokrasi* (Ankara: Dost, 1999), p. 48.
[23] *ibid.*
[24] L. Bosniak, "Denationalising Citizenship" in T. A. Aleinikoff and D. Klusmeyer (eds.), *Citizenship Today – Global Perspectives and Practices* (Washington D. C.: Carnegie Endowment for International Peace, 2001), p. 241.

1. 2. 1. Thomas Humphrey Marshall's Theory

T. H. Marshall's study and contributions have to be taken as the starting point of the modern revival of interest in citizenship as stimulated a significant growth of empirical research and conceptual elaboration of the subject. In his study, Marshall defined citizenship as "a status bestowed on those who are full members of a community and all who possess the status are equal with respect to the rights and duties with which the status is endowed".[25] Accordingly, he accepted citizenship as a condition of the fact that everyone is treated as equal and full members of the society and this equality can be ensured through an increasing number of citizenship rights. To be more specific, his basic concern was related to one of the specific problems in the liberal theory that is the reconciliation of the formal framework of political democracy with the social consequences of capitalism as an economic system. In other words, at the heart of his account of citizenship lies the contradiction between the formal political equality and the continuity of extensive social and economic inequality rooted in the character of capitalist market forces, for which he tried to find a compromise. Within this framework, Marshall focused on the relationship between citizenship and the system of capitalism. Because, he considered that the capitalist system produces inequalities and injustices among the citizens themselves, although it is contrary to the basic premises of citizenship. According to his understanding, the process of evolution of the rights and their securing would erode class differences and strengthen egalitarianism in the society. As a result, with the enrichment of citizenship status and the rights it infers, it would become more difficult to preserve the economic inequalities. The extension of citizenship would be the main political means to resolve those contradictions. According to him, the solution can be the welfare state, which would limit the negative impacts of class differences on the lives of the individuals and enhance their commitments to the system.

Within this framework, Marshall provided a short history of a sequential development of citizenship rights by dividing them into three dimensions; namely the civil, political and social rights. According to his classification, civil rights developed in

---

[25] T. H. Marshall, *Class, Citizenship and Social Development* (New York: Anchor Books Doubleday& Company, Inc., 1965), p. 92.

the 18th century as a response to absolutism and were accepted as the rights necessary to the individual freedom, e.g. liberty of the person, freedom of speech, thought and faith, the right to own property and the right to justice. In other words, they were the instruments to regulate the legal status of individuals and those rights were institutionalised in the courts of justice. Political rights developed in the 19th century as an outcome of working-class struggles for political equality in terms of participation and access to the parliamentary processes. Those rights were the rights for the exercise of political power and included the right to vote, rights of association and the right to participate in the central organs of the government. Thus, the corresponding institutions for the political rights are parliaments and councils of local governments. Finally, social rights expanded in the 20th century as a major component in the definition of citizenship. Those rights were institutionalised within the framework of the welfare state and established social entitlements for the citizens, such as unemployment benefits, provisions for health and free education.[26]

This categorisation proves that Marshall provided an evolutionary view of citizenship, developing through stages and levels to reach the final embodiment in the principles of the welfare state. This seems to follow the certain logic of democratisation. As Barry Hindess argues "the core of Marshall's description is a conception of citizenship as a principle of equality, embodying a number of civil, political and social rights that is institutionalised in the practices of a range of public arenas and of public agencies that operate subject to constraints imposed by other institutions, notably by the market".[27] On the other hand, more specifically Ronald Beiner interprets the expansion of those rights by arguing that "civil rights protects the citizens against the state infringing on his or her own individual freedom or property, political rights enable them to participate in the democratic process of opinion and will formation and social rights secure a minimum of social security in a welfare state".[28]

In this context, Marshall associated citizenship, at all levels, with the acquisition of rights, which can be accepted as the possibility of the practices of citizenship.

---

[26] For detailed information, see Beiner, *Liberalism, Nationalism, Citizenship*, pp. 78-91.
[27] B. Hindens, "Citizenship in the Modern West" in B. S. Turner (ed.), *Citizenship and Social Theory* (London: Sage, 1993), p. 24.
[28] Beiner, *Liberalism, Nationalism, Citizenship,* p. 267.

Accordingly, by the fullest expression of those rights every member of society would feel as full member who can participate in and enjoy the common life of society. Moreover, he argued that when those citizenship rights are withheld or violated, the people would be marginalized or would become unable to participate in the political system. However, at the same time, this perception of him led to severe criticism towards his approach. The critics grounded their basis on the concept of the 'passive or private citizenship'. Because, in this understanding it was not clear which responsibilities should be associated with those rights. In that sense, his emphasis on the passive entitlements and lack of any obligations to participate in the public life constitutes one of the weakest points of his theory, although this is not the only critical point.

Despite its prominence, Marshall's theory of citizenship has been criticised from different perspectives. In this framework, the most important criticism towards his views depends on the lack of general applicability of his theory. Originally he discussed the citizenship issue and proposed his theory on the subject within the British framework and its welfare state understanding. Therefore, it has some limitations about the universal explanations concerning the theory of citizenship. At this point, we have to take into consideration Dawn Oliver's and Derek Benjamin Heater's assumption that "broader historical and geographical perspectives, new social and political conditions and a range of ideological questioning about the nature and validity of citizenship have rendered the study of the topic far richer and more complex than Marshall could have conceived it".[29]

Second, Marshall's views have been criticised on the ground that the compact structure of the tripartite description of the rights could give the false impression that the three elements are similar in kind. However, the social rights are different from the civil and political ones. The social rights, which can be called as the positive freedom as well, necessitate the state actions through its apparatus for the distribution of both money and some social services within the society. To be more concrete, we have to refer to Bryan Turner's argument that "there is no necessary similarity between liberal bourgeois rights in the nineteenth century and socialist demands for equality in the

---

[29] Oliver and Heater, *The Foundations of Citizenship*, p. 36.

twentieth century. There is furthermore no necessary parallel or even development of different rights".[30] Therefore, it is not possible to expect that this classification of the rights as the civil, political and social rights would be followed everywhere in the same way. For example, in some of the countries, most of the women could not have their civil and political rights, although they could use their social rights. On the other hand, in some countries, we can see the examples where the people can use social and civil rights despite the lack of their political rights.[31]

Third, Marshall is accused of being too self-satisfied considering the fact that he gave the impression that the achievements of the rights would be irreversible without any further attempts to keep them secure. However, as Turner emphasises it, "… the experiences of the last fifteen years … shows that welfare-state rights are clearly reversible and not to be taken granted".[32] Therefore, although it is absent in his theory, some struggles and active defence would be necessary to protect those past achievements and to strengthen them further. Otherwise, those rights would be withheld or minimised in their essence.

Another important and more severe criticism to the Marshallian approach, on the other hand, is based on the cultural aspect of citizenship. In this framework, Rainer Bauböck argues that "his approach is blind to the cultural non-neutrality of liberal states"[33] because of the fact that the specific disadvantages of the culturally defined minorities were not covered in Marshall's class-based account of citizenship. On the one side, this implies that political rights and political participation would be the privileges of citizenship and generate legitimate benefits for the majorities. On the other side, the demands of the minority groups, in terms of their language or religion rights, could be denied or overlooked by providing them the opportunities to develop their own cultural elements under the civil and social rights of citizenship. However, such practices would lead to the legitimation of the benefits for the majority and strengthening of their own culture at the expense of the minorities.

---

[30] B. S. Turner, "Outline of a Theory of Citizenship", *Sociology*, Vol. 24, No. 2, 1990, p. 192.
[31] Turkish guest workers and their children in Germany are the most important example of this statement.
[32] Turner, "Outline of a Theory of Citizenship", p. 192.
[33] R. Bauböck, "Cultural Citizenship, Minority Rights and Self-Government" in T. A. Aleinikoff and D. Klusmeyer (eds.), *Citizenship Today – Global Perspectives and Practices* (Washington D. C.: Carnegie Endowment for International Peace, 2001), p. 321.

However, despite its weak points and criticisms, we cannot ignore the importance of the Marshall's views and their determining powers in the field of citizenship. It is without any doubt that he provided a fertile ground for the further discussions on the issue. But his contributions should not prevent us from recognising the contemporary developments, which inevitably force us to make some corrections and modifications in his approach. To be more specific, it has become obvious that such kind of Marshallian passive citizenship understanding should be supplemented by more active connotations and the definitions of citizenship should be revised to accommodate the increasing social and cultural pluralism of the modern societies.

1. 2. 2. Liberal Theory of Citizenship

The main lines of the liberal conception of citizenship can be found in the Marshallian understanding and his emphasis on different set of rights and entitlements, which are enjoyed on an equal base by every member of the society in question. In this framework, the liberal approach of citizenship remains closely tied to the ideal of universalism and always gives predominance to the individual rights and freedom without any concern about their identities. Under the conditions of the modern world, individuals may define their identities depending on different criteria, e.g. nationality, ethnicity, religion. But whatever this criterion would be, the liberal understanding of citizenship accepts that all citizens should be treated equal and 'equal citizens' should not be discriminated based on the sources of their identity and they should have equal opportunities to get access to the institutions of the civil society. On the other side, however, the liberal approach ignores the necessity of certain social citizenship rights, as well as some duties and obligations. Moreover, it emphasises the capacity of the individual to transcend group or collective identity; to break the constraints of fixed identity (e.g. hierarchy and traditional roles) and to define or redefine one's own purposes. According to this view, political community is instrumental only to the demands and needs of the individuals. In other words, what Safir says about liberal citizenship summarises the main logic of this understanding: "citizenship, in the liberal view, is an accessory, not a value in itself".[34]

---

[34] Shafir, "Introduction", p. 10.

As another important theorist Herman van Gunsteren suggests "in liberal-individualistic theories, citizen is represented as calculating holder of preferences and rights ... Individuals maximise their own benefits ... Choice is defined by citizens' calculations of their own rights within the limits of their respect for the rights of others".[35] However, due to the primacy and superiority of the rights over the duties and obligations of the citizens, similar to Marshallian view, the liberal conception of citizenship is criticised as imposing a kind of passive citizenship. In other words, as David Miller states "a citizen is not conceived as being an active participant in politics".[36]

It has also to be emphasised that justice is an important part of the liberal citizenship understanding. Considering the effects of citizenship and its entitlements, it would not be wrong to argue, as Miller says, "citizenship carries potentially redistributive implications".[37] In this framework, the questions of political justice can be discussed on the same basis by all citizens regardless of their social position or their particular aims and interests, including the religious, philosophical and moral views. Theoretically, the principle of justice requires that citizens' identities should take precedence over personal identities in the sense that people will agree to confine the pursuit of their conceptions of the good within the bounds prescribed by the principle of justice. In other words, within the boundaries, set by the principles of justice, people should give priority to their citizen identity, which may impose some restrictions on the pursuit of their private goals.

Another important characteristic of the liberal theory is its distinction between the universal public sphere (the state) and the particular private sphere (the civil society), which makes citizens to live a double life. As Jeff Spinner points out, "the citizens live in the political community, where they regard themselves as communal beings and in civil society where they act simply as a private individual".[38] In this framework, the liberal conception of citizenship can be criticised from the point of view

---

[35] H. van Gunsteren, *A Theory of Citizenship – Organising Plurality in Contemporary Democracies* (Boulder, CO: Westview Press, 1998), p. 17.
[36] D. Miller, *Citizenship and National Identity* (Oxford and Cambridge: Polity Press, 2000), p. 46.
[37] *ibid.,* p. 44.
[38] J. Spinner, *The Boundaries of Citizenship – Race, Ethnicity and Nationality in the Liberal State* (Baltimore and London: The Johns Hopkins University Press, 1994), p. 37.

that it constructs public spheres, which makes rather weak demands on citizens. Therefore, it allows the individuals to be apolitical and purely private individuals interested only in economic gains. But by being just economic citizens, they are forced to give up their differences, more specifically, to "bracket off their ethnic identities, which make it hard to keep their distinctive elements in the society".[39] Because of all these reasons, the arguments of liberalism cannot lead to a firm theory of citizenship, in terms of participation, public goods or civic virtues, although citizenship is conceived of in terms of those reference points.

Apart from all these factors, liberal theory of citizenship can be further analysed from two different perspectives; first with a reference to anti-liberal particularism and second with its comparison with the Marxist understanding of citizenship. The following part touches upon these two perspectives.

Within the framework of the liberal approaches of citizenship, the distinction between liberal universalism and anti-liberal particularism should not be overlooked. The former idea praises the inviolable moral worth of individuals, seen as human beings, above and beyond any collective or civic identity that would particularise human beings. This universalistic vision, on the other hand, tends to ignore the privileges of citizenship for some particularistic identities and their demands. The second view, alternatively, affirms the particular forms of group identities that distinguish sets of individual from one another. However, in practice, they are to generate ethnic and nationalistic outbreaks. Therefore, in practice, neither of them could provide any convincing or credible framework for citizenship. In this framework, we can accept Beiner's assumption that "while universalism implies the 'rootlessness', particularism implies 'parochialism and exclusivity'". [40] Although the best approach seems as the convergence between the two tendencies, it is still an unanswered question whether a synthesis between particularistic rootedness and universalistic openness is possible.

---

[39] *ibid*, pp. 51-53.
[40] Beiner, *Liberalism, Nationalism, Citizenship*, p. 29.

On the other side, the liberal understanding of citizenship is harshly criticised by the Marxist thinkers, mainly on the ground of the principle of equality. Both liberal and Marxist understanding of citizenship formulated a societal structure by taking into account two concepts, the individual and the society, as the basis of their understanding. Although their priorities were totally different, as Üstel reminds us, they had an important similarity regarding the issue of citizenship: both of them accept it as a "political category by ignoring the ethnic, religious or linguistic belongingness and identities".[41]

According to Marxist understanding, citizenship was an abstraction that did not relate to the real material conditions of social life implying that the equalities of citizenship are not substantive equalities. On the contrary, the discourses and practices of human rights have been used as an ideological tool to mask the economic and societal inequalities. Contrary to the basic premises of liberal theory of citizenship, the Marxist understanding values the importance of the society within which all citizens could use the benefits of citizenship equally. This view gives higher importance to the welfare than to the property and is totally against those arguments, which equate citizenship with property ownership. In this sense, as the Marxist critics assume, we can understand Marxist assumption that "market inequalities are endemic to the class societies based on a market economy and a free and liberal market could guarantee the freedom and independence of the individual, but it could not guarantee their equality".[42]

1. 2. 3. Libertarian Theory of Citizenship

As one of the main theories, libertarian understanding of citizenship lies between the liberal and communitarian understanding and tries to find a compromise between them. In that sense, it will not be wrong to argue that libertarian theory has emerged from the need of finding remedies to the deficiencies and drawbacks of the

---

[41] Üstel, *Yurttaşlık ve Demokrasi*, p. 52.

[42] At this point, it has to be stated that the liberal understanding criticise the Marxist understanding, in the same way, on the ground that a command and centrally organised economy had proved detrimental to personal freedoms, because of the insensitivity of the bureaucratic systems to the local and individual variations and the inclination of the bureaucracy to produce oligarchy. For detailed information, see "Preface" in Turner, *Citizenship and Social Theory,* p. xi.

liberal and communitarians views and to find much more effective and efficient explanations within the framework of citizenship debates.

According to Miller, "the libertarian conception of citizenship lies behind various proposals emanating from the New Right, which aims to alter the relationship between the state and individual implying that it becomes explicitly contractual."[43] In other words, when the citizens differ in their conceptions of value, each can gain access to his or her preferred bundle of public goods, through the means of contract and choice. The easiest way to understand the logic and implications of this conception is trying to answer the question 'why citizenship is needed at all?' In this sense, it can easily be argued that people seek to satisfy their preferences and values through private activity, market exchange and voluntary association with the people having the similar understanding and worldviews. However, sometimes the people cannot achieve their desired goals through these ways. In those cases, they need a common framework, which is provided, according to the libertarian understanding, by citizenship. In the libertarian understanding, citizenship is not valued for its own sake. Accordingly, as Miller argues "we are citizens only because we demand goods that require public provision".[44] So, citizens are rational consumers of public goods.

In this framework, one of the most important advantages of libertarian theory of citizenship is its position *vis-à-vis* pluralism, which is considered as valuable for the society as a whole by assuming that citizens may have different preferences and conceptions of the good life. So, if the citizens differ in their conception of values, they can gain access to his or her preferred bundles of public good. One of the ways to enable citizens to reach their demands is the encouragement of the society for the formation of enclaves within which people are supplied with a package of goods and services and through this way they could fulfil all their needs and demands. In this way, people could find the opportunity to exercise their choice by moving from enclave to enclave where they can clearly articulate their preferences. So, over and above the minimal core, this makes citizens able to choose the most appropriate packages for

---

[43] Miller, *Citizenship and National Identity*, p. 49.
[44] *ibid.*, p. 50.

themselves to express and fulfil their preferences and demands or, in other words, their citizenship rights.

1. 2. 4. Communitarian/Republican Theory of Citizenship

As another important theory of citizenship, communitarianism emphasizes the importance of cultural or ethnic group; solidarity among those sharing a history or tradition; the capacity of the group to confer identity upon those otherwise left atomised. If we want to make a general comparison between the liberal and communitarian views of citizenship, we can easily say that the former one gives the primacy to citizen rights, status and the private sphere; the latter one stresses the importance of citizen duties, practices and public sphere. Accordingly, as Michael Walzer reminds us, "liberal society … is fragmentation in practice; and the community is the exact opposite, the home of coherence, connection, and narrative capacity".[45] In this view, the people are accepted as embedded in communal relations and the political community is instrumental to the needs and demands of the communities to elaborate a collective identity that can be constitutive of the selfhood of its members. So, political community implies the common values and meanings shared by all citizens of that community and tries to combine the individual autonomy and the community.

Communitarian understanding conceives citizen as someone who plays an active role in shaping the future direction of his or her society through political debate and decision-making and makes the citizens responsible for the defence of their communities. It accepts the liberal understanding of citizenship as set of rights and adds to it the idea that "a citizen must be someone who thinks and behaves in a certain way".[46] Accordingly, the citizen identifies himself or herself with the political community to which he or she belongs to and is committed to promoting its common good through active participation in the political life. At this point, we can totally agree with what Gunsteren says on the subject: "Communitarian theories of citizenship strongly emphasise the fact that being a citizen involves belonging to a historically

---

[45] M. Walzer, "The Communitarian Critique of Liberalism", *Political Theory*, Vol. 18, No. 1, 1990, p. 9.
[46] Miller, *Citizenship and National Identity*, p. 53.

developed community… In this vision, the citizen acts responsibly when he stays within the limits of what is acceptable to the community".[47]

The communitarian understanding of citizenship gained an importance especially starting from the 1980s and has some reference points, such as the communal practices, cultural traditions and a shared communal understanding. So, active participation in the public affairs through the existence of the communities is the most prominent characteristics of communitarian citizenship. Besides those reference points, we also have to mention about its two main presuppositions[48]. One of them implies that within the community, language, history and culture come together and produce a sense of consciousness and citizens are trying their best to ensure the continued existence of the community and to avoid mutual destruction of the community, which shape individuals. On the other hand, the superimposition of linguistic, cultural, religious, ethnic, national, political communities, in the communitarian understanding, can be used as legitimation of exclusion as these communities are not always coextensive and on the contrary usually conflict with each other. Second, the state is accepted as the most appropriate unit about distributive justice. Within the framework of the shared practices, the communitarian thinkers agree on the fact that the principles of the liberal justice and rights have to be reorganised by paying attention to the common concepts and practices of each community.

In general, communitarians accept that at the last step, individualism would lead to atomisation and harm the community life. However, on the other hand, what they emphasise is an active and participatory citizen who are equipped with some rights and responsibilities and take some initiatives with the spirit of the community as a whole. Accordingly, they pay a special attention to the common values and benefits with references to the belongingness to the communities at different levels. As a result, as Üstel emphasises "the communitarians aim the politicisation of citizenship expressed in terms of the responsibility and commitments through the membership in a community, as opposed to depoliticisation of citizenship, which restricts it to the rights and demands

---

[47] Gunsteren, *A Theory of Citizenship*, p. 19.
[48] V. Bader, "Citizenship and Exclusion: Radical Democracy, Community, and Justice. Or, What is Wrong with Communitarianism?", *Political Theory*, Vol. 23, No. 2, 1995, pp. 217-219.

of the citizens within the moderns states".[49] In this framework, the communitarians accept that "the ideals such as the universality, neutrality and even secularism, on which liberal democracies depend, are nothing more than hypocrisy. What lies behind these ideas is the inadequacy of liberalism for paying attention to the common values and to the wholeness of the community of citizens and of defining the political virtues and 'good-life' related to citizenship".[50] In this framework, as Shafir argues "one of the highlights of the communitarian perspective is the considerable attention given devoted to identifying the kinds of social bonds, commitment, and education, maybe even moulding, necessary to create and maintain such a community. … Common aims have to be secured through the ongoing exercise of collective political judgment. Citizenship, in sum, should be an activity or practice, and not, as liberals hold, simply a status of membership. Precedence is to be given not to individual rights but to the pursuit of the common good".[51]

Considering all these factors, some academicians, e.g. Veit Bader, criticise different currents of communitarian view (conservative or protective communitarianism) by depending on the "(i) lack of individual autonomy and freedom to choose; (ii) not leaving any, or enough room, within communities or tradition for distance, criticism, rebellion, conflict and change; (iii) ignoring all forms of structural inequalities inside communities (exploitation, oppression, discrimination, exclusion); (iv) lack of civil rights and civil culture; and (v) lack of democratic political rights and culture".[52] These deficiencies, on the other hand, may force one to think the relationship between democracy and community, or in other words, the ethnic and civic dimension of the modern nations, which is one of the main points of discussion throughout the study.

On the other hand, the republican understanding of citizenship, as a particular variant of communitarian idea, takes the liberal conception of citizenship as a set of rights and then adds to it the idea that a citizen must be a person thinking and behaving in a certain way and playing an active role in shaping the future direction of the society

---

[49] Üstel, *Yurttaşlık ve Demokrasi,* p. 69
[50] *ibid.*, pp. 68-69.
[51] Shafir, "Introduction", p. 11.
[52] Bader, "Citizenship and Exclusion", p. 222.

where he or she is living. So, they think citizenship as a practice focusing on the characteristics, which bind the individuals to each other and to the community. The bonds among the communities depend on the sharing, instead of the contract. In this framework, the practice of citizenship leads to the discourses of duties in that community. The main justification behind this understanding is that a citizen identifies himself or herself with the political community and is committed to promoting its common good through active participation in the political life.[53] So, here we see the community-based understanding implying that republicanism emphasizes the civic bonds of citizenship and requires that the laws and policies of the state do not appear to the citizens as alien impositions, but as an outcome of reasonable agreements for what the citizens are actively playing roles.

The republican view is considered as an attempt of intending to find a middle way between the individualistic and the communitarian understanding. Accordingly, individuals do not have priority over the community. On the contrary, they have their own meaning and importance within the whole community and their roles, determined by this community, leads to a 'shared responsibility'. Here we should admit that supporters of republican understanding try to be neither individualist nor communitarian; neither liberal nor anti-liberal and argue that political community is a good in itself. A focus on the civic dimension of existence is the core point of the humanity implying, as Beiner argues "without a membership in some kind of *polis*, the essence of the life would be diminished".[54] Within this framework, belonging to a community or a political group could be accepted as more superior than individual, since the self can only be constituted by the collective or group identity. Within this general framework, we can identify four components of republican citizenship by referring to Miller's views.[55] First, a republican citizen enjoys a set of equal rights in order not only to pursue private aims and purposes, but also to play the public role. Second, corresponding to these rights, a republican citizen has duties and obligations. Third, this kind of citizen has to be willing to defend the rights and interests of the other members of the political community and be responsible to them. Those citizens should

---

[53] Miller, *Citizenship and National Identity,* p. 53.
[54] Beiner, *Liberalism, Nationalism, Citizenship*, pp. 13-15.
[55] Miller, *Citizenship and National Identity,* pp. .83-84

try to promote the common interests of the society. Fourth, the republican citizen has to be active in formal and informal arenas of politics.

On the other side, however, it has to be emphasised that different from the liberal and libertarian understandings, republican understanding accepts the image of a small homogeneous society with a general will and common traditions. It recognises the importance of the social context that is crucial for the development and flourishing of citizenship practices. In this sense, we have to accept that the structures of the decision-making, economic production and social institutions have to be considered as a whole as the determining the content, extent and depth of citizenship. The limits of citizenship in its liberal form, on the other hand, were explained by its neglect of this social context of rights and responsibilities. However, it has to be kept in mind that the claims based on particular needs and desires of the smaller groups can easily be neglected in this view. Therefore, as Üstel reminds us, "[such an understanding] is in a tendency to exclude 'some' intentionally because of the fact that not all people in the community can adopt the general and common viewpoint".[56] At this point, the principle of justice appears as an important principle, which should usually be taken into consideration in finding the ways to reach an agreement for the fulfilment of the demands of the small, particular groups. Here, the appeal to a norm of justice is required and the final point depends on whether the demand can be linked to the principles that are generally accepted among the citizen body. In other words, we can once more turn to Miller's argument saying that "… the success of any particular demand will depend on how far it can be expressed in terms that are closed to, or distant from, the general political ethos of the community".[57]

If we want to conclude in a brief way, we have to say that liberal view of citizenship embodies a conception of justice whose implications might be unacceptable for some groups of the society to which no reason can be given for accommodating themselves to liberalism. In the cases of disagreement, on the other hand, the libertarian alternative emerges in the way of fragmenting citizenship. So that beyond and above the minimal core each citizen is able to choose his or her own package of citizen rights. The

---

[56] Üstel, *Yurttaşlık ve Demokrasi*, p. 71.
[57] Miller, *Citizenship and National Identity,* p. 57.

republican alternative, on the other hand, tries to find the ways of a higher level of agreement between individuals and social groups through the pragmatic ways.

1. 3. Acquisition of Citizenship

Similar to the definition and theories of citizenship, the ways of its acquisiton is also not fixed. They may vary from country to country and from age to age, reflecting different historical experiences and different specific circumstances surrounding this community. Therefore, the rules about the acquisition of citizenship provide us a complex reality where the historical, cultural, social and political bonds have great impact on all regulations.

In most of the countries, the legal procedures define the process of granting citizenship as a political and administrative act determined by virtue of law (applicable laws and regulations), or on the basis of a decision made by a competent administrative body (especially for the foreigners applying for citizenship) or option (a declaration of will by a person who has the right to do it and its acceptance by a competent authority). Although the practices of the states have exhibited some variations, the acquisition of citizenship by virtue of law is based on the general recognition of the inhabitants of the territory of a state as its citizens and is determined mainly by two criteria; *jus sanguinis* (descent-based; the result of the nationality of one parent or other more distant ancestors) or *jus soli* (birthright; the fact of birth within the state's territory). In addition to them, however, different states may impose some additional criteria for granting the citizenship status, e.g. the length of the period of residence, language familiarity and history knowledge or clean criminal record.

In this framework Safran, who discusses the subject from the perception of the nation state formation in his article written in 1997, argues that when the states were defined in terms of the sovereignty of feudal lords or monarchs, *jus soli* was the main determining way of acquiring citizenship, which was applied to those born on the estate or in the realm. Later, however, when nation states started to emerge and the legitimacy of the nation state was based on the sovereignty of the national community, *jus sanguinis* became the common functioning principle. Accordingly, "*jus sanguinis*

dominates in 'historic states', that is those which arose out of a pre-existent, or pre-political, ethnic or 'primordial' community, whereas *jus soli* has been the preferred principle in settler societies, in which the state played a crucial role in forming the nation".[58] Such a distinction makes us able to differentiate the primordialist (culturalist) and functionalist approaches of granting citizenship and to argue that although primordialist conception of national community has been prevalent in virtually every country, it has been widely challenged, when the membership in the national community was to be redefined in functional and voluntarist terms.

Historically, many theories of citizenship assumed the primacy of *jus sanguinis* for the acquisition of citizenship considering that nationality, defined as a shared history, political culture and a common sense of destiny, provides a sense of obligation to fellow citizens. Without this bond, what would be left is the reciprocal relation between self-interested individuals. However, although it is true that nationality has been an important identity that individuals have often be prepared to privilege over self-interest, it is not the only identity. On the contrary, as Keith Faulks argues "there are some other similar types of causes leading to the sacrifices of the individuals; such as religion, class and gender".[59]

What is important about these two main principles, namely *jus soli* and *jus sanguinis*, is that they automatically reflect the essential or dominant conceptions of the nation-building processes of the related states. At this point, theoretically, it can be argued "regimes associated with the former principle are presumed to be more inclusive and less ascriptive than regimes based on the latter principle, which relies on the blood-based descent as fundamental criteria".[60] For example, in France, which accepts *jus soli* nationality is defined expansively, as a territorial community and France, theoretically, represents a more political approach than a cultural one. Accordingly, as Safran argues it in his article "there was a Jacobin definitional continuity: the nation consisted of all the inhabitants of a territory who obeyed the laws, paid taxes, and performed various

---

[58] Safran, "Citizenship and Nationality in Democratic Systems", p. 314.
[59] Faulks, *Citizenship,* p. 37.
[60] P. Weil, "Access to Citizenship: A Comparison of Twenty-Five Nationality Laws" in T. A. Aleinikoff and D. Klusmeyer, *Citizenship Today – Global Perspectives and Practices* (Washington D. C.: Carnegie Endowment for International Peace, 2001), p. 18.

other duties required of all citizens".[61] So, in terms of the social membership, the key factor is considered as its secular republican values on the part of would be citizens and these values transcend the particularities, such as race or religion. Citizenship was equated with full participation in social contract and a common concern with the public interest and the expectation from the applicants of citizenship is the acceptance of democratic values and secular principles.[62]

However, we have to be aware of the fact that behind the neutrality of the republican tradition of France, we can observe some cultural assumptions, as well. For example, although the ethnic origin is not officially recognised, some particularistic or ethnic connotations, such as French Muslims, are frequently used by the officials and are often considered as the basis for the distribution of social, political and economic benefits. Because, especially in the recent years, as Faulks argues "citizenship is undermined by its connection with cultural essentialism"[63] as an unfriendly and exclusionary attitude towards its minorities. In this framework, what has to be discussed within the French example is the connection between a state-centred definition of citizenship and the exclusion of the minorities, which necessitates some reform movements concerning the ways of the acquisition of citizenship. Those reform movements should consist of the attempts to make citizenship more embracing for the minorities that are left behind the society.

Germany, opposing to the French example and as one of the traditional advocators of *jus sanguinis*, is principally accepted as a community of descent. There, instead of functionalist and voluntaristic terms of membership in the political community, organic and deterministic views are widely accepted with reference to history and culture. Therefore, the organic approach to nationality and citizenship is noticeable in Germany and always stresses the ethnic origin and the ties of blood, rather than political commitments. Therefore, it would not be wrong to argue that the Germans based their attempts at creating a modern empire on the existence of a German nation *(Volk)* and a German culture. Accordingly, only those with the *Volksgeist* (the spirit of

---

[61] Safran, "Citizenship and Nationality in Democratic Systems", p. 315.
[62] *ibid.*, p. 352.
[63] Faulks, *Citizenship*, p. 52.

the people as embodied in its customs, language and folklore) would be considered as genuine members of the German nation and can be entitled to citizenship. However, such an understanding created much controversy and debates in the country where after the collapse of the communist systems across Europe, many ethnic Germans, who could not speak German and knew little of its culture, were welcomed into Germany as citizens coming home. In contrast, many Turkish guest workers who have lived in Germany for years and who are familiar with the country's economic, political, social and administrative systems are denied citizenship.[64]

Despite the clear-cut identification between the two principles of *jus soli* and *jus sanguinis*, in recent years we recognise some attempts in the way of their convergence to find more efficient ways of granting citizenship. Since, it is no more possible to apply whether the pure *jus sanguinis* or the pure *jus soli* models. On the contrary, the countries have been forced to find the combination of both models to be able to deal with the citizenship issue in a more efficient and effective ways.

If we turn again to the France and German examples, we can recognise that although the application of the traditional principles has still been valid in both countries, they are no more as strict as before. Both of them are trying to find the ways of revisions in their related regulations and laws to make them more relaxed and flexible. In France, for example, the automatic right of second-generation immigrant to become French citizens was abolished. It seems that governments which fear ethnic votes, mostly right wing, try to put barriers on automatic access to French citizenship by reforming or denying *jus soli*.[65] So the frequent changes in the laws reflect the attempts to take into account the concern of French identity. Under the current regulations, naturalisation is possible for those who have been habitually residing in France continuously for at least five years. This condition can only be waived for the citizens of French speaking countries or for those who served in the French military army. This period was reduced to two years for those who graduated from a French university. Those applicants have to show that they have a stable income to support their expenses

---

[64] As the two representative models of the continental European citizenship practices, the German and France cases will be discussed in a more detailed way in the following parts.
[65] J. L. Rallu, "Access to Citizenship and Integration of Migrants: Lessons from the French Case", *Paper prepared for the 12th Biennial Conference of the Australian Population Association*, 2004, p. 4.

and to have family attachments in France. On the other hand, the period of naturalisation of a foreigner married to a citizen should be at least two years after the marriage, in the case of one year uninterrupted residence in France, although this period was six months previously. But if the couple is living outside of France, a three-year waiting period is needed. Under those conditions French citizenship can be acquired by declaration.[66]

In Germany, on the other hand, the debate started about the tradition of restricting citizenship to foreigners who were born in the country and lived there most of their adult life. Therefore, in the early 1990s German naturalisation law was liberalised and moved the country to *jus soli*. According to the law of 1991, foreigners between the ages of 16 and 23 will be naturalised 'as a rule' (subject, however, to the discretion of officials) if they have lived in Germany for at least fifteen years, have not been convicted of a crime and show that they can support themselves and their families. The applicant's spouse and underage children are to be naturalised at the same time, even if they have not been in the country for fifteen years. In all cases, on the other hand, the applicants have to give up their previous citizenship.[67] However, the reforms of early 1990s have been counterbalanced by amendments to the asylum law to limit the number of the asylum seekers. Equally important with the latest regulations in 2000, the conditions were much more relaxed, although the obligation of renouncing the previous citizenship still continues. For example the period of residence was reduced to eight years from fifteen years and it was accepted that the spouses and children often use this option without necessarily residing eight years in Germany. Other criteria are sufficient knowledge of German language, commitment to German Constitution, a clean criminal record and sufficient amount of income to support themselves. On the other Germany also recognised the right for children born in the country to acquire German citizenship at birth, but with the condition of opting for one of the two citizenships before the age of twenty three.[68]

---

[66] For detailed information see *ibid*., pp. 3-4.
[67] Safran, "Citizenship and Nationality in Democratic Systems", p. 322.
[68] For details see <http://www.legislationline.org/?jid=21&less=false&tid=11> (22/05/2007).

Concerning the acquisition of citizenship, it has to be emphasised that *jus soli* and *jus sanguinis* are not the only ways, although they are the most common and mostly used ones. On the contrary, the individuals have also some other options of acquiring citizenship by marriage, through adoption or legitimation, by territorial transfer from one state to another or upon naturalisation. Among them, the last way is as an important and widely discussed one. Therefore, it is important to study naturalisation in a more detailed way.

Naturalisation is the process of granting the citizenship of the state to persons who cannot ascribe it at birth. If we look at the state practices through the naturalisation processes, we can identify two totally different and opposite ways of the governments. On the one side, it is a purely discretionary power of the state.[69] Under this, the candidates have to fulfil all conditions. But, even in this case, the authorities have the power to reject the demand of the applicant, although they are not obliged to justify their decision. So, naturalisation becomes a kind of privilege bestowed by the state, which confers it on certain deserving individuals. It is without doubt that this is a very long and complicated process imposing a high fee. On the other side, we can find more relaxed systems where all the candidates are naturalised after fulfilling all conditions, without any discrimination.[70] This kind of process is expected mostly for the migrants. Here, naturalisation is promoted by the state. The procedure is simple and the fees are low. Regarding the naturalisation procedure, we have to admit that even in the countries with simple requirements and easy way of naturalisation, it remains closed to some extent. Although the people who fulfil all the conditions are naturalised, the opportunities to fulfil those conditions would remain limited. For example, as Rogers Brubakers argue, "it may only be open to persons who have been formally regarded as immigrants or who have resided legally in the territories of the state for a certain period of time".[71] However, at the last stage, they are all state initiatives and decisions. Therefore, the state authorities have extremely important discretionary power to grant citizenship to the people demanding it.

---

[69] Germany and Switzerland are the examples of this model.
[70] The United States, Canada and Sweden are the mostly fitted examples of this model.
[71] R. Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, Massachusetts, London: Harvard University Press, 1992), p. 34.

As it can be understood from the above statements, there are different ways of acquiring of citizenship. But, as T. Alexander Aleinikoff and Douglas Klusmeyer argue "there is no international uniformity among states in their application of these criteria and their overlap would be seen in the daily practices of the states".[72] The states, according to their traditions, political views or practical necessities, decide which way is the most appropriate for them. But it should not be forgotten that the acquisition of formal citizenship does not imply the acquisition of the host country's nationality, which is defined in terms of a sharing that country's historical consciousness and myths. In essence, however, disjunction between citizenship and nationality leads to the creation of citizenship at various speeds or levels. In this framework, we can identify hierarchical communities, each with its own purposes, e.g. the state or political community/political citizenship and entitlement to its legal protection, voting in national elections, and military service; membership in ethno-cultural community/nationality and entitlement to the practice of one's own language, culture and religion; provincial or municipal citizenship and the duty of paying local taxes and voting in municipal elections; membership in functional community (non-territorial citizenship) and the right of receiving its benefits.

This chapter analysed the historical and theoretical backdrop of citizenship. This theoretical framework is helpful to understand the construction of citizenship processes, which is discussed in the next chapter within the framework of the construction of national identities.

---

[72] T. A Alienikoff and D. Klusmeyer, "Plural Nationality: Facing the Future in a Migratory World", in T. A. Aleinikoff and D. Klusmeyer (eds.), *Citizenship Today – Global Perspectives and Practices* (Washington D. C.: Carnegie Endowment for International Peace, 2001), p. 52.

CHAPTER II

ISSUE OF CITIZENSHIP RECONSIDERED:

IMPACT OF CONSTRUCTION OF NATIONAL IDENTITY

Since the 18th century, the issue of citizenship has been bound closely to the institution of the nation states and the debates about it centred on the nationhood implying belonging to a nation state. In other words, the nation states, in Christian Giordano's definition, as the "association of citizens who belong to it on the strength of well-defined characteristics"[73] have become the main frameworks for the exercise of modern citizenship. More importantly, they were supposed to play a constitutive role in defining the political identity of citizens within a polity. However, the experiences of the contemporary developments have proved that the binding of citizenship to the nation states and the confining of citizenship status to nationality inevitably restrict the application of citizenship. It imposes exclusive instead of inclusive citizenship understanding and implication. Therefore, it may easily leave large number of individuals at a disadvantaged position in the societies where they are living. On the contrary, decoupling citizenship and nationality will provide some prospects for more inclusive citizenship understanding. Only through such an approach can the civic components of citizenship find the opportunities to develop and flourish. In this framework, this chapter examines the relationship between citizenship and nationality within the framework of the impact of the construction of national identities on citizenship. The issues are evaluated with specific references to the civic and ethnic types of nations and their implications both for the identity construction and citizenship issue.

---

[73] C. Giordano, "The Comeback of the National State: Ethnic Discourses in East Central Europe" in B. Balla and A. Sterbling (eds.), *Ethnicity, Nation and Culture – Central and East European Perspectives* (Hamburg: Krämer, 1998), p. 105.

2. 1. Citizenship and Nationality

Citizenship in nation states creates the division between 'us' and 'them' and leads to partial opening towards 'others'. The partial opening, on the other hand, creates the institutional mechanisms of social selection and exclusion. Moreover, the history of citizenship, in this framework, has clearly demonstrated how narrow and contingent criteria are used in those kinds of selection processes. Therefore, it is not possible to ignore the fact that "citizenship has become a powerful tool of exclusion -implying 'social closure'- that allocates finite membership in particular polities across a universe of persons and peoples"[74] by restricting the participation of outsiders. So, nation states have the complete right to define who can belong to it or who should be excluded from it.

The 'closure effect' of citizenship can be embodied in the institutions, regulations and practices of the nation states, e.g. territorial border, universal suffrage, military services and citizenship regulations. In this context, all these different mechanisms are used by the states to establish a conceptual, legal and ideological boundary among citizens. More specifically, a particular bounded citizenry would be privileged by the nation states activities and mechanisms. Within this framework, the activities of the nation states comprise citizenship in two ways. First they impose a distinction among the categories and degrees of citizenship. Second, they arrange general rights and obligations, which can differ significantly in their applicability to various segments of the population.[75] This implies that nation states use citizenship as a fundamental tool to draw the lines between the groups of people, which should be overcome for an inclusive citizenship understanding.

In this framework, for a more efficient and civic-oriented understanding of citizenship, the problems mainly caused by the nation states, should be examined and understood carefully. Only this way would provide the opportunities to find the ways for the improvement of the meaning and implication of citizenship in the future.

---

[74] Klusmeyer, "Introduction", p. 14
[75] Tilly, "Conclusion", 253.

2. 1. 1. The Problems of the Nation States

As it was clarified above, the idea of combining citizenship with nationality was a powerful device in the era of nation states and nationalism. Accordingly, as it can be seen in Richard T. Ford's words, "a nation is defined by its territory and its citizens and the status of citizen generally refers to a relationship with a specific nation".[76] In other words, citizenship derives its power from the nation state and citizens are identified with the members of the nation. So, within the nation state formation, in the name of the will of the people, the state is forced to recognise only 'nationals' as citizens, to grant full civil and political rights to those who belong to the national community by the right of origin and the fact of birth. However, such an understanding shows us the fact, as Arendt clearly points it out, that under those conditions "the state is transformed from an instrument of law to an instrument of the nation"[77] with the implication that the law of a country could not be responsible for persons insisting on a different nationality. Due to its limitations and restrictions, the nation state model has been mostly criticised in recent years. The criticism reached to its highest point with the development of the alternative post-nationalist and multicultural ideas of the political organisations and with the emergence of a vast number of nationally frustrated peoples. The minority groups in different states deteriorated the problems within the nation states.

Therefore, although historically nation states and their membership were the main determining factors on the development of the definition and recognition of citizenship, this fact should not prevent us from recognising and identifying some challenges to the nation state model especially in the post-World War II era. In this period, both globalisation and regionalisation attempts led to the loss of the importance of the nation states as the basic political framework of culturally homogeneous citizenry. In the age of the globalisation, the relation between the people and land is disturbed due to the emergence of large numbers of long-term residents who are ethnically or culturally diverse. The deviations, instead, emerged and generated new

---

[76] R. T. Ford, "City-States and Citizenship" in T. A. Aleinikoff and D. Klusmeyer (eds.), *Citizenship Today – Global Perspectives and Practices* (Washington D. C.: Carnegie Endowment for International Peace, 2001), p. 210.
[77] H. Arendt, *The Origins of Totalitarianism* (New York and London: Harcourt Brace & Company, 1973), p. 275.

models and practices such as the proliferation of statuses of partial membership, the declining value of citizenship, the increasing number of people with dual citizenship and the exclusion of large numbers of long-terms residents from the franchise. In that sense, if all individuals, regardless of their nationality or ethnicity should not be granted citizen rights and fulfil their responsibilities, some groups of the population within the state borders, e.g. legal residents, guest workers or refugees, can be perceived as outsiders or second-class citizens by the dominant culture of the polity.[78]

Moreover, another important challenge to the idea of the nation state appeared with the emergence of plural and multi-cultural societies. Although nation state model assumes a degree of homogeneity among the population, this homogeneity can hardly exist anywhere in the world. In practical term, almost all states are multinational and contain many ethnic and cultural differences. Therefore, in such kinds of societies it is very difficult and impractical to connect the idea of citizenship to the nationality principle, which would exclude large parts of the population outside of the citizenship practices. Through cultivating nationalist sentiments and by linking this sentiment to the definitions of citizenship, political elites have often emphasised the exclusive dimensions of citizenship instead of its inclusive potential. In that sense, while trying to create unity and symmetry between citizens, the states may deny and suppress differences. In other words, state's theoretical neutrality masks its attitudes towards the minorities who become subject to exclusion and discrimination.

Those criticisms to nation states prove the fact that "it is no longer possible to retain the link between citizenship and the closed and exclusive form of political community that is the state, whether that state be national or regional in character".[79] Therefore, in the modern world, the arguments favouring the importance and dominance of nationality seem more and more unconvincing. On this point, we have to take into consideration Faulk's assumption saying that "although during the time of the French Revolution nation was a useful concept to undermine the privileges and introduce a

---

[78] Within this framework, one of the mostly seen and realised groups among the second-class citizens are the minority groups who are different by virtue of their culture, race or religion from the majority of the population.
[79] Faulks, *Citizenship,* p. 161.

more egalitarian type of citizens, the recent political realities proved the fact that in our times nation is becoming a barrier rather than a supporting pillar of citizenship".[80]

In the light of above mentioned discussions, it can be argued that if the contradiction between the universalism of citizenship and the exclusivity of the nation state is to be overcome, citizenship has to be uncoupled from both the nation and the state to have more egalitarian implications. The fusion of these concepts in the form of the nation state may lead to citizenship increasingly confused with nationality and attaining a cultural as well as a political status. In that case, we can argue that citizenship reflects the exclusivity similar to nationality, although it is assumed as an inclusive concept to bind different people having various cultural, religious or ethnic backgrounds. Therefore, instead of nationality, some other criteria and ways have to be found to grant citizenship status. Only such a way would increase the opportunity for those groups to participate in the wider society and to eliminate 'marginal status' of the minorities.

Especially starting from the 1960s, the classical model of the nation state membership, which implies congruence between membership and territory, has been questioned and "citizenship is taking increasingly nonnational forms".[81] In other words, various practices and experiences of citizenship exceed the boundaries and jurisdiction of the territorial nation states where ethnic, linguistic and religious divisions have been felt to a considerable extent. In those ethnically, linguistically and religiously diverse states, it is becoming extremely difficult to build a feeling of national identity and common citizenship.[82] Therefore, in this period when the limits of the nationness or national citizenship became inevitable, the debates about personhood and human rights intensified with the aim of minimising the exclusive privileges of citizenship. The notion of post-national citizenship has appeared during this period. As one of the most influential advocators of the concept, Yasemin Nuhoğlu Soysal describes post-national citizenship as the "reconfiguration citizenship from a more particularistic one based on

---

[80] *ibid.*, p. 42.
[81] L. Bosniak, "Denationalising Citizenship" p. 241.
[82] In that sense, identity politics undermines the nation state from within by fragmenting the idea of 'a people' and the main question appears whether citizenship can accommodate identity politics as a rule, rather than exception. See Ford, "City-States and Citizenship", p. 212.

nationhood to a more universalistic one based on personhood".[83] Within this framework, instead of nationality, universal human rights have been the basis of the post-national citizenship and those universal human rights replace national rights, while, at the same time, universal personhood replaces nationhood. The spread of trans-national norms and the discourse of human rights across the boundaries of nation states have made this model as a valid and applicable one. In this context, the main differences between the traditional nation state citizenship and post-national citizenship can be seen in the table below.

Table 2. 1: Comparison of National and Post-National Models of Membership

DIMENSION	MODEL I: NATIONAL CITIZENSHIP	MODEL II: POST-NATIONAL MEMBERSHIP
Time Period	19th to mid-20th century	Post-war
Territorial	Nation state bounded	Fluid boundaries
Congruence between Membership and Territory	Identical	Distinct
Rights/Privileges	Single status	Multiple status
Basis of Membership	Shared nationhood (national rights)	Universal personhood (human rights)
Source of Legitimacy	Nation state	Trans-national community
Organisation of Membership	Nation state	Nation state

Source: Y. N. Soysal, "Toward a Postnational Model of Membership", in G. Shafir (ed.), *The Citizenship Debates – A Reader* (Minneapolis and London: 1998), p. 192.

Although post-national membership has gained prominence with the recent trans-national developments, the world politics in the 1990s has proved that it would still be a tough issue to expand the notion of post-national citizenship in the era of national struggles, fierce conflicts for ethnic and national closure and violent attacks of anti-foreigner groups throughout Europe. Because, in the countries where nation-

---

[83] Y. N. Soysal, "Toward a Postnational Model of Membership" in G. Shafir (ed.), *The Citizenship Debates – A Reader* (Minneapolis and London: 1998), p. 189.

building processes are still under way or are contested by alternative groups and ideologies, national citizenship still constitutes a significant category to be constructed. Therefore, the challenges to the nation states should not lead us to ignore their importance and domination completely. They are still one of the most powerful actors in the political space and determine most of the developments and regulations within their borders.

The studies and debates dealing with the effects of the nation states on citizenship have centred on the two models of the nation states, namely the Enlightenment's liberal model and the Romanticism's *völkish* model or in other words the civic and the ethnic models. Both models are extremely important and have different impacts and influences on citizenship. Therefore, it is essential to examine and compare the nation states models in both parts of Europe from a historical perspective. In this paper, this comparison is evaluated with references to the French and German nation state models in West Europe, and the ethnic nation states models in the East. This way can provide us the opportunity to understand different approaches and practices of the CEECs in terms of their citizenship debates and discussions.

2. 1. 2. The French and German Nation State Models in Europe

In continental Europe, mainly two countries, France and Germany, represent two different traditions, the civic and the ethnic models respectively, in terms of the nation state understanding. Those differences are also the main factors behind the differences in their citizenship practices.

Within the French case, nationhood and citizenship have the influences of the French Revolution and the Republican ideas. The French Revolutionaries were the first to introduce the term nation with its modern meaning. In the early periods of the revolution, the unity of universal rights and the nation were interpreted in an extremely extensive and inclusive way. Political rights were extended to the foreigners. It was accepted that a man from another country would become a French citizen, if he had a son born in France, if he owned property within the territories or was married to a French woman. So, the rights were intended to reach the boundaries of the state and

applied to all men regardless of nationality[84], even the men could be subject to certain criteria. This fact implied that during the times of revolution, the French state was regarded as the nucleus for a larger and universal state with the implication of universal dimension of membership in the French political community. This enabled the outsiders to join the French national community with the only condition of identifying themselves with its common interests and political values.[85] Here, it has to be emphasised that such identification can only be achieved familiarity with language. Therefore, knowledge of the French language gradually became a *sine qua non* for effective citizenship. At this point, however, it has to be underlined that the countries are usually criticised because of the conditions they impose for granting citizenship status.

Because the nation is defined in purely political terms in France, the state and nation were congruent and coextensive which leads to the confusion of the boundaries between citizenship and nationality. Accordingly, the nation is conceived in relation to the institutional and territorial frame of the state and the political unity is understood to constitute nationhood. In this case, membership of the nation is determined by the institutionalisation of the political-legal form of citizenship. Moreover, citizenship, as the political conception of nationhood dominated nationality as cultural conception of nationhood. So, the system presupposes a political conception of membership implying that the state can turn strangers into citizens. This gives us the impression that the definition of nationhood and citizenship in France seems to reflect a universalist, unitarist, assimilationist, state-centred and secular understanding.[86]

In this framework, the revolution had brought a new conception of citizenship, which stressed the universal and egalitarian potential. The nation became a voluntary association of free and equal citizens who enjoyed membership of the community by virtue of their residence on national soil, irrespective of their ethnic origins or religious beliefs. So, citizenship is divorced from ethnicity or nationality. Hence, "civic framework of citizenship was an embodiment of the values of liberal individualism, in

---

[84] For detailed analysis of the implications of citizenship in France, see R. Brubaker, *Citizenship and Nationhood in France and Germany,* pp. 39-49.

[86] R. Brubaker, "Immigration, Citizenship, and the Nation state in France and Germany" in R. Beiner (ed.), *Theorising Citizenship* (New York: City University of New York Press, 1995), p. 139.

the form of liberal nationalism".[87] Within this context, not common ethnic and cultural properties, but rather the practices of citizens who exercise their rights have gained importance and prominence. The rights would no longer be granted to the privileged groups only, but instead would reside in the individual citizens in the context of the nation, representing the will of the people. Moreover, citizenship also meant the serving of the nation through the performance of the civic virtues and military obligations. This fact, on the other hand, implies that the revolution was more than the individual independence through the performance of the rights; on the contrary it stressed the collectivist approach of citizenship implying the symmetry between the individual and the nation through obligations, as well as rights.

The achievements of the revolution, on the other hand, were lost in the years of the reaction under the Napoleonic rule and the idea of voluntarist approach to citizenship was periodically challenged. The pressure of wars and revolutionary upheavals led to the abandonment of more inclusive elements of the French Revolution. Instead, in time, while the subjects became the citizens, they were increasingly expected to belong to a "dominant ethnic culture of one language and one tradition"[88] Under those conditions, in the 19th and 20th centuries, citizenship has been practiced by the elites to assert national identity at the expense of the cosmopolitan elements of the French revolution.[89] Moreover, the state boundaries led to greater divisions not only between citizens and strangers, but also among citizens within the state boundaries.

When we mention about the French model of citizenship, it becomes inevitable to deal with the German model, which characterises another framework for the citizenship regulations and practices in Europe.

In contrast to the French model, the idea of the German nation is not a political one and not linked with the idea of citizenship. In the fragmented German kingdoms and principalities, the void between political citizenship and the nation led to the alternative tradition of the Romantic and *völkisch* nationalism reflecting an ethno-

---

[87] Shafir, "Introduction", p. 16.
[88] R. Caplan and J. Feffer, "Introduction" in R. Caplan and J. Feffer (eds.), *Europe's New Nationalism – States and Minorities in Conflict* (Oxford: University Press, 1996), p. 6.
[89] Faulks, *Citizenship*, p. 35.

cultural understanding of nationhood. In that sense, the cultural dimensions of the German nation have always been more strongly pronounced than its political ones. According to this understanding, nations are all radically different from one another because of distinct cultural markers of their members, such as language, religion and history. They are inscribed into the identity of their members, so individuals were regarded as obliged to their nations and were required to demonstrate an ever-growing loyalty to the nation state at the expense of their individual rights. Therefore, as opposed to the French one, the German form of citizenship and nationhood characterises the particularist and *Volk*-centred model. In other words, as Brubaker describes it, the pre-political German nation is generally conceived as "organic, cultural, linguistic and racial community".[90] Historically, the German nation is conceived less and less frequently in the traditional political context and more and more frequently as an apolitical, ethno-cultural entity.

The two different approaches (civic or liberal and Romantic and ethno-cultural nationalism) have given rise to conflicting theories of nationhood and citizenship, as well. While the first one demands rights for the members of the nation on individual basis and individuals are known through their rights, the latter demands them on the national collective and the individuals are characterised more by their identities. As a result, in the case of French model the nation is seen as a territorial community and citizenship is granted to those born in this territory. Accordingly, the expansive French politics of citizenship reflects a state-centred and essentially political national self-understanding. In Germany, on the other hand, the main principle *jus sanguinis* implies the primacy and dominance of the descent and blood. In this country, there is no law provision for granting citizenship to second-generation immigrants because of its contradictions to the nationalist conception. Within this framework, it would not be wrong to argue that the French conception of citizenship was the consequence of a long historical struggle to break the legal and political monopoly of the society within the social system, while in the German case, citizenship represents a passive relationship to the state considering that it is primarily a state action.

---

[90] Brubaker, "Immigration, Citizenship, and the Nation state in France and Germany", p. 139.

However, we can also argue that despite the dominance of political conception in France and of ethnic conception in Germany, the characteristics of both types can be found in both countries. In the French case, these two these components have been closely integrated. Brubaker explains the reality in the way that in France "political unity has been understood as constitutive, cultural unity as expressive of nationhood".[91] In Germany, however, the political and ethno-cultural aspects of nationhood have stood in conflict with one another. Therefore, we see an opposing direction and trend in Germany where "ethno-cultural unity is the constitutive and political unity is the expressive aspect of nationhood".[92]

The traditions of the French political and German ethno-cultural understanding of nationhood continue still today and their reflections can be seen in the legal regulations about their status. Although the principles regarding the attribution of citizenship were regulated in 1889 in France and in 1913 in Germany, their impacts are valid within the current structures of both countries. As a result of those regulations, an important fraction of French post-war immigrants could obtain French citizenship, while only a negligible fraction of non-German immigrant to Germany could get German citizenship. By transforming the second-generation immigrant into citizens, France has formally recognised and guaranteed their permanent membership of state and society and has granted them full civil, political and social rights; although this is an open-ended question for Germany.

2. 1. 3. The Nation State in Central and Eastern Europe

When we look at the nation states and their main features, we can easily observe that nation state conception in CEECs shows some differences, when it is compared to its counterparts in the West. As it was specified in the above parts, the current and most important dispute on the issue of citizenship is the relation between the state-political and civil community and the national-ethnic or cultural- one. While the state was the main cause in the West, culture (language, history and origin) has more significance in Central and Eastern Europe (CEE). Therefore, as Slawomir Lodzinski points out, the

---

[91] *ibid*., p. 145.
[92] *ibid.*

difference between citizenship and national (ethnic) origin in CEE is of higher importance than in the West.[93] While the West European states tend to define citizenship in terms of the willingness to the civic values, irrespective of the religious roots or ethnic differences of the people, the post-communist countries in CEE rely on their history and define citizenship in terms of the ethnic origin. In that sense, as opposed to the allegiances to the civic virtues, they try to institutionalise the domination of ethnic majority and its influence in the country. Thus, in theory, the Western types of nation states and its civic citizenship attachment totally contrast its Eastern counterpart based on ethnic bondage. Therefore, George Schöpflin's suggestion that the attempts for the "the imposition of the values and beliefs of the Westerners on the Eastern part of the continent does not always create positive images and the Easterners might accept the West Europeans as patronising and insensitive towards themselves"[94] becomes evident in reality.

Broadly speaking, the roots of the differences in CEE can be found within the framework of the two oppositional models of nationhood, traditional to the study of nations and nationalism; "the civic, wherein membership in the nation is derived from a form of citizenship that is based on ethnically neutral political criteria and the ethnic, which bases membership on ethnic descent".[95] However, although this distinction is common to some of the scholars and academicians who prefer the civic type as the ideal model (it provides a neutral framework for community in which civic bonds overarch and thereby undermine the relevance of potentially divisive differences within a polity), some analysts are critical of such a dichotomy by claiming that such claims misrepresent the range of political tendencies displayed by the civic nations, particularly with regard to minorities and present a false case for their normative superiority. The following part focuses on the theoretical debates about the distinction between these two kinds of nations, which forms the background of citizenship understanding and practices.

---

[93] The English and French term "nation" means both a nation and state, while the Polish term 'narod' (nation) refers to the notion of a particular cultural community, which is clearly different from the notion of the state. See S. Lodzinski, "Polish Citizenship" , p. 151.

[94] G. Schöpflin, *Nations, Identity, Power - The New Politics of Europe* (London: Hurst & Company, 2002), p. 31

[95] N. Nedelsky, "Civic Nationhood and the Challenges of Minority Inclusion – The Case of the Post-Communist Czech Republic", *Ethnicities*, Vol. 3, No. 1, 2003, p. 86.

2. 1. 4. The Differences between the Civic and Ethnic Nations

Although nationalism is still the legitimising principle of politics and state-making in today's 'world of nation', it has to be acknowledged that not all nationalist movements create democratic regimes, because as Michael Ignatieff argues, "not all nationalisms include all of the people in their definition who constitute the nation".[96] This question 'who constitutes the nation' remains as the central point in most of the theoretical debates about nationalism and forces us to focus on two distinctive forms of the nations, the civic and the ethnic nation. Within this framework, in the CEECs, which have still been struggling for their nation building, it has remained an open question whether the regional countries would be headed for a West European type of a civic nation or they would follow their old practices and understanding in the way of forming an ethnic nation. The following part summarises the main points of differences between these two different types of nations.

The understanding of the civic nations takes its basis from the idea that the nation is regarded as a rational territorial association of citizens implying that people and territory belong to each other. In this framework, civic nationalism permits identity and citizenship through membership of the state irrespective of ethnicity or common ancestry implying the equality of all member of the state. According to this understanding, as Smith argues it, "the members are bound together by laws based on a contract freely entered into, and they come to form a political community living according to a single code of laws and sharing a single political culture in a recognised historical territory".[97] So, in this type of nation, the emphasis is on the shared participation within a political community, on civic and democratic values, rather than membership of any ethnic group. Accordingly, the members are obliged to obey a community of laws and legal institutions without any exception on the grounds of race, colour, gender or religion. The sense of boundedness, on inclusion or exclusion, is becoming vital to the community of citizens. In this framework, in the civic-territorial kind of nationalism, citizenship issue plays an important role as the "sense of solidarity

---

[96] M. Ignatieff, *Blood and Belonging: Journeys into the New Nationalism* (London: Vintage, 1994), p. 3.
[97] Smith, *The Nation in History*, p. 6.

and fraternity through active social and political participation".[98] Under these circumstances civic nation is based on political equality of all citizens and citizenship implies the legal equality of the rights and duties among the members of the political community. Moreover, this legal equality of the members of a political community presupposes the existence of a measure of common values and traditions among the population implying a common culture and civic ideology. Those types of nations are usually common in Western Europe where ethnic polities were gradually transformed into territorial nations within and through the operations and agencies of their states.

Ethnic nations, on the other hand, are formed on the basis of pre-existing *ethnie* and ethnic ties. In this framework, ethnic nationalism occurs when simply belonging to a particular community is given and when the ethnic community regards itself as distinct because of its shared historical ancestry, similar culture, the same religious background or identical language. In that sense, it becomes a question of transforming ethnic into national ties and sentiments through process of mobilisation, territorialisation and politicisation. The distinguishing feature of ethnic nationalism is its emphasis on a community of birth and native culture. According to this understanding, "the nation is conceived of as a spiritual principle and as a seamless whole transcending the individual members, the members are bound together by a myth of common origins and a shared historic culture, and they form a single cultural community living according to vernacular codes in a historic homeland".[99] So, the nation is the first and foremost a community of common descent. This view emphasised the importance of the elements like genealogy, populism, customs, dialects and nativism. The ethnic nations, in which the common origin and the descent ties have a great importance as the cement of the nation, are dominant in CEE. In this part of Europe, although territorial ideas have always been present, the ethnic concepts of the nation always play a much greater role and the rediscovery and revitalisation of ethnic ties have always been of utmost importance. Accordingly, as Keith Crawford argues "ethnic nationalism in CEE can also help a specific population develop a feeling of national unity and evolve its own sense of identity".[100] However, it has also to be emphasised that the consequences of

---

[98] Smith, T*he Ethnic Origins of Nations*, p. 136.
[99] Smith, *The Nation in History*, pp. 6-7.
[100] K. Crawford, *East Central European Politics Today, From Chaos to Stability?* (Manchester and New York: Manchester University Press, 1996), p. 126.

ethnic nationalism are usually negative within any society where the civic culture is weak. In those kinds of states, the basis of ethnicity often excludes minorities from the national community. Therefore, ethnic nations might have destabilising effects for the whole society through the persecution of minorities by the dominant ethnic group, the violent or non-violent break-up of existing multi-ethnic state or even inter-state conflicts.

Historically, the roots of the conceptual distinction between the two models of nationalisms and nation states, the civic and ethnic ones, can be found in the works of Hans Kohn who focused on the distinctions between them. According to Kohn, nationalism in West Europe is a 'political occurrence' and was preceded by the formation of the national state, or at least, coincided with it. In this area, nationalism had the goal of building a nation in the political reality and the nations grew up as union of citizens by the will of the individuals who expressed it in contracts, covenants or some other official documents. So, they integrated around a political idea. On the other hand, nationalism in CEE emerged in protest against and in conflict with the existing state patterns, "not to transform it into a people's state, but to redraw the political boundaries in conformity with ethnographic demands".[101] Nationalist ideas spread to CEE after they gained prominence and common acceptance in the Western part of the continent, but before a corresponding social and economic transformation. Therefore, the backward state of political and social developments led to nationalism, which found its expression in the cultural field. The idea of political integration around a rational goal is replaced by the integration around the folk concept. Within this general framework, Kohn specifically argued that western and eastern types of nationalism are essentially opposite to each other. He claimed that "Western nationalism as a rational, civic and legal one was connected with the concepts of individual liberty and rational cosmopolitanism of the 18th century, while eastern nationalism, on the other hand, tended towards opposite direction as irrational, particularistic and ethnic nationalism".[102]

---

[101] H. Kohn, *The Idea of Nationalism – A Study in Its Origins and Background* (New York: The MacMillan Company, 1961), p. 329.
[102] H. Kohn, "Western and Eastern Nationalisms" in J. Hutchinson and A. D. Smith (eds.), *Nationalism* (Oxford: Oxford University Press, 1994), p. 164-165.

Similar to Kohn, both Michael Ignatieff and Jürgen Habermas argue that the bonds of civic nationhood are produced by political principles and practices that transcend the ties of ethno-cultural identity. What Ignatieff says is that "civic model envisages the nation as a community of equal, rights-bearing citizens, united in patriotic attachment to a set of political practices and values".[103] In this framework, he clearly distinguishes the benign 'civic' forms of nationalism from an aggressive and exclusive 'ethnic' forms and argues that civic model of nationalism, as a democratic one, can include all people, regardless of their race, colour, creed, gender, language or ethnicity, who accepts the nation's political creed. More specifically, under this model, it is not the common roots, which hold the society together, but it is the law. So, by obeying some set of democratic procedures and values, individuals can reconcile their rights with their need to belong to a community. Similarly, Habermas argues that not the ethnical-cultural traits of life, but the constitutional principles rooted in the political culture provide the basis for the civic nationhood. Because, "the nations of citizens does not derive its identity from some ethnic and cultural properties, but rather from the praxis of citizens who actively exercise their civil rights".[104]

Anthony Smith, as another important theoretician on the subject, discusses the internal contradiction at the heart of the national state between a universal conception of citizenship with its uniform rights and duties, and an inevitably particularistic conception of the people, e.g. the community of which each citizen is a member. Within this context, he, without any doubt, challenges such conceptualisations and argues "all nations bear the impress of both territorial and ethnic principles and components, and represent an uneasy confluence of a more recent 'civic' and a more ancient 'genealogical' model of social and cultural organisation".[105] With this definition, he clearly articulated the inevitable tension within the modern state between two kinds of identity, the ethnic -pre-political identity of nationality- and the civic -political status of citizenship- ones. In this framework, he rejects the argument that within the context of the state, these two kinds of identity can exist separately. Because, every nationalism contains both civic and ethnic elements in varying degrees and different forms.

---

[103] Ignatieff, *Blood and Belonging,* pp. 3-4.
[104] J. Habermas, "Citizenship and National Identity – Some Reflections on the Future of Europe" *Praxis International*, Vol. 12, No. 1, 1992, p. 3
[105] Smith, *The Ethnic Origins of Nations*, p. 149.

Therefore, he is totally against the views supporting that civic nations are based on exclusively rational political ties and conducive to minority membership. Accordingly, those regimes applying a civic definition of sovereignty may not necessarily be more open and tolerant than those basing on an ethnic definition model and having ethnocultural forms.[106]

His assumption seems completely true and of provable, if we look at the practices of the 'theoretically' civic nation states. Although they emphasise their civic characteristics and guarantee the rights and benefits of the whole population within the state boundaries, those civic nations could easily lead to discrimination and exclusion in their practices. They may force the ethnic minorities to surrender their ethnic particularity and their collective rights and culture. They do this as the price for receiving citizenship and its benefits. Therefore, from the point of the minorities, this kind of nationalism could be as intolerant and uncompromising as ethnic nationalism. The ideology of civic nationalism and civic equality of co-nationals may delegitimise and devalue the ethnic cultures of the minority groups. Under those conditions, even though minorities could have citizenship rights, the marginalisation or repression of their cultures and attempts to assimilate their members can cause ethnonational conflicts as easily as in the case of ethnic nationalism.

Similar to Smith's argument, Bernard Yack and Kai Nielsen find the concept of civic nation as ideologically loaded and empirically unconvincing. Yack argues "it may be reasonable to contrast nations whose distinctive cultural inheritance centres on political symbols and political stories with nations whose cultural inheritance centres on language and stories about ethnic origin".[107] But it is unreasonable to interpret this contrast as a distinction between the rational attachment to principle and the emotional celebration of inherited culture. Accordingly, Yack's argument leads us to conclude that a civic nation can best be categorised as a myth. In a similar way, on the other hand, Nielsen argues "due to the lack of purely political conception of the nation, liberal or

---

[106] A. D. Smith, *Nations and Nationalism in a Global Era* (Cambridge: Polity Press, 1995), pp. 99-102.
[107] B. Yack, "The Myth of the Civic Nation" in R. Beiner (ed.), *Theorizing Nationalism* (Albany: State University of New York Press, 1999), p. 106.

otherwise, the distinction between the civic and the ethnic nation cannot be supported".[108]

In essence, the application of the civic and ethnic ideals can be useful as the tools to understand the conceptions of the nations in various cultural, social and economic settings. But, we have to be careful in dealing with those kinds of clear-cut categorisations. Because, the strict separation and classification between the 'civic' and 'ethnic' national understanding and between the West and the East could and would ignore the diversity within each nation and the tensions within each model. At this point we have to recall Günay Göksu Özdoğan's convincing argument that "the myth of civic versus ethnic model of nation and citizenship seems to be loosing its relevance by the increasing cultural diversity within the nation states all over the world".[109] To be more specific, analysts use the concept of civic nationhood to force states into adopting it as a model. In the same way, members of those states approve this model as the idealised vision of their political community. However, in reality, this is not always the case and, as Geneviève Zubrzycki states, the "civic and ethnic models are not as fundamentally opposed and mutually exclusive in practice as they are in theory".[110] In that sense, the civic model does not need to imply that culture is politically irrelevant in a particular community and that shared citizenship offers a way of transcending cultural differences and pre-occupations. The most workable and ideal formula, in other words, can be found in Nadya Nedelsky's definition saying that "neither the absence of any cultural, historical or linguistic ties, nor its members' exclusive identification with political principles, but the equality of the individual inherent in universal citizenship … defines the relationship between the citizen and the state as well as the political relationship among citizenry".[111]

From these general statements, it can be argued that civic liberties and ethnic communitarian traditions should not be seen as opposed to each other. Although the

[108] K. Nielsen, "Cultural Nationalism, Neither Ethnic nor Civic" in R. Beiner (ed.), *Theorizing Nationalism* (Albany: State University of New York Press), p. 127.

[109] G. G. Özdoğan, "Civic versus Ethnic Nation: Transcending the Dual Model?" in G. G. Özdoğan and G. Tokay /eds.), *Redefining the Nation State and Citizen* (Istanbul: Eren, 2000), p. 39.

[110] G. Zubrzycki, ""We the Polish Nation": Ethnic and Civic Visions of Nationhood in Post-communist Constitutional Debates", *Theory and Society* 30 (5), 2001, p. 629.

[111] Nedelsky "Civic Nationhood and the Challenges of Minority Inclusion", *p. 91*

choice between these two principles has been ideologically perceived as mutually exclusive and subject to either-or logic; from a sociological perspective, the nation-state is often based on political compromise between ethnicity and civil principles and "modern nations states are mixed by both ethnic and civil traditions"[112] and the conflict between them constitutes one of the dilemmas of the modern states. This fact proves our assumption that the two traditions of the civic and ethnic elements are complementary to each other and should be accepted as inseparable parts of modern nation-building process, which usually mixes the civic and ethnic traditions. This process is determined, in Will Kymlicka's words, by "the dialectic of civil institutional demands (centralising state power, citizenship policy, language laws, education, civil service etc.) and national ethnic claims".[113] Such a fact, on the other hand, implies a complex mixture of both liberal and illiberal characteristics. Therefore, as Özdoğan reminds us "in the world of multi-ethnic societies and poly-ethnic character of the nation states, the ways of reconciliation of universal civic values with recognition of ethno-cultural traits have to be found to strengthen the inclusive aspect of citizenship".[114]

In analysing the distinction between the civic and ethnic practices in CEE three factors have always been taken into consideration: tradition, its codification and its interpretation.[115] Accordingly, tradition implies the objects, patterns and practices of the past, which have some meaning and impact on the social presence. Their presence represents a link across a span of social time. Modern societies and the present social systems use this historical knowledge to construct their own new identity. Codes and codifications are the outcomes of the rational legislative attempts by authorities to construct the future. Constitutions, in that sense, are one of the many social codes for the restructuring of the modern societies. Interpretation of the codes, on the other hand, is an active process of applying a normative framework into everyday social reality and establishes the code's meaning in the present social condition. Within this framework, rebuilding of the political identities of post-communist CEECs has emerged as a

---

[112] U. Beck, *The Reinvention of Politics: Rethinking Modernity in Global Social Order* (Cambridge: Polity Press, 1997), p. 73.
[113] W. Kymlicka, "Western Political Theory and Ethnic Relations in Eastern Europe" in W. Kymlicka and M. Opelsky (eds.), *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe* (Oxford: Oxford University Press, 2001), pp. 21-53.
[114] Özdoğan, "Civic versus Ethnic Nation", p. 57.
[115] J. Přibáň, "Reconstituting Paradise Lost: Temporality, Civility, and Ethnicity in Post-Communist Constitution-Making", *Law & Society Review,* Vol. 38, No. 3, 2004, pp. 409-410.

complex, reflexive interplay of the new political codes (constitutions), pre-communist and communist civic and ethnic traditions and their present interpretations in the public domain. So, within this framework, it has to be emphasised that national and ethnic intolerance within the boundaries of identity construction were not re-invented or re-born in the post-1989 period. Rather, they represented a continuation of Communist policies mixed with pre-communist nationalist ideologies.[116]

In that sense, we can easily argue that the new political identities are being reconstructed in CEE by the re-entry of different civic and ethnic traditions of each nation, their codification in the legal systems and their re-interpretation regarding different governmental practices. The construction process has undeniable impact on minority positions and citizenship construction. Therefore, it is crucially important to understand and examine the role of the national identities on citizenship, which is evaluated in the last part of this chapter after discussing the position of minorities within the framework of the citizenship issue.

2. 2. Minorities, National Identity and Citizenship

Even though the concept of 'minority' seems to be a legal one, it actually owes its existence to a social-cultural reality, which relies on the phenomenon of "being seen different" or "creating the other".[117] In that sense, it should not be forgotten that minorities should be considered as a multi-dimensional one including not only religious, linguistic, cultural, but also some anthropological and historical dimensions. Especially starting from the late 1980s, when it became clear that the nation states are far from fulfilling the demands of different minority groups based on their different religion, language or ethnicity, the identity crisis of the minorities has emerged as one of the most problematic issue of the nation states. Considering the fact that historically the nation states have guaranteed the rights to their citizens and they have biased the identities in favour of the dominant cultural group, in practice most of the minorities have occasionally been denied citizenship for centuries and put at a disadvantaged

---

[116] *ibid.*, p. 420.
[117] S. Aydın, "Azınlık Kavramına İçeriden Bakmak" in A. Kaya and T. Tarhanlı (eds.), *Türkiye'de Çoğunluk ve Azınlık Politikaları: AB Sürecinde Yurttaşlık Tartışmaları* (İstanbul: TESEV Yayınları, 2005), p. 145.

position in terms of the social, cultural and practical considerations mainly because of the breach of the principles of equal respect and equal treatment.

Historically, the concept of minority is used to imply the "communities living in the political organisation of another (dominant) nation and having special national characteristics, while they are excluded from the equal participation and the use of the political rights in the whole political process".[118] So, its emergence and the development are closely related to the nation states. The acceptance of the existence of the minorities in the nation states as a 'problematic issue' has appeared with the rise of the nationalism within the framework of the formation of the nation states. Since the main principle behind nationalism and the nation states was the necessity of the congruence between the political and national boundaries[119], as it is clearly explained by Ernest Gellner, those states have accepted the view that they have to depend on a unified nation in terms of its cultural, political and economic characteristics. And, as Suavi Aydın states, the problem of the national minority emerged from the "conflict between the ideal of the homogenous nation and the reality of ethnic plurality".[120] In this context, the status of the minority groups as different from the nation of the state (the dominant ethnic group) is usually determined by decisions of the states in the international platforms or those groups would be subject to the "assimilation" or "trans-culturalisation" processes[121] through which they will be integrated into the core ethnic group or the nation. All these realities may easily lead to some identity problems of minorities.

The existence of minority groups is by no means an uncommon development in the contemporary world. More importantly, it does not seem to be a transient existence. Especially, the end of the cold war has increased the prominence of the minority issue and the protection of the minority rights within the European framework considering the fact that after the enlargement processes, the European Union will have significant number of countries as the new members, with their undeniable minority groups. On the

---

[118] Üstel, *Yurttaşlık ve Demokrasi*, p. 37.
[119] E. Gellner, *Nations and Nationalism* (Oxford: Blackwell), p.1.
[120] Aydın, "Azınlık Kavramına İçeriden Bakmak", p. 146.
[121] Assimilation means the gradual disappearance of the small minority group within the larger one without any direct force of the authority. On the other hand, trans-culturation implies the use of force by the authority applied to the small minority group, which is different from the larger one, to change its own culture, *ibid.*, pp. 146-147.

other hand, even the old members of the EU have minority populations who are less numerous but more integrated in the countries where they live. Because of those reasons, the minority issue has become an important one within the EU framework, not only for the minorities themselves, but also for the states in which they are living and for the whole European region. In parallel, international efforts and attempts have increased not only to develop the means and tools of addressing their problems and concerns in the societies and to find the ways of their protection, but also to create some mechanisms of promoting the culture of minority rights.

What has brought the historically important concept of minorities to the top of the European agenda was the rise of nationalism in the post-war CEE and the emergence of the ethnic conflicts in this region after the dissolution of their communist regimes. As it is argued by Hugh Miall, the wave of nationalism affected the minority groups in two ways.[122] First, there has been a strong consolidation attempts by the states by appealing to nationalism of the dominant majority people, which threatened to exclude minority groups. Second, the minority groups themselves demanded self-determination, which may lead to attempts to secede from the host states and create a state of their own. Under these conditions, the conditions for the conflict is most probable, when those in power perceive minorities as unreliable and when minorities have no confidence that states will respect their needs for identity and security.

Because of the above-mentioned reasons, in the contemporary world, establishing minority rights (the rights to achieve equal treatment; to practice their culture, religion and language and to participate fully in the economic and political life of the state) has appeared as one of the most critical issues under the new and changing international structure. The enjoyment of the universal human rights by the minority groups and the acceptance of the main principles of the equality and anti-discrimination for the protection of the minority groups were the main principles in the post-World War II era. Nevertheless, those principles have reached their limits for the protection of minorities. Therefore, considering the fact that they have no longer been compatible with the civic and democratic pluralism, it has become a commonly accepted view that

---

[122] H. Miall, "Introduction" in H. Miall (ed.) *Minority Rights in Europe – The Scope for a Transnational Regime* (London: Pinter Publishers, 1994), p.1.

a new kind of understanding and mentality should be developed to provide more effective and efficient ways of protection for the minority groups and a more civilised understanding of multiple, freely chosen identities, which would make them able to express both their identities and rights without any restriction.

In practical terms, minority rights continue to be articulated and justified within the nation state, which is institutionally unprepared and ill-equipped to deal with such an open-ended politics of identities. In the nation states the largest numbers of their citizens are members of a single nation, from which the state as a whole takes its character. All other citizens, on the other hand, are members of minority groups and they are unlikely to recognise themselves in the official history of the state. In other words, while those nation states are in favour of articulating national goals, defending national interests and strengthening the national identities (which are fused with that of the membership of a state), it is usually difficult for the minority groups to develop and flourish their own identities. Because, under those circumstances, the nation becomes synonymous with the state and the minorities are forced to embody in the nation state systems both politically and constitutionally. However, this led to the vulnerability of the minority groups meaning that although the nation states, through the ideology of nationalism, can find the opportunity to favour the idea of political equality among the nationals as members of the state, at the same time, it would face the un-homogenised or the culturally (e.g. religiously, racially or linguistically) unassimilated groups within the nation as non-nationals, living within the territory of the state, but representing the culture and interest of other nations. In this framework, the minorities feel to be subordinated to the power of the nation state. However, such an understanding and policy of the nation states would be available and easily applicable for the culturally homogenous population, which is rarely the case in the culturally plural societies. Therefore, it is becoming more and more urgent for the state, "to increasingly depend for the legitimacy of its power on the entire people conceived not in ethnic terms, but as a political community of citizens".[123]

---

[123] D. L. Sheth, "The Nation State and Minority Rights" in D. L. Sheth and G. Mahajan (eds.), *Minority Identities and the Nation state* (Oxford: University Press, 1999), p. 19.

2. 2. 1. Definition of Minority

Although the 1990s witnessed the increasing saliency of the minority issue and the theoretical and practical debates, discussions and researches on the subject have reached to the highest point, there has still been an important problem behind all those attempts; the lack of any consensus on the universally valid and satisfactory definition of the term of minority. The lack of a firm definition and foundation of the minority and minority rights implies that it is still unclear what minority and minority protection constitute. Therefore, different interpretations may emerge from the vague wording of the official documents concerning the legal protection of the minority rights.

Even in the European framework, the forms of national or ethnic minorities vary to such an extent that it is virtually impossible to find a broad definition, which could cover all minority situations. On the other hand, we can recognise some attempts for finding the definition or common criteria to explain what minority means. As an important academician on the subject, Rajeev Bhargava identifies three distinctive features of being a minority group. One of them is 'self-identification', which implies that the groups must view themselves as minority. In that sense, both minority and majority consider themselves as different and in the mind of others thought of as a separate group. The second one is the belief that the 'own-identity-constituting' features of the minority group have the power to shape the structure of some social and political order. The third one is the fact that it is only when this belief is accompanied or followed by the 'inability to exercise power' that the resulting sense of impotence breeds a perception of disadvantage.[124] On the other side, the mostly used and commonly accepted definition of minority is proposed by Francesco Capotorti who describes the concept as "a group numerically inferior to the rest of the population of a state, in a non-dominant position, whose members -being nationals of the state- possess ethnic, religious or linguistic characteristics, differing from those of the rest of the population and show, if only implicitly, a sense of solidarity directed towards preserving their culture, traditions, religion or language".[125] As it can be inferred from

---

[124] R. Bhargava, "Should We Abandon the Majority-Minority Framework?" in D. L. Sheth and G. Mahajan (eds.), *Minority Identities and the Nation state* (Oxford: University Press, 1999), p.172.
[125] F. Capotorti, *Study on the Rights of Persons Belonging to Ethnic, Religious, and Linguistic Minorities,* UN Doc. E/CN.4/Sub.2/384/Rev.1, 1979, p. 96.

this definition, a minority group is differentiated from others in the same society by language, religion, culture, history, nationality, race or ethnicity. But, what Capotorti emphasises is that citizenship of the state of residence is a prerequisite for membership of a minority protected under the international law.

In a similar way, the official documents developed by the Council of Europe define national minority in a way to accept that only citizens of a state can fall within the scope of the definition. For example, a proposal prepared for the "European Convention for the Protection of Minorities" adopted by the European Commission for Democracy through Law (Venice Commission) of the Council of Europe declares in Article 2.1 (8 February 1991) that

> "For the purposes of this Convention, the term 'minority' shall mean a group which is smaller in number than the rest of the population of a State, whose members, who are nationals of that state, have ethnical, religious or linguistic features different from those of the rest of the population, and are guided by the will to safeguard their culture, traditions, religion or language".[126]

On the other side, "Recommendation 1201 on an Additional Protocol on the Rights of National Minorities to the European Convention on Human Rights" dated on 1 February 1993 defines a national minority in Section I. Art. 1 as follows:

> "For the purposes of this Convention (Convention on the Protection of Human Rights and Fundamental Freedoms), the expression 'national minority' refers to a group of persons in a state who: … reside on the territory of that state and are citizens thereof; [...]".[127]

As another example, the "European Charter for Regional or Minority Languages", adopted by the Council of Europe on 5 November 1992, also uses the criterion of citizenship as demonstrated in the Part I. Art. 1:

---

[126] European Commission for Democracy through Law - Venice Commission, CDL/MIN (93) 6 and 7.
[127] <http://assembly.coe.int/Documents/AdoptedText/ta93EREC1201.HTM> (15/02/2007).

For the purposes of this Charter:

a. "'regional or minority languages' means languages that are:

i. traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and [...]".[128]

Besides the difficulty of the definition of minority, another important problem is that most of the international human rights conventions and agreements define minority rights fairly narrowly. There is no reference to minorities either in the United Nations Charter or in the Universal Declaration of Human Rights. It only consists of the protections offered under international law and international covenants, such as the European Convention of Political Rights and the commitments under the Conference on Security and Cooperation in Europe. On the other hand, though, there is no formal system of imposing sanctions on member states, which breach the rules and principles. As Bugajski highlights those rights include the "rights of individuals to non-discrimination, cultural development and religious freedom, in addition to the freedom of speech, assembly and organisation".[129] However, such universal principles of liberty and equality are mainly on the individual basis and do not provide any specific rights to minorities as collective entities. In other words, most of the international organisations and their documents[130] treat the international protection of minorities as a part of international human rights protection. Within this context, what has to be specified is that a broader definition of minority rights should be ratified by each government and those definitions have to be precise on the questions of non-discrimination, the promotion of tolerance, minority education and culture, affirmative-action programs and appropriate political representation.

In the contemporary world, minorities are mostly subject to discrimination and exclusion mainly because of the lack of their social or political power and the inefficiency of the major instruments of the international law to provide the efficient

---

[128] <http://conventions.coe.int/Treaty/EN/Treaties/Html/148.htm> (15/02/1997).
[129] J. Bugajski, *Ethnic Politics in Eastern Europe – A Guide to Nationality Policies, Organisations, and Parties* (Armonk, New York and London, England: M. E. Sharp, 1995, p. 433.
[130] The documents of the Organisation of Security and Stability in Europe, resolutions of the Parliamentary Assembly of the Council of Europe and Regular Reports on the former accession countries prepared by the European Commission.

mechanisms for the protection of minorities. In this context, collective cultural rights would enable the minority groups to affirm and express their cultural identities and interact with the wider society. These are important for minorities to be recognised as an integral part of the society. Only such an approach can prevent the discriminatory attitudes and policies towards them.

In western liberal democracies, collective group rights are being debated at a time when community life has substantially weakened and communities have considerably disintegrated. Furthermore, the defence of minority rights is being offered when the basic rights of citizenship have been extended to communities that were previously excluded from the political process. So, "the contemporary western discourse on minority rights is concerned overwhelmingly with the cultural rights of communities".[131] After general discussion about minorities and the definition of the concept, the following part of this chapter, moves on to the relationship between the minorities and their identity and citizenship status. In this framework, one of the basic concerns is the community rights that are being asserted to counter the devaluation and marginalisation of minority cultures within the nation states, which at the end, leads to the erosion of their cultural identities. So, through those cultural rights and practices, the minorities can justify their claims by challenging the liberal ideal of universal citizenship and homogenising character of the social, cultural and educational policies of the state, and replace them with the idea of multicultural plurality and multicultural discourses.

After general discussion about minorities and the definition of the concept, in this part of this chapter, the next part evaluates the relationship between the minorities and their identity and citizenship status.

2. 2. 2. Minorities and Citizenship

The existent definitions of minority refer to citizenship as a necessary precondition of minority status. So, as Lutz R. Reuter states, "minority rights and legal

---

[131] G. Mahajan and D. L. Sheth, "Introduction" in D. L. Sheth and G. Mahajan (eds.), *Minority Identities and the Nation state* (Oxford: University Press, 1999), p.1.

claims against possible discrimination are bound to the status of being a citizen".[132] This fact can easily be recognised in the objective criteria of being a minority identified by Naz Çavuşoğlu in the following way; the existence of a group having different ethnic, religious or linguistic characteristics from the majority of the population, the necessity of being in a minor position within the whole population, non-dominant position of this minority group and the citizenship status of the members of the minority group with the state.[133] From this point of view, we can argue that citizenship, which can and should be considered as a factor "… in protecting and including minority and migrant groups within multicultural societies"[134], is a key term in all debates about minorities. In a similar way, James Mayall argues "unless minorities are prepared to view themselves primarily as citizens rather than as members of an ethnic community, the potential for the civil conflict will always be present".[135] On the other hand, reference to the citizenship to get the status of minority may cause some serious conflicts and leads to the problem that whether those who are not citizens and especially the migrants called as the new minorities would benefit from the minority rights. As Çavuşoğlu reminds us, "all definitions of minority leave the migrants and refugees who do not have citizenship status out of the scope of the minority".[136]

The relationship between minorities and citizenship status can be understood from different points of view, e.g. political rights of minorities and their representation both in the national and local platforms or the position of the minority with respect to religious and cultural rights. At this point we have to admit that the restrictive citizenship framework of the nation states depending on 'us' lies as the main factor behind the identity demands of the minorities, which are important for their equal status in terms of their religion, language or ethnicity. These are important factors for the

---

[132] L. R. Reuter, "Ethnic-Minority Groups in Germany: Life Chances, Educational Opportunities, Minority Group Identity, and Political Participation" in Russell F. Farnen (ed.), *Nationalism, Ethnicity, and Identity – Cross National and Comparative Perspectives* (New Brunswick and London: Transaction Publishers, 1994), pp. 214-215.

[133] N. Çavuşoğlu, "Azınlıkların Korunmasına İlişkin Uluslararası Normlar", in A. Kaya and T. Tarhanlı (eds.), *Türkiye'de Çoğunluk ve Azınlık Politikaları: AB Sürecinde Yurttaşlık Tartışmaları* (İstanbul: TESEV Yayınları, 2005), pp. 188-189.

[134] L. Schuster and J. Solomos, "Rights and Wrongs Across European Borders: Migrants, Minorities and Citizenship", *Citizenship Studies,* Vol. 6, No. 1, 2002, p. 38.

[135] J. Mayall, "Sovereignty and Self-Determination in the New Europe" in H. Miall (ed.) *Minority Rights in Europe – The Scope for a Transnational Regime* (London: Pinter Publishers, 1994), p.7.

[136] N. Çavuşoğlu, *Uluslararası İnsan Hakları Hukukunda Azınlık Hakları* (İstanbul: Su Yayınları, 2001), pp. 27-28, 43.

minorities to recognise them as an integral part of the society. Therefore, one of the ways of the protection of the minorities is to have an extensive notion of citizenship and democracy including the minorities, even if citizenship cannot resolve all or even most of the problems facing minorities.[137] To be more specific, although they can be included as citizens civilly; social, political, economic or physical exclusion can be a mostly seen experience. In that sense, cultural and historical traditions and conceptions of the nationhood processes of different countries are the most effective determinant factors behind the national laws and practices of the countries and the minority groups are the mostly affected groups regarding the citizenship status and rights.

The criterion of citizenship in connection with minorities is being dealt with at different European platforms, although a European standard concerning the minority rights could not be developed by the EU itself. In this context, what has to be accepted, as a very general statement, is that as a minimum condition, each citizen has to be given an undisputed right to determine and express his or her ethnic identity and religious conviction and to associate with like-minded individuals for the purpose of maintaining his or her cultural, ethnic or religious self-determination.[138] In this respect, once more, citizenship has become one of the most of important issues for minorities and their rights. Because, the states would be able to deny a variety of rights and privileges, by denying citizenship to a large number of their inhabitants. Those states may exclude or make it much more difficult for minority individuals to be naturalised by using some additional criteria, e.g. language. Nevertheless, although it is usually argued that the individuals who apply for naturalisation should not be forced to learn the language of the state where they live, in today's world this has become a necessity, instead of a condition, for them. It is of their own interest and benefits to learn the language. Otherwise, some other problems and they can be forced to as isolated from the larger community. The problem only emerges, on the other hand, if the language requirement is imposed as the only condition of grating citizenship without providing some other incentives for the those individuals to enable them to integrate with the rest of the community and to feel as equal with other members of that community.

---

[137] Schuster and J. Solomos, "Rights and Wrongs Across European Borders", p. 50.
[138] Bugajski, *Ethnic Politics in Eastern Europe,* p. 434.

It is a general argument that antagonistic attitudes, which may polarise a minority, would disappear in the states where all citizens fully enjoy civil liberties and equal privileges. This can pave the way for a normal, peaceful and friendly coexistence among the various nationalities. Therefore in democratic, egalitarian and equally protective states fewer national minority problems seem to arise. But, in the states, where the state policies support discrimination, inequality and oppression minorities would fight for their own equality and rights. Although the basic claim of the minority groups is a more tolerant, inclusive and democratic society, this fact cannot easily be seen in most of the states, which try to minimise the scope of citizenship to exclude ethnic, religious or other kinds of minority groups. Such an understanding, on the other hand, may easily lead to demands and drives for separation from the state, to form independent administrative units and to achieve self-governance and autonomy. The lack of tolerance and mutual appreciation may disturb the peaceful and fruitful coexistence of both minority groups and nations living in an international community. In this framework, an ethnic or partly ethnic qualification for citizenship, which can be seen in some of the CEECs, is a challenge to the international agreements and it is necessary to remove the ethnic criteria from their citizenship laws. Because minority groups in this region usually contend that the rights they possess as individual citizens are not sufficient to guarantee the maintenance of their cultural and ethnic identities, particularly during the unsteady process of political and legal transition. In liberal democracies, on the other hand, as Walzer argues citizenship seems as the best protection for the minorities, at least, against the usual forms of persecution and harassment.[139]

One of the most important points of discussion related to the relationship between the minorities and citizenship is taking place within the framework of the distinction between the public and private spheres implying that such a difference permits the individuals to get unified in the public sphere around the common values, while enabling them to continue their personal choices and traditions in the private sphere. However, drawing of the boundaries between the public and private spheres, on the other hand, enhances the dominance of the majority over the minority. Therefore,

---

[139] M. Walzer, "States and Minorities" in C. Fried (ed.), *Minorities: Community and Identity* (Springer, Verlag: Berlin, 1983), p. 226.

"this understanding necessitates the unconditional obedience of the minorities to those legal, political and economic structures organised by the majority in the public sphere, although they can feel free to practice their values and preferences, e.g. language, religion in the private sphere. However, such an understanding can easily lead to the isolation of different groups and prevent integration among different cultures".[140]

Keeping in mind all those discussions, it is important not to overlook that while the nation states are acting as protecting the minorities by extending some special rights to them and removing the obstacles for the exercise of citizenship rights, the nation states seek to integrate the national minorities into the national societies through their educational, cultural and social policies, which are, to great extent, in favour of the ethnic majority. Therefore, "the conceptualisation of the minority rights in terms of the citizenship rights is insufficient for protecting both the cultural identity and secular interests of the minorities".[141] The nation state policies can become the tools of prevailing their cultural and political hegemony. Therefore, within the framework of 'citizenship and minority rights' debates, there are some important points that should not be overlooked. First, citizenship should not be used as a way of limiting minority rights. Second, all individuals within a state should enjoy the same rights, regardless of citizenship. Within this general framework, it has to be accepted that the existence of minorities should be considered as the permanent feature of the states and a source of enrichment for European society. Minorities and majority groups should therefore be compatible with each another and this could only be achieved through the democratic means and procedures.

2. 2. 3. New Minorities

Traditionally, minorities are studied and defined within the confines of the classical understanding of the relationship between the state and minority group. In that case, the main reference points are considered as the historical ties with the state, the

---

[140] A. Kaya, "Avrupa Birliği Bütünleşme Sürecinde Yurttaşlık, Çokkültürcülük ve Azınlık Tartışmaları: Biarada Yaşamanın Siyaseti" in A. Kaya and T. Tarhanlı (eds.), *Türkiye'de Çoğunluk ve Azınlık Politikaları: AB Sürecinde Yurttaşlık Tartışmaları* (İstanbul: TESEV Yayınları, 2005), p. 39.
[141] Mahajan and Sheth, "Introduction", p. 25.

link to a traditional area of settlement and the citizenship of the state[142]. Those reference points, on the other hand, have been promoted by the countries, which fear the claims of the new minorities to a similar standard of cultural and political rights. However, within the new international structure, it has no longer been possible to talk about only historical and indigenous minorities. On the contrary, especially starting from the end of World War II, Europe has faced the existence of the new minority groups with their different political and cultural aspirations. In the 1950s, colonial minorities began arriving with the economic opportunities and the decline of European empires. Then in the 1960s, the contract worker came to the continent as the guest workers. Despite the problems in the 1970s due to the oil crisis, which led a decrease in the number of the guest workers, the new minorities started to grow in size again in the 1980s through three main channels: family reunion, the high birth and low death rates of their young population. All these factors have proved the fact the European countries have significant number of population groups called as new minorities.

New minorities have different statuses in the European countries where they are living. Thomas F. Pettigrew classified them as following[143]: Accordingly, the first category, which is the most favoured one at the same time, is the national migrants, those considered citizens who are seen as returning home. Pettigrew illustrates the Saxons from Romania for this group. In this framework, though separated from Germany for a long period of time, these *Aussiedler* return with full citizenship was automatically granted to them. The second category consists of the citizens of the EU countries living in some other EU countries, e.g. Portuguese in France or Germans in Denmark, who constitute large segments of a nation's foreign residents. Despite their foreigner status, they have the full rights under the EU agreements and regulations. The third category is the ex-colonial people who are familiar with the host country's culture and language. Indians in the United Kingdom and North Africans in France are the best examples of this category. The fourth is the recruited workers from such non-colonial countries as from Turkey. The 'guest workers' (*Gastarbeiter*) in Germany exemplify

---

[142] I. Tanase, "Defining National Minorities: Old Criteria and New Minorities", *Seminar Series "Citizenship and National Minorities in Europe",* St. Antony's College, Oxford University, January 2003 <http://www.sant.ox.ac.uk/esc/esc-lectures/Tanase.htm> (13/02/2007).
[143] T. H. Pettigrew, "Reactions Toward the New Minorities of Western Europe, *Annual Review of Sociology*, Vol. 24, 1998, p. 80.

this group properly. The fifth group as a large cluster among the new minorities, on the other hand, are the refugees and asylum-seekers. Accepted illegal immigrants are the sixth category of the new minorities, e.g. the African workers in Italy. Although they are not legal, they are known to authorities and tolerated as long as they are economically useful. However, these groups are vulnerable to the whims of the governmental authorities or the economy. The rejected illegal immigrants are considered as the last category of the new minorities. They are truly illegal and usually deported from the countries. Organised criminal groups from Russia are considered among the illegal immigrants.

Citizenship is a problematic issue for the new minorities as well. It is only the power of the state and its policies in terms of the settlement and citizenship, which determine the status of those minority groups. In most of the European countries, the basic rights are guaranteed only to the majority citizens, while the existence of the new minorities cannot be accepted within the limits of citizenship. Considering the dominance of the exclusionary view of citizenship of the countries, it would not be wrong to argue that the inability of those groups to obtain citizenship makes them subject to the discriminatory policies throughout Europe, which can easily lead to exclusion as well. It is a commonly accepted view that those who are granted citizenship status are more successful in their attempts for the integration into the larger community.

To conclude, it can be argued that if European states would be more democratic, tolerant and open-minded, it will be useful to start from Will Kymlicka's statement: "… national membership should be open in principle to anyone, regardless of race or colour, who is willing to learn the language and history of the society and participate in its political and social institutions".[144] In this framework, the content, scope and inclusiveness of the national culture and the modes of incorporation to it would be the reference points for the future well-being of the minorities.

---

[144] W. Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995), p. 18.

The previous two chapters indicated that national identities and identity politics have impacts on the feeling of identities. They are also important to determine the criteria of citizenship. At this point it is important to move on the relationship between national identities and citizenship.

2. 3. Impact of National Identity Construction on Citizenship

Safran's argument that citizenship "… defines the identity of individuals insofar as that identity is related to the role they play in the political community"[145] recalls us not to overlook the importance of the relationship between these two concepts. When we look at the historical developments of the last few decades, we can see that identity politics has become one of the central characteristics of the 1980s and 1990s. In this framework, the new international order, the demise of the grand narratives of modernity, the ideological and territorial transformation of CEE has created the background of identity crisis in both individual and collective sense.

In its origin, the socially constructed identities are created by the people and depend on their interests and ends. Because of the domination of some groups, national identities may reflect exclusive character in their nature. When a state embodies a single nationality, the culture that makes up this nationality drives out everything else. In that sense, national identities are used for the desire to homogenise the state's population by producing the overlap not only between citizenship and nationality, but also between citizens and nationals. However, it should not be forgotten that what the people make up can later be changed again by themselves. Therefore, as Spinner argues, "the meaning and importance of ethnic identity has changed considerable over the past few decades and will continue to change in the future".[146]

The above statements show us that national identities have undeniable roles for further discussions on and evaluation of the citizenship concept. In this framework, Smith suggests that one of the most important internal functions of the national

---

[145] Safran, "Citizenship and Nationality in Democratic Systems", p. 313.
[146] Spinner, *The Boundaries of Citizenship,* p. 17.

identities is the "socialisation of the members as 'nationals' or 'citizens'".[147] However, in this framework, those national identities would create some exclusionary tendencies and make some groups in the community subject to different forms of discriminatory processes. As Kymlicka clearly states "… many groups … may feel excluded from the 'common culture', despite possessing the common rights of citizenship … not only because of their socioeconomic status but also because of their sociocultural identity – their 'difference'".[148] The migrants, historically disadvantaged groups or national minorities are among those mainly due to their different socio-cultural identity. Therefore, in the modern and contemporary societies, any further studies about the citizenship theories have to take into consideration those differences to find some common basis or reference points among the individuals and groups that have fragmented identities, but at the same time wishing to live together politically. Only such an approach could minimise the marginalisation and exclusion of some groups of people in the society and to guarantee the effective exercise of their rights.

When we look at the historical background, we can see that in the post-World War II era, the identities and rights, as the two elements of modern citizenship, decoupled. Rights have increasingly assumed universality and are defined at the global level. Identities, in contrast, still express particularity and are conceived as territorially bounded. This reality has led to the fact that the universal status of personhood and post-national membership has conflicted with the national identities. Together with this fact, according to Habermas, three historical developments played an enormous role concerning traditional relationship between citizenship and national identity. Those developments are the future of the nation state, which has become one of the highly topical issues after the unification of Germany, the liberation of the CEECs and the nationality conflicts throughout the region; second, the development and enhancement of the supra-national institutions, e.g. EU; third the tremendous influx of immigration from the poor regions of the East and South.[149]

---

[147] Smith, *National Identity*, p.16.
[148] W. Kymlicka, "Nation-Building and Minority Rights: Comparing West and East", *Journal of Ethnic and Migration Studies*, Vol. 26, No. 2, April 2000, p. 370.
[149] Habermas, "Citizenship and National Identity", p. 1.

As a result of those relatively recent international developments, especially since the beginning of the 1990s, new forms of identity politics have appeared in the international platform. Since that time, it has become obvious that those identities are not the old identities derived from nationhood or common citizenship. On the contrary, they are the new, more fragmented identities and often shared with others outside the boundaries of the state. Accordingly, groups formed on the basis of common characteristics, e.g. ethnicity, religion, gender or sexuality have entered the political arenas in search of recognition and a remoulding of citizenship with the aim of reflecting these more fractionalised forms of personal identities. Within this framework, the identity politics appeared "in part to reflect the transmission of different cultures across national borders, and in part to reflect the desire for stronger, more direct forms of political identity that sub-state nationalism also embodies".[150] Therefore, the idea of nationhood and common citizenship has become under attack and the semantic connections between the national citizenship and national identity have started to loosen, when the classic form of nation state is disintegrating. More importantly, in the era of multi-layered array of national identities, it is becoming no longer possible to preserve or create simple culturally homogeneous nation states. Because of all these reasons, the insistence on the fact that citizenship is a common identity shared by all individuals would create certain problems both for the majority and minority groups in an era when citizenship is much more differentiated and far less homogenous concept than it is traditionally accepted by many political thinkers.

National identities can be considered as a particular form of collective identity in which people consider themselves bound together by a number of different factors, e.g. language, historical past, customs and traditions. In that sense, they are characterized by three different elements; civic, cultural and ethno-cultural identity. In this framework, the civic element of the identity is composed of five main components; attachment to a common territory, citizenship, belief in the same political principles or ideology, respect for political institutions and enjoyment of equal political rights, and the will to be a part of the nation. Cultural identity is based on nonpolitical cultural traits; language, religion,

---

[150] Miller, *Citizenship and National Identity*, p. 2.

and traditions. Finally, for ethnic national identity, shared ancestry and race are the dominant criteria, which define membership in the nation.[151]

Table 2. 2: Contents of National Identity

Content of National Identity	Key Component
Civic	Territory
	Citizenship
	Will and consent
	Political ideology
	Political institutions and rights
Cultural	Religion
	Language
	Traditions
Ethnic	Ancestry
	Race

Source: S. Shulman, "Challenging the Civic/Ethnic and West/East Dichotomies in the Study of Nationalism", *Comparative Political Sciences*, Vol. 35, No. 5, June 2002, p. 559.

Table 2. 2 above indicates that national identities are complex constructs and composed of a number of interrelated components, which differ in terms of their inclusiveness. For example, while it would be easier to adopt the cultural and some of the civic elements, it would be extremely difficult to meet the ethnic criteria. But, in a general sense, functionally all those elements signify the bonds of solidarity among the members of the political community, which is unified by shared memories, myths, and traditions. It is a commonly accepted view that constituting elements of national identity may change over time in response to political challenges. In this framework, Daniel Unowsky's argument seems totally true. He says that in CEE, "national identities were constructed through a process of negotiation with other categories of identities and everywhere complicated by competition within each national movement and

---

[151] S. Shulman, "Challenging the Civic/Ethnic and West/East Dichotomies in the Study of Nationalism", *Comparative Political Sciences*, Vol. 35, No. 5, June 2002, pp. 554-559.

competition between national movements existing in and staking claims to the same physical space".[152]

On the other hand, Schöpflin observes that "identity offers a rationality of its own, that neither a universalistic nor a particularistic perspective satisfactorily provides solutions to the problems of identity and citizenship".[153] But, on the contrary, the two have to be examined together. Ethnic identities are relationally defined; in other words, the political and cultural meanings ascribed to them should be formed and reformed in relation to those of other. So, it is obvious that over time these identities may change according to the historical conditions and changing cultures. However, what is common about the identities is that it always implies a relationship having both inward and outward dimensions. While the inward dimension gives an identity its cohesion, its outward dimension implies the sense of particularity. Therefore, within this framework, we should not overlook the possibility that the content of national identities in CEE may change in time and the civic elements of identity would increase its strength as opposed to the traditionally superior and dominant ethnic elements.

Considering all those different constituting elements of the identity, we can accept that the construction of national identity has become a complex process in the whole Europe. As Craig Calhoun argues, the most important characteristic of the contemporary world is that "identity turns on the interrelated problem of self-recognition and recognition by others".[154] But, within this perspective, what remained unchanged in the regional context is the fact that the dominance of ethnicity, as the exclusive character of the national identities, has always remained as the primary dimension of the national identity in CEE. In that sense, as Aleksandra Ålund argues, in this part of the continent, the search for identity seems increasingly to be mediated through the "fragmenting symbols and rhetoric of ethnicity, regionalism and localism,

---

[152] D. Unowsky, "Comments: Contesting and Constructing National Identity in Central Europe", *Nationalities Papers*, Vol. 29, No. 3, 2001, p. 493

[153] G. Schöpflin, "Identities, Politics and Post-Communism in Central Europe", *Nations and Nationalism* 9 (4), 2003, p. 479.

[154] C. Calhoun, *Critical Social Theory – Culture, History and the Challenge of Difference* (Oxford: Blackwell Publishers Inc, 1995), p.213.

while the national shows the tendencies of leaving universal".[155] So, with the crisis and insecurities and with the erosion of systems of integration, an increasing societal reflexivity in the identity-forming process on both individual and collective levels has emerged. On the other hand, new enclosures following ethnic lines were formed and the problem emerged for the multiethnic countries of CEE. This problem is mainly because of the efforts to create a national identity built around each country's dominant ethnic group. In that respect, we have to admit that the process of identity formation in the region took place around exclusionary discourses and practices. Their past nationalist traditions have continuously played important roles behind this understanding. The following chapter analyses CEE in terms of the impact of nationalism both on identity and citizenship construction.

---

[155] A. Ålund, "The Quest for Identity: Modern Strangers and New/Old Ethnicities in Europe" in H. R. Wicker (ed.), *Rethinking Nationalism and Ethnicity-The Struggle for Meaning and Order in Europe* (Oxford: Berg, 1997), p. 102

CHAPTER III

IMPACT OF NATIONALISM ON IDENTITY CONSTRUCTION

IN CENTRAL AND EASTERN EUROPE

Nationalism as a widespread and powerful ideology in the modern world has always been dominant in CEE and its attributes have different meanings and implications in various parts of the whole region. However, what is common behind all these definitions is that it can have both positive connotations as a historical force providing the political basis for democratic governance and negative ones with ethnic cleansing, forced assimilation and many other aggressive and hostile components of group assertiveness. Within this very general framework, it is of utmost importance to evaluate nationalism in CEE from a historical point of view to understand the current situation in the region. Because, the old established factors, some of which were historically felt and some of which newly emerged, have increased their strength in the last decade of the 20th century and led nationalism re-appear as a popular ideology in this part of the continent. In this framework, the breakdown of the empires, the division of the states and the transition processes of the CEECs from communism to liberal democracies have been accepted as the most determining factors behind the recent revival of regional nationalist tendencies. In this framework, it has become a necessity to evaluate the nationalism of CEE in a detailed way. Because, as Calhoun argues "nationalism helps to constitute not only violent programs of ethnic repression or civil war, but more commonly praised ideas of citizenship and patriotism".[156] So, this evaluation would provide us the background to understand the current citizenship regulations and practices of the regional countries.

Historically, nationalism began with the creation of the national identities in the 19th century. The process, later, developed with the wave of the state building after World War I and was followed by a period of revisionism in the 1930s and during World War II. The period between post-World War II and the late 1980s, however,

---

[156] Calhoun, *Critical Social Theory,* p. 233.

witnessed the freezing of the reconstituted nation states in the region, which inevitably resulted in the devaluation of the nationalist ideas. On the other hand, through the end of the 20th century, with the collapse of the communist system, the existing state structures were challenged by the systemic transformation. The regional countries felt their strength and prominence more strikingly and became conscious of their own national identities. Therefore, the process of nation building re-started in the post-communist restructuring, which led to the new regional and international system and inevitably nationalism once again became the most frequently troubling instance of identity politics of the region. In this framework, the following part of this chapter, concentrates on different time periods, post-World War I, the communist and post-communist periods, with clear references to the nationalist understanding of each of them. More importantly, it also evaluates how identity politics and citizenship policies of the regional countries have been shaped within the context of the history of nationalism.

3. 1. The Framework of Nationalism in Central and Eastern Europe

Generally, we have to admit that as different from its western counterpart, nationalism in CEE was "a defensive and integral one, demanding the absolute loyalty of every individual belonging to any given nation".[157] In this framework, integral nationalism implied the rejection of sympathy for and cooperation with other nations, promotion of militarism and imperialism and opposition to all personal liberties, when they interfered with the aims of the state. In this framework, as Peter F. Sugar articulates "loyalty to the nation state came before all other loyalties and even all kinds of relations within the society were subordinated to the ends of nations".[158] On the other side, the lack of coinciding ethnic, ethno-nationalist, linguistic and political borders, which is a historical reality of the region, has made Central and Eastern European nationalist tendencies and practices more aggressive and defensive.

From the 16th century, CEE has been witnessing a series of transformation-modernisation processes, which were imposed on them from outside as the factors

---

[157] P. F. Sugar, "Nationalism, The Victorious Ideology" in P. F. Sugar (ed.), *Eastern European Nationalism in the 20th Century* (Washington: The American University Press, 1995), p. 417.
[158] P. F. Sugar, "Introduction" in P. F. Sugar (ed.), *Eastern European Nationalism in the 20th Century* (Washington: The American University Press, 1995), p. 20.

affecting their nationhood processes. In the chronological order, the first of these external transformations was the Counter-Reformation (the Catholic Reformation), which introduced a new set of discourses and a new concept of order, although it could never be fully consensual, due to its competition with Protestanism.

The next attempt in transformation was the imperial one, the attempt by the absolutist state to construct a 'high capacity state' to be able to compete with the centres of power emerging in the West. This attempt was a typical example for modernisation from above and created fear among the sub-elites who tried to find the ways of resistance against the imperial projects to be able to survive. In this framework, they easily adopted the discourse of nationalism as the basis of their power against the empires and imperial projects. They insisted on their cultural and national power, as the basis of the ethnic definition of their nationhood. However, the use of ethnic discourses had more overarching effects and unintended consequences than their original thoughts. More importantly, the repercussions of the historical ethnic and nationalist discourses still affect the political communities in the region.

CEE spent the 19th century struggling against the empires and against one another to define and construct their own viable models of modernity. They took nationhood as the basic template, but by relying on the Western European impulses. At this point, we should not forget that what might work as an appropriate mechanism for the West could function differently elsewhere and produce unintended consequences. Actually, the process of modernisation was not an easy task for CEE. In general, the problem for them is that before the effects of modernity, political power was linked to the *mediaeval natio*, but the content of modern nationhood was somewhat different. To be more specific, it has to be said that with the new order (after the Congress of Vienna in 1815) the recognised political entities gained further recognition. But, on the other hand, unrecognised entities could not claim the status of being nations. Therefore, they could be subjected to the modernising attempts of the empires, which threatened them with absorption. In that sense, the CEECs felt that they had to define their own nations with a political dimension to extract political autonomy from the imperial rulers, although the latter was reluctant to give it away. In this framework, what has to be

recognised was the "collision of the discourses of empire and nationhood"[159], which inhibited the capacity to democratise the political communities in the region.

Within this struggle, local elites recognised that they had pre-modern power and tried to find the ways to modernise their power by nationalising it. In that sense, nationhood was equated with the culture, which was used as the basis of their power by the elites. So, membership of a culturally defined nation was the Central and Eastern European answer to the challenges of the time. However, under these circumstances, the relationship between the political and cultural power has become inextricable. However, on the other hand, this implies the fact that if the states would continue their roles in cultural reproduction, it would hardly be possible to separate political power and ethnic identity from each other. More importantly, the attempts of decoupling of political power from the culture, as an ethnic mobilisation, have emerged as the common reason for many conflicts and disagreements in the region.

With the settlement after World War I, state independence was accepted as a reality in CEE. Although it was an attempt for democracy and stability in the region, the consequences were different from the intentions. At the end of World War I, on the other hand, the four defeated empires (the German, Habsburg, Ottoman and Russian empires) that had dominated and ruled CEE for a long time were replaced by a dozen of new or restored or enlarged would-be nation states, all of which based their legitimacy on the then reigning principle of national self-determination. In this framework, it can be argued that the nation state formation of the regional countries ended successfully with the success of the explicit and specific nation states over the multi-national empires. But, it was a common knowledge that compared to its western counterpart the nation-building process started later in CEE and took a different direction. So, in this framework, it is quite logical to agree with Sugar's argument stating that "[Central and Eastern European] nationalism grew partly in response to foreign domination and thus became a movement of protest, particularly among the ethnic or national groups that had lost their political sovereignty to occupying forces".[160]

---

[159] Schöpflin, "Identities, Politics and Post-Communism in Central Europe", p. 487.
[160] P. F. Sugar "External and Domestic Roots of Eastern European Nationalism" in P. F. Sugar and I. J. Lederer (eds.), *Nationalism in Eastern Europe* (Seattle: University of Washington Press, 1969), pp. 3-54.

At the beginning of the 20th century as Josepf Rothschild and Nancy M. Wingfield argue "the spirit of the age was not supranational, as had been naively predicted during the war, but ultranational".[161] The region was inhabited by many ethnic groups and communities. Alongside the nations inhabiting precisely defined areas (Lithuanians or Bulgarians), there existed nationalities living in dispersion (Jews and Roma) and groups living on territory belonging to other nations as well as within areas of their own nation states (Germans, Poles and Hungarians). So, this structure made the region more vulnerable to the nationalist tendencies, in an era when the nationalist awareness became the dominant ideology at the beginning of the century. Admittedly, the main component of those several irredentist and revisionist territorial disputes in inter-war CEE was the ethnic implying one state's interest in a minority of its own nationality that were forced to live in another state and the host state's interest in its territorial integration and internal sovereignty. Consequently, as Piotr Eberhardt argues "the area became a vortex of national and ethnic tensions and conflicts".[162] Here, it has to be emphasised that the existence of ethnic minorities was nothing new in CEE. But, before WWI the region had been ruled by the empires where they were treated relatively better. The central elites were rather indifferent to the ethno-social and ethno-cultural heterogeneity of the subject populations than they do in would be nation states where comprehensive and integrationist ideologies and programs prevailed. The ethnic and national tensions and conflicts eventually surfaced during two world wars, froze in the post-World War II era and revived at the beginning of the 1990s.

3. 2. Post-World War I: Nationalist Policies and Practices

The nationalist movements of the CEECs were very influential during World War I. Those movements not only shaped the result of the war, but also led to the profound effects on the fate of the peoples of the region. In that sense, it would not be wrong to argue generally that the re-organisation of the map of CEE after World War I was full of problems for the future. First of all, there were many disputes between the

---

[161] J. Rothschild and N. M. Wingfield, *Return to Diversity – A Political History of East Central Europe Since World War II* (Oxford: Oxford University Press, 2000), p. 7.
[162] P. Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe – History, Data, and Analysis*, trans. by Jan Owsinski (New York and London: M. E. Sharpe, 2003), p. 443.

successor states themselves over territories. Second, many of the regional countries contained minorities. Actually, the defeat of the central powers at the end of the war liberated numerous national groups and profoundly altered national boundaries and inter-ethnic relations throughout the region. Based on the disintegration of the Austria-Hungarian Empire and the Treaty of Versailles, which changed the political map of the region completely, a peaceful order could be created in the region after the war, although the new order, which created significant political changes and boundary shifts in the region, could only last twenty years. The post-war system resuscitated the idea of nation state, which persisted even until the present time. Accordingly, some independent states, e.g. Poland and Czechoslovakia, emerged for the first time or reappeared. On the other hand, some existing states, e.g. Hungary, became a fully sovereign and relatively homogenous state in terms of its ethnic identity, after losing large parts of its territory. This reality proved the fact that while some of the countries became largely homogenous, some others remained ethnically extremely mixed.

When the war ended, as Henry Bogdan says "the people of these empires found the opportunity to become the masters of their own future"[163] with the fact that many former minority groups in the old empires assumed majority status. In this framework, the peace treaties in the post-war era represented a high point of nation-building with the proclamation of the principle of national self-determination. The principle was advocated by Woodrow Wilson to arrange the borders of the new states according to the ethnic-linguistic principles. In its essence, as John Ashley S. Grenville argues "Wilson's Fourteen Points had promised 'autonomous' developments to the peoples of the empire, not independence. Reform, not destruction, was the aim of the West".[164] But, later, it became clear that autonomy was not enough. On the other hand, it was very difficult to reconcile Wilson's ideals of national self-determination and national frontiers as the nationalities were so intermingled. When national self-determination was accepted as the main principle, multi-dimensional identities disappeared and every one had been forced to accept an ethno-national identity. It became a tough issue to agree who should form the majority in a state or which peoples must acquiesce in remaining minority.

---

[163] H. Bogdan, *From Warsaw To Sofia – A History of Eastern Europe* (Santa Fe, New Mexico: Pro Libertate Publishing, 1982), p. 155.
[164] J. A. S. Grenville, *A History of the World – From the 20ᵗʰ to the 21ˢᵗ Century* (London and New Rork: Routledge: 2005), p. 122.

Therefore, this situation, on the other hand, led to the fact that "politics of national identities became a high stakes game from which none could afford to exclude themselves".[165]

Despite the theoretical expectations, it was very difficult to apply those principles in a culturally, linguistically and ethnically diverse region where the ethnic identities had a priority among other identity types as a source of political legitimacy and where the ethnic basis of nationhood had a prominence among the nationalist movements of the area. Therefore, as Aviel Roshwald argues although "national self-determination principle was an acceptable way for the reconciliation of the two principles, namely nationalism and liberalism as the foundation of the liberal-democratic political systems in the region"[166], in the practical implications, the meaning of this idea could not be fulfilled and remained an ambiguous principle. The people were never consulted about their current situation and future expectations and, therefore, in practice, they could never have their national-self determination rights. The new political borders rarely coincided with the ethnic ones. On the contrary, those rights were applied in an arbitrary manner to meet the economic, political and strategic interests of the victorious powers. The deviations between the political and ethnic boundaries, on the other side, created national, language and ethnic minorities, and even the linguistically homogeneous people were cut by arbitrary lines. The states were forced to accept large number of ethnic groups living side-by-side, in communities transcending the national boundaries. Therefore, in conclusion, the principle of national self-determination could be accepted only as rhetoric.

The complicated texture of ethnic minority question reflected the fragile inter-war Europe, which let nationalism become the strongest force and tool of the restructuring processes of the regional states. Those nationalist policies and tendencies, on the other hand, intensified the nationality and national minority problem of CEE further, mainly due to the re-emergence of the suppressed conflicts. It was a kind of nationalism generally extreme and intolerant of religious and ethnic diversity and

---

[165] A. Roshwald, *Ethnic Nationalism and the Fall of Empires – Central Europe, Russia and the Middle East, 1914-1923* (London: Routledge, 2001), p. 197.
[166] *ibid.*, p. 159.

focused on the territorial issues. As a result, when, as Karen Barkey and states, "nationhood emerged as the most important project of the new states"[167], the post-World War I era left the field open to the violent contestation of the boundaries of national identities. Moreover, as Magda Ádám clearly points it out, all these factors explain "why antagonism of nation state and cultural entity is still so sharp in the region".[168]

When studying the post-World War I period, in terms of nationalistic understanding, it should not be forgotten that in this era "two conditions of West European nation states – 'homogeneity' of population and 'rootedness' in the soil- were introduced into Eastern and Southern Europe".[169] In other words, we can easily agree with Katherine Verdery's argument stating that "in the inter-war years, the redrawn map of CEE and state independence for most of the Central and Eastern European nationalities made it imperative to sharpen and modify the definition of the nation"[170] to maximise the internal ethic homogeneity and political stability of the new states; although this goal could never be achieved. In this context, the process of drawing boundaries, a process that was mostly dependent on the result of the war, played a powerful role in shaping national identities and in changing or limiting the terms of the debate about nationhood. Political realities made it difficult to have 'congruence of the nation with the state'. As a result, the existing ethnic setting was so complex in the nation states and the interests of particular nations so conflicting that it was impossible to devise boundaries in a way that could satisfy everyone. Therefore, the new states of the post-World War I period were not the nation states, *par excellence*. The congruence of the ethno-national populations with the states was far from the reality in terms of the ethnic point of view. On the contrary, most of the ethnic groups were dispersed and intermingled throughout the region ethnically, culturally, religiously and linguistically,

---

[167] Barkey, "Thinking About Consequences of Empire", in K. Barkey and M. von Hagen (eds.), *After Empire – Multiethnic Societies and Nation Building* (USA: Westview Press, 1997), p. 101.
[168] M. Ádám, "Ethnicity and Nationalism in the Successor States" in M. Ádám (ed.), *The Versailles System and Central Europe* (Great Britain: Ashgate, 2004), p. 227.
[169] J. Borneman and N. Fowler, "Europeanisation", *Annual Review of Anthropology*, Vol. 26, 1997, p. 491.
[170] K. Verdery, "Introduction" in I. Banac and K. Verdery (eds.), *National Character and National Ideology in Interwar Eastern Europe* (New Haven: Yale Center for International and Area Studies, 1995), p. xx.

which led to the fact that the significant parts of the populations of those states were not part of the dominant nationality.

This fact makes us recognise the fact that the inter-war years were inseparably linked with the problem of ethnic minorities, which in reality increased the nationality conflicts in the region. In other words, the blurriness of ethnographic frontiers and the non-congruence between historic and ethnographic claims to territory were the main causes of nationalistic crisis and conflicts, democratic instability, and even sometimes the demise of the state itself. At that time, the broad, federative schemes or pan-nationalist visions (led mostly by the intelligentsia and middle classes) often clashed with territorially and ethnically more circumscribed conceptions of political identity[171] which has still continued to impose misery and bloodshed on CEE.

Within this general framework, Roshwald argues that "'ethnic nationalism' referring to intolerant, chauvinistic and authoritarian forms of government has become the common discourse for all of the new CEECs and was used to denote the assertion of a collective identity centred on the myth of common biological descent and a claim to territorial sovereignty".[172] The region faced the rise of the dictatorship and authoritarian regimes in the 1930s, which was facilitated by great power dictatorships, especially Nazi Germany, in energising their economies and consolidating their societies. Furthermore, CEE anti-communism and fear of Soviet ambitions were also manipulated by the German political elites. On the other side, territorial claims, ethnic minority tensions, socio-economic poverty and mutually irritating national psychologies were easily manipulated by Nazi Germany to spread Hitler's ideas in the region.

Nazism was the most extreme example of organic and totalitarian nationalism leading to racist and expansionist processes. Together with its strength at that time, the imposing domestic and diplomatic success of the Nazis gave the impression that authoritarian dictatorship was the wave of the future of the region. Furthermore, as Rothschild and Wingfield argue "Nazi Germany's policies rendered territorial revisionism realistically 'thinkable' and ethnic xenophobia, especially anti-Semitism,

---

[171] Roshwald, *Ethnic Nationalism and the Fall of Empire,* p. 114.
[172] *ibid*., p. 5

psychologically 'respectable'".[173] Therefore in those years, Germany was accepted as the hegemonic power of the region, which was capable of precipitating profound political and socio-economic transformations in all of the regional states. In parallel, since the end of World War I, what had been observed throughout the region was, as it is explained by Andrew J. Crozier, a "steady drift towards dictatorial forms of governments all of which ... were fundamentally conservative and right-wing and frequently characterised by an intense nationalist and expansionist dynamic".[174] Those states adopted a form of government, which was described as fascist.

Under those conditions, fascism came to be regarded as a possible alternative to democratic or parliamentary governments. Especially starting from the 1930s, it made a considerable appeal and dictatorships and totalitarianism spread over almost the whole Europe. The fear of the Soviet Union had important effect on the rise of those kinds of governments. On the other side, the weaknesses of the democratic and parliamentary traditions, low education and literacy standards, economic strains and the the dissatisfaction of existing minorities contributed to the collapse of the democratic and constitutional governments, which were among the promises of the post-World War I era and led to the authoritarian and fascist regimes in the region. In this framework, the dictatorships and authoritarian regimes rested on the combination of military and personal power and fascism was characterised by national traits. It was, therefore, particularist and nationalist and obsessed with racist national identity and self-assertion, which were incompatible with the concept of international community. Those regimes were similar in the repression of individual liberties, in the banning of opposition parties and in the abolition of parliamentary institutions. Many of them instituted anti-Semitic legislations. Under those conditions, it was an undisputable fact that those governments and their policies had undeniable impacts on the whole inter-war history of CEE in terms of nationality question and minorities.

---

[173] Rothschild and Wingfield, *Return to Diversity,* p. 17.
[174] A. J. Crozier, *The Causes of the Second World War - History of the Contemporary World* (Oxford: Blackwell Publishers, 1997), p. 75.

3. 2. 1. So-called Protection of Minorities: Minority Treaties

The territorial settlements of 1919 to 1921 left a number of additional nations in CEE stateless and led to many problems and deep concerns among numerous and vocal aggrieved minorities allocated to the states toward which they felt little or no affinity. They remained disadvantaged in terms of political, economic, cultural and even civil and legal deprivations. With the ongoing developments, the dispute was internationalised and considering the fact that those stateless and minority groups were left without any government to represent or protect them, it became a necessity to secure their protection through the minority treaties of the post-war structure, which were signed under protest by all governments (except Czechoslovakia). Considering the fact that the three regional countries, namely Hungary, Poland and the Czech Republic, were subject to those treaties, in this part of the study it would be necessary to explain the role and importance of the international minority treaties briefly before evaluating them in a greater detail in the related chapters.

In the wake of World War I, good treatment of minorities was one of the basic principles of the era. Therefore, the regional countries were forced to accept the obligations for the protection of their minorities. In this way, the minority treaties were accepted as the most effective tools for fulfilling the obligations of the related countries and implementing political democracy and economic liberalism. Before all other things, those treaties primarily provided equal rights for the citizens, regarding the legal, religious, linguistic and cultural perspectives. Moreover, they aimed the liberation of the oppressed people in the territories where they were living, the practice of the equal and just treatment and security for all minorities; together with their recognition and protection in every respect, by prohibiting discrimination, either in law or in practice, on account of their race or nationality. The implementation of those treaties was guaranteed by an international body, the League of Nations. Accordingly, it was accepted that in any infraction or the danger of infraction of the minority rights, this issue could be brought to the attention of the Council of the League of Nations, which was left as the ultimate protector of European peace and hence responsible for resolving competing ideas about the rights of European minorities. Furthermore, a right of petition was instituted and minorities committees were established. With these regulations, it was

hoped, as John R. Lampe argues "minorities rights, enshrined in international law, would offset the imperfect application of national self-determination and make minorities loyal and contended citizens of their new states".[175]

Besides the minority treaties and the special chapters of the Peace Treaties dealing with the minorities, the Declarations, accepted by certain states before the Council of the League of Nations, could be considered as the other important means of the assuring of the minority rights. These treaties and declarations were international agreements designed with the aim of creating certain rights for the members of the minorities against their own states.[176] The main targets of all those arrangements and regulations were national, religious and racial minorities. In this framework the guarantee for minorities designed and proposed by those treaties were considered as the indispensable part of the international and internal peace of Europe in the period of post-World War I. This was important, on the other hand, not only for the minorities, but also for the majorities with whom they had to live within common borders. However, this fact does not deny the reality that those minority treaties were regarded as an open breach of promise and discrimination, since only new states were bound to them. Therefore, those treaties were far from fulfilling their initial objectives because of the following reasons. First of all, the new nation states did not have interest in protecting the minorities having ties across the border to a state, which, in many cases, was not a very close political friend. Second, the League of Nations was not and effective body to protect the interests of the minorities. So, although the victorious powers initiated these treaties to find reasonable solutions to the ongoing nationalism problems in CEE, the application of their standards and rules in the region with totally different historical, ethnic and cultural traditions and pasts could not create the solutions. On the contrary, they became the instruments of oppression in the area.

If we look at the provisions of the minority treaties, we can see that the topics of nationality, equality of rights and some specific minority clauses were among the most

---

[175] J. R. Lampe, "What To Do About Nationalism? The Recurring Dilemma of Western Policy in East Central Europe" in Latawski (ed.), *Contemporary Nationalism in East Central Europe* (New York: St. Martin's Press, 1995), p. 171.

[176] J. Robinson, O. Karbach , M. M. Laserson, N. Robinson and M. Vichniak, *Were the Minorities Treaties a Failure?* (New York: Institute of Jewish Affairs, 1943), pp. 188.

important ones.[177] The first topic concerned the acquisition of nationality by persons belonging to minorities, but it has to be emphasised that due to the different territorial limitations, those provisions differed in many respects in the various treaties. For example, some of the states had already existed before the war; while some others were totally newly created or aggrandised from the provinces, previously belonging to one or more states whose nationality legislations were different. Therefore, those provisions on the acquisition of nationality did not have any consistency. But what is important here is that the related provisions force us to focus on another subject, which is directly related to the nationality issue. It is the citizenship status given to the minority groups by the related countries.

Concerning the citizenship issue during this time, there were two broad categories: the former nationals of the ceding states who were residents of the transferred territories on the day stipulated by the treaties and the nationals who did not reside in such territory at the given time, but who had been born there. This classification was applied only to the new or enlarged states. For countries, which lost territories under the peace treaties, citizenship depended entirely upon prior residence or status. All treaties and declarations obliged the signatories to automatically recognise all persons born in the territory of the given state as citizens insofar as they did not acquire another citizenship by birth. But although the states were expected to define the citizenship status of the nationals of the ceded territories, they did not always enact the requisite legislation.

The second issue of the minority treaties were related with the equality of rights, which included full and complete protection of life and liberty; equality before the law; enjoyment of the same civil and political rights and free exercise of any creed, religion or belief. In most of the cases, the provisions of equality and minority rights including the use of mother tongue, education, cultural and welfare autonomy were indispensable parts of the democratic constitutions of the related states, which incorporated the treaty provisions into their own constitutions. But, they were written in a general way and sometimes without any specification to the minority groups. Therefore, the implementation of those provisions was difficult.

---

[177] *ibid.,* pp. 36-38.

As it was mentioned above, not only the minority treaties, but also bilateral agreements signed between the related countries were also initiated to protect the minority groups. But, it must be noted that those bilateral agreements could only be possible within general framework provided by the multilateral international minority treaties. Those treaties will be evaluated in a more detailed way in the chapters of the related countries. In each chapter, a special part discusses the minority treaties or the minority clauses of the peace treaties of each country.

In theory, the minority treaties could be accepted as effective and powerful tools for the minority groups. However, in practice they had some deficiencies, which obscured their full implementation, e.g. the confusion created by the new borders, the large number of minorities in the new or expanded states, the unstable economic and political conditions in the post-war continent, the lack of respect of many states for international obligations and responsibilities and the exaggerated form of nationalism by the majority. Among all other reasons, however, the treaties' broad and vague phrasing and lack of precise language were accepted as the most important obstacles in the way of their full implementation. Moreover, their wordings were too schematic, although it was impossible to deal with the minorities in the same manner. While some of them were living in the compact masses and constituting the majority in large areas, some others were the small and scattered minority groups. On the other hand, those treaties did not recognise the minorities as the collective units, but only as nationals belonging to other racial or ethnic groups. So, they granted the rights to those groups on the individual basis. In general, it can be argued that the main defect of the treaties was the unwillingness of the signatories themselves to apply the existing provision in good faith. Therefore, despite the initiatives to create the international protection system for the minorities, there were also some attempts to nullify the whole system. If we consider the regional countries in general in terms of their attitudes towards the minorities, we can argue that while Hungary and Czechoslovakia were following relatively liberal legislations, Poland fell behind these two countries due to the fact that despite the incorporation of the provisions into its constitution and other related regulations, it failed to implement them in practice. In the light of the all those brief information, we can argue that most of the written regulations in the minority treaties

remained as "dead letters"[178], hence, discrimination and assimilation of the minorities could not be prevented totally.

Here, it must be emphasised that the Jews were in the worst situation among other minority groups in all of the mentioned states. Strong nationalist forces combined with grassroots anti-Semitic sentiments created the tragedy for the Jewish people. As a numerically weak minority group among the large numbers of European population who were fighting for their independence and national self-determination, they were the victims of the destructive forces mainly due to the fanatical intolerance and unprincipled power. As contrary to the strong minority groups, they could never constitute the majority in the places where they were living and they did not have any state, which could support them. Under those conditions, they suffered from anti-Semitism based on conviction and expedience, as one of the really potent ideologies of that time. Therefore, the Jews were totally dependent on the international guarantees, which were usually non-observed by the host states. On the other hand, strong minorities were always backed by another state, which was the homeland of their co-nationals. So, they could be in stronger and more powerful situation within the whole international system. Within this general picture, we can argue that minorities system was not completely satisfactory and it could not function properly and successfully. Therefore, the system could easily collapse and led to the conflicts not only among the minorities themselves, but also among the minorities, their homelands and minority states where they were living.

3. 2. 2. Identity Formation and Citizenship Issue

The process of establishing political authority and fixing boundaries after World War I shaped the future development of the national identities of the regional countries. Rothschild and Wingfield argue the circumstances of the period forced the independent states to pursue the policy of "nation-ize their populations".[179] Moreover, due to the efforts for the creation of the 'nation states', the attempts for the establishment of the civic dimensions of the national identity could not be embraced by the authorities and

---

[178] *ibid.,* 239.
[179] Rothschild and Wingfield, *Return to Diversity,* p. 9.

public. The result was the definition of the identities on the basis of the narrow ethnic terms, which, in turn, polarised the relations between the nationalities associated with the official, state-promoted identity and those ethnic groups left stranded within the polities in which they both felt and were perceived as alien.[180]

In this framework, when 'citizenship in CEE' is studied, it is important to remember that the implication of the concept is closely linked with a territorially defined 'residency' not with belonging to an abstract political community. Another crucial point is that up to the end of World War II, the nation states of CEE considered themselves as the political-territorial expression of an ethnic group defined by a common culture and language, as well as by the same origins and genealogy. Some difficulties and obstacles were observed and strongly felt behind such practices relating to the ethnic definition of identity.

First of all, those countries in the region were linguistically, religiously and culturally heterogeneous. Moreover, clear boundaries between the real political frontiers and imagined ethnic confines were absent. During this period, nation is understood as an "ethnic entity implying dominion over others".[181] Therefore, these pre-communist CEECs could not develop a true sensitivity towards the problems of their minorities despite the awareness of their existence. The minorities had become subjects to marginalisation, oppression, forced assimilation or expulsion in many of them. In Poland, for example, a profound sense of diffidence was forced towards the Catholic Lithuanians and the orthodox Belarussians resident in the north east of the country. The similar attitudes could be observable in Czechoslovakia where the cultural and linguistic autonomy for the minorities have been discouraged. In Hungary the hatred of ex-minorities developed strongly. The official policy of Hungary appeared in the form of irredentist ideas to re-gain the territories inhabited by the Magyar population to re-establish Greater Hungary in its historic borders. Within this framework, it can be argued that the new states of CEE after the fall of the multinational empires implemented the policy of territorial vindication within the imagined ethnic borders.

---

[180] Roshwald, *Ethnic Nationalism and the Fall of Empires,* p. 196.
[181] *ibid.,* p. 114.

3. 3. Dynamics of the Communist Period

The chaotic environment of the post-World War I era was further complicated with the aggressive and reactionary nationalist movements of the period. The inevitable result, under these conditions, was the collapse of the Versailles system and the outbreak of World War II, which created a new history for CEE. The political borders were upset; the Wilsonian dream of Europe of nations in which all peoples of Europe could live in peace and security had vanished. The ideal of pure national configuration could not be achieved in the region, due to the overlap of various ethnic groups and influences in the same territories. Under those conditions, CEE had been politically and geographically restructured leading to further increase in nationalist movements and internal instability. The new political structuring of CEE after World War II increased the saliency of national minorities, which had become less numerous, but at the cost of the perpetuation of national hatred and nationalist movements in the region. The peace treaties ending World War II and the international agreements made the issue of nationalities an exclusively internal affair in Europe. Such a fact, on the other hand, decreased the possibility of any inspection under the institutions of international law or the mother country. There was not any attention to the consent of the ethnic minorities. Their consent was accepted as granted and their situation was left to the care of the ethnic majorities. So, concerning the general situation of Europe in this period, Bogdan argues that, "the new ethnic map of Eastern Europe was not much less complicated than that of 1938 and the wishes of the people were once more completely ignored".[182]

3. 3. 1. Subdued Inter-Ethnic Conflicts and Nationalism against Soviet Occupation

Above everything, one of the most striking developments of the post-World War II era was the incorporation of all of the CEECs into the communist camp. The whole region had become under the control of the Soviet Union during the years between 1945 and 1948. One party communism tied to the Soviet Communist Party had emerged as the ultimate goals of the Soviet leaders. But, to reach this goal, it had become a necessity to overcome the obstacle of the intense nationalism of ethnic groups living in

---

[182] Bogdan, *From Warsaw To Sofia*, p. 257

the region. Therefore, with the rise of the communist ideology in the region, all national feelings and identities were accepted as harmful and had become subject to be erased. Consequently, the communist ideology placed its emphasis on class aspects and workers' internationalism with the view that ethnic conflicts were no longer significant and they belonged to the past. According to this understanding, the social classes, not nationalities or ethnicities were the principal actors in both domestic and international arenas. Therefore, in communist states, which were able to freeze national conflicts, all kinds of identifications, including religious, regional and ethnic ones were discouraged, suppressed or channelled according to the official pattern of identification. In this framework, the issue of nationalism and national minorities were neglected in the peoples' democracies and suppressed through coercion or threat of coercion. More importantly, the neglect was justified by the "automatism theory approach", according to which the nationality issue would "sort itself out" in the environment of building socialism.[183] This policy was an important tool on the way of creating a society basing on the class definitions at the expense of the ethnic or national origin and background of different groups.

In that sense, Walker Connor observed that "Marxist systems not only learned to accommodate themselves to an expediential coexistence with a world filled with nationalism, but they also developed a strategy to manipulate nationalism into the service of Marxism".[184] So, the state-socialist systems accommodated and fostered nationalism in different ways, at different times and places under different regimes and regulations.[185] In that sense, it was an undeniable fact that nationalism was downgraded to a secondary category, but in practice, it was recognised as a powerful mobiliser of public opinion, which led to the fact that the frozen conflicts came to the surface with more power after the fall of those communist regimes.

---

[183] Tóth, J., "Transversal Study Cultural Policy and Cultural Diversity - National Report - Hungary", 02/10/2002,<http://www.coe.int/t/e/cultural_co-operation/culture/completed_projects/transversal/ pub_hungary.asp#TopOfPage> (10/12/2005), p.7.
[184] W. Connor, *The National Question in Marxist-Leninist Theory and Strategy* (Princeton, N. J.: Princeton University Press, 1984), p. 6
[185] P. Spencer and H. Wollman, "Nationalism, Politics and Democracy in the Development of Post-Communist Societies" in T D. Sfikas and C. Williams (eds.), *Ethnicity and Nationalism in East Central Europe and the Balkans* (Aldershot: Ashgate, 1999), p. 82.

Historically, the construction of the states has always been tied to ethnicity in CEE. As a result, for the legitimacy and vitality of the state, the link between ethno-nationalism and statehood played enormously important role. This causal link between ethno-nationalism and statehood was relevant before the coming age of communism. But the attempts towards matching the ethnicity and statehood were diverted by the communists who sought to generate the bonds of loyalty divorced from ethnicity. With the communist systems in the region, ethno-nationalism was downgraded as the historical object of the past and considered as no more than its cultural significance. In parallel, there were systemic constraints on ethnic and cultural autonomy during the communist period. The communist party's monopoly of power negated alternative political or social groupings. In this framework, it was accepted that the equalisation of the material conditions among the population would eradicate the importance of cultural differences and ethno-nationalism. As a result, the countries in the region tried to build the loyalty between the state and individual by using different mix of beliefs and ideologies to find ways of getting away from an implicit ethno-nationalism and pluralism.

Here, we have to mention about Schöpflin's statement indicating that although theoretically, communism -insisting that an individual's fundamental identity is derived from class position- and nationalism -implying that it is derived from culture- seem as incompatible with each other, in reality, the relationship between two doctrines is much more ambiguous.[186] Actually, the communist leaders did not solve the national problems and disputes. They pushed them under the carpet by sweeping away all other competing ideas, programs and values, to sustain their own power and monopoly. Those issues reappeared when they found the suitable conditions and structures. This period started at the end of the 1980s, when the communist regimes in the whole region started to collapse. As a result, the post-communist period of CEE led to the explosion of very aggressive, exclusive and divisive nationalism after 1989.

---

[186] G. Schöpflin, "The Problem of Nationalism in the Postcommunist Order" in P. M. E. Volten (ed.), *Bound to Change: Consolidating Democracy in East Central Europe* (New York and Prague: Institute for East West Studies, 1992), pp. 31-32.

3. 3. 2. Suppressed Identities

The problems about identity construction continued under the communist rule of CEE. Since, this system was another externally imposed way of modernisation and without a domestic model of modernity, the externally derived aspects of modernity would be against the domestic expectations, traditions and cultural aspirations. Within this framework, as Schöpflin argues communism tried to establish a different pattern of loyalties between the state and individual with the idea of "perfect state" that would substitute for the individual in all areas of existence and consciousness.[187] Instead of the mythical nation state, the institution of the ideal of the communist-state would create the total identification with the system and the state. So, communism in these countries constructed a new way of life, a particular pattern of modernity and social stratification. As a result, the creation of a new kind of identity emerged from the combination of those social forces.

Under those conditions, communist identity became the common fact for the whole region. It had to compete with the prior ethnic identities. Consequently, the competition between communism and ethno-nationalism was a reality for all the countries in the region. This eventually led to the subordination of the citizenship issue to the state, ideology and party politics. All possible civic institutions of citizenship and the means of conduct were destroyed by communism. Consequently, any possibility of the emergence of the civic dimension of citizenship, outside the political sphere of allegiance to the state and regime, had become very difficult in the region. Under the classical Marxism, the states were not free to express their ethnic and national differences due to the incompatibility of the nationalism and communism. Connor argues that nationalism assumes that the most fundamental division of humankind is seen because of the existence of the ethno-national groups, which divide the people according to the vertical cleavages. However, Marxism presumes that the horizontal socio-economic class divisions are the most powerful dividing force among the national groups.[188] Therefore, the differences should be eliminated to end the dividing lines in

---

[187] G. Schöpflin, "Nationhood, Communism and State Legitimation", *Nations and Nationalism,* Vol. 1, No. 1, 1995, p. 81.
[188] Connor, *The National Question in Marxist-Leninist Theory and Strategy,* p.5.

the national framework. Moreover, this elimination should be followed by the eradication of the states and nations on the way of the creation of 'international proletariat'.

When Lenin seized power, he had to device a policy to tolerate the national differences but without endangering the power of the ruling communist party and the integrity of the state. He decided that nations would be permitted to exercise a "once-and-for-all" choice.[189] In developing a style of government in which regional and local units are described according to their ethno-national characteristics, and in which the peak of the most visible structure contained a house of nationalities, the dictum of "socialist in content and national in form"[190] became the dominant and prevalent idea. New nations were established with their languages and cultures but under the strict control of the communist party and with less significance than the class content of its life. Thus, integration took place between local identities and the Soviet identity.

Under the rule of Stalin, the national communities were accepted as challenges to the centralised power. Therefore, the newly built national cultures were severely hit. Similarly, Khrushchev had little patience to national differences. He supported the total disappearance of the national differences and looked for the merger of the nations into the single Soviet identity. Later, Brezhnev continued similar policies and unquestionably planned to promote the policy of active assimilation. Thus, the Sovietisation of the region was accompanied by the strict policy of Russification. The 'Russian' and 'Soviet' influence was not only present in the party ideologies, but was even more pronounced in the daily practices of the society. The isolation from outside world also played an important role in this process. So, the entire undertaking was accompanied by a far-reaching restructuring of symbols and rituals, in the expectation that as a result the population would transform its system into one that corresponded to the desires of the new rulers. As a result of all these policies, something approaching to communist identity was created with an intention that all previous identities would be wiped out by the inherent superiority of the new one. Within this framework, as Schöpflin argues, with the reductionist policies and practices, Marxism-Leninism

---

[189] Schöpflin, *Nations, Identity, Power,* pp.148-149.
[190] Connor, *The National Question in Marxist-Leninist Theory and Strategy,* p. 222.

produced an "oversimplified and homogenised identity the main characteristics of which were collectivism, dependence on the state, and mythicisation of nationhood".[191]

So, the 'Sovietisation' of CEE between 1945 and 1948 led to a complete reformulation of the citizenship question on the basis of Marxist-Leninist theory. Diversity was not welcomed in this period. Homogenisation of society was accepted as the main principle by dismissing ethnic allegiances and political actions based on ethnicity. Thus, all local and ethnic nationalities were subordinated to the interests of the dominant ethnic group in the state, which could easily project its own ethnic agenda through the state system. The idea that the relationship between the state and individual should be regulated by a series of institutions and recognised rules was rejected. The communist systems in CEE create a set of public identities that were marked by major fissures and contradictions.[192] The search for new identities has become a recent phenomenon in the region after the collapse of communist systems.

3. 4. Re-emergence of Ethnic Identity

Undervaluation of the issues, such as, nationalism, ethnicity or ethnic minorities lasted until the beginning of the 1990s. The difficulty in transforming the communist political systems into democratic ones left behind "a void that ethno-nationalism could fill as the only surviving competitor on the political stage".[193] The autumn of 1989 was a time of momentous changes for the whole CEE states. In that sense, as Bugajski states, "the 1990s will long be remembered as the springtime of ethnicity in [CEE]".[194] After more than 40 years of Soviet hegemony, Marxist-Leninist uniformity, statist centralism and suppressed nationalist aspiration, the disintegration of Soviet domination and communist rule was accompanied by the dramatic ethnic, cultural and political re-awakening. The extraordinary series of events of 1989 gave CEECs an unprecedented opportunity to redefine themselves as well as their relations with each other and the broader international community. The hopes and expectations about the unification with Europe, a smooth transition to democracy, restoration of basic human rights and

---

[191] Schöpflin, *Nations, Identity, Power,* p. 154.
[192] *ibid.,* p. 161.
[193] Schöpflin, "Nationhood, Communism and State Legitimation", p. 90.
[194] Bugajski, *Ethnic Politics in Eastern Europe,* p. xi.

improvement of the living conditions increased. Besides those expectations, on the other hand, there were also two important forces that re-appeared suddenly and led to many troubles and conflicts in the region: the ideology of nationalism and national identity.

3. 4. 1. Post-Communist Revival of Nationalism

As Zoltan Kántor states "the redefinition and reinstitutionalisation of the nation and the reconfiguration of the state usually accompanied the breakdown of the regimes, revolutions and transitions".[195] Therefore, after the breakdown of dictatorial regimes in CEE, it became legitimate to organise society on national basis and to define the state in national terms. So, the end of the cold war and the opening of the ideological vacuum combined with the societal insecurity due to the social and political transformation of CEE have led to nationalistic movements in the region with the rationale of ethnic exclusionism.

Nationalism reappeared in the region to establish new sense of identity. Because, after nearly half a century of dormant or disguised nationalism, post-communist CEE has been racked by ethnic, regionalist and autonomist movements. Both majority and minority populations have been affected by the rebirth of ethnicity. In this framework, as Gyorgy Csepeli and Antal Örkeny clearly specify "national form became the substance in the countries in transition from state-socialism to democracy, which assumed the character of state-nationalism".[196] After the breakdown of the communist regimes, the states of the region continued their nationalist policies and politics in which they were engaged before World War II. In this period, as Kántor states it "it once again became legitimate to define the state in national terms".[197] Therefore, in the new era when the political developments caused irreversible changes and redrew the ethnic relations, it seemed highly probable that nationalism would remain as the dominant force across CEE for the foreseeable future and constitute a significant element of

---

[195] Z. Kántor, "The Concept of Nation in the Central and East European 'Status Laws'" in B. Majtényi, Z. Kántor, Balázs Vizi, I. Halász and S. Deets (eds.), *Beyond Sovereignty: From Status Law to Transnational Citizenship, Slavic Euroasian Studies* (Slavic Research Centre: Hokkaido University, 2006), p. 38.

[196] G. Csepeli and A. Örkeny, "The Changing Facets of Hungarian Nationalism", *Social Research*, Vol: 33, No: 1, 1996, p. 260.

[197] Z. Kántor, "Re-Institutionalising the Nation – Status Law and Dual Citizenship, *Regio – A Review of Studies on Minorities, Politics, Society,* 2005, p. 45.

continuity in the region. In this framework, on the other hand, Bugajski warns us by arguing that those nationalist tendencies in the culturally, religiously and ethnically preoccupied countries could have both some positive and negative connotations. Accordingly, "it could be a positive force, if it helps to restore previously suppressed cultures and encourages self-determination and pluralism. But, it would be negative, if it becomes exclusivist, assertive and chauvinistic at the expense of vulnerable minority groups".[198]

There were two important reasons behind the sudden emergence of nationalism in the region. First of all, after the collapse of the communism the level of political control of CEE societies has been largely reduced which provided the ground for the nationalists to become influential and affect the society in general by touching on some 'sensitive' issues. In general, nationalism was accepted as a reaction to the failure of Soviet-imposed universalism, internationalism and worldwide-unified proletariat. Although the national differences were considered as secondary under the communist systems, the political abstractions of those systems failed to replace or erode national identification.

Second, nationalism was also widely recognised as a reaction to the global political and economic relations after 1990. With the collapse of communism, the emerging democracies needed a new set of beliefs to give them stability within a rapidly changing world. When the vast majority of citizens felt lost within the process of globalisation and cannot identify themselves with the Western models, nationalism was considered as the force that compensates this loss. When the first post-communist leaders failed to provide the expected economic prosperity, the new states could not gain the loyalty of their citizens. Therefore, it was a reaction to the failure of the newly independent states to provide them prosperity for the vast majority and not to remedy the economic problems and the poverty of those societies.[199] As Latawski argues "amid the daunting economic, ecological, political and social problems, nationalism stands alone as one of the most perplexing challenges to the construction of a new post-

---

[198] J. Bugajski, *Nations in Turmoil – Conflict and Cooperation in Eastern Europe* (Oxford: Westview Press, 1993), p. 6.
[199] For detailed information see Crawford, *East Central European Politics Today,* pp. 133-135.

communist CEE order".[200] So, in most of the regional countries, the early effect of the democratisation processes, although it was not a new phenomenon, was to invigorate the nationalist tendencies, which made the politicians able to organise popular sentiments.

Besides these main reasons, we can also argue that nationalism was used, by some members of the new political elites, as a mechanism of mobilisation to distract attention from day-to-day problems of the transition process. With the opening of the political and media arenas, nationalist groups and movements found the opportunity to express their demands openly. Moreover, the weakness of the civic culture and the legacy of the pre-war and communist regimes made the countries susceptible to nationalist ideologies.

In this sense, in the 'new politics' of the post-1989 era, the rhetoric and symbols have become national ones to mobilise the people and this way of politics was considered as the most convenient one due to the non-existence of recognisable political platforms. The overwhelming desire of the regional countries to be democratised has been coupled with a strong sense of nationalism. Although aspiring to join the West may discourage most of countries to pursue violent form of nationalism, it remains relevant and applicable. Nationalist tendencies were reactivated and the former frictions and conflicts were revived. More strikingly, the problem of nationhood, nationalism and ethnic minorities in the post-communist world has emerged with unexpected and unpredicted hostility and aggressiveness. But it is well-known fact that the roots of the most of the present-day ethnic day conflicts can be found in the period of the world wars. Even the cold war was not a discontinuity in the history of the European nationalism, but it channelled nationalism into different directions and expressions. In the post-cold war era, on the other hand, nationalism has become more explicit in its manifestations and it articulated the demands, which were previously forbidden, e.g. state power, cultural autonomy or territorial control.[201]

---

[200] P. Latawski, "The Problem of Definition: Nationalism, Nation and Nation state in East Central Europe" in P. Latawski (ed.), *Contemporary Nationalism in East Central Europe* (New York: St. Martin's Press, 1995), p. 1.
[201] Caplan and Feffer, "Introduction", p. 8.

So, in the contemporary world and time period, age-old ethnic conflicts have erupted anew in areas previously considered ethnically homogenous and 'national idea' became the most powerful common characteristic of post-communist transitions of the regional countries. Although many western scholars and policy makers have believed that democratisation and the European integration will eventually render nationalism obsolete, nationalism did not fade away and integration did not lead to the loss of the relevance of nationalism throughout the region. As Ádám argues "systems will change, but nationalism will remain constant".[202] With its hostile and chauvinistic aspirations would be one of the characteristics of the region.

3. 4. 2. Return of Identity and Citizenship Debates

The questions of membership in political communities have also become central to the construction of identities in the post-communist CEE where the tendency to define the public identities in terms of ethnicity. In studying the reconstruction of identities in the post-communist period of the CEECs, two important historical points have to be emphasised. First, the substitution of nation for the state as the basic administrative, territorial and legal unit is typical in the modern political discourse of constitutionalism and nationalism. In the earlier period, the doctrine of popular sovereignty identified the people as the political sovereign holding state power. In other words, the people were equated with the state and sovereignty. During the 19th century, on the other hand, nation and people or citizenry were separated from each other and became two distinct concepts and nation mainly referred to ethnicities. Second, the constitutional concept of a sovereign nation in modern European political thought has always been trapped between *demos* and *ethnos*. Previously, the nation was subsumed under the concept of the state. However, such a definition has ignored the ethnic conception of the nation, which reflects the tensions and differences among different collectivities living in the same state territory, their customs and history. The ethnic definition of a nation, on the other side, generally implies a sense of belonging and homogeneity of a particular group, which is not restricted to the artificial borders and

---

[202] Ádám, "Ethnicity and Nationalism in the Successor States", p. 234.

institutions of modern politics. Instead, the emphasis is on common history, language, customs, traditions and other shared social facts as factors constituting the nation.[203]

This difference about the definition of the nations reflects one of the main characteristics of the new democratic states in CEE. As Nedelsky argues "the acceptance of … ethnic [identities] is one of the cornerstones of the nationalist politics in the post-communist world".[204] So, after the collapse of communism, all countries in CEE faced a radical modification of the 'ethnic discourses' within the framework of identity politics and citizenship issue. Such discourses shaped the new laws and legal frameworks of the regional countries concerning their attitude towards the nationality and citizenship. In that sense, the new states produced regimes where one particular ethnic nation is constitutionally designed as the sources of state sovereignty. As a result, the connotations of ethnic nations have become the building block of new political communities and their membership. But, the exclusion of ethno-national minorities from this essential relationship to the state has created tensions in the countries: it has implied the denial of minorities from full political membership and right of citizenship, which was bound to increase ethno-national tensions in those countries.

In terms of the citizenship discussions and debates, CEECs faced a contradiction after the contemporary developments in the region. Brian Jenkins and Spyros Sofos describe this contradiction in the way that while "the civic citizenship model entails a voluntaristic definition of nationality implying the aspiration for democratic reform, respect for others and multicultural society; the second version of citizenship was based on ethnicity, cultural and ideological allegiances with the implications of an exclusivist and chauvinistic citizenship".[205] Under these conditions, the dissolution of the Soviet Union, Yugoslavia and Czechoslovakia led to the resurgence of nationalist phenomena and emergence of many nation states, which proved the fact that ethnicity has always been existent in the political life of CEE. Accordingly, "nationalisation of the succeeding states implied new ethno-cultural policies and new types of relations among

---

[203] Přibáň, "Reconstituting Paradise Lost", p. 417
[204] Nedelsky, "Civic Nationhood and the Challenges of Minority Inclusion", p. 85.
[205] B. Jenkins and S. A. Sofos, "Nation and Nationalism in Contemporary Europe: A theoretical Perspective", in B. Jenkins and S. A. Sofos, *Nation and Identity in Contemporary Europe* (London: Routledge, 1996), p. 22

different ethnic groups in the nation and the emergence of new diaspora groups".[206] So, citizenship and identity have become one of the most important topics of the new regimes and the change of regimes in those countries meant a change in the definition of citizenship.

These developments necessitated a reconsideration of the question of 'ethnic versus civic citizenship'. Before evaluating the situation of CEE, it is useful to see the distinctions between civic and ethnic citizenship, which mainly emerge from the "internal contradiction of the national state between a universal conception of citizenship with its uniform rights and duties and an inevitably particularistic conception of the people".[207] However, it should not be forgotten that despite categorisations, it is very difficult to mention about clear-cut divisions and differences. On the contrary, what is desirable is the convergence of the civic and ethnic elements of citizenship and the perception of the people both as citizens and ethnic members. Within this framework, this convergence is described by Smith as the "dual attachment of the people implying, on the one hand, loyalty to the political unit, the state, expressed in terms of citizenship rights and obligations; on the other hand, a sense of affiliation and solidarity with the ethnic community into which one's family was born and socialised".[208]

However, this tendency could not be seen in the daily practices of the post-communist CEECs. The failure of the communist systems in the economic, political and social life was detrimental for those states with strong ethno-national foundations. It became clear that the existential void could not be filled by citizenship because of the lack of the related institutions. The gap was filled by ethnicity. As a result, the ethnic communities strengthened their boundaries and insisted on the recognition for their survival. Thus, the ethnic model of citizenship has been accepted as the valid and applicable one in CEE. "Ethnic and cultural determinism" has become the real focus in terms of citizenship.[209] In that sense, it seems that post-communist governments have been keen not to represent citizens, but to represent the nation. The link between

---

[206] Özdoğan, "Civic versus Ethnic Nation", pp. 53-54.
[207] Smith, *Nations and Nationalism in a Global Era,* p. 98.
[208] Smith, *The Ethnic Origins of Nations*, p. 151.
[209] Jenkins and Sofos, "Nation and Nationalism in Contemporary Europe", p. 21.

citizenship and membership to the ethnic nation further strengthened. However, this has not always offered favourable solutions to the problems. Due to the destruction of social and institutional frameworks under communism, public identities have frequently been defined by ethno-national criteria regardless of its appropriateness to the situation, but as Schöpflin argues the primacy of ethnicity can be destructive, when it is applied to the civic dimension of nationhood.[210] In that sense, in the long-term, it seems highly probable that the focus on ethnicity would not create and spread the stable and democratic kinds of regimes in the region, but only the civic loyalty and equality could achieve them. Therefore, the notion of the 'open and voluntary association' should be the basis of the future discussions of citizenship and its meaning.

In this context, the definition of membership in a political community and its legal expression in the form of citizenship in a state should not necessarily converge with that of in the ethnocultural community implying the belongingness in a nationality with distinct language, culture and religion. In the era of multiple identities, when "citizenship and politics can no longer be accepted as confined within the boundaries of the nation states, the most appropriate way is to find the reconciliation between universal civic concerns and the recognition of ethnocultural traits within a more inclusive collective identity. This view would be the most appropriate way of solution in the clash between citizenship and nationality".[211] In this framework, all the ethnic communities within the state structures should be included in the code of citizenship and they should have equal rights to share in the material and symbolic goods of the state.

3. 4. 3. New Constitution-Building Processes

The regional countries have reformulated their constitutions and citizenship regulation after the collapse of their regimes. In terms of their constitutional design, most of the new constitutions of the regional countries define statehood in ethnic,

---

[210] The civic dimension of nationhood comprises the rules and regulations that govern the everyday relationship between the rulers and the ruled and the institutional framework through which those transactions are enacted. They are free of taint of ethnicity and all citizens are treated as equally regardless of their nationality, ethnicity, religion or language. For detailed information, see Schöpflin, *Nations, Identity and Power*, pp. 277-278
[211] Özdoğan, "Civic versus Ethnic Nation", p. 56.

national or cultural terms, rather than in civic-territorial language. As a consequence, respective constitutions, as Bugajski shows us, "have singled out the majority ethnic groups as the state-forming nation, with attendant privileges, whereas all other ethnicities are considered minorities and invariably confront discrimination."[212] Constitutions "proclaimed the dominant ethnic group's symbolic ownership of the state".[213] Consequently, sizeable minorities have been excluded from the chances of participating in the public debates and discussions regarding the issues of their concern.

In the same way, the citizenship issue in the CEECs including Hungary, Poland and the Czech Republic have generally been discussed within the framework of the new legal documents of the countries, which have recently promulgated or are in the process of formulating new citizenship laws, although the meaning of citizenship for their new politics has remained uncertain. Therefore, the process by which constitutions and other related documents have been created in the post-communist countries of CEE has been subject to extensive political and legal scientific analysis. Regarding this process, Irina Culic's expression shows the centrality of the ethno-cultural definition of the polity as a common characteristic of all three regional countries. She argues that "in the preambles of the constitutions, as well as, public, political and cultural discourses and in the substance of other state policies, the most salient and powerful arguments are the evidence and elements of the historical existence and continuity of a nation state and the need to emphasise its nationhood by promoting its language, traditions, cultural inheritance, heroic history and territory".[214] In this way, citizenship laws and status laws are the important tools for furthering nationalistic politics of those countries. All related documents and legislations were shaped according to an assertive nationalist understanding. After the breakdown of authoritarian and totalitarian regimes, in other words, debates concerning the constitutions and citizenship laws have been accompanied by the definition and redefinition of the nation.

---

[212] J. Bugajski, *Political Parties of Eastern Europe – A Guide to Politics in the Post-Communist Era* (New York-London: M. E. Sharpe –The Centre for Strategic and International Studies, 2002), p. xxxv.
[213] J. P. Stein, ""National Minorities and Political Development in Post-Communist Europe", in J. P. Stein (ed.), *The Politics of National Minority Participation in Post-Communist Europe – State-Building Democracy and Ethnic Mobilisation* (New York-London: M. E. Sharpe –East West Institute, 2002), p. 10.
[214] I. Culic, "State-Building and Constitution Writing in Central and Eastern Europe after 1989", *Regio – A Review of Studies on Minorities, Politics, Society,* 2003, p. 47.

In this framework, the distinction between the civic and ethnic principles dominating the state-building and constitution-building process has been the main grounds for criticism of constitutional and political developments in CEE since 1989.[215] These two concepts are the two important parts of the more general social process of constituting and codifying new identities in the post-communist period of discontinuity. The distinction between them has to be perceived as the difference between two distinct traditions of the modern political history of CEE that are manipulated by political agents and codified by means of constitutional law. In that sense, it has to be kept in mind that post-communist constitution making-processes are "politically and ethically urged to condemn the abandoned past, codify future aims and principles, and commit the nation and constitutional institutions to those aims and principles".[216]

In the post-communist societies, constitutions are the important tools of providing both the civic and ethnic grounds for the new identities of the political community. However, these constitutions by themselves are insufficient elements, since the "[CEECs] rebuilt their popular sovereignty and statehood on historically and culturally shared sentiments of national identity and ethnic unity".[217] Democracy rediscovered nations in the course of constitution-making process, which had to deal with the problem of national identity, based on the notion of culturally and ethnically defined communities. In that sense, national identity and its reconstruction on the ethnic and cultural identity was an important part of the rebuilding of the new political identity. So, in the post-communist developments, the previously suppressed or manipulated cultural and political traditions have played an important and enormous role. On the other hand, the codification of the political identities had to refer to national history and tradition. In that sense, civic traditions were rather weak in most of the CEECs, while the ethnic national traditions were always strong and had played a central role in the region. This led to the prevalence of exclusive notion of citizenship over the inclusive one[218] in Hungary, Poland and the Czech Republic.

---

[215] Přibáň, "Reconstituting Paradise Lost", p. 407.
[216] *ibid*., p. 409.
[217] C. Offe, *Modernity and the State: East, West* (Cambridge: MIT Press, 1996), pp. 256-257.
[218] K. Jasiewicz, "Citizenship in Post-Communist Poland: Civil Society or Das Volk?" in A. Liebich, D. Warner and J. Dragovic (eds.), *Citizenship East and West* (London and New York: Kegan Paul International, 1995), p. 81.

When the constitutional provisions of the related countries are carefully examined, it can generally be inferred that even if it remains on the paper, the Czech Constitution is entirely civic, Polish is a mixture of both civic and ethnic, Hungarian is internally civic and externally ethnic. However, it should not be forgotten that a state established on the civic definition of popular sovereignty can have a discriminatory ethnic policy in practice. This fact can easily be recognised through the analysis of the citizenship regulations of those countries. This is the main point of discussion in the following chapters. Hungary, Poland and the Czech Republic are evaluated respectively with references to their historical and legal frameworks.

CHAPTER IV

HUNGARY:

DILEMMA OF THE DUAL HUNGARIAN IDENTITY

Historically, the changes in the meaning of the nation, national minorities and nationalism in the Danubian area have been the most determining factors to understand the history of Hungarian nationalism. Starting from the birth of the system of small states in the post-World War I era, Hungary became a nationalising state and always referred to ethno-centric elements, e.g. descent, cultural values and norms, in its national identity. Assimilationist policies over the minorities have always been the most effective and powerful tools in its nation building process. In this context, this chapter focuses not only on the evolution of Hungarian nationalism in different time periods, pre-World War I, inter-war, post-World War II (communist) and post-communist periods, but also on the identity construction and citizenship policies of each period.

4. 1. The Roots of Hungarian Nationalism

The roots of the ethnic Hungarian nationalism could be found in the domestic policies and political structures of the Habsburg Empire. When the national conflicts intensified within the empire, the Hungarians felt alienated from the whole structure and demanded some degree of freedom and autonomy from the central authorities. Despite their continuing attempts, they could not change their status of being minority in the lands they had ruled for about 100 years[219]. This realisation led the country's leaders in 1848 to adopt the short-sighted, ethno-centric policies, which could easily turn to a virulent, aggressive nationalism.

---

[219] According to the statistics, in 1851, the Hungarians in Hungary were 40.7% (after the great revolution and the war of independence in 1848-9); they were 46.9% in 1869 (after the Compromise of 1867) and 48.5% in 1890. Only in 1900 and 1910 did they constitute the majority, 51.4% and 54.5% respectively. For a detailed view, see Z. David "Statistics – The Hungarians and Their Neighbours, 1851-2000" in S. Borsody (ed.), *Hungarians A Divided Nation* (Yale: Russian and East European Publications, 1988), p. 343.

The attempts for the formation of a Hungarian nation until the mid-1880s ended with the intervention of Russia and the ultimate victory of Vienna over Budapest after which Hungary lost its autonomy, own constitution and territorial integrity. But 1848 was a turning point paving the way for the democratic revolution towards the independence. In the following years, with the 1867 *Ausgleich* (Compromise), which was accepted as a great victory for Hungarian nationalism, Hungary separated from Austria. In essence, 1867 Agreement was a compromise between centralism and dualism, absolutism and constitutionalism.[220] It granted to each part of the empire its own government with control of internal affairs, including the power to decide which rights would be granted to the other nationalities living within the jurisdiction of the Kingdom of Austria-Hungary. Under those circumstances, the ruling Hungarian oligarchy envisaged a 'greater Hungarian Empire' to guarantee Magyar predominance, even if it could be achieved through the use of force. Chauvinism was easily accepted among the Hungarian patriots. 'Forced Magyarisation' which led to the Magyarisation of administration became the order of the period through the end of the 19th century.

Different governments under different personalities followed the same policy vigorously to Magyarise the bulk of the population, as it is expressed by Tibor Frank, "with the goal of assimilation of other groups having different ethnic origin and of the creation of an 'ethnically pure' Hungarian state".[221] In this framework, the Jews and the Germans were the two largest groups, which were negatively affected by the Magyarisation policies. Similarly, the Slovaks, the Romanians and the South Slavs could not escape the harsh effects of those policies. Within this context, the change of the names of the cities and villages and the efforts to Magyarise the German or Slovak names of the peoples were the common and mostly accepted policies. Such policies, however, did not erode the sentiments of historical patriotism among Hungary's non-Magyar populations. On the contrary, these practices fuelled the flames of intolerance among them because of their alienation from the Hungarian state. All these factors led

---

[220] Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe,* p. 267.
[221] T. Frank, "Nation, National Minorities, and Nationalism in Twentieth-Century Hungary" in P. F. Sugar (ed.), *Eastern European Nationalism in the 20th Century* (Washington: The American University Press, 1995), p. 223.

to severe criticism of the late-19th and early-20th century Hungarian nationalism policies and practices, both inside and outside of the country.

At the beginning of the 20th century the Kingdom of Hungary was still a part of the Austro-Hungarian monarchy and included lands that were ethnically Hungarian, Romanian, Slovak, German, Serb and Croat, which shows the ethnic and religious differentiation of the area as a threat to the Hungarian statehood. Therefore, the policy of Magyarisation over those minority groups was regularly practised especially in the peripheral areas of the Hungarian Kingdom, adjacent to the border areas, which were inhabited by the non-Hungarians. The main objective behind it was to transform all of them into Hungarian subjects.

4. 2. Trianon Peace Treaty: Historical Trauma

Hungary signed the Trianon Peace Treaty in June 1919 and it was ratified in November 1920. As one of the turning points in Hungarian history, this treaty led to the division of the Kingdom of Hungary and established the boundaries of Hungary with Czechoslovakia, Romania and Kingdom of Serbs, Croats and Slovenes (which later become Yugoslavia). The boundary between Hungary and Austria, on the other hand, was determined by the Treaty of St.-German-en-Laye. The newly established state of Hungary in the region had to primarily deal with the 'nationality question'. The lost territories of Hungary were inhabited not only by non-Magyar nationalities or mixed populations, but also by exclusively Magyar-speaking ones.[222] Therefore, the peace treaty separated a significant portion of ethnic Hungarians from the state of Hungary. 1.7 million Hungarians were living in Transylvania, which was awarded to Romania; 1 million in Slovakia and Ruthenia, which went to Czechoslovakia; and 450.000 in Vojvodina, which became part of Yugoslavia.[223] The arrangements led to ethnically larger Hungarian territory than the territory left to Hungary after the war.

---

[222] I. Romsics, "The Trianon Peace Treaty in the Hungarian Historiography and Political Thinking" in P. D. Hupchick and R. W. Weisberger (eds.) *Hungarian Historical Legacies – Studies in Honour of Steven Bela Vardy* (New York Columbia University Press, 2000), p. 100.
[223] Barkey, "Thinking About Consequences of Empire" , p. 161.

Although, in theory, ethnicity and national self-determination were the main principles of the victorious powers in the post-war era to restructure CEE, it was obvious that the borders of Hungary were fixed at the expense of those principles. The losses imposed by the peace treaty created probably the second biggest European Diaspora of Hungarians, after that of Jews, and the single biggest ethnic minority in Europe, that of Transylvanian Hungarians in Romania. They found it more than difficult to cope with their new situations, since they not only had to accept a new identity as the citizens of the new states where they were forced to live, but also had to face the discriminatory, repressive policies and unequal treatment of those states. Disputes over the borders of the states had become a major concern for Hungarian politics at that time and tended to exacerbate conflicts among various ethnic and religious groups. Those developments made the Trianon Peace Treaty a powerful symbol for the subsequent generations of the Hungarians as the basis of both the modern Hungarian history and the history of its nationalism.

4. 2. 1. Fragmentation and Subsequent Destruction of Hungary

The Trianon Peace Treaty led to the loss of two-thirds of Hungarian pre-war territories and nearly three-fifths of its pre-war population. Post-war Hungary comprised only 35.900 square kilometres, compared with the original 125.660 square kilometres of the old pre-war Kingdom of Hungary. In 1928, the Hungarian population numbered around 7.5 million inhabitants, compared with the earlier figure of 20.9 million.[224] As a result, Hungary became almost ethnically homogeneous nation state, with small nationality groups, including the Germans, Slovaks, Romanians, Carpatho-Ukranians, Croats, Serbs and Jews. This fact can easily be seen below in Table 4. 1 and Table 4. 2 which indicate the ethnic structure of the country in 1920 and 1930 respectively.

---

[224] See Bogdan, *From Warsaw to Sofia*, p. 179.

Table 4. 1: Ethnic Structure of Hungary in 1920

	Population	
Ethnic group	**N**	**%**
Hungarians	6.705.400	83.9
Germans	531.000	6.6
Jews	473.300	6.0
Slovaks	141.200	1.8
Croats	58.900	0.7
Romanians	23.700	0.3
Serbs	17.100	0.2
Others	36.300	0.5
Total	**7.986.900**	**100**

Source: P. Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe – History, Data, and Analysis*, trans. by Jan Owsinski (New York and London: M. E. Sharpe, 2003), p. 292.

Table 4. 2: Ethnic Structure of Hungary in 1930

	Population	
Ethnic group	**N**	**%**
Hungarians	7.565.700	87.0
Germans	467.200	5.5
Jews	444.600	5.1
Slovaks	104.800	1.2
Croats	47.300	0.5
Romanians	16.200	0.2
Serbs	7.000	0.1
Slovenes	5.500	0.1
Others	26.800	0.3
Total	**8.685.100**	**100**

Source: P. Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe – History, Data, and Analysis,* trans. by Jan Owsinski (New York and London: M. E. Sharpe, 2003), p. 294.

After the war, the unification of the state and the population around the goal of nation building had become the main policies of the new Hungarian state, and as János Kis clearly articulates "it was passionately preoccupied with the plight of their minority groups trapped outside of the national state".[225] This policy, on the other hand, led to a birth of a "new nationalism with some ethnic revisionist elements, based on the defensive and protective interpretation of nationhood".[226] So, in the Hungarian example of forming a new state and moulding a new society, the changes in the borders and population structure of the country could be accepted as the essence of the Hungarian national problem ever since. Its example proved that the racial, linguistic, and religious mingling in the region made it impossible to draw mutually acceptable frontiers based on ethnicity throughout CEE. Moreover, it showed that even if it could be achieved, this situation could not be a stable and long-lasting solution due to some valid doubts about its viability under the conditions of the territorial demands of other states.

While signing the Trianon Peace Treaty, Hungary did not oppose the minority clauses incorporated to the treaty. Moreover, it translated the related provisions into its own law. The main reason behind this policy of Hungary was its concern about its own co-nationals in the successor states. According to the treaties, Hungary accepted the use of their mother tongue by the minorities in their private life, in business relations, religious practices, in the press and at public gatherings. The use of the minority language was possible before the communal, district, municipal and state bodies with the condition of the percentage. Accordingly, the appeal for the minority language was admissible, if the minority constituted at least twenty percent of the population of the district. In case of the local authorities, on the other hand, this percentage requirement was not applied. Regarding education, the minorities were provided their schools, when they were living in large communities. The language of the particular minority group would be the language of the instruction in the state and communal schools established for that minority group, either alone or jointly with Hungarian. The minority groups were also authorised to found their own societies and associations for the promotion of their language, art, science, culture and national economy.[227]

---

[225] J. Kis, "Beyond the Nation State", *Social Research*, Vol: 63, No: 1, Spring 1995.
[226] Frank, "Nation, National Minorities, and Nationalism in Twentieth-Century Hungary", p. 229.
[227] For more detailed information, Robinson et al., *Were the Minorities Treaties a Failure?* (New York: Institute of Jewish Affairs, 1943), pp. 201-238.

The post-Trianon developments, together with the negative effects of the Great Depression, marked the beginning of the ascendancy of radical right in Hungarian politics, which lasted until 1945 with few interruptions. The rise of authoritarian regimes and nationalist tendencies was mainly due to the failure of the solution of the national minorities problem and alleviation of the economic backwardness. When the nationalistic tendencies intensified in Hungary, as in the other regional countries, several attempts have emerged, on the other hand, to base those tendencies on a philosophical ground. One of them was advocated by Count Kuno Klebelsberg who emphasised the term of neo-nationalism. He argued that "nationalism was not new, but very old, however, its content was new".[228] Accordingly, under the changing circumstances, neo-nationalism with strong cultural sentiments appeared as a possible alternative to strengthen the new nationalist trends with the aim of the creation of a "more Hungarian Hungarianness" through the building of national self-consciousness.[229] As Barkey argues "emphasis on ethnicity became an aspect of politics, used to consolidate the fragile nation state" and within this framework, "nationhood was perceived and articulated in ethnic terms and all the policies applied were the result of ethnic consolidation".[230] So, nationalism in Hungary, in the post-World War I era was quite aggressive and virulent with the goal of the creation and development of a totally ethnic Hungarian state with a majority of Hungarian population. In this period, the number of ethnic Hungarians increased enormously at the expense of the minority groups of the country.

Those developments together with hostility to the Soviet Union paved the way for Hungary to become Germany's partner. Fascism in Hungary began to spread among the army officers, civil servants, university graduates and the landed gentry with the revisionist claims to restore Hungary's lost territories With the dominant aspirations of successive Hungarian governments to recover those territories moved the country further to the right. The rising influence of the right wing policies and radical movements also led to the establishment of some organisations, e.g. White Terror and

---

[228] K. Klebelsberg, "A magyar neonacionalizmus, 1928" in F. Glatz, *Tudomány, kultúra, politika* (Budapest, 1990). His ideas were translated by T. Frank in Frank, "Nation, National Minorities and Nationalism in Twentieth-Century Hungary", p. 210.
[229] *ibid.,* pp. 231-233.
[230] Barkey, "Thinking About Consequences of Empire", p. 107.

Arrow Cross[231], to pursue their objectives with power and strength. Both of them were extreme rightist organisations with their nationalist and anti-Semitic agendas. While the former was influential between 1919 and 1920, the latter ruled Hungary between October 1944 and January 1945. By becoming dependent on Germany, Hungary could use the support and assistance of this country, but not without any price. On the contrary, Hitler was pressurising Hungary to support his policies including those related to the Jews, which suffered from the systemic policies of the Hungarian governments targeting directly the Jews of the country. Therefore, we can argue that as Hungary moved closer to an accommodation with Germany, growing anti-Semitism against a large and prominent Jewish community has become more and more apparent.

4. 2. 2. The Impact of Fascism

The rise of Hitler, on the other hand, made not only nationalism but also fascism more acceptable in Hungary. On the eve of World War II, similar to other countries in the region, Hungary moved into authoritarianism leaving deep problems unsolved at a time of coming crisis. During World War II, militant nationalism determined the actions of the CEECs, although still the nationalists seldom were committed to the reconciliation of their ethnic or religious differences and divisions. Hungarian public opinion shifted further to the right at the end of the 1930s when the reins of the government were handed over to the sympathisers and supporters of the Hungarian Nazi organisations, which had strict and harsh policies against all minorities, mainly the Jews.[232] Among other minorities, Jews were the only one defined as alien. They were disenfranchised from the moment when independent Hungary was born. The suffering of the Jews continued in the following years when the fascist governments increased their power in the whole Europe because of the rising tide of anti-Semitism. Through the end of the war, with the occupation of Hungary by Germany in July 1944 leading to German celebrations, the deportation of the Jews to the death camps began in Poland. More importantly, the Hungarian Jews was processed for the 'Final Solution' through expropriation, confinement, sending to the death camps and extermination. When the

---

[231] J. Rothschild, *East Central Europe between the Two World Wars (*Seattle an London: University of Washington Press, 1977), pp. 177-182.
[232] See T. Ungvari, *The "Jewish Question" in Europe – The Case of Hungary* (New York: Columbia University Press: 2000), p. 3.

cooperation between Hungary and Germany continued, with the conflict between Germany and the Soviet Union, Hungary found itself between these two forces. In September 1944, the Soviet forces crossed the border and forced the country to sign an armistice with the Soviet Union, which led serious criticism from Germany. Hungary became a battlefield and the Soviet Army advanced its presence in a state of political chaos. Those conditions led German troops withdraw from Hungary at the end of the war. Consequently, Soviet domination started in the country.

4. 3. Beginning of a New Period: Communism

In the post-World War II period, an anti-German government was set up in Hungary. Hungarians were in the way of transforming their politics and societies and guaranteed their loyalty to the Soviet Union. The constitution of 1949 turned Hungary into a Moscow-style people's democracy. When the communist systems had become the dominant force in CEE in the post-World War II era and Hungary was becoming a satellite state, nationalism and the related issues lost their perpetuation and most of the past and heated issues of Hungarian history, including the fatal treatment of the Hungarian minorities across the borders were disavowed. As all other regional countries, Hungary was ruled under the powerful existence and pressures of the Soviet Union in the post-World War II era for forty-five years. The Soviet military take-over helped the Hungarian communists to establish and consolidate, relatively, quickly and smoothly. But, the new regime faced major political and ideological difficulties in defining its position and formulating the policies regarding the nationality question and the national minorities issues. Since, the peace treaties after World War II could not provide the right solution for the small states and nations of the region, as it is stated by Kalman Janics, "Hungary incorporated its nationality question into the policy of the restructuring of its state".[233]

---

[233] K. Janics, "The Hungarians of Slovakia: From Czechoslovak to Slovak Rule" in S. Borsody (ed.), *The Hungarians: A Divided Nation* (Yale: Russian and East European Publication, 1988), p. 165.

4. 3. 1. The Question of Nationality and Nationalism against Soviet Occupation

The peace treaties of World War II could not provide effective solutions to the ongoing problems of the region, regarding the nationality issue and the tensions and conflicts among the countries continued for a while. In the aftermath of World War II, Hungary lost all the territories that it gained during the war. With the peace treaty signed in January 1945, its post-World War I borders were restored. This restoration led to the exodus of some ethnic Hungarians once again. The existence of the German population was one of the most important issues in the post-World War II era of Hungary. Almost half of them were deported immediately after the war; many Germans living in the rural areas of southern and western Hungary, on the other hand, avoided resettlement.[234] Approximately 230.000 ethnic Germans were deported to Germany. Those Germans who were deported from the country were the ones who collaborated with Nazi organisations during the war or were disloyal to the Hungarian state in a way.

Within the framework of the Hungarian repression policy during the communist period, the new laws were introduced in the country at the beginning of the 1950s to abolish all discriminatory attitudes and policies against the minorities in general and German minority in particular. With the intention of improving the situations of the Hungarian minorities in the neighbouring states, Hungary introduced some liberal policies regarding the ethnic minorities in Hungary. The fate of the Hungarian Diaspora and the Trianon Peace Treaty itself became anathema and there was a fight against nationalism in the Hungarian politics. In this period, the regime used a narrow-minded, exclusive and all-too-suspicious approach to anything genuinely national. The official Hungarian policy was characterised by a fiction of an ethno-culturally neutral state and did not show official interest in Hungarians living abroad until the mid-1980s.[235] It has to be remembered that with the breakdown of the regime, the situation changed radically and the concern for Hungarians living abroad was materialised in legislation and governmental politics once again.

---

[234] Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe,* p. 311.
[235] With the breakdown of the previous regimes, the situation changed radically. The concern for Hungarians living abroad was materialised in legislation and governmental politics.

In the post-war era, Hungary continued its existence as almost an ethnically homogenous state. The numbers of minority groups living in Hungary can be seen in Table 4. 3 below. This table also provides information for the following years, which is important to be able to understand and evaluate not only the policies of the state both in the communist and post-communist periods, but also general tendency of the country in terms of the situation of minorities.

Table 4. 3: Population of Hungary between 1941 and 1990

	1941	**1949**	**1960**	**1980**	**1990**
Hungarian	8.918.868	9.104.640	9.837.275	10.638.974	10.142.072
Roma	27.033	37.598	56.121	6.404	142.683
Bulgarian	-	-	-	-	-
Greek	-	-	-	-	-
Croatian	4.177	4.106	14.710	13.895	13.570
Polish	-	-	-	-	-
German	302.198	2.617	8.640	11.310	30.824
Armenian	-	-	-	-	-
Romanian	7.565	8.500	12.326	8.874	10.740
Ruthene	-	-	-	-	1.098
Serbian	3.629	4.190	3.888	2.805	2.905
Slovakian	16.677	7.808	14.340	9.101	10.459
Slovenian	-	-	-	1.731	1.930
Ukranian	-	-	-	-	5.070
Did not wish to answer	-	-	-	-	543.317
Unknown	-	-	-	-	27.220
Total	**9.316.074**	**9.204.799**	**9.961.044**	**10.709.463**	**10.374.823**

http://www.nepszamlalas.hu/eng/volumes/24/tables/prnt1_2.html (25/05/2007).

Under the communist type of governments, nationalism, especially in the early and mid-1950s, was subdued through proletarian internationalism. This theoretical framework had two components. One was the 'proletarian patriotism' with the objective of defending the socialist homeland against the attacks of the imperialistic bourgeois states. The other component was the growing 'proletarian internationalism', as an ideological backbone of the cooperation among the working classes against the bourgeois nationalism. So, instead of the nationality question, class issue became more important and it was assumed that when the working class would come to power, the nation would become the community of the workers under the leadership of the working class, without any need of further discussions about the nationality issues.[236]

When we try to evaluate the effects of the policies of the communist system, we can draw two conclusions, short-term and long-term. In the short-term, all these factors, -the ignorance of the nationality question and indifference to the Hungarian minorities abroad- created the loss of national consciousness among the population. The governments did not show any interest in those kinds of policies. However, in the long-term, the distorted national question of Hungary made a fundamental contribution to the outbreak of national/nationalist sentiments in the country. Since the national disputes and problems of the pre-communist period could not be solved in this period, they were only set aside without total disappearance. On the other hand, since communist ideology swept away all other competing ideas, programs and values, as Schöpflin argues "it made it much easier for an undiluted nationalism referring only to ethnicity to survive more or less intact and more or less in its original state".[237] These factors could easily explain the revival of nationalism in the Hungarian political life in the following years to succeed after demise of communism.

One of the most important dimensions of the Hungarian nationalism during communism was its content of anti-Sovietism mainly due to the imposition of the Soviet policies, which were directly opposed to the Hungarian national interests. Actually, the virulence of anti-Soviet interests was clearly demonstrated in the mid 1950s. The

[236] Frank, "Nation, National Minorities, and Nationalism in Twentieth-Century Hungary", p. 237.
[237] G. Schöpflin, "Nationality and Ethnicity in Europe, East and West" in C. A. Kupchan (ed.), *Nationalism and Nationalities in the New Europe* (London: Cornell University Press, 195), p. 53.

subordination of the nationality issue to other political ideas paved the way for the 1956 revolution in Hungary. It was an attempt to refresh the idea of the independent existence of the Hungarian nation, with the aim of the restoration of national sovereignty and the re-evaluation of the significance of national identity. In that sense, the Hungarian attempt of 1956 was indicative of the fact that "ethnicity and nationalism became major issues in the politics of CEE in the post-Stalinist era".[238] With the reform movements and liberalisation attempts in the post-1956 period, it was realised that the monolithic image of socialism began to crumble and the countries of the eastern bloc could find the opportunity to follow relatively independent path in their internal and external developments. Consequently, after that time Hungary did not refrain from displaying its hostility toward the Soviet Union. The state socialist system after that time showed much more flexibility and sensitivity to the needs of its citizens. It was this period when the old nationalist feelings revived and when the countries could express their national points of view within the bloc. So, in the post-1956 period, the issues of nation, national minority and nationalism were started to be discussed in Hungary, especially with the new regime under Janos Kadar (1956-1988). This trend continued in the following years with greater support. Especially through the end of the 1980s and in the post-communist period, the nationality issues came to the surface easily.

4. 3. 2. Incompatible Citizenship Policies

The communist understanding of nationality and nationalism had important impacts on the citizenship policies of the country. Below, the basic information about citizenship regulations of this era by concentrating on different sub-periods can be found.

If we evaluate the period between 1945 and 1948 in terms of the citizenship status of different groups of people, we can see that many of them were deprived of their citizenship. The Agreement on Armistice concluded in Moscow in 1945 annulled all modifications of citizenship related to territorial changes to the state border of

---

[238] C. Williams, "Imagined Democracy: Ethnicity and nationalism in East Central Europe and the Balkans" in T D. Sfikas and C. Williams (eds.), *Ethnicity and Nationalism in East Central Europe and the Balkans* (Aldershot: Ashgate, 1999), p. 50.

Hungary between 1939 and 1945. This meant the loss of Hungarian nationality for millions living under the new sovereign power of the adjacent states. The peace agreement following World War II defined the border of state as that which existed in the last day of the peace. Temporary regulation of citizenship between 1945 and 1948 considered all persons residing in the actual territory of Hungary in 1945 as citizens, if they did not obtain another citizenship status.

In this period, many people were deprived of citizenship through bilateral agreements with Czechoslovakia and Germany. Non-returned, presumed war criminals, opponents to the Republic and enemies of the democratic state were left without their citizenship by domestic regulation. Finally communists who had emigrated and wanted to return back to Hungary were rehabilitated. All these factors have proved Toth's statement that "[citizenship] was a political tool of exclusion in this epoch".[239]

The Act of 1948 provided the acquisition of citizenship through family and personal status changes. This Act intended to register all nationals who resided abroad, but without proper executive rules, techniques and consular office relations. It also legitimated the Hungarian citizenship of pending, undocumented persons, if they resided in Hungary for a certain period of time.

As for the period between 1956 and 1989, the 1957 Act on Nationality was the main document regulating citizenship status. It accepted the principles about the emancipation of spouses on the basis of the New York Convention (1957) on married woman. Moreover, after 1956 and mass emigration, a mass amnesty was proclaimed for returnees together with registry of citizens staying abroad permanently.

4. 4. Uncertain Transition: Post-Communist Nationalism and Citizenship

In the post-communist period, nationalism re-emerged as a powerful tool for the survival of the new post-communist states. The growing nationalism in CEE affected the Hungarian politics specifically. The changes regarding the nationality and national

---

[239] J. Tóth, "Principles and Practice of Nationality Law in Hungary", *Regio – A Review of Studies on Minorities, Politics, Society,* 2005, p. 22.

minority issues started in Hungary earlier than anywhere else in the region. A relatively relaxed atmosphere created under Kadar's last periods made it possible to discuss those kinds of policies. So, especially, towards the late 1980s, with the help of the Soviet *perestroika* and *glasnost* policies, the Hungarians felt themselves free and able to act more openly in terms of their nationality and minority issues. The reform movements in this respect started in 1988 and reached its peak in 1989-1990. Those reforms not only led to a multi-party system, free elections, a parliamentary democracy, the withdrawal of all Soviet troops, the deconstruction of the Iron Curtain system and the dismantling of the Warsaw Pact; but also they made it possible to discuss the fundamental issues related to nationhood and nationalism.

4. 4. 1. Rising Nationalism

Together with the effects of international economic depression, growing unemployment and pauperisation, the national tendencies turned to extremist and abusive character, similar to the virulent nationalist sentiments during and after World War I. In this political atmosphere, the nationalistic parties strengthened their influence in the society.[240] The collapse of communist regimes intensified the nationalist debates and tendencies. The nationalist ideas and way of thinking flourished in the country. Hungary tried to create new definitions and formulations of ethnicity, nationalism, nation and national identity. In that period, as Ignac Romsics clearly expresses, the main concerns have appeared as the diminishing Hungarian "ethnic stock" as well as the protection of the Hungarians living outside who became ethnically alien national and local groups in the countries where they have been living.[241]

In post-communist Hungary, the ethnic balance remained stable as a proof of relatively homogenous Hungarian state with the disappearance of the minority groups. It has become relatively easier for the Roma to declare their ethnicity in this period. Nevertheless, they were still hesitant to do so in the official transactions. The results of the latest of 2001 census demonstrate this situation.

---

[240] One of them was the Hungarian Democratic Forum gaining a majority in the first general election of 1990.The urban-oriented, cosmopolitan Alliance of Free Democrats with little nationalist agenda achieved the role of the biggest opposition in the parliament.
[241] Romsics, "The Trianon Peace Treaty in the Hungarian Historiography and Political Thinking", p. 101.

Table 4. 4: Population of Hungary in 2001

	2001	
	N	**%**
Hungarian	9.416.045	92.3
Roma	189.984	1.86
Bulgarian	1.358	0.01
Greek	2.509	0.02
Croatian	15.597	0.15
Polish	2.962	0.02
German	62.105	0.60
Armenian	620	0.01
Romanian	7.995	0.07
Ruthene	1.098	0.01
Serbian	3.816	0.03
Slovakian	17.693	0.17
Slovenian	3.025	0.02
Ukranian	5.070	0.04
Did not wish to answer	543.317	5.32
Unknown	27.220	0.26
Total	**10.198.315**	**100**

http://www.nepszamlalas.hu/eng/volumes/24/tables/prnt1_2.html (25/05/2007).

In this period, the old issues that were ignored during the communist period could find the opportunity to re-emerge, though sometimes in a new form. The right-wing politicians started to demand, once again, the treaty revision, a renewed fight against the legacy of the Trianon Peace Treaty. However, the parties on the left side rejected the nationalistic policies and propaganda. In this framework, the national tendencies of different political parties varied according to their ideological points of view. While the right wing parties and extreme nationalists have been strongly supporting the ways of spreading and strengthening nationalist ideas, more moderate political parties and movements, e.g. the Hungarian Socialist Party and Alliance of Free

Democrats, have always criticised it due to their understanding of ethnic nationhood and revisionist claims and campaigned against the extension of citizenship to ethnic Hungarians living in the neighbouring countries. Every successive government also tried to ensure that the rights of national and ethnic minorities should be in complete harmony with the European regulations and standards. Within this framework, the concern for Hungarians living abroad has re-emerged as a salient and prominent issue. Accordingly, the creation of individual, communal and collective minority rights for personal autonomy and self-government has always been among the priorities of the political debate.

Those debates about nationalism centred on the issue of 'Hungarian nationhood' by emphasising the questions what makes a nation and who the Hungarians are. The debates centred on the question whether to further 'ethnicise the Hungarian polity' or 'de-ethnicise the state'. However, in this framework, there were some disagreements about the meaning of the Hungarian and many people tended to reject the idea that a "Hungarian is a person who considers himself or herself a member of that nation".[242] Under these circumstances, the re-emergence of national hatred against foreign influences and the obsession with ethnic purity have become two characteristics of the Hungarian nationalist discourses. Those tendencies enabled the ethnic Hungarians to integrate to the society and eliminated others with different ethnic and racial origin. Cultural nationalism, together with its xenophobic connotations, was awakening in the region in the post-communist period.[243] This ethnic purity had impacts on Hungarian citizenship policies, which is be the main point of discussion in the next part.

4. 4. 2. Reformist Citizenship Policies between 1989 and 1993

After the systemic changes in 1989-1990, the reform of the political, economic and institutional system has started in Hungary to create the legal framework of a democratic society. Citizenship has appeared as a prior topic in the agendas of the Hungarian governments. New legislative framework proposed serious reforms about the

---

[242] I. Deak, "Hungary", *The American Historical Review*, Vol: 97, No: 4, October 1992, p. 1061.
[243] Csepeli and Örkeny, "The Changing Facets of Hungarian Nationalism", p. 270.

topic. Table 4. 5 shows the number of the Hungarians who acquired citizenship through different procedures.

Table 4. 5: Acquired Hungarian Citizenship

Legal Grounds	1999	2000	2001	2002
Not entitled to advantage	86	287	421	244
Spouse of Hungarian citizen	341	729	509	325
Minor child is Hungarian citizen	30	79	88	49
Adopted by a Hungarian	10	3	5	-
Refugee	10	30	33	17
Has Hungarian ancestors	4537	5165	3737	2447
Minor child-separate application	-	-	8	9
Adopted minor	-	-	6	30
Re-naturalisation	1052	1245	1120	764
Total	**6066**	**7538**	**5927**	**3885**

Source: A. Bozoki and B. Bösze, Migrants, Minorities, Belonging and Citizenship – Glocalisation and Participation Dilemmas in EU and Small States, The Case of Hungary, Glocalmig Series 6 – Series editor: Hakan G. Sicakkan (University of Bergen: International Migration and Ethnic Relations Center for Development Studies, 2004), p. 33.

Post-communist Hungary experienced important developments concerning the citizenship issue. The ban of the deprivation of citizenship was regulated in the modified Constitution. Accordingly, the legal title for loss or deprivation of citizenship as arbitrary ceasing of nationality for unlawful departure, used from 1939 to 1989, was abolished. Moreover, the rehabilitation of the expatriated nationals, who arbitrarily were deprived citizenship, was regulated upon request. Hungarian Citizenship Act LV of 1993 initiated new policies to regulate granting citizenship status. These policies are evaluated in the following part with references both to the Constitution of Hungary and its latest Citizenship Act.

4. 4. 3. Attempts for International Harmonisation

The main document regulating Hungarian citizenship status is the Hungarian Citizenship Act LV of 1993, which was approved by the Hungarian National Assembly and entered into force in October 1993. In its origin, the Act is a framework agreement and regulates the basic and general points related to the Hungarian citizenship. The additional, detailed and essential points, on the other hand, are subject to the regulations initiated by the lower levels of the governmental authorities with a reference to this framework agreement. In this context, the 'government decree 125 of 1993, 22 September' is the additional supplementary part of the general Hungarian Citizenship Act. After entering into force, the Act was amended by the Act XXXII of 2001 and LVI of 2003, while government decree was modified by the other decrees of 103 of 2001, and 128 of 2003 respectively. However, the Act is not the only source concerning the issue of citizenship. On the contrary, some other legal documents, the constitution and the policy reports of the related political institutions and authorities have crucial impacts on the meaning and practice of citizenship. Within this framework, we have to emphasise that all legal rules and norms, the regulatory principles and the legal citizenship system are designed to be compatible and in harmony with the international legal theories and practices of citizenship due to Hungary's participation in the related international agreements and conventions.[244]

a. The Hungarian Constitution[245]:

Although the current Hungarian constitution provides a broad range of citizens' rights in principle, it contains only a few provisions of the guarantee relating to the Hungarian citizenship. The constitution mentions only about the general rights of the citizens, e.g. Article 69 is about the right of keeping citizenship and impossibility of its denial against the will of the individual, the right to return to the country from abroad

---

[244] Act III of 2002 on the promulgation of the European Convention on Nationality of 1997, Act XXXIV of 1999 on the promulgation of the Framework Convention for the Protection of the National Minorities of 1995, Strasbourg, Statutory Rule No. 8 of 1976 on the promulgation of the Covenant on Civil and Political Rights adopted at the United Nations General Assembly No. XXI. 16 December 1966.

[245] The Constitution of 1949 was amended with different acts and regulations in 1993, 1994, 1995, 1997, 2001, 2002, 2003 and 2004. The detailed information about the Hungarian Constitution can be found at <http://www.legislationline.org/upload/legislations/cd/86/39b1e5cc4b9b9b6a97c2830f3608.htm> (11/05/2007)

and the right of protection of the Republic of Hungary; Article 70 is about the right to be elected and to vote, the right to participate in the public affairs; Art. 70 A mentions about the prohibition of the discrimination on the basis of race, colour, gender, language, religion, political or other opinion, national or social origin, financial situation, birth or nay other grounds; Article 70 B is about the right to work; Article 70 E is about the right to social security; Article 70 F is about the right to education.

The treatment of the ethnic Hungarians living across the border of Hungary is one of the most controversial issues within the framework of the constitutional discussions. Concerning the matters of national identity and ethnicity, the constitution contains a highly controversial and disputed article, Article 6/3. At this point, it has to be emphasised that historically, the main text of the Hungarian constitution goes back to 1949. Despite modifications in the later years, this article, which became the cornerstone of the Hungarian nationalist politics, has remained unchanged since that time. Accordingly,

> The Republic of Hungary bears a sense of responsibility for the fate of Hungarians living outside its borders and shall promote and foster their relations with Hungary (The Constitution of Hungary, 1949).

Concerning the Hungarians living in the neighbouring countries it is important to emphasise that Article 6/3 shows the continuity in Hungarian politics. This article has remained unchanged since the communist period. It reveals highly nationalist sentiments of the Hungarian post-communist nation-building process. The article clearly refers to Hungary's responsibility as a kin-state for those kin-minorities and stretches the constitutional sovereignty beyond the state borders. Therefore, it was harshly criticised by the Hungarian neighbours having large numbers of Hungarian minorities within their borders, e.g. Romania and Slovakia, and led to their severe reactions.

In the post-communist period, the nationalist sentiments can easily be recognised in the various declarations and principles of the consecutive post-communist governments. If we look at it from the historical perspective, we can easily argue that

the distinction between the ethnic and civic characteristics has traditionally affected the ideologies and the policies of different governments. Actually, the discourses of the post-communist governments and their practices and actions have been important examples to prove this fact. In this framework, the first post-communist government between 1990 and 1994 led by József Antall (as the leader of the Hungarian Democratic Forum - *Magyar Democrata Fórum*, *HDF*-) showed great concern towards the Hungarian minorities living in the neighbouring states. In one of his speeches, József Antall strongly emphasised that his government would work for the interests of '15 million Hungarians' instead of mentioning about ten million Hungarians living within the borders of the country. [246] With this speech, he tried to give the impression that those Hungarians outside the border of Hungary would be treated by his own government. Actually, the policies of the Antall government were determined by two factors. As Nándor Bárdi expresses them, on the one hand, domestically, the officials tried to include the issue of citizenship in the works of the government and find an appropriate institutional framework to deal with it more effectively and efficiently. On the other hand, internationally, Hungary had to cope with three separate, but interrelated issues, which were particularly important for the Hungarian foreign policy. They were the Euro-Atlantic integration, the relations with the neighbouring countries and the Hungarian national policy implying Hungarian

minorities outside Hungary.[247] Within this general structure, the 'nation policy'[248] of the Antall government can be summarised in terms of three goals: the task of diplomatic protection of Hungarian minorities, the creation of a Central and Eastern European model as an example for treatment of national minorities issue and the contribution and participation of the Hungarians living abroad to the decisions related to their own future and status.

---

[246] J. Batt, "The International Dimension of Democratisation in Czechoslovakia and Hungary" in G. Pridham, E. Herring and G. Sanford (eds.), *Building Democracy? The International Dimension of Democratisation in Eastern Europe* (New York: St. Martin's Press, 1994), p.183.

[247] N. Bárdi, "The History of Relations Between Hungarian Governments and Ethnic Hungarians Living Beyond the Borders of Hungary" in Z. Kántor, B. Majtényi, O. Idea, B. Vizi and I. Halász (eds.), *The Hungarian Status Law: Nation Building and/or Minority Protection* (Japan: Slavic Research Center – Hokkaido University, 2004), p. 68.

[248] Within the general framework, the nation policy of the respective Hungarian governments implies the situation of the Hungarians living in the neighbouring countries.

The second post-communist Hungarian government (between 1994-1998) led by the Hungarian Socialist Party (*Magyar Szocialista Párt)* and the Prime Minister Gyula Horn, however, preferred a much more cooperative relationship with the neighbouring countries and tried to establish friendly relations with their governments. It signed treaties with Slovakia and Romania in 1995 and 1996 respectively and the tension between Hungary and its neighbours diminished as long as they were in power. The Hungarians living beyond the borders were not the primary concern of the Horn government; therefore it did not deal with the issue as a historic and national mission. They were primarily accepted, on the other hand, as disadvantaged groups. As Bárdi states "only secondarily were they perceived as a part of the Hungarian nation".[249] Therefore, the communist government took the issue within the personal and constitutional responsibility and tried to follow accommodating policies and solutions.

In 1998, the Hungarian Civic Union (*Magyar Polgári Szövetség*) with its leader Viktor Orban (1998-2002), which put 'nation policy'[250] among the first priorities of the electoral campaign, won the general elections in cooperation with the HDF and the Independent Smallholders' Party (*Független Kisgazda Párt)*. Contrary to the socialists, they again converted the party's policy to a conservative and a nationalist one. The representation of the national interest was the most pivotal point of the Orban government for which the issue of the Hungarians living abroad was not a burden. On the contrary, this issue was accepted as a core issue, which necessitated the policies to ensure the belonging of the Hungarians living in the neighbouring countries to the whole unitary Hungarian nation. In this way, some of the leading authorities of the party created the term 'co-nation' to implement the policy of the national integration on the basis of a systematic approach to nationality policy.[251] In this framework, the main objective was to embrace the Hungarian minority living in the neighbouring countries within the structure of the co-national relations between the Hungarian community and the majority nation of a given country.

---

[249] Bárdi, "The History of Relations Between Hungarian Governments and Ethnic Hungarians Living Beyond the Borders of Hungary", p. 69.
[250] For FIDESZ, nation policy means the ensurance that the Hungarians living in the neighbouring countries belong to the unitary Hungarian nation.
[251] Bárdi, "The History of Relations Between Hungarian Governments and Ethnic Hungarians Living Beyond the Borders of Hungary", p. 73.

In the following years, when the Hungarian Socialist Party gained power in the 2002 and 2006 elections to form the governments, the party continued its position of difference from the other governments in terms of the 'nation policy' and pursued its opposition against extending citizenship to ethnic Hungarian living in neighbouring states. The party's position in the 2004 referendum on the dual citizenship was a proof for its more friendly and cooperative policies in the issues related to the 'nation policy'.

Starting from the 2000s, the new nation policy of Hungary emerged within the context of the EU enlargement towards CEE. This enlargement has resulted in a new situation with regard to the future of the Hungarian communities, living in the neighbouring states[252] and required the gradual implementation of a nation policy including the unification of the Hungarian nation within the EU perspective. In other words, as Osamu Ieda points it out, "the new structure implied the creation of the unified Hungarian nation extending beyond the state borders or a new nation-building process in post-communist Hungary".[253] So, within this framework the relation between the mother country and the Hungarian communities living in the neighbouring states should be conceived in a new, differentiated system of relationship. In that sense, the new nation policy necessitated an inter-Hungarian dialogue, cooperation with the neighbouring states and reinforcement and development of the European values and norms.

This historical perspective gives us the impression that although the ethnic politics of protecting both Hungarian minorities living abroad and different minorities living in Hungary has formed an important part of the policies and constitutional regulations of all post-communist Hungarian governments, its content has been heavily influenced by the ideological differences between the liberal left and the conservative right. The constitutional processes, on the other hand, were determined by the re-entry of different civic and ethnic traditions.

---

[252] Because, some of those states having Hungarian population became the members of the EU (Slovakia, Slovenia, Romania), while some others are expected to be members in the near future (Croatia).

[253] O. Ieda, "Post-Communist Nation Building and the Status Law Syndrome in Hungary", in Z. Kántor, B. Majtényi, O. Idea, B. Vizi and I. Halász (eds.), *The Hungarian Status Law: Nation Building and/or Minority Protection* (Japan: Slavic Research Center – Hokkaido University, 2004), p. 10.

b. The Ethnic Bias of Hungarian Citizenship Act:

The contemporary developments, e.g. the regime changes and the membership to the EU, forced Hungary to modify its rules and norms on the acquisition, preservation and termination of citizenship. Hungarian Citizenship Act LV of 1993 was initiated to deal with this complicated issue with the aim of the transformation of the people from "political subjects to conscious citizens".[254]

With the new Hungarian Citizenship Act, the new definitions and implications of citizenship entered into the political scene of the country. First of all, this Act has differentiated between 'ethnic' Hungarians and the others while accepting *jus sanguinis* as the main principle of granting status. Although ethnic Hungarians can get citizenship through easier procedures (e.g. only after one year of residence), others are subject to long-term bureaucratic requirements. Therefore, as Martin Kovats claims "during the 1990s those obtaining Hungarian citizenship were almost exclusively 'ethnic' Hungarians".[255] In this framework, as Balázs Majtényi argues "the concept of cultural nation has [remained as] a stronger tradition in public political thought in Hungary, but only proves that this concept of nation is not capable of describing the political community of the democratic state, each member of which holds an equal status under public law".[256] This implies that the ethno-cultural understanding of the nation is still dominant in Hungary.

The new Act, on the other hand, was accompanied by the Act on the Rights of National and Ethnic Minorities of 1993, which guaranteed political and other rights of minorities living in Hungary.[257] Moreover, each successor government has followed the policies of granting special privileges to the Hungarian ethnic minorities living abroad

---

[254] G. Goodwill-Gill, "Comment on Gábor Nagy's Paper 'Citizenship in Hungary from a Legislative Framework'" in A. Liebich, D. Warner and J. Dragovic (eds.), *Citizenship East and West* (London and New York: Kegan Paul International, 1995), p. 131.

[255] M. Kovats, "Hungary: Between Ethnic Community and European State", *Open Democracy – Free Thinking for the World,* December 2003 <http://www.opendemocracy.net/content/articles/PDF/ 1632.pdf> (29/09/2006).

[256] B. Majtényi, "Special Minority Rights and Interpretations of the Nation in the Hungarian Constitution", *Regio – A Review of Studies on Minorities, Politics, Society,* 2005, pp. 11-12.

[257] Hungary officially recognises thirteen minority groups, namely Bulgarian, Roma, Greek, Croatian, Polish, German, Armenian, Romanian, Ruthenian, Serbian, Slovak, Slovene and Ukrainian, their percentage is very small within the total Hungarian population.

according to their main ideological orientation. These privileges include the permission to work in Hungary for three months of each year, access to welfare benefits, and financial assistance for ethnic Hungarian students in their home countries. Such a practice, on the other hand, has implied, as Jiri Přibáň suggests, the application of an "out-of-state citizenship" based entirely on blood and race principle with a legal and political symbolisation of cohesion of ethnic Hungarians and their identification with the Hungarian state.[258]

When it is studied carefully and comprehensively, it can easily be seen that the Hungarian Citizenship Act reflects the primacy of the 'ethnic principles' for accepting or rejecting the citizenship status of the applicants. Some provisions of the act strongly support this argument. First of all, as it was mentioned above, this Act necessitated the application of the principle of *jus sanguinis* in deciding whether to grant the citizenship status or not. Accordingly, the origination of citizenship is not influenced by the place of birth and all descendants of Hungarian citizens shall be accepted as Hungarian citizens.

Second, with this Act, the conditions to acquire citizenship have become stricter, including the eight years of permanent residence status (instead of three years), the lack of criminal past, no violation of the interest of the Hungarian Republic and fulfilment of the requirements of the language and citizenship examination.

Third, a special status was provided for the people of the Hungarian nationality who have lived outside the borders of the country, since Hungary has lost its former territories. This status entitles them to a 'preferential and simplified procedure'. Within this framework, as Gábor Nagy clearly articulates "the new [A]ct and its related provisions have showed the political intentions of the governments-in-power to offer a special treatment for the Hungarian minorities living in the neighbouring states in their efforts to acquire citizenship if they wanted preferential naturalisation to hinder non-Hungarian immigrants applying for Hungarian citizenship and to activate as many

---

[258] Přibáň, "Reconstituting Paradise Lost", p. 424.

former Hungarian citizens as possible, even dual citizens, who may not have actual connections with their native country". [259]

After those general evaluations, the following part analyses the specific provisions of the Hungarian Citizenship Act. They are the signals of ethnic preference of citizenship understanding make the multiple-citizenship possible for the Diaspora Hungarians (for those who were expatriated, emigrated nationals or loss of population due to peace agreements).[260] Therefore, the Citizenship Act led to serious concerns and criticism within the Hungarian society, as well as the outside world.

Hungarian Origin: According to the related provisions of the Citizenship Act a person who declares to be a Hungarian nationality and whose ancestors include at least one Hungarian citizen can acquire citizenship status. The Act does not impose any restrictions on the degree of the ancestor whose citizenship is required for the application.

Issuing visa: The visa policy of the Citizenship Act has served, to a great extent, the free visit of kin-minority to Hungary with an aim of compensating the EU law and security requirement.[261] So, it was in favour of the Hungarian minorities living in the adjacent countries. This is another indication of the 'ethnical and national priorities' towards the Hungarian minorities living in the neighbouring states. After the membership to the EU, this issue became part of the Union competence. However, even after the membership, Hungary introduced a special kind of visa to those coming from the non-EU member of neighbouring states. This visa is applicable to those who wish to visit Hungary regularly, for longer periods of time, to safeguard their language, cultural and national identity or to cultivate their family relations.

---

[259] G. Nagy, "Citizenship in Hungary from a Legislative Framework" in A. Liebich, D. Warner and J. Dragovic (eds.), *Citizenship East and West* (London and New York: Kegan Paul International, 1995), pp. 125-126.
[260] J. Tóth, "Hungary: A Case of Ethnic Preference in Citizenship Law", <http://aa.ecn. cz/img_upload/f76c21488a048c95bc0a5f12deece153/JToth_Citizenship_Law_in_Hungary.pdf> (17/12/2005).
[261] Tóth, "Hungary: A Case of Ethnic Preference in Citizenship Law".

Bilateral agreements: Bilateral agreements of Hungary with other countries ensure the preferential preconditions of residence in Hungary, on the basis of minority protection, in order to create the lawful study and work of minority members in Hungary. However, although it is assumed as ethnically neutral, in practice, commuting workers, seasonal workers, trans-border, informal traders, as well as youth attending secondary schools and universities in Hungary are generally been recruited from the ethnic minorities living across the borders.[262]

The set of benefits and allowances for minorities across the borders[263]: In 2001, the Parliament adopted a law, which introduced a specific certificate for the ethnic Hungarians living in Slovakia, Romania, Ukraine, Slovenia, Serbia-Montenegro, and Croatia, although it had to be modified in 2003. The new Act provided some individual benefits including the employment, social insurance and public health in Hungary, which were available in the possession of Ethnic Hungarian Certificate. In December 2004 a further support system for the community building was adopted to cover various community-building projects for kin-minorities living in adjacent states. However, as Tóth articulates "these measures of ethnically based assistance of Diaspora law legalised and inspired the migratory movements toward Hungary".[264]

Long-Term Residence Status: A former Hungarian citizen or the foreigner who had an ancestor in possession of Hungarian citizenship can request the long-term resident permit on the basis of non-defined, but shorter previous lawful residence. In other cases, the applicant is required three years continuous, lawful stay in Hungary prior to submission of the application. When the foreigners have an open-ended, permanent residence permit, they would also be subject to other various national regulations, rights and obligations. They would become eligible to employment and have access to free public education or family allowances. However, in this framework, we have to admit that the discretionary power of the immigration office for the long-

---

[262] The Act XXXIX of 2001 on entry and residence of aliens in Hungary regulates the related procedures on this issue. Its executive rule is the government decree 170 of 26 September 2001.

[263] Benefit law is one of the strategies of the kin-states to be engaged with their external minorities living under the sovereignty of other states.

[264] Tóth, "Hungary: A Case of Ethnic Preference in Citizenship Law".

term residence permit mostly implies the evaluation of the ethnical membership of the applicant.

Preferential Naturalisation: With the Citizenship Act, the naturalisation procedure has generally become harder. But specifically, it was easier for the people whose ancestor was a Hungarian citizen as long as he or she makes a declaration of Hungarian ethnical membership. This implies that citizenship can be transmitted by descent, but not necessarily by the reason of birth within the territory of the state. As Guy Goodwill-Gill states "the accord of preferential access to citizenship to those of Hungarian nationality … [implies] the 'ethnic and cultural sense'".[265] Within this framework, these ethnically Hungarian applicants have to reside in Hungary for a shorter period, at least a period of one year in possession of long-term resident permit. Moreover, they are also exempt from the examination of constitutional knowledge. The related provisions also include the prevention of any arbitrary deprivation of one's nationality, continuation of his/her right to change nationality, respecting the freedom of the individual, unity of the family, and protection of personal data.

Another political debate concerning the process of naturalisation appeared on the issue of *ex lege*[266] or discretionary naturalisation of all ethnic Hungarians living in adjacent states without long-term resident status. Here, we should claim that this option would further strengthen the ethnic perception and acceptance of citizenship. But, the genuine link to the state of requested citizenship was endangered by the referendum on 'dual citizenship' on 5 December 2004. The motion failed with the majority of voters who rejected the *ex lege* or the discretionary naturalisation of the ethnic Hungarians living across the borders. New cleavages concerning the issue, however, could still be visible in the political community, between the government and the opposition, between the domestic Hungarians and those abroad and also between the patriots and cosmopolitans.

Loss of Hungarian Citizenship: According to the Citizenship Act, it is not possible for a person to lose Hungarian citizenship involuntarily. On the contrary, the

---

[265] Goodwill-Gill, "Comment on Gábor Nagy's Paper", p. 133.
[266] *Ex lege* means due to law

loss of citizenship shall be based on renunciation (if the national residing abroad possesses another nationality or relies on the probability of its acquisition) or withdrawal (if nationality is acquired by naturalisation violating the law, in particular by misleading authorities, by submitting false data or by omitting data or facts, without ten years elapsing since naturalisation).

Never-ending Citizenship: Actually, as Tóth argues it, there are millions of hidden Hungarian citizens all over the world due to their never-terminated legal bondage to Hungary.[267] In this case, the Hungarian citizenship has been inherited by the principle of *jus sanguinis* since 1929. This statement implies that all descendants of former Hungarian citizens still have their citizenship, although they might not grown up in Hungary and have no direct connections with the country. However, this principle created some concerns for the Hungarian emigrants and their descendants who still have the citizenship, but who might have no family, cultural or economic connections with Hungary, such as knowledge of Hungarian language or even Hungarian culture.

4. 4. 4. Evaluation: Re-ethnicisation of Citizenship

When the citizenship issue of Hungary is evaluated, it should be kept in mind that the related regulations have created special groups of people eligible for nationalisation through different mechanisms, e.g. re-naturalisation of ex-nationals, rehabilitation of expatriated nationals who can acquire terminated nationality by declaration, recognition of refugees and stateless persons residing in Hungary prior to naturalisation for a shorter period, genuine link principle of bringing up children in Hungary. In that perspective, the common point for all those groups was that the regulations for all of them revolved around ethnic preference.

Within the general framework of its Citizenship Act, Hungary is bound with some principles of both international and domestic law in dealing with the problems and conflicts of the citizenship issue. First of all, the country has to obey the principle of 'equality of rights of the citizens', which was guaranteed by the constitution of Hungary

---

[267] Tóth, "Hungary: A Case of Ethnic Preference in Citizenship Law".

in parallel to the European Convention on Nationality of the Council of Europe, accepted on 6 November 1997. In this context, it would be useful to remind that the European Convention on Nationality is a comprehensive convention dealing with the law of nationality. It provides the basic rules and creates the general structure for the signatory states on the issues of the acquisition of nationality, its involuntary loss and the right of the renunciation of nationality. According to this general framework, the states determine their own rules and regulations on the issue of nationality. Within this context, one of the main determining aspects of the Hungarian citizenship policy is the equality among all the citizens. Here, as Tóth argues, the way of acquiring the legal title of citizenship does not impose any differentiated treatment among the Hungarian citizens as a whole.[268] This equality could not be feasible previously, however. For example, before 1945, suffrage and membership of the Upper House could only be granted ten years after naturalisation, which was not the case for the native-born Hungarian citizens.

Second, discrimination is forbidden among Hungarian nationals, irrespective of the legal title under which the citizenship is granted. This principle has become legally binding with the signing of the above-mentioned European Convention. Accordingly, the prohibition of discrimination is a requirement concerning not only those who has citizenship or has the potential to acquire citizenship, but also those who discontinue their citizenship. In the same way, discrimination and practice based on gender, religion, race, colour, national or ethnic origin is forbidden in the related articles of the European Convention.[269]

Third principle is the right to preserve citizenship, which is included both in the Constitution and the Hungarian Citizenship Act. This principle means that arbitrary deprivation of citizenship is forbidden in Hungary, in accordance with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention of the European Council. Such a principle implies a relative freedom of individual will and his or her human right regarding the preservation of citizenship. Only under certain conditions could the citizenship be annulled.

---

[268] Tóth, "Hungary: A Case of Ethnic Preference in Citizenship Law".
[269] Article 5 of the European Convention reinforces the principle of non-discrimination.

Accordingly, one's citizenship would become invalid, if he or she has acquired another citizenship voluntarily; if he or she has acquired citizenship by means of fraudulent conduct, false information or concealment of any relevant fact attributable to the applicant; if the applicant has undertaken a voluntary service in a foreign military force; if the applicant has seriously violated the vital interests of the state; if the applicant has no genuine link to the state on account of residing abroad habitually; if the applicant does not meet requirements of *ex lege* acquisition of citizenship and if the applicant, by adoption, obtains the citizenship of one or both of the adopting parents or possess it already. So, this fact implies that withdrawal of citizenship is an exemption in Hungarian case, while the more common procedure is waving citizenship, if one lives abroad, and thus would presumably not become stateless.[270]

The fourth important principle is the right to change citizenship, which includes the waving of citizenship, its reinstatement or a choice from among several citizenships. According to the European Convention, the state is obliged to permit the waving of citizenship unless someone becomes stateless thereby. On the other hand, the state may prescribe that only those nationals who are customarily staying abroad are entitled to wave their citizenship. Moreover, the state has an obligation to assist those persons who were citizens earlier and are staying on its territory once again by acquiring their nationality (through reinstatement or repatriation). In the case of succession of the state, the sovereignty over the territory and the change of the borders of the state, on the other hand, the citizen has the right of option to obtain or to keep the citizenship of the old or new state. During those times, the state officials have to consider some principles, when they decide about granting or retention of nationality. Those above-mentioned principles are the genuine and effective link of the persons concerned to the state; their habitual residence concerned at the time of state succession and their territorial origin of the person concerned. The inhabitants of the annexed territories, on the other hand, have the right to decide whether they would like to maintain their connection to the old state or whether they would like to become citizens of the new state. In this case, they have the right to option. If the citizen chooses the nationality of the predecessor state, he or she shall continue to live as a foreigner in his or her original place of residence. In that

---

[270] Act on Hungarian Nationality XXXII of 2001, the liberalised version of the Act LX of 1993 on Hungarian Nationality.

case, there is no compulsion for them to move, but the equal treatment with respect to the social and economic rights of the citizens has to be ensured to those persons, as these rights are applied to the citizens of the legal successor state.

The last point that has to be emphasised is that Hungarian citizenship framework is designed in accordance with the international principles. It is 'theoretically' in harmony with international standards. Nevertheless, the practice of citizenship is one of the most important criteria to indicate this compatibility.

Within this general framework, Hungary became an attractive country for both the ethnic Hungarians and non-Hungarians. Three channels have played undeniable roles behind this development. First of all, foreigners acquire Hungarian citizenship through naturalisation. Second, prior citizens, expatriated persons re-obtain Hungarian citizenship after historical loss through declaration or re-naturalisation. Third, expatriated citizens or their descendants living abroad prove Hungarian citizenship through a verification procedure of existing citizenship (Certificate on Nationality). Therefore, under those conditions, it has become more important to observe whether Hungary could alleviate the tension between the nation and state, ethnic identity and civic politics within the framework of the EU membership. In this framework, as Tóth clearly expresses "the current regulations, implications and conditions of the Act on Nationality trump the ethnic principle"[271], which can be recognised through the toleration of multiple citizenship in favour of the Diaspora (expatriated, emigrated nationals and loss of population due to peace agreements), the simplification of the re-naturalisation process for prior citizens, the principle of approximation for the ethnic Hungarians and bi-lingual family members. All these factors, together with the ongoing discussions and debates around the Status Law and dual citizenship, imply that in Hungary, the attempts of "re-ethnicisation of citizenship"[272] is still valid and it implies the process in which the states provide the preferential access to citizenship to people, including non-residents, who are considered ethnic or linguistic relatives. Within the framework of Hungarian dilemma in terms of its national identity, recent practices show

---

[271] J. Tóth, "Principles and Practice of Nationality Law in Hungary", p. 37.
[272] The term is used by Christian Joppke. See "Citizenship between De- and Re-Ethnicization", <http://www.russellsage.org/publications/workingpapers/Citizenship%20between/document> (02/10/2006).

the tendency to connect the ethno-cultural nationality and citizenship to each other. It should not be overlooked that this issue directly touches on some other sensitive issues, such as the state sovereignty, historically disputed borders and trans-border ethnic kin minorities. All these issues have mostly been discussed within the framework of the Hungarian Status Law, which is evaluated following.

4. 5. Hungarian National Syndrome: Status Law[273]

The situation of ethnic Hungarians living in neighbouring countries has appeared as one of the most delicate issues in post-communist Hungary. Among them those living in Romania has a special situation and been always among the priorities of the Hungarian authorities considering the fact that "the issue of ethnic Hungarians in Transylvania is both an identity and political and economic question".[274] From the Romanian perspective, on the other hand, the same Hungarians are a serious problem due to their ethnic agenda. They are always accused of trying to strengthen their ties with Budapest and of demonstrating disloyalty to the state in which they are living as the citizen of this state. In the same way, Hungary is also criticised mostly because of its active support to those people. Within this framework, Romania has always been insisting on the homogenisation policies, although it leads to severe reactions from the Hungarians due to the denial of their cultural and political rights.

As one of the most serious attempt concerning the subject, Hungary initiated the controversial Status Law having ethno-national traits. The Parliament has approved the Status Law in June 2001 with the schedule to enter into force in January 2002 with the aim of fostering the position of the Hungarian minority abroad. Since its enactment, the law has become a highly controversial issue not only inside, but also outside Hungary. Especially Romania reacted to it seriously. The Status Law grants to the ethnic Hungarians certain rights and privileges in different areas, e.g. education and culture. It enables those ethnic Hungarians to work in Hungary for three-month period each year.

---

[273] The Status Law is also called as the Act of LXII on the Hungarians living in the neighbouring countries

[274] J. Tóth and E. Sik, "Joining an EU Identity – Integration of Hungary or Hungarians", in W. Spohn and Anna Triandafyllidou (eds.), *Europeanisation, National Identities and Migration – Changes in Boundary Construction between Western and Eastern Europe* (London and New York: Routledge, 2003), p. 227.

They will pay into the Hungarian social security system, while will be receiving health benefits and pensions during this period. It also offers financial support for public-transport costs as well as assistance for students in higher-education institutions while they are in Hungary. In addition, it extends assistance to those people in their home countries who have more than two children in Hungarian language schools. In order to qualify for any of these benefits, individuals must obtain identity cards, which will entail a recommendation from a Hungarian organization recognized by the Hungarian government. In this framework, the law is one of the most important attempts to create a kind of "'out-of-citizenship' implying the legal and political manifestations of the cohesion and solidarity of all ethnic Hungarians with Hungary".[275] As András Bozoki and Barbara Bösze clearly articulate, "[it] directly targets those minority groups of the Hungarian background living in the Hungarian neighbouring countries and promotes the preservation and development of their manifold relations with Hungary".[276] Therefore, the Status Law has a symbolic meaning to strengthen the bonds between the community of the Hungarians and those Hungarians living in the neighbouring countries. However, by doing this Hungarian state extends its jurisdiction over individuals who are under the jurisdiction of another state.[277]

As Ieda argues the Status Law of Hungary was generated by the interaction of three factors: "the communist and Soviet imperial heritage, the emerging new national consciousness, and the eastward expansion of European integration".[278] Reflecting the legacy of nationalist and expansionist ideas, it was proposed as an important tool to achieve the unification of all Hungarians. It clearly articulates that the kin minorities were the organic parts of the Hungarian nation. This is an important issue in the post-

---

[275] "Constitutional Watch – A country by country update on constitutional politics in Eastern Europe and the ex-USSR", *East European Constitutional Review,* Vol. 10, No. 2/3, Spring/Summer 2001, <http://www.law.nyu.edu/eecr/vol10num2_3/constitutionwatch/hungary.html> (04/01/2007).

[276] A. Bozoki and B. Bösze, *Migrants, Minorities, Belonging and Citizenship – Glocalisation and Participation Dilemmas in EU and Small States, The Case of Hungary,* Glocalmig Series 6 – Series editor: Hakan G. Sicakkan (University of Bergen: International Migration and Ethnic Relations Center for Development Studies, 2004), p. 85.

[277] J. Kis, "The Status Law: Hungary at the Crossroads", in Z. Kántor, B. Majtényi, O. Idea, B. Vizi and I. Halász (eds.), *The Hungarian Status Law: Nation Building and/or Minority Protection,,* translated by Bob Dent (Japan: Slavic Research Center – Hokkaido University, 2004), p. 157.

[278] Ieda, "Post-Communist Nation Building and the Status Law Syndrome in Hungary", p. 4

communist Hungarian politics for the re-evaluation of the relationship between the Hungarian nation and the state.[279]

4. 5. 1. Long-lasting Dilemma: Ethnicity- or Citizenship-Based Nation

The Status Law clearly reflects the long-running debate about the definitions of the nation. It proves the tendency to describe the nation in ethno-cultural sense by including all Hungarians. Accordingly it has become a symbol for those with Hungarian nationality.

In practical terms, the first article of the Act makes the definition of 'who are the Hungarians?' At this point, it seems crucial to identify an important contradiction of the Law concerning the definition of being a Hungarian. Generally, as Ieda states it, "the [Law] can be applied to persons declaring themselves to be of Hungarian nationality".[280] So, it seems that self-identification is the only condition for being a Hungarian. But Article 20 imposes some additional conditions, which prescribes the procedures for issuing the Hungarian Certificate. Those conditions have to be fulfilled to fall into the scope of the Law. According to this article, self-identification is not the only and sufficient condition to be qualified as a Hungarian. On the contrary, an external confirmation is also necessary. These two articles show the contradictions and ambiguities in the Hungarian position. Within this framework, although the first Article is an attempt for an individualistic concept of nationality and a move from the historical and subjective understanding, Article 20 is totally against such an objective. It needs an ethnic confirmation.

In the light of the above-mentioned arguments, we can agree with Schöpflin who argues that the law has two dimensions. On the one hand, "it aims to regulate Hungary's relations with the Hungarian communities in the neighbouring states and; on the other hand, it tries to establish a new narrative for the Hungarian nation in its cultural

---

[279] Kovats, "Hungary: Between Ethnic Community and European State".
[280] Ieda, "Post-Communist Nation Building and the Status Law Syndrome in Hungary", p. 21.

dimension as a modern community".[281] Relating to the first dimension, it has to be emphasized that the existence of the Hungarians in the neighbouring countries is not created by Hungary itself. On the contrary, it is created by the victorious powers of the post-1918 world structure. Such a condition has continuously created tension between Hungary and the minorities living in the neighbouring area given the intimacies of the shared culture, which can be seen between all kin-states and neighbouring minorities. Therefore, the Status Law has the objective of creating the commonness among all those Hungarians. The second dimension can be the implication for a new model in the new context. It can offer an opportunity to reunify the Hungarian nation under the umbrella of the EU.

In his framework, the membership of Romania has created the opportunity for Hungary to formulate a kind of unifying structure for all ethnic Hungarians. For this reason, Hungary vehemently supported Romanian membership to the EU. Since, this membership would force Romania to comply with the EU requirements especially regarding the minority issues and the pressures coming from the Union would modify the balance of power between the minority and majority populations of Romania. So, the integrationist structure of the Union would led to the fruitful cooperation among all the related actors, Romanian and Hungarian governments, Romanian majority population and Hungarian minorities. Within this framework, Hungarian minority in Romania can act as an area of contact within the framework of trans-border cooperation by accelerating the relations between the political-institutional and socio-economic subsystems of the bordering countries. The practices and demands of Hungary on the unification of ethnic Hungarians reflect the requirements of the supra-national process of regional integration in Europe and could be accepted as a test of ability of post-communist CEE to solve their problems in accordance with the EU requirements. In this context, what can be proposed is that Hungary integrated into the EU as a state, but lobbied on behalf of the whole nation that has remained fragmented in various senses. As it is suggested by Stephen Deets, "by providing special benefits to individuals who do not necessarily seek citizenship or a permanent return to the ethnic kin state, the laws

---

[281] G. Schöpflin, "Citizenship and Ethnicity: The Hungarian Status Law" in Z. Kántor, B. Majtényi, O. Idea, B. Vizi and I. Halász (eds.), *The Hungarian Status Law: Nation Building and/or Minority Protection* (Japan: Slavic Research Center – Hokkaido University, 2004), p. 94.

have moved towards a concept of a 'trans-sovereign nations' and a vision of Europe as a collection of nations, not states".[282]

Under those conditions, the compatibility of the Status Law with the European norms and regulations has emerged as an important topic. On the one hand, it is accepted as totally contrary to the European standards, because of the dominance of the ethnic preferences, extreme nationalist ideas and revisionist policies of the law.[283] On the other hand, various thinkers and academicians argue that the Status Law is modelled on the concepts and processes, which are the parts of the integrated Europe. Accordingly, they argue that the Law is "a step beyond the concept of nation state, a post-modern statehood as opposed to a Westphalian statehood and a diversity of regions and cultures in a united Europe as opposed to the EU of nation states".[284] It offers a form of non-resident extra-territorial citizenship.

Among the supporters of this second view, Schöpflin argues most of the member states make provisions for the acquisition of benefits, including citizenship, for ethnic kins who are citizens of another state. In this framework, they point out the abundance of the existence of the ethnic preferentialism in the citizenship policies of the EU member states.[285] All those examples show "the legitimacy, even within the core nations of the EU, of using dual citizenship for the inclusion of ethnic relatives from abroad in the citizenry of the homeland"[286], as Maria M. Kovács points out. Also, as Brigid Fowler suggests, the law proposes the post-modern development of the "fuzzy

---

[282] S. Deetes, "Pulling Back from Neo-Medievalism: The Domestic and International Politics of the Hungarian Status Law", in B. Majtényi, Z. Kántor, Balázs Vizi, I. Halász and S. Deets (eds.), *Beyond Sovereignty: From Status Law to Transnational Citizenship, Slavic Euroasian Studies* (Slavic Research Centre: Hokkaido University, 2006), p. 17.
[283] János Kis is one of the most important names among this group.
[284] Zoltán Kántor, George Schöpflin and Brigid Fowler are some of them.
[285] Italy created non-resident citizenship for people of Italian descent and has recently expanded the eligibility for non-resident citizenship. Germany offered non-resident citizenship to Silesian Germans in the 1990s thus providing dual citizens of Poland and Germany with access to the EU citizenship. Spain waived the residence requirement for the children of emigrants to recover Spanish citizenship and reduced residency requirements for naturalisation for descendants of Spanish ancestors. For more examples, see M. M. Kovács, "The Politics of Non-resident Dual Citizenship in Hungary", *Regio – A Review of Studies on Minorities, Politics, Society,* 2005, pp. 66-67.
[286] *ibid.*, p. 67.

citizenship and deterritorialised nationality"[287] by providing the legal ground for the multiple, overlapping identities and affiliations.

There is an important point of the Status Law. It reveals an underlining definition of the 'Hungarian nation', as distinct from the 'Hungarian citizenship'. Hence, as Kántor attracts our attention, it has to be emphasised that "Hungarian Status Law develops an astonishing distinction between Hungarians and Magyars. Hungarians constitute the citizens of Hungary, while the Magyars constitute Hungarians living abroad".[288] By separating citizenship from the ethnic identity and constructing a clear definition of citizen of the Hungarian state and the citizen of other states, but ethnically Hungarian individuals, the Law is enhancing and enriching the "ethnic concept of citizenship".[289] In other words, it tries to create the protection of individual rights and the reproduction of the collectivity within which the individuals could practice their rights.

The Status Law is based on the Article 6/3 of the Hungarian Constitution, according to which Hungary feels itself responsible towards the Hungarians living outside the state borders and for cultivation of their relations with Hungary. As Kántor suggests "the ties of nationality understood in terms of the ethno-cultural terms are perceived by both the kin state and kin minority as being stronger than any other types of allegiance including citizenship or political union".[290] Therefore, the Law strengthened the 'ethnicity-bias' of the nation as opposed to a 'citizenship-based' one, emphasising common set of experiences, socialization and constitutional values. It conflicts with civic norms and is incompatible with civic dimension of citizenship limited by territoriality. Therefore, the Status Law led to both concerns and criticism from the outside world.

---

[287] B. Fowler, "Fuzzing Citizenship, Nationalising Political Space: A Framework for Interpreting the Hungarian "Status Law" as a New Form of Kin-State Policy in Central and Eastern Europe" in Z. Kántor, B. Majtényi, O. Idea, B. Vizi and I. Halász (eds.), *The Hungarian Status Law: Nation Building and/or Minority Protection* (Japan: Slavic Research Center – Hokkaido University, 2004), p. 215
[288] Kántor, "The Concept of Nation in the Central and East European 'Status Laws'", p. 49.
[289] Schöpflin, "Citizenship and Ethnicity: The Hungarian Status Law", p. 96.
[290] Z. Kántor, "Status Law and 'Nation Policy': Theoretical Aspects", in Z. Kántor, B. Majtényi, O. Idea, B. Vizi and I. Halász (eds.), *The Hungarian Status Law: Nation Building and/or Minority Protection* (Japan: Slavic Research Center – Hokkaido University, 2004), p. 104.

4. 5. 2. Main Concerns

The Status Law caused severe reactions in the West and created public debate both in Hungary and international platform. The main concern is due to the violation of the international norms of the protection of minorities by the state. Second, the Law leads to differentiation on the basis of ethnic origin between the citizens of the foreign states. Third, Hungary lost its reliability as a factor of stability in the region. Moreover, the Hungarian example became a model for the other regional countries, which aimed at strengthening the role of being a kin-state towards their minorities living within the boundaries of other countries. So, many regional countries claiming a kin-state role have passed similar legislation.[291] Fourth and more importantly, the Hungarian law increased the international awareness of the external minority issue and encouraged its consideration as part of the continuing European debate on changing notions of sovereignty, citizenship and identity.

4. 5. 3. European Repercussions

After the Hungarian Status Law, the basic dilemma between the ethno-cultural (particularistic) and political (universal) conceptions has surfaced on the European agenda. Even, after the EU membership, the Hungarian policy towards the ethnic Hungarian living in the neighbouring countries did not change. Hungarian official policy has continued to support the strengthening of the ethnic Hungarians identity in their home countries. But, in this period, the EU has become more sensitive about the issue and closely watched further developments and implications of the law not only inside Hungary, but also in the region as a whole, since the Hungarian Status Law was in opposition to the political definition of the nation, which is the official nation conception of Europe. In this framework, the law provoked negative reactions on the part of the EU, which has serious concerns about deterioration of the relations among the regional countries. It is feared that such a development may lead to further instability and insecurity in CEE.

---

[291] Slovenia in 1996, Slovakia in 1997 and Poland in 1999, but the Polish one was rejected in 2000.

The officials of the EU have clearly expressed their worries by arguing that the international legal practice places the responsibility of the minority rights on the state where they reside and criticised the Hungarian Status Law in all related platforms. The Union criticised Hungary because of its unilateral adoption of the legislation without appropriate consultations with the states in question. In this framework, as Balázs Majtenyi clearly expresses "the representatives and official organs of the EU vehemently argue that the law is not in conformity with the EU principles, norms and regulations, which are related to the equal treatment and prohibition of discrimination among the EU citizens in the member states".[292] Therefore, Hungarian government had to take diplomatic steps to address the concerns of other states.

There are a number of reasons underlining the concern of the EU. First of all, the European Parliament found the law as discriminatory due to its extraterritorial implications.[293] Accordingly, Hungary did not recognise the state borders, despite its ratification of several multi-and bilateral instruments containing the principle of respect for territorial integrity of the states. It has totally opposed its international responsibilities.

Second, the EU argues that Hungary is trying to establish special political links with the minorities living in neighbouring countries, surpassing the limits of a culturally oriented view. Therefore, Hungary is pressurised by the international organisations, from the Organisation for Security and Cooperation in Europe (OSCE), the EU, and the Council of Europe, to alter the law.[294]

Third, another sensitivity of the EU, is related to the visa regulation of the Union.[295] As one of the requirements of the EU, Hungary has to impose some visa requirements on the people coming from the non-EU states. Some of the Hungarian

---

[292] B. Majtényi, "Utilitarianism in Minority Protection? (Status Law and International Organisations) in B. Majtényi, Z. Kántor, B. Vizi, I. Halász and S. Deets (eds.), *Beyond Sovereignty: From Status Law to Transnational Citizenship - Slavic Euroasian Studies*, No. 9 (Slavic Research Centre: Hokkaido University, 2006), pp. 13-14.
[293] Kovács, "The Politics of Non-resident Dual Citizenship in Hungary", p. 57
[294] B. Vizi, "The Unintended Legal Backlash of Enlargement? The Inclusion of the Rights of Minorities in the EU Constitution", *Regio – A Review of Studies on Minorities, Politics, Society,* 2005, p. 88.
[295] J. Tóth, "Relations of Kin-state and Kin-minorities in the Shadow of the Schengen Regime", *Regio – A Review of Studies on Minorities, Politics, Society,* 2006, pp. 44-45.

neighbours, which do not have any prospect of joining the EU at least in the foreseeable future, have ethnic Hungarian people living inside their territories. In this framework, imposing some conditions for their entry into Hungary would mean the erection of a new obstacle between ethnic Hungarian communities and the mother country.

Because of all these reasons, the EU has always expressed its concerns in all of its related official documents, e.g. European Commission Regular Reports on Hungary's Progress towards Accession, before its membership. In this framework, the EU tried to influence Hungary to develop good-neighbourly relations with surrounding countries, not to interfere their domestic jurisdiction and sovereignty, and to strengthen the policy instruments and measures to improve the rights of those minorities.[296] Moreover, the EU has always been keen on the compatibility of the laws with European standards and with the norms and principles of international law and with EU law. In that sense, according to the related EU documents and procedures, the benefits granted to the persons belonging to their kin minorities could only be legitimate, if the principles of territorial sovereignty of states, friendly relations among states and the respect of human rights and fundamental freedoms would be respected.

On the other side, nevertheless, despite those severe criticisms of and reactions from the EU, it is difficult to understand Hungarian membership. As being one of the advocator of the minority rights, equality and anti-discrimination, this decision of the EU clearly indicates its own dilemma. Hungarian membership with this law having such characteristics as extra-territoriality, discrimination and ethnic and national priorities totally contradicts with the so-called Western European ideals and principles. This membership proves two facts. First, the West European countries are not consistent in their relations with the outside world and do not refrain from using double standards. In some cases where they have their own interests and benefits, they can easily give up their ideals. Second, more importantly, the Law reflects the inclination of the member states to anti-civic attitudes and approaches, even if they claim that they are totally civic. Hungarian membership proved the limited civicness of the Europeans which makes the democracy open to suspicion.

---

[296] European Commission Regular Report on Hungary's Progress Towards Accession, 2001-2003.

4. 6. Second Class Citizens: Roma Minority

Besides the Status Law, the Roma minority and theri situation vis-a-vis the citizenship practices is another signal of the ethnic preferences in Hungary. The presence of the Roma in Hungary dates back to early times. Historical records show that they entered Hungary between 1416 and 1417 from Transylvania, although linguistic evidences indicate that they begun to settle there earlier. From the outset, they were subject to various kinds of discrimination due to the Magyarisation policies. They were not recognized as national or ethnic minority, but identified as disadvantaged social group as "nuisances"[297] that impeded the construction of their new society. The problems of assimilation plans, policies and prejudices against the Roma minority intensified in Hungary during the communist period. Equally important their problems continued in the post-communist period, as well. The deteriorating effects of transition, combined with their unfavourable economic and political conditions, have led to many newly emerging problems and impoverishment for the members of the Roma.

The Roma are the biggest, but at the same time the poorest minority group in Hungary. A significant number of them are unemployed and uneducated. They are at the bottom of income distribution and living in isolated and segregated geographical areas. More importantly, they are not allowed to have the equal opportunity in social life to improve their living conditions. Besides their physical backwardness in terms of housing, health, employment conditions; they are also subject to some other problems, e.g. racism, cultural deprivation and societal hostility. The recent discrimination against them is closely related to the rising nationalism in the post-communist period and confusion over the concepts of ethnicity, identity and citizenship, which regard the Roma as the 'Other'. In this framework, the exclusion and marginalisation of the members of the Roma minority is intentional and has its roots in nationalist (predominantly racial) prejudices of the regional countries as a whole.[298] The prejudice

---

[297] Z. D. Barany, "Living on the Edge: The East European Roma in Post-Communist Politics and Societies," *Slavic Review,* Vol. 53, No. 2, Summer 1994, p. 327.

[298] P. Theren, "Roma Policy: The Long Walk Towards Political Participation," in P. Thelen (ed.), *Roma in Europe – From Social Exclusion to Active Participation* (Skopje: Friedrich Ebert Stiftung, 2005), p. 34.

in Hungary is deep inside and is mainly attributed to the "Hungarian ethnic consciousness" that regains its self-awareness by differentiating itself from them.[299]

The legal remedies for the Roma are also limited in Hungary. The spectrum of the state measures for the solution of their problems runs from "criminalisation to expulsion, through denial of their existential rights and forced assimilation".[300] However, what is desirable both for the Roma and the society as a whole is their treatment as equal citizens to guarantee their integration with the rest of the society. Actually, the Roma are the citizens of the country. But, as one of the experts on the Roma issues, Larry Olomoofe directly told "it is the biggest dilemma of Hungary that they do not have any access to the rights and entitlements provided by their citizenship status".[301] In other words, even if Marshall's principle of equality consisting of civil, political and social rights [are] in place, members of [Roma] find themselves excluded from the full enjoyment of citizenship. What Olomoofe argues here is that "it is a state obligation to make them able to use their rights, especially through developing the interactive relations with the members of the Roma minority".[302] However, considering the commonly accepted view that "passing laws is one thing, and implementing and enforcement of them is quite another" [303], the members of the Roma still face considerable difficulties in exercising their citizenship rights. As Kovats explains it, especially, since the mid-1980s, the Roma have been experiencing a decline in the protection and entitlements accruing from citizenship mainly due to the increasing prejudice and discrimination against them.[304]

The exclusion of the Roma from the citizenship rights leads to their treatment as second-class citizens. In that sense, Olomoofe explicitly says "cultural racism is endemic in the Hungarian society".[305] Therefore, racially motivated attacks, racial discrimination and insufficient political participation violate the principle of citizenship,

---

[299] D. Crowe, "The Gypsies in Hungary," in David Crowe and John Kolsti (eds.), *The Gypsies of Eastern Europe,* (M.E, Sharpe Inc: New York, London, 1991), p. 126.

[300] R. Kawczynski, "Nationality: Roma Citizenship: Europe", <http://www.errc.org/cikk.php?cikk= 1760> (26/09/2006).

[301] Larry Olomoofe, Human Rights Trainer, European Roma Rights Centre, interview (31/10/2006).

[302] *ibid.*

[303] Helsinki Watch, *Struggling for Ethnic Identity*, 25.

[304] M. Kovats, "The Political Significance of the First National Gypsy Minority Self-government in Hungary", *Contemporary Politics*, Volume 6, Number 3, 2000, p. 247.

[305] Larry Olomoofe, Human Rights Trainer, European Roma Rights Centre, interview (31/10/2006).

which implies the equality among the people. Olomoofe continues that "there is no chance of participation and representation for the Roma. Therefore, Roma cannot feel as active citizens having some influence on the political, social and economic developments of the country. More importantly, on the other hand, their struggle for equality and anti-discrimination and for the full benefit of citizenship rights cannot produce any solution to their frustrating conditions".[306]

At this point we should not deny some positive steps and actions taken by the government, although they cannot produce any tangible results regarding the situations of the Roma minority. For example, the government adopted a comprehensive Roma action programme in July 1997 in response to the deteriorating living standards of the Roma over the last few years. This programme aimed to provide medium-term solutions to improve the living conditions of the Roma in particular in the fields of education, employment, agricultural activities, social and health affairs and housing. This was a positive intention to provide the basis for the dialogue among the Roma, the government and society. In later years, the government adopted a revised medium-term action program in April 1999 to improve the legal conditions of the Roma. The measures within the framework of this programme were launched in the areas of education, culture, employment, housing, health and anti-discrimination. In 2000, on the other hand, a special budget was made available for the implementation of those measures and policies. In this framework, yearly action programs for the implementation of the measures defined in the medium-term program were worked out in coordination with the National Minority Self-Government and the Office for National and Ethnic Minorities. With those initiatives, Hungarian government started to implement the medium-term Roma action programme, supported by the financial means at national and local levels with the objective of the integration of the Roma to the Hungarian society. As a further step in the governmental initiatives, the Hungarian government prepared a new long-term strategy in July 2001 to strengthen the policy framework for the social integration of the Roma minority. Similar to the previous programmes, the most important measures were taken in the areas of education, employment, legal protection and culture. From the institutional point of view, the Office for National and Ethnic Minorities was active in monitoring the implementation

---

[306] *ibid.*

of the policies taken by the related authorities. In 2003, the overall responsibility for Roma affairs was transferred to the Prime Ministry.[307]

It is obvious that the results of these policies and initiatives can only be realised in the medium-term and even in the long-term. What the Roma need, on the other hand, is the short-term initiatives to equip them with full citizenship rights and benefits. If the status of citizenship is useless or if it does not have any practical meaning because of the discrepancy between the legal framework and the daily life practices, this status cannot prevent their "covert discrimination".[308] Olomoofe suggests "the only thing that the Roma need is the recognition. Even if it will be a long process, the legal recognition, the execution of the laws and their implementation will guarantee better conditions for the Roma in the future".[309]

---

[307] The information about the governmental initiatives are taken from the Regular Reports 1998-2003 issued by the European Commission for Hungary during the candidacy period of the country.
[308] Helsinki Watch, *Struggling for Ethnic Identity – The Gypsies of Hungary* (Human Rights Watch: New York, Washington, London, 1993), p. 22.
[309] Larry Olomoofe, Human Rights Trainer, European Roma Rights Centre, interview (31/10/2006).

CHAPTER V

POLAND:

HISTORICAL LEGACY OF TENSION

BETWEEN STATEHOOD AND NATIONHOOD

The roots of the Polish 20th century nationalism could be found in the late 18th and early 19th centuries. As a result of the effects of the partition and the loss of statehood, in the beginning of the 19th century, the Polish nation-building process was transforming into an ethnic definition of a modern nation.[310] During the pre-modern times, Poland was a multiethnic state governed through quasi-federalist and decentralist constitutional arrangements and without having any concerns about linguistic, ethnic or, even, religious uniformity. But this nationalism also included some defensive and xenophobic attitudes mostly because of the results of some historical factors, e.g. geopolitical predicament of being caught between the *Drang Nach Osten* of the Germans and the expansionism of the Russians; and the troubling legacy of the *Rzeczpostpolita* (*Res Publica*) denoting both its greatest historical achievement and the tragic failure -ending in partition and extinction of the state over a hundred years. This chapter analyses Polish nationalism within the framework of its historical legacy between statehood and nationhood.

5. 1. Polish Nationalism before World War I

Polish nationalism was shaped by the experience of foreign dominations. The idea of the 'historic Polish nation' contained the seeds of the long period of extinction of the Polish state. In this framework, although it is argued that the end of the state signified the end of the nation[311], the partitions of Poland strengthened conception of both national history and national identity at the time, when the history of European

---

[310] M. Dabrowski, "Review Article – What Kind of Modernity Did Poles Need? A Look at Nineteenth Century Nation-Making", *Nationalities Papers*, Vol: 29, No: 3, 2001, p. 513.
[311] P. Brock, "Polish Nationalism" in P. F. Sugar and I. J. Lederer (eds.), *Nationalism in Eastern Europe* (Seattle and London: University of Washington Press, 1969), p. 312

nationalism was at its greatest point and when the idea of nation state became popular in Europe. In this framework, the search for political independence; democracy as represented by the successive influences of Enlightenment and French Revolution; liberalism; socialism and populist ideas have been the main factors influencing the Polish nationalism throughout history. But among the others, the legacy of the Polish history, as an important determining factor, made the "essentially cultural nationalism" very popular in the country.[312]

19th century was the century of the loss of independence for Poland. The period of partition and statelessness could not end until the end of World War I, which marked one of the most decisive periods in the history of nationalism. So, by the end of the 19th century, an ethnic-linguistic identity was enhanced and the political parties based on nationalist ideology emerged to mobilise and channel that identity. Hence, Polish nationalism turned into a destructive and anti-Semitic one. It followed exclusivist, racist and integral nationalism with its ethnic base.[313]

5. 1. 1. The Conceptual Foundations

At the beginning of the 1900s, two distinct and influential currents emerged within the broad range of Polish nationalist policies, practices and ideologies: the 'national democrats' and the 'socialists'. Although the former group was calling themselves as national democrats, ironically it would be more appropriate to identify them as nationalists considering their exclusivist policies and agendas. The latter one, on the other hand, was inclusive and adopted different visions regarding the nation and nationhood issues. Roman Dmowski was the prominent leader of the national democrats who tried to develop an intolerant version of integral nationalism. This view identified the welfare of the nation state as the supreme ethnical and political value.[314] Dmowski defined the nation in pseudo-biological terms, as a social organism, and tried to strengthen the national spirit and worked for the restoration of a united Poland. He accepted the nation as the product of the state's existence, which was the only legitimate

---

[312] *ibid.*, p. 334
[313] F. Millard, "Nationalism in Poland", in P. Latawski (ed.), *Contemporary Nationalism in East Central Europe* (Great Britain: St. Martin's Press, 1995), p. 105.
[314] Roshwald, *Ethnic Nationalism and the Fall of Empires,* p. 36

body to preserve national identity. He was committed to the idea of creating a Poland that would be smaller; nationally, ethnically, linguistically, and religiously more homogeneous; and geographically more western than the pre-partition Poland had been.[315] Within the framework of his ideas and policies, the nation –which was conceived to its own culture, needs and interests upon the basis of a racially and historically developed spiritual distinctness- was above all other things in Poland. The nationalists had strong populist and radical ideas with some authoritarian and chauvinistic characteristics and nationalist ideology. For them language and religion, together with the notion of the spiritual quality of the nation, were the determinant elements of Polish nationalism on the way of ethnic homogeneity. But, this idea of Polish ethnic nation within a unitary state provoked the minorities in the country, namely the German minority in the west, and the Ukrainians and other Slavic minorities in the east.

The socialists, under Jozef Pilsudski, on the other hand, embraced an inclusive conception of Polish national identity based on territorial/political definition of citizenship.[316] Pilsudski envisioned a larger, heterogeneous, federally organised and nationally tolerant state.[317] Pluralism, tolerance and inclusiveness were the influential elements of the socialist group who thought national identity in terms of culture, language, historic tradition and political values, rather than in narrowly ethnic terms. According to such an understanding, non-Polish population could easily be accepted and welcomed under the revived Polish state.

Concerning the identity, Polish history has a crucial view since the 18th century: a powerful and emotional sense of attachment to and pride in national identity.[318] Polish nationalism was transformed from a civic-territorial to an ethnic model[319] leading to the ethnic Polish identity consequently. This implies a shared consciousness of membership of one *natio* and loyalty to the commonwealth with some privileges as the members of

---

[315] A. Shelton, "The Poles and the Search for a National Homeland" in P. F. Sugar (ed.), *Eastern European Nationalism in the 20th Century* (Washington: The American University Press, 1995), p. 267.
[316] Roshwald, *Ethnic Nationalism and the Fall of Empires*, p. 36.
[317] Shelton, "The Poles and the Search for a National Homeland", p. 268.
[318] *ibid.*, p. 264.
[319] Millard, "Nationalism in Poland", p. 105.

the nation. The feeling of belonging to a single community and the awareness of the superiority of this community were always existent within the Polish national identity.

5. 1. 2. Complex Ethnic Structure of Poland

At the turn of the 20th century, the Polish state had been defunct for more than one hundred years. In that sense, the Kingdom of Poland[320] was an artificial creation, deprived of any attribute of true statehood and its area did not correspond with the territorial and national aspirations of the Polish independence movements.[321] Therefore, regaining of political sovereignty and creating a Polish national state in which all Poles would live together have become the supreme goal among the Polish population.

At that time, the Poles ranged over a vast territory, intermingling in many areas with high concentrations of Ukrainians, Germans, Belarussians; but they predominantly inhabited the territory of the present-day Poland. The area was the place of the German and Jewish minorities. It contained the largest concentration of Jewish population anywhere in the world. Germans were another minority group living exclusively in the northern and western parts of present-day Poland. German colonisation and Germanisation of local population altered the ethnic structure in those regions of the county. However, the Germans living in the farther east were rapidly Polonised in language and in national consciousness.

---

[320] The term refers to a political entity that was created by the Congress of Vienna in 1815 when European states reorganised Europe. This Kingdom lost its status as a semi-independent state in 1831 and was from then on ever more closely integrated with Russia. Although its administrative organisations were sufficiently distinct for its name to remain in official use, in later years of the Russian rule its separate institutional and administrative arrangements were abolished. However, even after this, it regained some degree of distinctiveness within the Russian Empire and continued to be referred as Kingdom of Poland (or Congress Poland) until the Russian rule there ended as a result of the advance by the armies of the Central Powers in 1915 during World War I. For more information see Rothschilld, *East Central Europe between the Two World Wars*, pp. 30-31 and Bogdan, *From Warsaw to Sofia*, p. 80

321 Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe,* p. 88.

Table 5. 1: Ethnic Structure of the Territories of Contemporary Poland Belonging to the Russian, German and Austrian Empires in 1900

Ethnic Group	Population	
	N	%
Poles	12.708.800	54.0
Germans	8.116.800	34.5
Jews	1.658.300	7.0
Ukrainians	775.700	3.3
Russians	112.200	0.5
Belarussians	45.200	0.2
Slovaks	10.500	0.1
Lithuanians	9.300	0.1
Others	88.900	0.3
Total	**23.525.700**	**100**

Source: P. Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe – History, Data, and Analysis*, trans. by Jan Owsinski (New York and London: M. E. Sharpe, 2003), p 88.

The Polish complex ethnic structure made the area subject to ethnic conflicts. Different ethnic and religious groups led to serious conflicts between the government and minority leaders aspiring to greater autonomy and self-determination, as well as triggering inter-communal hostilities between the Poles and non-Poles. In this framework, the Polonisation of the population and system abuses on minorities was the common policies to ethnicise the Polish state. Under those conditions, the outbreak of World War I was welcomed by many Poles as the first step in their struggle for the achievement of their national independence and the creation of an independent Polish state. At the beginning of the war, it was considered that Austrian-Galicia would be re-united with the former Kingdom of Poland implying that at least a part of the vast eastern territories of the former Polish commonwealth under Russian control would be added to form a Polish state under a Habsburg archduke. But there was little probability that Prussian-ruled Poznania would be relinquished by a victorious German Empire. It was expected that, the restoration of the Polish state would be possible with the collapse

of the three partitioning empires, the support of the western allies and the strength of the Polish national consciousness. The commitment of the victorious powers to the principle of national self-determination also contributed to the independence of the Polish state, which departed from three essential considerations: possessing an extensive territory and a numerous population, making this population a cohesive one to create a true national state and drawing the boundaries in a way to guarantee its independence against any possible aggression.[322] At that time, the main concern regarding the frontiers of the state and a homogenous population within it was the existence of the minority groups. The Polish policy towards them stimulated their national consciousness, which was not the case until then.

5. 2. Aftermath of Post-World War I

The defeat of the three imperial powers after World War I created great changes in Central and Eastern European map. Poland has become an amalgam of territories that had, since the late 18th century, been either under Prussian, Habsburg or Russian imperial control, and thus inherited quite different administrative traditions and political cultures in the region. Although national self-determination was accepted as the criteria of the post-war settlement, it could not be followed.

5. 2. 1. Polish Nationalism Reframed

With around thirty million inhabitants, the treaties of World War I made Poland the most populous country of CEE. It covered a territory of 149.922 square kilometres including the Polish Corridor and Upper Silesia from Germany; Galicia, which had been under the Austrian rule since the end of the 18th century; and the former Congress of Kingdom governed by Russia since 1815 along with a few more districts taken from the USSR in 1921.[323] With this territorial expansion beyond the politically limited small Polish solution, the result was an inevitable ethnic and cultural diversity in sharp contrast to a culturally more homogenous nation state. In the new state, which was constructed along centralist lines, the Poles accounted for about 65% of the total

---

[322] Brock, "Polish Nationalism", p. 352.
[323] Bogdan, *From Warsaw To Sofia,* p. 181.

population; inversely, nearly 200.000 Poles were still living in the new borders of Germany and over 100.000 of them were also in the Teschen region of Czechoslovakia.[324] In this framework, we can easily argue that the post-war Poland would not form an ethnic unity. There were the Ruthenes/Ruthenians[325] in the eastern part, Romanian minority in Southern Bukovina and some German minority in Bukovina. Here, it has to be emphasised that the number of German minority decreased to a great extent after the military defeat of Germany, which moved the eastern political boundaries of Germany farther west and resulted in the mass resettlement of Germans from the East. Moreover, with the establishment of the independent Republic of Poland, large number of Jews found themselves under Polish administration. Besides the ethnic differences, the state was also divided on the religious basis, which has historically been an important factor for the Polish national identity.

Polish nationalism wavered between different political views on the structure of the state in the post-war period. There were two different frameworks for the possible formation of the future state: a Polish national state, for the Polish national interests, with the assimilated ethnic minorities or a Polish state in which the minorities could be accepted as the partners without any Polonisation policies. Therefore, the polarisation between two kinds of national understanding, the nationalists and socialists, continued still in the early 1920s. The prevalence of the ethnic characteristics of the Polish identity strengthened the nationality approach.

If we look at the ethnic structure of Poland in the post-World War I period, we can recognise ethnically heterogeneous structure of the country implying the existence of minority groups besides the Poles. Table 5. 2 below shows us different ethnic groups and their proportion in the whole population. Although the Germans and the Jews were still the most prominent minority group, the establishment of the Polish state, together with Czechoslovakia, strengthened the Slavic element in this part of Europe. This cause

---

[324] *ibid.,* pp. 180-181.

[325] This term refers to the people living within the territories of present day Belarus and Ukraine. Linguistically, they were virtually indistinguishable from the Ukrainians of the Russian Empire and younger generation of their nationalist leaders advocated the cultivation of ethnic bonds with Russian Ukrainians. The Poles belonged to the Roman Catholic Church, while the Ruthenes were adherents of the Greek Catholicism (Uniate Church), in contrast to their predominantly Orthodox co-ethnics across the Russian border. See Rothschild, *East Central Europe between the Two World Wars*, pp. 35-37.

a decrease in the number of the German minority compared to the pre-World War I period. But the military campaign of Germany, which led to World War II, tried once more to increase the German population of the country and to make the area suitable for Germanisation. In this way, just before World War II, when Germany annexed western part of Poland, those areas were settled with the so-called *Volksdeutsche*, ethnic Germans.

Table 5. 2: Ethnic Structure of Poland in the 1920s and early 1930s,
Within the Boundaries of 2000

	Population	
Ethnic Group	**N**	**%**
Poles	18.578.400	62.5
Germans	8.249.200	27.8
Jews	2.106.700	7.1
Ukrainians	597.500	2.0
Belarussians	134.100	0.4
Others	51.100	0.2
Total	**29.717.000**	**100**

Source: P. Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe – History, Data, and Analysis*, trans. by Jan Owsinski (New York and London: M. E. Sharpe, 2003), p. 120.

The Polish diversified ethnic structure made the country subject to inter-ethnic tensions and Polish nationalism turned to be an "offensive one".[326] It was transformed from the patriotism of non-national to the nation state ideal.[327] More specifically, as Rothschild argues "the understanding of national identification changed in time in Poland".[328] In this framework, the nation was to reveal its greatness by way of the construction of a power-state including all Polish lands. The issue of national minorities had become one of the main concerns of the nationalist camps. They followed policies

---

[326] A. Chojnowski, "Polish National Character, The Sanacja Camp, and the National Democracy" in I. Banac and K. Verdery (eds.), *National Character and National Ideology in Interwar Eastern Europe* (New Haven: Yale Center for International and Area Studies, 1995), p. 33.
[327] Brock, "Polish Nationalism", p. 365.
[328] See Rothschild, *East Central Europe between the Two World Wars*, p. 35.

to guarantee homogeneity of the Polish nation state and Polonisation of the whole population or -at least- the exclusion of the non-Polish elements from that population.

As a tool to deal with the minority issues, Poland signed the minority treaty in June 1919. It was ratified in July 1919 and appeared in the Official Gazette in December 1920. But, contrary to Hungary and Czechoslovakia, Poland accepted the minority treaties as the violation of the principle of equality among the states and an attack on its sovereignty with the justification that the treaties were binding only on some of the states, while the others remained free from any legal duty or obligation in that respect. As a result, some minorities would be left without any international protection. In that sense, their main concern was the Polish minority groups in Germany. Poland was also against the rights and guarantees provided by those agreements to the minority groups because of the reason that such guarantees could create certain privileges for the minority groups and improve their status *vis-à-vis* the majority groups.[329] Within this general framework, the Polish nationalist circles were agitated by signing of the treaty.

In the Polish case, the minority treaties provided the equality before the law, but only in general statements, and without any specific references to the minority groups. The Poles accepted the equal enjoyment of the political and civil rights without any distinction of race, religion or language. The regulations of different regions enabled the minorities to use their languages before the courts and judicial officials. On the other hand, education system was dependent on the administrative discretion. At the beginning there were four different systems. In the former Prussian Poland, broad rights were granted to the German minority through various regulations. In the Eastern Provinces, the mixed schools were provided for the children of the minority groups and majority. In a locality where a minority constituted 25% of the population, the instruction language could be determined on the basis of the authorised petition of the parents of those children. If there were only twenty children, on the other hand, the school was conducted on a bilingual basis. In Galicia, the language was determined by the persons who maintained it in the school. If the school is subsidised, the language could be determined by the decisions of the community and regional school authorities. In remaining part of Poland, on the other hand, provisional decrees were the main tool

---

[329] For the Polish state, the most problematic issue was the Jewish minority in the country.

to determine the language of instruction. A separate public school could be provided in the mother tongue for each nationality group of fifty children. [330]

The situation for the Jewish minority was the worst one among other minorities. Although the Jews of Poland were protected by the minority clauses in the Treaty of Versailles, which guaranteed equal political, legal and civil rights, as well as control over educational system, in practice these provisions could not be enforced. The Polish governments had taken a severe attitude towards all minorities in general and the Jews in particular. This attitude became especially hostile during the 1930s when Nazism became the most extreme example of an "abnormal strain of nationalism"[331] and when Polish domestic developments were strongly influenced by the Nazi anti-Semitism. Official anti-Jewish policies were expressed in different areas, including educational restrictions[332], occupational barriers and economic discrimination.

5. 2. 2. Vain Efforts for Civic Citizenship between 1918 and 1945

As Giordano explains us the Polish term '*obywatel*' (citizen) originally corresponded to the Latin habitator. It is directly related to a particular place of residence and is the most decisive factor for citizenship status. Only at the end of the 18th century, when citizenship is associated with the patriotism, the term of *obywatel* was used to characterise the relationship between the individual and the state.[333] Consequently, especially in the 19th century, a 'permanent place of residence' was one of the key factors to decide who was a citizen of the Grand Duchy of Warsaw or the Congress Kingdom of Poland. After the reestablishment of Poland in 1918, the principle of territory remained as the most important criterion for citizenship. Then, in time, the political meaning of a free person who has civil and political rights was added to the implication of the concept, although the territory (permanent residence, settlement in a territory and the right of domicile) itself is still a crucial factor of being a citizen and having particular rights derived from this citizenship.

---

[330] For more detailed information, see Robinson et al., *Were the Minorities Treaties a Failure*, pp. 201-238.

[331] A. J. Wolak, *Forced Out – The Fate of Polish Jewry in Communist Poland* (Arizona: Fenestra Books, 2004), p. 34.

[332] For example, in practice there were no public schools in Hebrew or Yiddish.

[333] Giordano, "The Comeback of the National State", p. 112.

After the restitution of the state of Poland in 1918, it became necessary to regulate the issue of Polish citizenship with the aim of covering all inhabitants of the territories, which had belonged to different partitioning powers, since the late 18th century. However, it was a difficult task due to the ethnic heterogeneity among these people. The provisions of the Treaty of Versailles with Poland signed on 28 June 1919 and international treaties concluded with Poland with the successors of the partitioning powers (namely Germany, Austria and the Soviet Russia) were the legal grounds for Polish citizenship. The Citizenship Act of 1920 of the State of Poland and the Constitution of Poland of 1921 provided further grounds to settle the issue. When all those documents are carefully analysed, it can be inferred that general principle in all those documents was the recognition of those hitherto accounted citizens as Polish citizens by the virtue of their permanent residence (settlement) or birth in the territory of the restituted state.

To be more specific, as Lodzinski points out, according to the Citizenship Act of 1920 and the Constitution of 1921, a Polish citizen was a person who

1. was settled on the territory of Poland;
2. was born on the territory of Poland;
3. was entitled to Polish citizenship under an international treaty.[334]

At that time, the Citizenship Act of 1920[335], on the other hand, distinguished between former Prussian, Austrian or Hungarian subjects and the former Russian citizens. For the first category, the domicile was accepted as the sufficient criterion, as it was stipulated in the Treaty. But, it was noted that this should be the continuous residence. On the other hand, the Russians were also obliged to prove their residence, but they were forced to prove it from pre-legislation period. It was an additional criterion to be implemented against those people who had come shortly before the war. This additional condition deprived many persons of their Polish citizenship. Moreover, the citizenship act also imposed the condition of the lack of another citizenship.[336] On

---

[334] Lodzinski, "Polish Citizenship", p. 152.
[335] The related paragraphs of this law are the paragraphs 4-7
[336] Paragraph 1/2.

the other side, Poland granted automatic citizenship to the foundling or persons born of unknown parents.

In general, the Polish citizenship was dependent on the wish of the people and their renunciation of a foreign citizenship. But, the citizenship conditions for the German citizens of the former Prussian partition were more difficult. Since, they were subject to some limitations. As Lodzinski specifies it, for them the principle of territory was restricted by the date of their settlement.[337] More specifically, those people had to have settled there before January 1st, 1908 to be able to acquire citizenship. This date, when the Prussian Act on the expropriation of land from Poles came into force and the German colonisation increased, was fixed according to the Polish demands. The German citizens who came to live in this territory after this date could be granted Polish citizenship only by a special permission from the Polish authorities. This restriction shows the unwillingness of the Polish authorities in granting Polish citizenship to the German people who had come to these territories during the time of colonisation and plebiscite. Moreover, some difficulties were imposed on those who declared that their nationality was not Polish, but who lived in the territories under the rule of the other partitioning powers. However, these difficulties were more of individual character, rather than the legal one and were finally regulated in 1928. Accordingly, the adopted legal regulations had allowed the Poles who had been living abroad to return and acquire the Polish citizenship.

Within this framework, it can be argued that the re-established Poland tried to be more democratic and law-observing state, both for its own nationals and for the people not having the Polish nationality. The legal regulations provided the equality for all citizens without any distinction as to their religion or nationality. The dominant tendency during this period was the establishment of working relations with all national minorities at the civic level on the basis of loyalty to Poland. However, the situation changed starting from the 1930s with the increasing confrontations among the minority groups. As it can be easily seen in Lodzinski's observations, after that time those groups intensified their struggle for emancipation and in response, the Polish authorities

---

[337] Lodzinski, "Polish Citizenship", p. 152.

practiced the Polonisation policy with purely "nationalist intentions".[338] It was considered that non-Polish population –mainly the Jews- could obstruct the proper development of the Polish nation. Considering the fact that the whole control in terms of economic, political and social affairs should be in the hands of the Polish people, the Polish attitudes towards minorities had become very harsh in this period.[339] Hence, the new state became very nationalistic and the Polish government had taken a severe attitude towards all minorities in general and the Jews in particular. This attitude became especially hostile during the 1930s when, in Arthur J. Wolak's term, Nazism became the most extreme example of an abnormal strain of nationalism[340] and when Polish domestic developments were strongly influenced by the Nazi anti-Semitism.

Within this framework, the Act on the Deprivation of Citizenship was accepted in 1938. With this Act, the persons were deprived of Polish citizenship, if they stayed abroad continuously for at least five years after the establishment of the state of Poland and lost their ties with the Polish state. Here, it can easily be inferred that although it was easier to acquire citizenship status for those with other nationalities at the beginning, the attempts for the integration weakened in the mid-1930s with the increasing and strengthening nationalistic tendencies. As a corollary, citizenship conditions had become tougher and tougher due to the intensions to develop an ethnically-based citizenship framework among the members of the Polish nation.

5. 3. Consolidation of Communist Power

The war that tried to preserve Polish independence from Nazi Germany ended with its dependence on the Soviet Union. Poland was to be governed by a political cadre determined to match its social, economic and political life to the Soviet model. On the other side, Poland's international security had become totally dependent on the Soviet protection. Consequently, the Communist Party began its rise in the country and finally got the monopoly of power in 1948. 'National communism' had become one of the popular discourses of the communist Poland. It implied a strict internationalism in

---

[338] *ibid.,* p. 153.
[339] Brock, "Polish Nationalism", p. 364.
[340] Wolak, *Forced Out,* p. 34.

theory and subordination to the leading nation in the socialist camp in practice.[341] This policy used the patriotic slogans and nationalistic policies in a way of allegiance to Marxism-Leninism in its Stalinist version. The main objective behind it was the consolidation of "socialist democracy and national sovereignty".[342]

5. 3. 1. Ethnic Homogenisation and anti-Sovietism

As a continuation of the previous period, the post-World War II era sharpened national conflicts on the territory of interwar Poland. As a result of conferences in Yalta and Postdam, Poland was entirely reconfigured after World War II when the country had to face substantial territorial and population losses. It lost 179.300 square kilometre of its eastern territory to the Soviet Union and was compensated by 102.700 square kilometre of eastern Germany. The total decrease was 20%, from 389.700 square kilometres to 312.000 square kilometres.[343] The extermination of the Poland's Jews, the expulsion of the ethnic Germans, and the incorporation of the Ukrainian and Belarussian population into the Soviet Union in the post-World War II era left the overwhelming of the Poland's citizens ethnically Polish and Roman Catholic, which led to the dominance of one ethnic group and one religion. So, it was the first true nation state in the Polish history at the expense of the diversity and plurality.

The state borders of Poland were drawn on the basis of national criteria, the content of which changed in time. Whereas it was defined by the respondent's national identification at the beginning of 1920s, in the following decade it was inferred from his native tongue with which he/she conventionally thinks and communicates with his family.[344] The national criteria made a relatively ethnic Poland possible at that time within its boundaries. Moreover, from the beginning of the war to its end, numerous translocations of the population had taken place and many of them were initiated by the Nazis. Therefore, the hatred of the Germans along with the strong anti-Russian feeling was the dominant forces among the social strata of the Polish population. The former

---

[341] Brock, "Polish Nationalism", p. 369.

[342] *ibid.,* p. 370.

[343] Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe,* p. 138.

[344] Rothschild, *East Central Europe between the Two World Wars*, p. 35.

was because of the atrocities under the Nazi occupation and the latter was due to the experiences under the Soviet rule and its interference in the domestic affairs of the Polish state.

According to the post-war settlements, the ethnically non-Polish territories in the east were incorporated to the Soviet Union. In the west, on the other hand, Poland was compensated for its lost eastern lands by the acquisition of the German territories called as 'recovered territories'. Accordingly, the German population including those who had settled in Poland during the war and the ethnic Germans who lived in Poland long before it became an autonomous state was forced to move westward out of the newly acquired Polish western region. On the other side, the imposition of the national identity on the 'autochthonous' inhabitants of the former German territories of Silesia and East Prussia had appeared as one of the most delicate issues. Those people could still speak Polish dialect or had some proof of Polish descent. So, a rigorous verification of ethnicity was undertaken to identify those who had claimed German nationality before World War II but who were living in ethnically Polish territories. In those cases, the applicants had to prove Polish nationality by presenting either the appropriate document from Polish organisations functioning in Germany or testimonials from the three local individuals whose Polish nationality was beyond question.[345] Actually, the changes in declared nationality during and after World War II were common in this Polish-German border area and as a result, many Germans were Polonised. On the other hand, when the territories in the east were lost to the Soviet Union, an influx of ethnic Poles from those regions started in this period. As a result, it became unavoidable to face the people coming both from the east and west to Poland. They existed in the new political boundaries. Non-Polish population, on the other hand, was leaving the territory of Poland. Those migration movements made Poland ethnically homogeneous.

As another minority, the Jews were subjects to the harsh policies. Historically, Poland had been home to the largest Jewish community in the world before the outbreak of World War II. Historically, the Poles and Jews had lived for centuries together, even if they were in separate communities. However, anti-Semitism had become the most

---

[345] Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe,* pp. 144-145.

powerful policy of the Polish nationalism during the war. The legitimacy behind it was the perception of the "foreign elements" in the society which could become a threat for the integration of the national spirit.[346] Therefore, many Polish Jews were killed and the whole Jewish population was herded into ghettos. Undernourished and overcrowded, the ghetto population was devastated due to disease and exhaustion. As John Ashley S. Grenville clearly explains, resettlement policies were initiated and applied for the Jewish people, but it meant that "the Jews capable of working will be led into [the] areas in large labour columns to build roads, whereby doubtless a large part will fall away through natural reduction … The inevitable remainder will be dealt with appropriately, since it represent a natural selection which upon liberation is to be regarded as a germ cell of a new Jewish development".[347] These policies were a part of the 'planned massacre' of killing every last Jew in the Polish society. This was crucially important to achieve homogenous Polish nation state.

Although anti-Semitism was a weapon of Poland's pre-World War II right wing National Democratic Party as a proponent of Polonisation policies, its effect continued also in the post-World War era under the Communist Party ruling.[348] Neither the communist doctrine nor Poland's new constitution would protect Poles of Jewish extraction from official harassment.

Taking above into consideration, new frontiers represented a geographical shift in Poland's position that roughly corresponded with its nationalist ideology transforming Poland from a multinational and multi-ethnic state with ethnic and religious minorities into an almost ethnically and religiously homogeneous nation state. Table 5. 3 below indicates the ethnic structure of the period with around 97% of Poles most of whom were Roman Catholic.[349]

---

[346] Chojnowski, "Polish National Character, The Sanacja Camp, and the National Democracy", p. 30.
[347] Grenville, *A History of the World,* p. 267.
[348] Wolak, *Forced Out*, p. 39.
[349] See Rothschild, *East Central Europe between the Two World Wars*, p. 30.

Table 5. 3: Ethnic Structure of Poland in 1939 and 1950

	1939		1950	
Ethnic Group	**N**	**%**	**N**	**%**
Poles	20.655.200	63.9	24.448.000	97.8
Germans	8.582.900	26.5	170.000	0.7
Jews	2.254.300	7.0	50.000	0.2
Ukrainians	657.500	2.0	150.000	0.6
Belarussians	140.900	0.4	160.000	0.6
Others	47.000	0.2	30.000	0.1
Total	**32.337.800**	**100**	**25.008.000**	**100**

Source: P. Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe – History, Data, and Analysis*, trans. by Jan Owsinski (New York and London: M. E. Sharpe, 2003), p. 141.

Although the official political discourse of the communist rulers focused on the centrality of the working class and the fraternal ties of proletarian internationalism, communist elites were not indifferent to the national concerns. The government officially declared its respect for minority rights, but little was done to guarantee and develop their cultures, their organisational activities were severely curtailed and assimilationist policies continued. Until Stalin's death in 1953, the expression of any form of Polish nationalism, either in the form of national deviation of the left groups or bourgeois counterrevolutionary nationalism of the right, was stifled. After his death those issues started to be discussed and it was in this period when the minority groups in the country could demand and enjoy some degree of cultural rights. Therefore, liberalisation policies could be possible only in the post-Stalin's period when the ethnic homogeneity continued. This can be seen in the Table 5. 4 below.

Table 5. 4: Ethnic Structure of Poland in 1960

	Population	
Ethnic group	**N**	**%**
Poles	29.274.000	98.4
Ukrainians	180.000	0.60
Belarussians	170.000	0.57
Jews	30.000	0.10
Slovaks	20.000	0.06
Russians	20.000	0.06
Roma	12.000	0.04
Lithuanians	10.000	0.03
Germans	3.000	0.01
Others	12.000	0.04
Total	**29.731.000**	**100**

* Numbers are recalculated.

Source: P. Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe – History, Data, and Analysis*, trans. by Jan Owsinski (New York and London: M. E. Sharpe, 2003), p. 144.

Similar to Hungary, the national sentiments of Poland had been manifested in the form of anti-Sovietism during the communist period mainly due to the wartime and post-war experiences. More importantly, the Soviet objective of total integration of those communist states, including Poland, and negative effects of the complete subjugation of the Poland to the Soviet interests provoked anti-Soviet nationalism in the country. Under those conditions, Wladyslaw Gomulka, a totally romantic Polish nationalist, emerged as the symbol of the repressed Polish nationalism of the communist period. He strongly defended the Polish sovereignty and independence and was totally against the total subservience to the Soviet Union. He became a national leader during the period of de-Stalinisation in CEECs. However, his policies in the 1970s led to some unrest and discontent in the country due to some domestic economic policies, including rising prices, drastic shortages, endless queues and deterioration in the social services. So, unrest started to emerge among the working class towards the late 1970s and it

could strengthen its power against the authorities. In this framework, Solidarity, as the most popular working class opposition organisation, emerged in the summer of 1980 and it was legalised in 1989. Initially, it had national characteristics as a challenge to the communist authority and led to some resurgence of minority activism. In that sense, it was not just a trade union, but it was a mass social movement with the aim of changing the framework of the existing system. This movement could continue its existence despite the harsh attempts by the ruling authorities and by the military and it could gain the national loyalty of the masses within the Polish population.

During the communist period, Polish nationalism has evolved a long way from its roots in the old pre-partition commonwealth. Starting from the 1930s, the concept of Polish nationality has been broadened to include the whole Polish-speaking citizenry. But after 1945 citizenship and nationality coincided. This occurred through "the exclusion from the new state of territories inhabited by a majority of non-Polish speakers or of the non-Polish speakers inhabiting old or newly incorporated areas".[350] This transformation proved that Poland used the policies of ethnic cleansing, even if it was not constructed at the beginning. When the conditions were ripe, the Polish authorities did not refrain from using them to achieve and later to strengthen their homogenous nation states. This fact, as well as the coincidence of citizenship and nationality, affected the citizenship policies. The result was the strengthening of the ethnic and exclusive aspects of citizenship.

5. 3. 2. Blurred Distinction between Citizenship and Nationality

The Polish citizenship law of the first years of independence continued with minor changes until the communist period. The changing system of the government and the new social and political agendas made the modifications in the existing regulations essential. Moreover, the nationalistic policies and the ideas that Poland had to be a 'one-nation state' necessitated the changes. As a result, the Citizenship Act of 1951 and The Law on Polish Citizenship of 1962 were initiated. They were different from the regulations of the Act of 1920. While the initial one was about the citizenship of a state, as Lodzinski points out, in the succeeding ones, "it has become difficult to distinguish

---

[350] Brock, "Polish Nationalism", p. 371.

nationality and citizenship".[351] In this part, the regulations of the citizenship issue between 1945 and 1989 are studied by focusing on two different groups of people, those who repatriated to Poland and those groups named as autochthons.

Polish citizenship of those who repatriated to Poland: After the occupation of the east part of Poland by the Soviet Union in September 1939, it was generally accepted that Poland ceased to exist there. Therefore, Polish citizens who lived in those territories were granted Soviet citizenship compulsorily, according to the Decree of November 1939. The change of the Polish border at the end of World War II was also connected with the decisions of the related treaties on the mutual transfer of people.[352] Among those treaties, the one signed with the Soviet Union in 1944 and 1945 provided the mutual repatriation of the Polish inhabitants in Ukraine, Belarussia and Lithuania and this repatriation to Poland led to the automatic loss of their foreign citizenship. With their repatriation documents, they could be treated as Polish citizens afterwards. According to the 1951 Repatriation Act, that repatriates who had arrived in Poland before the acceptance of this Act was recognised as the citizens by the virtue of law, although the term was not specifically defined in the provisions of the Act.[353] Apart from the agreements with the Soviet Union, Poland also signed agreements, leading to mass repatriation to the country, with some other countries, e.g. France, Yugoslavia, Czechoslovakia between 1945 and 1948.

Polish citizenship of autochthons (North and West Poland, the so-called Regained Territories[354]): Polish legislation became effective in the north and west Poland. Before it, on the other hand, the nationality verification was carried out and temporary certificates for Polish autochthons in these territories were introduced. The new Acts regulated the issue of citizenship, concerning the Polish citizenship of persons of Polish nationality living in the Regained Territories. Accordingly, every person;

---

[351] Lodzinski, "Polish Citizenship", p. 154.
[352] Accordingly, a decision concerning repatriation was accepted in July 1944, when the war was still going on the basis of Polish-Soviet repatriation agreements.
[353] This issue was later solved by the Law on Polish Citizenship of 1962, which will be discussed below.
[354] The Regained Territories implies the return of the originally Polish territories. Those territories were held by various Polish dukes and kings for many centuries before they came under the control of Prussia and later Germany. They were taken over by Poland later by the decisions Postdam Conference. Accordingly, Poland was compensated by the annexation of the territories in the West taken from Germany in response to the territorial losses in the East to the Soviet Union. See, W. R. Keylor, *The Twentieth-Century World* (New York and Oxford: Oxford University Press, 1984), p. 202.

1. who had a permanent place of residence in the Regained Territories before the date of January 1st, 1945;
2. who proved his or her Polish nationality, before a nationality verification committee, on which his or her Polish nationality was established; and
3. who declared his or her loyalty to the Polish Nation and State

had the right to have the Polish citizenship.[355]

Within the context of those regulations about the citizenship issue, it has to be underlined that the stress on Polish nationality of the inhabitants of the Regained Territories was closely connected to the idea of the creation of one-nation state. This objective was undoubtedly expressed in the provisions of the Acts of 1951 and 1962. So, while the Act of 1920 paid the attention to the territoriality principle (settlement), the following two Acts of 1951 and 1962 added the condition of nationality verification. Within this framework, in parallel to Lodzinski's statements, we should accept that "this change reflected the view that the Polish citizenship became to a large extent tantamount to Polish nationality".[356] With the popularity of one nation state with its unified population, the Polish authorities decided to transform Poland into an ethnically and religiously homogenous nation state, in parallel to nationalistic understanding, by excluding all minorities and by reinforcing its 'Polish character'.

5. 4. Post-Communist Transformation

Starting from the late 1980s, Solidarity enhanced its power in the country and was widely recognised by the majority of the population. Its leaders thought that communism was antithetical to the interests of the Polish nation. Among them, especially Adam Michnik emerged as a prominent political figure in the country. He was accepted as one of the most respectful voices in the debates over national issues and insisting on the renaissance of the Polish nation and a renewed Polish identity.

---

[355] Lodzinski, "Polish Citizenship", p. 157.
[356] *ibid.,* p. 158.

5. 4. 1. Re-emergence of Old Stereotypes

Nationalism did not disappear in Poland in the post-communist period. It continued to be an ethnically homogenous state with small number of minority groups. This fact can be seen from the censuses of 2002 in Table 5. 5 below.

Table 5. 5: Ethnic Structure of Poland in 2002

Ethnic Group	Population	
	N	%
Poles	36.983.720	96.7
Germans	152.897	0.39
Ukrainians	31.000	0.08
Belarussians	48.700	0.12
Roma	12.900	0.03
Slovaks	2.000	0.005
Jews	1.100	0.002
Russians	6.103	0.01
Lithuanians	5.846	0.01
Greeks	1.404	0.003
Armenians	1.802	0.004
Tatars	500	0.001
Not specified	774.885	2.02
Others	193.215	0.50
Total	**38.230.080**	**100**

* Numbers are recalculated.

The ethnic structure of Poland continued in the post-communist period as a well-known legacy of belated state-formation and frequent border changes.[357] Accordingly, the end of the communist regime launched a new Polish renaissance where intellectual

---

[357] K. Wolczuk, "Conclusion: Identities, Regions and Europe", *Regional and Federal Studies*, Vol: 12, No: 2, Summer 2002, p. 204.

and religious freedom once again became the accepted principles of the states and raised the stakes of the national movement in the country. It shifted along a continuum in this period. On the one side, we can identify national ideology based on the concepts of organic unity of the nation, which could be highly xenophobic in its most extreme version. On the other side, we could observe national tendencies by a pragmatic, rational, patriotic approach, conceiving the nation as an association of common laws and shared history and culture.[358] But, both behaved in the service of the Polish national community and affirmed the centrality of national identity.

As it was the case in the previous periods, Poland had another important political actor in the post-communist period regarding the nationality issues. In those days, Marcin Krol was very influential in affecting the Polish nationalism and nationhood in the contemporary periods. He supported the idea of a cohesive and moral Polish nation, within the framework of the old, historical traditions and strongly emphasised the preservation of the Polish national identity and the importance of national solidarity.

In parallel to other CEECs, post-communist Poland faced the re-emergence of the old political traditions, old symbols and ideologies into the Polish political agenda. This once again led to ethno-centric understanding of nationalism. The existence of some minority groups (about 1.5 million) including the Germans, Ukranians, Belarussians, Slovaks, Jews and Roma[359] can easily lead to xenophobic attitudes and feelings among the population and intensify ethno-centric policies and practices in terms of the nationality issue. Therefore, national identity has become an ethnic and linguistic one in post-communist Poland. This contributes to intolerant nationalist feelings. As a result, old prejudices and stereotypes reemerged in this policy and endorsed ethnic kinds of attitudes in the society.

---

[358] Millard, "Nationalism in Poland", p. 120.

[359] A. Karwinska, "'Us' and 'Them': Youth Attitudes towards ethnicity in Poland" in T D. Sfikas and C. Williams (eds.), *Ethnicity and Nationalism in East Central Europe and the Balkans* (Aldershot: Ashgate, 1999), p. 125.

5. 4. 2. Restoring Citizenship Policies

The establishment of the III Republic of Poland in 1989 have implied deep economic and political reforms in the country. Together with those reforms, changes in the citizenship law have become a necessity for the country. Since, the new problems and conflicts required new solutions on the ground of citizenship legislation and more sophisticated regulations started to be needed. Below, the Constitution and the Law on Polish Citizenship of 1962 are evaluated as the two main documents, in terms of their implications for citizenship. Within the framework of those official documents, the issues of restoring Polish citizenship to people who lost it during the communist era and of the repatriation of Poles from the territories of the former Soviet Union have emerged as the most prominent topics.

a. The Polish Constitution:

The new constitution of Poland replaced the much amended and supplemented the Communist Constitution of 1952. It was adopted in April 1997 by the National Assembly and endorsed by the popular referendum in May 1997. A few months later, following the Supreme Court's ruling on the validity of the referendum, the constitution came into effect. Together with the 1962 Citizenship Act, the constitution is an important source to govern and regulate the principles of citizenship. Article 34 of the Polish constitution stipulates "Polish citizenship shall be acquired by birth to parents being Polish citizens. Other methods of acquiring Polish citizenship shall be specified by the statute".[360] In this framework, it was accepted that a child, irrespective of his or her birthplace, acquires Polish citizenship, if both parents are Polish, but he or she is subject to certain provisions, if one of the parents is a Polish citizen. Moreover, it was also stated that a child who is born in Poland would acquire citizenship, if his or her parents are unknown, or are of unknown nationality, or are stateless. Persons can apply for citizenship through naturalisation after residing in Poland for five years with a permanent residence permit. They, on the other hand, are subject to having a basic command of Polish language and basic knowledge of Polish history.

---

[360]Constitution (1997), <http://www.legislationline.org/legislation.php?tid=11&lid=796> (26/02/2007).

b. Law on Polish Citizenship of 1962 and Its Important Provisions:

The Law on Polish Citizenship of 1962 does not include any restriction on the account of the race, nationality or religion in respect of the right to obtain Polish citizenship. In this framework, we can identify four different ways of acquiring citizenship, the conferment, acknowledgement, marriage and repatriation processes. Before evaluating them in detail, it should be stated that, as it is the same in Hungary, the general principle behind the Polish citizenship is the principle of *jus sanguinis* implying that children born to Polish parents usually acquire Polish citizenship at birth. In that case, the place of birth is irrelevant and the principle is applied whether the child is born in Poland or elsewhere. But, persons born in Poland to foreign parents do not automatically have the Polish citizenship status.

The Conferment Procedure, which was regulated by Article 8 of the Law[361], is the most discretionary way of the acquiring of citizenship. As Agata Górny describes it, "this procedure can be considered as a 'fast path' of granting Polish citizenship".[362] Under this procedure, the President has an unrestricted power to grant and refuse the citizenship without any justification. Accordingly, a foreigner can be granted Polish citizenship when he or she lives in Poland, on the basis of permanent residence permit, at least 5 years. Under this procedure, the President can make the acquisition of Polish citizenship on the renunciation of foreign citizenship of an applicant.

Article 9 of the Law on Polish Citizenship determines the Acknowledgement Procedure, which is less discretionary than the conferment procedure. Within this process, a stateless person or a person whose citizenship is unknown can be granted Polish citizenship, when he or she lives in Poland, on the basis of permanent residence permit, at least for five consecutive years. The person who is acknowledging citizenship is obliged to justify and explain his or her decision. As a general trend, the number of

---

[361] The Law on Polish Citizenship of 1962 can be found at <http://www.legislationline.org/legislation.php?tid=11&lid=786&less=false> (26/02/2007).

[362] A. Górny, "New Phenomena and Old Legislation: Regulations Regarding the Acquisition of Citizenship in Poland", <http://aa.ecn.cz/img_upload/f76c21488a048c95bc0a5f12deece153/AGorny_Polish_citizenship.pdf> (17/12/2005).

persons using the acknowledgement procedure was slightly higher than those using the conferment procedure in the 1990s.

The Marriage Procedure, as the third way of gaining citizenship, is governed by Article 10 of the Law. This way is the least discretional one among the other three ways of acquiring citizenship. According to this procedure, a person married to a Polish citizen acquires, upon application, Polish citizenship when he or she lives in Poland, on the basis of permanent residence permit, for at least 6 months or is married for at least three years and six months. Compared to other ways, the marriage procedure played a secondary role in the 1990s. The most important reason behind the small interest on the marriage procedure was the fact that it was applicable only to women and it required that the application had to be made within three months from a marriage to a Pole. Beginning in 1999, on the other hand, the amendment to the 1962 Law made the procedure available for men and changed the period when the application should be made. As a result, the procedure became more popular, although the number of the applicant did not increase too much.

These three different ways of acquiring Polish citizenship, namely the conferment, the acknowledgement and the marriage processes, stipulate that the main requirement for being successfully naturalised in Poland is the duration of stay in the country. If the wording of the related articles is carefully analysed, on the other hand, it can be inferred that the process of naturalisation is highly discretional in the country. This can be seen in the Articles 8 and 9, which strongly emphasise that 'citizenship can be granted', when they describe the main procedures of the mentioned articles. In this context, the greatest freedom of decision about granting citizenship belongs to the President who was trying to restore Polish citizenship since the beginning of the 1990s. This practice was made public only in 1998 when President Alexander Kwasniewski announced that it would be possible to return to Polish citizenship without relinquishment of foreign citizenship in such cases.

On the other hand, it has to be specified that although the Law does not say anything about the proof of attachment of the applicants to the Polish nation and culture or about the knowledge of Polish language, the applicant's Polish origin could be

considered as an advantage to make their citizenship process smoother and quicker. In a parallel way, some examples show that the demand for the Polish citizenship can be refused in the case of insufficient level of an applicant's integration to the Polish society in cultural, social or economic terms. The termination of the bilateral conventions[363] concerning the avoidance of dual citizenship of the past is another important development for the application of Polish citizenship. Those conventions were making it impossible for the nationals of the selected countries to hold their foreign citizenship upon naturalisation in Poland. So, with the termination of those related conventions, the inequality among the applicants for Polish citizenship was eliminated.

As the final way, the repatriation should be accepted as the most important process of acquisition of the Polish citizenship. The collapse of communism and the establishment of the III Republic of Poland caused various problems about the return of many inhabitants of the CEECs to their homelands. In the case of Poland, this problem is particularly complex due to the changes in the borders and the deportation of the Poles during various historical periods. Within this framework, the Repatriation Act was accepted in 2000 to regulate the issue and tackle the problems immediately. It was signed on November 9th, 2000 and came into effect on 1st, January 2001.

Article 12 of the Law on Polish Citizenship is directly related to achieving Polish citizenship through repatriation. In this framework, Article 12 stipulates "persons arriving to Poland as repatriates acquire Polish citizenship by the force of law. … a repatriate is a foreigner of Polish nationality or parentage who arrived in to take up permanent residence and who obtained permission from the appropriate Polish authority". This fact implies that the 1962 Law accepted the condition of Polish nationality as the basic factor to be recognised as a repatriate, which made it obligatory to define the Polish nationality or descent. In this framework, the Law accepted that a person of Polish nationality or descent is a person who himself or herself or his or her ancestors speaks Polish at home and around the family circle, observes Polish customs, brings children up in the Polish spirit. Accordingly, as Lodzinski argues "with the new [Law] objective, rather than subjective, criteria were adopted to determine one's Polish

---

[363] Those conventions were signed with the ex-USSR successor states and other former Soviet Bloc countries, e.g. Czech Republic, Slovakia, and Mongolia.

nationality".[364] With a modification to this Article by the Constitutional Court in June 1995, it became necessary to obtain permission from a Polish authority representing Poland abroad, to be able to acquire citizenship in this way. According to Article 12/3, children of repatriates remaining under their parental authority also acquire Polish citizenship. If only one of the parents is a repatriate, the acquisition of citizenship requires the consent of other parent, written in an appropriate declaration and submitted to the appropriate authority. Moreover, Article 12/4 of the Law declares that children under the parental authority shall acquire Polish citizenship through repatriation if their guardian submits his/her consent in a written document to the appropriate authority. Article 12/6 stipulates that the acquisition of citizenship by a child of 16 years of age or over shall take place with the consent of the child; on the other hand, Article 12/7 says that a person who acquired Polish citizenship and later lost it shall not be able to re-acquire Polish citizenship in this manner.

The Repatriation Act, on the other hand, enabled many Poles to return to their homeland owing to deportation or other persecution on such grounds as national origin and different political opinion, which could not be settled in the country. Within the framework of the Act, it was accepted that repatriates should be entitled to Polish citizenship without being subject to any restrictions. But, here it has to be emphasised that only persons that do not have Polish citizenship can be repatriated according to the relevant and valid criteria. The Act, on the other hand, excluded some groups of people from the application to repatriation. Within this framework, according to the Chapter I and Article 1/2, "[a] repatriate is a person of Polish extraction who arrived in the Republic of Poland based on a repatriation visa with the intention of taking up permanent residence".[365] However, the requirement of an invitation by the official institution or a private person guaranteeing the repatriate residence following his or her settlement in Poland limits the availability of the repatriation procedure. Only after such an approval can the visa be granted.

---

[364] Lodzinski, "Polish Citizenship", p. 157.
[365] Repatriation Act of 2000 can be found at <http://www.legislationline.org/legislation.php?tid= 11&lid=787> (20/02/2006).

According to the Chapter II Article 4 of the Act, "a person arriving in the Republic of Poland on the basis of a repatriation visa shall acquire as of the day of the crossing the border of the Republic of Poland". However, it is clearly stated that the demand to be granted a repatriation visa can be refused in view of the security of the Polish state or public order. The conditions of the refusal of a repatriation visa are provided in the Article 8 of the Act. Accordingly, the visa may not be issued to a person, who lost Polish citizenship acquired by way of repatriation (8.1) or who repatriated from the territory of the Republic of Poland or the Polish Peoples Republic on the basis of the repatriation agreements concluded between 1944 and 1957 with the Belarussian Socialist Soviet Republics, Ukranian Socialist Soviet Republics, Lithuanian Socialist Soviet Republics and the USSR to one of the states being party to these agreements (8.2) or who, during stay outside the Republic of Poland, acted against the vital interests of the country (8.3) or who participated or participates in human rights violations (8.4).

The exclusion of the above-mentioned groups from the repatriation process implies that the Repatriation Act made the procedure limited to the persons who had lived permanently in the Asian part of the former USSR[366] before 2000 and could not settle in Poland due to deportations, exile and some ethnically motivated forms of persecution. The Law also provides the possibility of the extension of repatriation to the other countries or other parts of the Russian Federation, if their inhabitants of the Polish origin are discriminated against on such grounds as religion, national origin and political opinion.[367] Chapter II Article 10 of the Act made the Council of Ministers as the responsible organ to discuss those issues.

When the related authorities accept the repatriation demands of the applicants, the requirements of repatriation are imposed on those people. Accordingly, first of all, those people can become Polish citizens after crossing the Polish border with a repatriation visa with them. Moreover, parallel to the requirements of the general repatriation procedure, a candidate for a repatriate has to satisfy three conditions jointly.

---

[366] Republics of Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan and the Asian part of the Russian Federation (Chapter 2, Art. 9.1)
[367] Górny, "New Phenomena and Old Legislation".

He or she has to declare his or her Polish nationality; he or she has to prove the attachment to the Polish culture by cultivating Polish language and tradition and he or she has to demonstrate that one of his or her parents, grandparents or both great grandparents have to be either of Polish ethnicity or used to have Polish citizenship.

In order to apply for the repatriation visa, a person of Polish origin must file the application with the Polish diplomatic agency with jurisdiction over his or her residence. Article 5.1 of the Repatriation Act states that a person of Polish extraction shall be a person declaring Polish nationality and meeting the following conditions jointly. Accordingly, at least one of person's parents or grandparents or two great grandparents were of Polish nationality and that person is able to demonstrate links with Polish provenance, in particular by cultivating Polish language, traditions and customs. The documents that have to be attached to the application should be the documents proving the Polish origin[368] and the other documents confirming the facts in the application for granting the visa. According to Chapter 2, Article 7, minors under parental care of the repartee, on the other hand, may also acquire Polish citizenship through this procedure. If only one parent is repatriate, the minor can acquire citizenship with the approval of the other expressed in a statement before the consul (7.1). A minor remaining under the guardianship acquires Polish citizenship by way of repatriation, if it done with the consent of the guardian expressed in a statement before the consul (7.2). The minor who turned 16 shall acquire Polish citizenship if he/she consents thereto (7.3).

The persons of the nationality or origin other than Polish who wish to resettle as members of the repartee's family, on the other hand, have to file an application to be granted a permit for temporary residence in the Republic of Poland. These persons who would be granted visas from the consul for the resettlement purposes could securely arrive in Poland. Both the repatriation and resettlement visas are valid for twelve years

---

[368] They can be the documents issued by the Polish state or church authorities and the authorities of the former Soviet Union pertaining to the applicant or his parents, grandparents or great-grand parents. These documents can be Polish identity card; marriage/birth/death certificates evidencing the relationship with Poland; documents evidencing military service in the Polish Army; documents evidencing deportation or imprisonment; identity documents or other official documents containing an entry informing of Polish nationality. Other documents that can also be accepted as a proof of Polish origin are rehabilitation documents of the deportee containing an entry informing Polish nationality and documents confirming persecution due to Polish extraction (Chapter II, Art. 6.1 and 6.2)

and entitle their holders to single entry into the country. Repatriation visa can be granted to a person who is able to ensure conditions for settlement that is an apartment and a source of income in the country.

Within the framework of all these statements, we should accept the repatriation process as a 'special, privileged form of the acquisition of Polish citizenship by those with non-Polish origin'. This way is provided for the persons who themselves or whose ancestors have been taken away from their homeland against their will and who have remained their homeland's children.[369]

Two other disputable, but important topic that have to mentioned within the framework of the Law on Polish Citizenship are the naturalisation and dual citizenship. As far as the naturalisation procedure, the draft on the Law on Polish Citizenship extended a list of requirements proposed in the Law of 1962. Accordingly, it introduced some additional criteria designating applicants' level of social, economic and cultural integration into Polish society. These criteria included adequate knowledge of Polish language, proof of applicants' ability to maintain themselves in Poland, absence of a criminal record and the behaviour not violating the loyalty toward the Polish state. In other words, as Górny proposes it, it was a proposal aiming at "more precise and less discretional" criteria for naturalisation in Poland.[370]

According to the Law on Polish Citizenship, it is usually not possible for a person to lose Polish citizenship involuntarily. It may be renounced voluntarily, on the other hand, if the person holds another citizenship or will acquire it upon the loss of Polish citizenship.

On the other hand, the only topic, which divided the Polish parliament, was the issue of dual citizenship. Although the right wing, post-Solidarity policy-makers supporting the Polish Diaspora were in favour of the dual-citizenship, the less radical left side of the parliament promoted the continuation of status quo, implying a silent or

---

[369]"Acquisition of Citizenship by Facilitated Naturalisation: Poland", <http://www.kettosallampolgarsag.mtaki.hu/allampolg/tv_21.html> (12/08/2005).
[370] Górny, "New Phenomena and Old Legislation".

unofficial tolerance for it. But, in July 2000, with an amendment to the Law on Polish Citizenship, the Senate officially recognised dual nationality. This tolerance, on the other hand, was conditioned by the interpretation of one of the statements of the Law, saying "a Polish citizen, according to Polish law, can not be recognised as a citizen of another country at the same time" (Article 2). Presently, this statement is interpreted in the way that a Polish citizen can possess foreign citizenship, but he or she cannot use this foreign citizenship in Poland. However, different from the present time, in the communist era, the tendency was to accept this statement as a lack of acceptance for dual citizenship.

5. 4. 3. Polish Citizenship Practices after 1989

The year 1989 was important for the developments on the citizenship issue, mainly due to the emergence of some new topics, e.g. double citizenship, repatriation and settlement immigration to Poland. Within this framework, in the last years, the focus of the law- and policy-makers has shifted to the emigrants and the Polish Diaspora, which necessitated a special attention recently. Many policies were initiated to tackle those questions and problems, although not so much progress could be achieved. Therefore, the Polish citizenship practices of post-1989 can be analysed with specific references to those factors.

a. Migration and Polish Citizenship:

Since the beginning of the 1990s, Poland has faced an increasing amount of people coming to the country. Therefore, the president of the country found himself in a position to investigate the applications of many people who were of Polish origin, but had been deprived of the citizenship previously. Mostly, these people applied for citizenship from different countries, e.g. Germany, Scandinavia, Austria, Canada, the United States and the former Soviet Union. Majority of them kept their former non-Polish citizenship and continued living in the same place. In this case, however, citizenship is 'restituted' rather than granted. On the other hand, among those

applications, there were people having not Polish ethnicity.[371] The new regulation forced them, however, to fulfil certain conditions, e.g. in the country for at least 5 years before their application for citizenship and having family ties with Poland.

b. Dual Citizenship:

Although dual citizenship is not explicitly allowed in Poland, with some modifications to the Citizenship Act in 2000, it was tolerated. The issue of dual citizenship emerged as an important topic especially for the group of persons belonging to the German minority in Poland. According to the German laws, Article 116 of the Fundamental Law of the Federal Republic of Germany, former German citizens who, between 30 January 1933 and 8 May 1945, were deprived of their citizenship for political, racial or religious reasons, and their descendants, shall be re-granted German citizenship on application. They are considered as not having been deprived of their German citizenship if they have not expressed a contrary intention. Therefore, these German minorities have both German and Polish citizenship. This situation (meeting of the conditions of the above-mentioned law), moreover, does not compel them to renounce their Polish citizenship.

c. The Polish Citizenship of Repatriates from the Former USSR:

Within the constitutional and legal perspectives of the post-communist Poland, one of the most important issues, concerning citizenship problems, has been situation of the ethnic Poles who have been living in the territories of the former Soviet Union. It had to be decided whether they would be given Polish citizenship on request, without undergoing a lengthy and complicated procedure designed for the foreigners. The generally accepted view on this issue is that citizenship should be granted to those who, usually against their will, remained on the Soviet territory after the Polish-Soviet border had been shifted westward at the end of World War II.

---

[371] They were the people from the Arabic countries, South East Asia and the former Soviet Union.

On the other hand, the Polish inhabitants of Belarus and Ukraine who were living in the areas awarded to the Soviet Union in the Riga Treaty of 1921 has remained as a much deeper concern. Since, most of them were later deported to Kazakhstan where their offspring still live and preserve Polish language and Polish identity and they still consider themselves as Polish. Within this problem, many questions concerning their situation have emerged and remained unsolved. In that case those questions, for which the answers would be found immediately, are the following: Would those children and grandchildren of the deportees still be entitled to citizenship? What would be the situation of those whom Soviet authorities forced to erase the notification of Polish nationality from their passports? What would be the status of grandchildren and great-grandchildren of Polish patriots exiled by the tsars to Siberia in the 19th century? In the way of finding the answers to those problems, Krzysztof Jasiewic reminds us, "the Polish population and the political elites adopted the view that since their ties to Poland were broken against their will, these people should be given the Polish citizenship, if they choose to ask for it"[372], which would be possible either through naturalisation or repatriation.

d. Limits of Inclusive Polish Citizenship:

Citizenship discussion about the above-mentioned group of people led to some other additional questions and debates in the country about the Poles who have emigrated to Western Europe and Americas. Actually, the surviving émigrés still legally hold their citizenship, although the situation of their offspring is vague. Actually, the Polish point of view is rather inclusive implying that "if people of Polish extraction consider themselves Poles, there should not be any legal obstacles to their being granted citizenship".[373] However, this consensus disappears, if the person in question was a descendant of Polish Jew. Similarly, many Poles think that the claims by descendants of ethnic Germans to German citizenship should be considered as a voluntary exclusion from the community of Polish citizens. Therefore, we should not forget that the inclusive aspect of Polish citizenship has always some limits in itself.

---

[372] Jasiewicz, "Citizenship in Post-Communist Poland: Civil Society or Das Volk?", p. 80.
[373] *ibid.*

The exclusive citizenship has been accepted as a historical realty in Poland. This fact implies that citizenship as a quality ascribed or offered to practically all inhabitants of a state, regardless of their class, gender, race, religion or ethnicity, is a relatively recent phenomenon. For example, throughout history, citizenship has been limited to certain categories of people; e.g. males, the well-born (nobles), the educated, the wealthy (tax-payers) and individual of a certain race (whites), ethnic origin (Germans, Spaniards) or religion (Catholics, Protestants, Muslims)[374]. But the constitution of the modern state abolished such restrictions.

The exclusive versus inclusive citizenship policies and practices have still been one of the points of discussion in many political studies and reports in Poland. In those studies mainly three criteria come to the surface as the main determining points behind the citizenship attitudes: ethnicity, religion, and de-communisation. These criteria, which were used by the Division of Electoral Studies of the Polish Academy of Science's Institute of Political Studies in one of its major studies of voting behaviour and political attitudes, were analysed by Krzysztof Jasiewicz in his article. According to the results of this study, the exclusive Polish citizenship is accepted as a dominant factor in the Polish society. However, there could not be found any consistent criteria behind those conditions and exclusive practices. Therefore, consequently, it would not be possible to answer whether there is a single, specific dimension or measure of inclusiveness-versus-exclusiveness relationship.[375]

Besides these specific indicators of exclusiveness of citizenship, in the Polish society the topic has been discussed within the framework of the different interpretations of the two competing concepts, the nation and the citizenship. As Jasiewicz articulates "on the one hand, the nation is understood as a contractual relationship (civil society) with an inclusive interpretation of citizenship; but on the other hand, it can also be seen as a moral community, based on common language or ancestry, with exclusion of those who do not conform to its moral standards".[376] Within the framework of all discussions, we can easily argue that the interpretation of

---

[374] *ibid.*

[375] For more detailed information about the results of the study, see Jasiewicz, "Citizenship in Post-Communist Poland", pp. 84-94.

[376] *ibid.*, p. 84.

citizenship is a very complicated issue, which seems to be one of the test cases for the future of Poland in its way towards democracy.

5. 5. Evaluation: Harmonisation of Civic and Ethnic Conceptions of Citizenship

Historically, the Polish citizenship policies and practices have evolved from the idea of the citizenship of a state to the citizenship in an ethnic and nationalist character. They also reflect the historical change of Polish society from being multi-ethnic to mono-ethnic. In this context, we can easily say that the exclusive and inclusive visions of citizenship still co-exist in Poland. But, the former one has always been more strongly felt than the latter because of the dominance of the ethno-cultural tendencies. This is mainly because of the history of the Polish nation. Its development without a state strengthens not only the ethno-cultural aspects, but also the exclusive character of citizenship.[377]

On the other hand, as a more recent reality, the inclusive version of citizenship could easily and more commonly expressed in younger, urban, well-educated and secularised sections of the society. In that sense, past and present political affiliations are also important in the perception of citizenship. In this framework, the supporters of the *ancien regime* (the Christian-National Union and the Polish Peasant Party) have been generally more inclined towards the exclusiveness, while the supporters of the Solidarity (Liberal-Democratic Congress and Democratic Union) have been more willing to accept an inclusive citizenship.

With the emergence of new issues and conflicts about the issue of citizenship discussed in the previous sections, it is generally accepted that some new and comprehensible regulations will be needed to deal with those emerging problems. In this way, many policies have been initiated and draft regulations have been proposed by the related authorities. Accordingly, the Parliament already discussed many drafts of

---

[377] A. Górny, A. Grzymała-Kazłowska, P. Koryś and A. Weinar, *Multiple Citizenship in Poland, ISS UW Working Papers, Migration Series*, No: 53 (Warsaw: Institute for Social Studies, Warsaw University, 2003), p. 52.

Law on Polish Citizenship, but could not reach to any result so far. In the most recent draft of 2001, parallel to all Citizenship Laws the consensus was achieved on the principle that the basic rule for being recognised as a Polish citizen was the blood principle. The draft also introduced a special procedure for the people planning to restore their Polish citizenship that they lost in the past, considering the fact that the problem of 'returning Polish citizenship to those who have the right to it' was considered as highly important by the draft-makers. Accordingly, the proposed returning procedure was applied to those who lost the Polish citizenship on the basis of the previous Citizenship Acts of 1920 and 1951 and on the basis of the Law on Polish Citizenship of 1962 without their own will. Within this framework, it was accepted that the applicants did not have to live permanently in Poland, if he or she wishes to be entitled to this procedure. Instead, they have to prove that they have had Polish citizenship in the past.[378] However, despite such kinds of initiatives, not so much progress could be achieved on the subject. Therefore, The Law on Polish Citizenship of 1962 is still in force, but with some amendments introduced in the 1990s. Within this framework, it is highly probable that the most important factors behind the lack of consensus on the proposed drafts is the issues of dual citizenship, emigrants, the Polish Diaspora and problem of repatriation.

But, it can also be argued that within the whole structure, as Peter Paczolay states "the co-existence of both inclusive and exclusive vision of citizenship in the country implies that Poland tries to harmonise both the Western and Eastern models by emphasising their 'Polishness'".[379] The Poles prefer to think of themselves either as Polish citizens or as citizens of both Poland and Europe. The strong sense of Polish identity is the inevitable result of centuries of struggle to preserve the Polish culture, tradition and language.

---

[378] For detailed information see Górny, "New Phenomena and Old Legislation", pp. 1-2.
[379] P. Paczolay, "Comment on Krzysztof Jasiewicz's Paper 'Citizenship in Post-Communist Poland: Civil Society or Das Volk?'" in A. Liebich, D. Warner and J. Dragovic (eds.), *Citizenship East and West* (London and New York: Kegan Paul International, 1995), p. 101.

CHAPTER VI

THE CZECH REPUBLIC: CONFLICT BETWEEN

THE LIBERAL PRINCIPLES AND ETHNIC UNDERSTANDING

For the evaluation of Czechoslovakian nationalism in a historical way, it is important to look at three different components; the Czech, Slovak and Czechoslovakian nationalism. They were all shaped in their old-age competitions with the German and Magyar nationalisms. In other word, while Czech nationalism had developed as opposed to Austrian-Hungarian Empire and Slovak nationalism had developed as opposed to the Magyar identity, Czechoslovakian nationalism contained the elements of both. Moreover, Poland, France and Russia had also real significance on the nationalism projects and movements of this region. The peoples of other territories that have been joined for significant periods to the Czech and Slovak lands (Moravians, Silesians, the Lusatias, and sub-Carpathian Ruthenia), on the other hand, had had comparatively little influence on the Czech and Slovak nationalisms.

According to the Czech conceptualisation, the nation is a naturally constituted community. Membership of the nation is not the result of an individual's conscious decision, but determined by the fact of one's birth. Therefore, it is considered as a "natural process *par excellence*".[380] In general, as it is explained by Ladislav Holy, the Czechness or Czech nationality implies the fulfilment of three criteria; "having been born in the Czech lands, speaking Czech as one's mother tongue and having been born of Czech parents".[381] In this framework, it reflects both the territorial and ethnic conceptions, although the latter one is historically accepted as the most determining criterion. In the same way, Hugh LeCaine Agnew argues that the meaning of the Czech

---

[380] L. Holy, *The Little Czech and The Great Czech Nation – National Identity and the Post-Communist Transformation of Society* (Cambridge: Cambridge University Press, 1996), p.64.
[381] *ibid.*

nation has showed some differences implying the transformation from a political-territorial understanding to an ethno-linguistic base.[382]

On the other side, the Slovak nationalism did not have any territorial connotations, due to the lack of the historical tradition of state existence. Instead, as Agnew clearly states "natural rights and a concept of nation that did not depend on the state proved much more useful in the development of Slovak national movement".[383] In this framework, ethnolinguistic concept of the nation was considered as the basis of Slovak nationalism. Accordingly, "the nation could only be the community of those who spoke the same tongue".[384] One of the most crucial factors of the Slovak identity was the creation development of a kind of belonging to a distinctive Slovak people. The Czech lands and Slovakia began the century within the confines of the Austria Hungarian Empire. While the former one was a distinct, historically recognised territory within Austria, the latter one was integrally incorporated into the territory of Hungary. In this era, the two main determining factors of the Czech nationalism were the geopolitical dilemma of the nations and the attempts to neutralise the influence of the foreigners through national self-determination.

But, within the general structure, it can be argued that the popular masses of the Czechs and Slovaks have seldom exhibited an awareness of ethnic unity and a supreme attachment to overall Czechoslovak interests. Within this framework, in the 18th century, nation basically had a political meaning and denoted the group enjoying the political rights, which was namely the nobility.[385] Through the 19th century, on the other side, the Czechs could mobilise their national sentiments institutionally with cultural roots. The collapse of Austria-Hungary after World War I led to the experiment of national self-determination and independence movements for the Czechs and Slovaks throughout the interwar years. During the communist period, the state was called as the unified Czechoslovakia, but the Slovak distinctiveness started to be accepted with a modest tribute. Those attempts and the political arrangements in favour of the Slovaks

---

[382] H. L. Agnew, *Origins of the Czech National Renascence* (Pittsburgh and London: University of Pittsburgh Press, 1993), p. 255.
[383] H. L. Agnew, "New States, Old Identities? The Czech Republic, Slovakia, and Historical Understanding of Statehood", *Nationalities Papers*, Vol 28, No. 4., 2000, p. 624
[384] *ibid.*
[385] *ibid.*, p. 171.

paved the way to the formal federalisation of the state after the Prague Spring in 1968. The federal structure continued until the end of the 1980s.

Since 1989, democratisation efforts increased over the irresolvable question of national interests within the common Czech and Slovak state. In this period, it became clearer and more recognisable that throughout history, both sides had different national interests and policies, which led to serious disagreements and conflicts between them. The attempts of democratisation and the opening policies enabled both sides to emphasise those differences and articulate their interests and demands more strongly and clearly. On the other side, the failure to reconcile those differences led to the final disintegration of the federation. Moreover, the lack of any intention by the Czech and Slovak authorities to find a compromise and common ground accelerated the process. After this general information, the following parts focuses on the national understanding and identity formation processes of Czechoslovakian (and later the Czech Republican) society with references to specific time periods.

6. 1. Competing Nationalisms at the Outset of the 20th Century

The Czechs and Slovaks were divided in many ways before World War I, in terms of their legal, administrative and traditional understanding. Besides the differences in their economic, political and societal ways of life, they had different positions in terms of nationhood and statehood. While the Czechs were more conscious of themselves as a mature political nation deserving a state of their own, the Slovaks had suffered greater national depression and isolation under the Hungarian rule. Under those conditions, with a strong national tradition the Czechs could claim ancient statehood in the form of the Kingdom of Bohemia and Moravia and had a history of national independence until the outset of the Thirty Years' War.[386] On the other hand, the Slovaks were one of the ethnic groups in the multiethnic Hungarian Kingdom where the Magyars were the dominant group.[387] They had been subject to Hungarians attempts

---

[386] The Czechs joined the Habsburg monarch in 1526 along with the Hungarians and considered themselves by rights their equal. But after the 1867 Compromise leading to a Dual Monarchy, they were always hostile to rule from Vienna.

[387] J. Krejci and P. Machonin, *Czechoslovakia, 1918-1992 – A Laboratory for Social Change* (London: Macmillan Press Ltd., 1996), pp. 6-7.

of systemic assimilation and were aware of their lack of a historic claim to statehood. So, the Czech national revival could proceed easier and quicker as opposed to Slovakia, which had a weaker position to claim its national recognition. Consequently, the Czechs could assert their distinct national identity in terms of historical rootedness. In this context, the status of being an independent and influential kingdom within the structure of the Roman Empire created the favourable conditions for the development of a separate Czech identity. Therefore, as Joseph F. Zacek says, "with a more and longer extensive development, Czech nationalism was much stronger and possessed much more definite character than its Slovak counterpart"[388] through the factors of increased national awareness and demand for the national rights.

In its origin, the early roots of the Czech nationalism can go back to the 15th century. In this framework, we can be argue that the Hussite[389] Revolution of the 15th century, the National Revival of the 19th century (as a result of German influence, which only sharpened the Czech national question) and the twenty years of independence in the 20th century were the main reference points for the contemporary Czech nationalist movement. Throughout all these different periods, geography and language, as the mostly accepted factors associated with nationalism, have been the two main determining and crucial dynamics for the nationalistic movements. Similarly, religion (Catholicism) and church hierarchy were also important factors in the medieval times of nationalism, while political self-determination has been influential in the modern nationalistic ideologies. Within the general perspective, it would not be wrong to argue that a basic core of pluralistic values was shared by the national movements[390] and the concept of integral nationalism implying cultural arrogance and intolerance, militarism and imperialism has never existed in the Czech nationalism.

Starting from the latter part of the 19th century, the Czech lands were the most industrialised and economically advanced provinces of the Austria-Hungarian empire,

---

[388] J. F. Zacek, "Nationalism in Czechoslovakia" in P. F. Sugar and I. J. Lederer (eds.), *Nationalism in Eastern Europe* (Seattle and London: University of Washington Press, 1969), p. 168.
[389] Jan Hus (c. 1369-1415) is the symbol of Czech nationhood. He was a Czech religious reformer and a central figure in the history of Western civilisation. He led a reform movement and Hus had helped lay the foundations for the modern European Enlightenment. In general the Hussite movement was a national and religious and had a revolutionary character. The Hussite movement strengthened the Czech national self-awareness, Roshwald, *Ethnic Nationalism and the Fall of Empires,* pp. 43-44.
[390] *ibid.,* p. 42.

which led to a mass influx of the Czech peasants to come to the developing urban centres. But, as Eberhardt expresses "the Czechs lacked social foundations on which a modern nation could be built".[391] Only in the second half of the 19th century could the social conditions be completed for statehood. A modern urban population had taken shape, and the class of educated people had been enlarged. So, this fact differentiated the Czech nationalism from its Polish and Hungarian counterparts, which originated from nobility. In this period, Czechs constructed their nationalist ideology and national identity in conscious opposition to the Germans, with whom they shared geographical, political and economic spaces within the Austro-Hungarian Empire. So, it was "anti-German" movement leaning towards pan-Slavism and formulated through pragmatic objectives that could be attained by the legal and democratic methods.[392]

Within this framework, we can mention two contrasting national ideologies in the country, Karel Kramář's Young Czechs and Tomáš Masaryk's Realist Policy. The former one, including both territorial and ethnic dimensions, was representing a modern form of nationalist ideology including the liberal thought. They retained an attachment to the principle of Bohemia's historic state right as a basis for their autonomist demands, but also insisted on the merging of the province of Moravia with Bohemia in a self-governing Czech region. For this group, whose leaders were mainly ethnocentric and intolerant towards minorities, as Roshwald says, "'nationhood' is the most important value and all other considerations should be subordinated to this nationhood".[393] Within this context, they were trying to establish a pan-Slavic ideal among the Slavic people in the region with the main objective of fostering cultural and economic cooperation among the people on the basis of equality.

On the other hand, the second group, led by Masaryk, were always critical about the ideas of creating pan-Slavism and rejected the Young Czech's synthesis of chauvinism and liberalism, romanticism and opportunism. According to Roshwald, the main idea behind their project was a liberal nationalism reflecting the view that "nations could and should serve as mediating bodies between individuals and humanity at

---

[391] Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe,* p. 99.
[392] *ibid.*
[393] Roshwald, *Ethnic Nationalism and the Fall of Empires*, p. 45.

large".[394] According to Masaryk, Czechoslovak nationalism should not be an end in itself, but it should play an integral role in humanity's progress through history towards an order based on reason, tolerance, and social responsibility. He paid a special attention to the Slovak question by arguing that the Slovaks were the disadvantaged, poorly educated branch of the Czechoslovak national family. The dissemination of the Czechoslovak culture, on the other hand, could increase the level of moral, intellectual and national consciousness of the Slovaks, which led to the opinions that they should be merged into one Czechoslovak nation. So, Masaryk's view about nationalism could be accepted as a synthesis incorporating some elements of both civic and ethnic national understanding. Accordingly, the cultural and political values of Czech nationalism could be accepted within the Western conceptions of democratic nations but without ignoring the importance of the ethnicity and language. Within this context, the tension between the conflicting principles national interests and the commitment to broader, humanistic ideals has always existed in this understanding.

Considering the characteristics of different time periods, we can agree with Holy's argument stating "the Western civic-territorial conceptualisation was not absent among the Czech thinkers and intellectuals of the 19th century, but the conscious building of the modern Czech nation during the national resurgence was informed by the ethnic-cultural model".[395] The Czech nation has been construed as a distinct national entity in search of its state. The revival of Czech nationhood and then the creation of an independent Czech nation state was the primary political goal of the Czech nationalism.

As it can be understood from the table below, even in the historically Czech territories, the Czechoslovakians constituted 68.5 of the total population in the early 1920s. They mainly predominated in the central part of the country implying that the Bohemian and Moravian regions of the country had become ethnically Czech. But, the Czechs lost the peripheral areas of their land to the German-speaking population who were strong both numerically and economically. Their presence, on the other hand, was the result of many centuries of immigration and Germanisation of the native Czechs, which had important political consequences in the following years. Within this complex

---

[394] *ibid.*, p. 43
[395] Holy, *The Little Czech and The Great Czech Nation,* p.50.

structure, the Czechs entered the twentieth century as a nation conscious of its identity and strength, especially after the revival and development of the Czech culture through the cultural nationalist movement especially in the second half of the nineteenth century.[396]

Table 6. 1: Ethnic Structure of Czechoslovakia in 1921

	Population	
Ethnic group	**N**	**%**
Czechoslovaks	6.727.408	68.5
Germans	2.973.208	30.2
Jews	30.267	0.30
Poles	73.020	0.74
Ruthenians	3.321	0.03
Hungarians	6.104	0.06
Others	2.671	0.02
Total	**9.815.999**	**100**

* Numbers are recalculated.

Source: http://www.czso.cz/sldb/sldb.nsf/i/scitani_v_roce_1930 (25/05/2007).

6. 2. Establishment of Czechoslovakia: Post-World War I

Antagonism and disagreements among the great powers during the war helped the Czechs fulfil their desire for the liberation of a nation from three hundred years of oppression. In that sense, the pursuit of national sovereignty culminated in 1918, with the creation of independent Czechoslovakia, which was the result of the new political arrangements. Through the end of the war, the leaders of Czechs and Slovaks had spoken for a common 'Czechoslovak nation' and the desire of their peoples to form a 'Czechoslovak state', although, as Zacek states it "the two were far from synonymous".[397]

---

[396] Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe*, p. 109.
[397] Zacek, "Nationalism in Czechoslovakia", p. 186.

6. 2. 1. Turning Point in the History of Czechoslovak Nationalism

The establishment of the Czechoslovakian state, after World War I, can be considered as a turning point in the history of the Czech and Slovak nations. Until that time, they were always subject to the German expansion and Hungarian pressures respectively. But the new state not only stopped those foreign influences, but also remedied some of the losses of those two nations over the centuries. On the other hand, as Jaroslav Krecji and Pavel Machonin argue "the peace treaties after the war allowed the Czechs to attain two goals, which, in principle were incompatible: the creation of a state basing on the principle of ethnic kinship, but with borders drawn according to some other".[398] Within this framework, the Czechoslovak Republic was founded in October 1918 as a union of regions (with its president Tomáš Masaryk) from opposite sides of the Austria-Hungarian tracks. The industrially advanced Czech lands (Silesia, Bohemia and Moravia with a sizable German population) came from the Austria side of the old Habsburg Empire, while the still predominantly agrarian Slovakia from the Hungarian. The Hungarian territory of Ruthenia (Sub-Carpathian Ruthenia) eventually also accrued to Czechoslovakia.

The newly born democratic state was ethnically heterogeneous based on shaky foundations implying its creation out of several nations "all filled with hatred against the other, arrested in their whole economic and social development and in the progress of their civilisation by hate and national strife".[399] Because of its national composition, as R. R. Palmer and Joel Colton argue "[Czechoslovakia] demonstrated the difficulty of maintaining a multi-national state".[400] Under this heterogeneity, the strategic calculations and considerations during the war and the international pressures were the key factors behind the unification of the state under the name of Czechoslovakia with a unified Czechoslovak people. The cohesion of the state depended on the cooperation of the Czechs and Slovaks as symbolised by founding nations. In this context, as Karol Skalnik Leff argues "the decision to form a Czechoslovak state was a strategy useful

---

[398] Krejci and Machonin, *Czechoslovakia, 1918-1992,* p. 8.
[399] M. MacMillan, *Paris 1919 – Six Months that Changed the World* (New York: Random House, 2001), p. 241.
[400] R. R. Palmer and J. Colton, *A History of the Modern World* (Oxford: Clarendon Press, 1966), p. 824.

both for the Czechs and Slovaks".[401] While the former accepted it as a barricade against the German pressures; the latter sought the partnership as a bulwark against the Hungarian influences. As a result, the creation of the Czechoslovak state was for the advantage of both the Czechs and Slovaks. But, as a whole the notion of the single Czechoslovak nation was important to deal with the ethnic minority issue in the country. Domestically, it ensured the numerical majority against all other nationalities; internationally, on the other hand, it created the image of Czechoslovakia as a nation state in spite of the heterogeneity.

According to the post-World War I restructuring, the Czechs and Slovaks constituted 2/3 of the population within the borders of the new state. Some minority groups also found themselves in this new state. The ethnic structure of the period can be seen in the Table 6. 2 below. Besides the Germans and Hungarians, the existence of other numerous minority groups, e.g. Ruthenians, Jews, Poles and Roma, made the already complex ethnic structure of the country more cumbersome. Among all of them, they were the Czechs who dominated the national governments and resisted giving Slovakia the autonomy considering the fact that such a concession would encourage the Germans, the Hungarians and the Ruthenians to ask for similar rights.

Table 6. 2: Ethnic Structure of Czechoslovakia in 1930

	Population	
Ethnic group	**N**	**%**
Czechoslovaks	7.349.039	68.8
Jews	37.093	29.5
Germans	3.149.820	0.34
Poles	89.126	0.83
Unknown and Others	49.308	0.46
Total	**10.674.386**	**100**

* Numbers are recalculated.

Source: http://www.czso.cz/sldb/sldb.nsf/i/scitani_v_roce_1921 (25/05/2007)

---

[401] C. S. Leff, "Czech and Slovak Nationalism in the Twentieth Century" in P. F. Sugar (ed.), *Eastern European Nationalism in the 20th Century* (Washington: The American University Press, 1995), p. 128.

The German minority presented the biggest problem for the new government in Prague as the largest minority group. Because, the treaties did not allow the Sudeten Germans to secede from the lands of the Bohemian Crown, which was now dominated by the Czechs. On the contrary, many Germans, long accustomed to being a dominant nationality, found themselves in a minority position. They resented their subordination to the Czechoslovakian state and complained against various forms of discrimination towards them. They openly opposed to the Czech rule. But, it has to be emphasised that the Czechs kept many of their promises to those German-speaking ethnic groups. They had their own schools, universities and newspapers. They could use their own languages for the official matters. However, Czechoslovakia was still a Slav state and the Germans could never feel that they entirely belonged to it. Although they demanded their territorial self-determination and even declared German-inhabited regions as autonomous province, such attempts and rebellions of the German groups was quickly subdued by the Czech government. They always criticised the structure of the state. Here, it is of utmost importance to keep the position of the German minorities in mind, considering the fact that those groups provided Hitler with the excuse to destroy Czechoslovakia in the following years.

Similar to Hungary and Poland, Czechoslovakia also signed the minority treaty in September 1919. It was ratified in November 1919 and published in the Official Gazette. Czechoslovakia never opposed the principle of the protection of minorities. On the contrary, the government promised to satisfy the practical needs of the whole population with the spirit of tolerance and conciliation. Accordingly, it was generally accepted that the international protection of minorities was essential, although the German and Magyar population and the Sudeten threat of secession created serious concerns in the country. Compared to the minorities in the other CEECs, national minorities suffered much less in Czechoslovakia. As Czechoslovak citizens, they were guaranteed the full political, economic and religious equality. Moreover, the cultural provisions of the minority treaties were applied more carefully in the state than any other regional countries.

Czechoslovakia incorporated the provisions of the treaties into its domestic law. In terms of the language, it followed one of the most liberal courses by giving the

language right a constitutional protection and enacting special law without any restrictive qualifications. In that sense, the use of the mother language before the courts or other official bodies was one of the most important aspects of the language rights. Czechoslovakia used the percentage criteria and made a distinction between the minorities constituting more than twenty percent of the population in only certain judicial districts and those totalling more than the twenty percent of the entire population. The first group was allowed to use their language before the district and regional authorities in such matters as concerned their judicial district only. The second group, on the other hand, could use their mother language in any business transactions before the authorities. Similar to the language rights, Czechoslovakia followed a progressive policy in terms of the education policy towards the minorities. Accordingly, a minority group was entitled to a state school in its own language, wherever there were forty children belonging to that group, even if they were less then forty, the schools could be established, when there was a good reason to do so. In all the public schools, established for the minority, the instruction would be in their own language. Moreover, the minorities were also given the right to establish their own autonomous religious, welfare and social institutions.[402] However, here, it has to be emphasised that despite relatively liberal approach in Czechoslovakia, the policies and practices were far from being perfect and minorities have become more and more vociferous in their calls for separatism.

Under such kind of a state structure, all minority groups, the Slovaks, Germans, Hungarians, Ruthenians and Polish, were suffering from the dominance of the Czechs in the political and administrative system of the state. They were not included in the representative system and impoverished through the biased land reform. Therefore, those minority groups, basically the German and Hungarian ones, challenged the ethnic unity of the new state. Especially nationalism of the Sudeten Germans was vehement and intense. They claimed the rights of self-determination and attempted to establish their own independent areas through the enrolment of all German minorities in Czechoslovakia into a corporate body. More importantly Germany was always intervening in the Czech political life to get favours for their national members. But at that time, it was impossible to think the Germans as the partners. On the contrary, they

---

[402] For more detailed information, Robinson et al., *Were the Minorities Treaties a Failure?*, pp. 201-238.

could only be considered as a minority, within the composite of one-nation state. Within this general structure, the Czech political figures emphasised a cultural nationalism and assimilation process through which all minority groups would be accommodated within the structures of the new state.

This structure made it difficult for Czechoslovakia to create a common identity between the Czechs and Slovaks. As Leff explains it, the first experiment in Czechoslovak statehood failed to produce necessary Czechoslovaks to sustain it.[403] On the contrary, as it is defined by Roshwald, "Czechoslovakism was only a façade for the imposition of the Czech values on the Slovak society".[404] In this framework, it can easily be argued that although, during the interwar years, the ideological proposition was the establishment of democracy with all citizens of whatever ethnic community enjoying equal political and civil rights and the strengthening of the state with a specifically Czechoslovak national culture, it was very difficult in Czechoslovakia to reconcile these two types of policies. In stead the only solution was accepted as the territorial truncation of the state or the expulsion of the disloyal minorities. Within this framework, the Czech example proved the statement that "the multinational empires were not the workable solutions and structures within the age of the rising nationalism in the region".[405]

6. 2. 2. Conflicting Czech and Slovak National Interests

According to the new structure of the ethnically heterogeneous Czechoslovakian state, the Czechs were called as the 'state-forming nation' as the strongest ethnic group. Slovaks were considered as an integral part of it. The other groups, on the other hand, were in a subordinate position. The Czech majority gained the position to govern other national minority groups and the Czechs followed a "more defined political and nationalist tone" in the country.[406] Therefore, the new Czechoslovakian state was always characterised by the ethnic problems, which mainly emerged because of the

[403] Leff, "Czech and Slovak Nationalism in the Twentieth Century", p. 127.
[404] Roshwald, *Ethnic Nationalism and the Fall of Empires*, p. 203
[405] Rothschild, *East Central Europe between the Two World Wars*, p. 135.
[406] H. L. Rees, *The Czechs During World War I: The Path to Independence* (Boulder: East European Monographs, 1992), p. 128.

demands of the second and third largest ethnic groups (the Germans and the Magyars respectively). Their interests could never be satisfied due to the introduction of a highly centralised unitary state and with the political and economic dominance of the Czechs. Therefore, all of the non-Czech groups felt disadvantaged in the country and unrest among them could easily turn to agitation and opposition against the territorial settlement. Therefore, the internal social and national differences were one of the most profound characteristics of independent Czechoslovakia, which made the country vulnerable to strong centrifugal forces especially in the areas, which were dominated by the minorities. Consequently, it was not possible to observe a unified nation as a single community composed of both the majority of Czechs and Slovaks, sharing a "Czechoslovak national consciousness" and asserting a "Czechoslovak nationalism".[407] In this framework, in a short period of time, the real problems and conflicts emerged immediately between the two dominant nationalities, the Czechs and the Slovaks and plagued the first Czechoslovakian state. Among others, the Slovaks were representing the minority group as standing politically midway between state nations and subordinate ethnic minorities. They felt themselves not only culturally but also politically and economically exploited by the dominant part of that state nation.

But, the new regime's approach to this difficult position was not an ideal one. The idea of becoming a federation of the various nationalities was rejected. Instead they proclaimed a unitary, centralised Czechoslovak national state as the common state and as the domain of a Czechoslovak nation. The official ideology behind this formulation was the existence of a single Czechoslovak nation, with a single Czechoslovak language and constitution, which were provided for a single government located in Prague.

At this point, it has to be emphasised that with the Pittsburgh Agreement in 1918, the Slovaks could get some achievements. The so-called agreement promised the union of the Czechs and Slovaks in an independent, democratic state composed of the Czech lands and Slovakia where the Slovaks would have considerable autonomy, with

---

[407] Zacek, "Nationalism in Czechoslovakia", p. 166.

their own administrative systems, courts, diets and their own language.[408] On the other hand, the detailed provisions about the organisation of the Czechoslovak state were left to the liberated Czechs and Slovaks and their accredited representatives. However, within this general structure, it turned out to be the Czechs and its central government appeared to be administering the Slovak province. Therefore, the centralised state and the idea of one Czechoslovak nation was embraced wholeheartedly only by the Czechs, but not by the Slovaks and other nationality units. That kind of cultural engineering process created some tension and complaints among others, e.g. Slovaks, Germans, Hungarians, Poles and Ruthenians. The Slovak identity could not find the opportunity to develop and flourish due to the superiority of the Czech one. This made the Slovak nationalist feelings and national pride a crucial element in shaping its national identity.

Under those conditions, the Slovak political class was divided between supporting the idea of Czechoslovakia and Czecho-Slovakia. While the former was based on the idea of one Czechoslovak state, one Czechoslovak nation, with two separate languages, the latter implied that the common state was a union of two developed nations. This issue has always a serious conflicting point in the nationalist ideologies of the Czechoslovak state. Therefore, as Krejci and Machonin argue the 'hyphen' used in different time periods has become an historical symbol of the division between the two parts.[409]

Especially in the last years of the inter-war period, some conflicts and debates became inevitable not only among other minority groups but also among the Slovaks who were one of the constituting elements of the state. The complex ethnic structure of Czechoslovakia was one of the main reasons behind these conflicts. The depression and economic crisis of 1930s sharpened nationality conflicts, which led to changes in the structure of the state before the outbreak of World War II. Those events coincided with rise of Hitler whose movement inspired some similar or parallel developments. Slovaks started to follow a separate way from the Czechs with the rise of Hitler and German

---

[408] In their origin, Eastern dialects of Czech language are very similar to the Western dialects of Slovak language. Both languages have an Indo-European origin and belong to the Western group of Slavic languages. They are usually mutually intelligible and most adult Czechs and Slovaks are able to understand each other.
[409] Krejci and Machonin, *Czechoslovakia, 1918-1992*, p. 10.

influence. First of all, the name of the state appeared as Czecho-Slovak Republic with broadly based autonomy of the Slovaks. With the increasing support of Hitler, Slovakia declared its independence, which would last from March 1939 to 1945. However, it was not a real independence, but "a gift of the circumstances, which gradually devalued in the course of the following events".[410] Therefore, Slovakia had to become a 'close ally and satellite state' of Germany and the government pursued the Nazi-inspired policies.

Second, after the Munich Agreement of 1938, leading to huge territorial losses, the Bohemian borderland, where the majority of the population was German, was incorporated into German Reich with the alleged Czech discrimination against the German ethnic minorities and Germans constructed a 'puppet entity' there -the Protectorate of Bohemia and Moravia. The ultimate result of those actions was the complete resettlement of the Germans from the area after World War II and an influx of the Czechs from the territories incorporated to Germany. The German occupation also directly affected the Jewish population of the country, at the same time. They were persecuted and exterminated in the concentration camps.

Third, Hungary received territories in southern Slovakia and the Slovak and Ruthene regions received an autonomous status for a while. As a result of all those political developments, Czechoslovakia ceased to exist in 1939. But during the end of the war, the German defeat forced many Slovak to rethink their position, which paved the way for the proponents of a united Czechoslovakia to strike back.

6. 2. 3. Civic and Ethnic Foundations of the Czech Identity

Liberal elements of the political culture have always co-existed in some tension with an ethnic understanding of nationhood within the Czech political community. This co-existence provides an important context to understand the boundaries of membership in the new political community. Within this framework, regarding the legitimacy and priority of the civic principles as the foundational elements of the political community, two powerful traditions can historically be evaluated in the Czech Republic. The first

---

[410] *ibid.,* p. 26.

one is the accord of all citizens' equal rights and full political membership. This understanding can be traced back to one of the Czech nation's fathers, Karel Havlicek who envisioned the Czech nation as a "voluntary association of free and equal individuals, bound together by a rational rather than an organic bond".[411] Such view of the autonomy and equality of the individual strongly influenced the views and ideas of other political leaders, political movements and streams in the following years, e.g. Tomáš Masaryk (the first president of the first Czechoslovak state), Prague Spring reformers, Charter 77 dissidents. From this point of view, the new regime's characteristics concerning the legitimacy deriving from the consent of the entire citizenry can be treated as continuity with the enduring traditions.

The second tradition, on the other hand, which defines the Czech nation in 'ethnic terms' and views it as the proper source of state sovereignty, has always existed alongside the more civic tradition. Within this framework, the exclusive use of the civic principle has no precedent in the Czech state building. As an example, although the First Republic demonstrated a strong commitment to individual rights, it was based on the ethnic principle, with the Czechoslovak nation, enjoying a 'state-forming' (*státovorn*) status. So, although all citizens of the First Republic were guaranteed equal protection by the law, the minority nationalities could not have the same relationship to the state as the members of the majority group. In practical terms, as one of the constituent elements of the nation, the Slovaks did not enjoy equal status with the Czechs. The Czechoslovak nation embodied the best elements of the Czech nation and ignores others.

6. 2. 4. Transformation from Imperial to the Nation state Citizenship

There was only one kind of Czechoslovak citizenship in the period between 1918 and 1968. The reception norm[412], called as the Act 11/1918, was accepted as the proper origin of the new legal order when the Czechoslovak state was established in 1918. It dealt with the issue of citizenship, as well as other issues including the laws,

---

[411] Nedelsky, "Civic Nationhood and the Challenges of Minority Inclusion", p. 92.
[412] The reception norms of that period were the tools to preserve the legal continuity and enumerated the laws, legal provisions and regulations of the former regime, which were valid henceforth.

legal provisions and regulations of the former regime. Within this framework, for the preservation of the legal continuity, the authorities declared that the existing legislation (paragraph. 2 of the Austrian Law of December 1863 and paragraph 5 of Hungarian Law number XXII of 1886) remained as valid. Accordingly, all individuals 'who had, by the 28th October, 1918, the right of residence in a municipality in the territory where the Czecho-Slovak state exerts its sovereign power' were considered as Czecho-Slovak citizen.[413]

The emergence of the new legal order was confirmed and internationally legalised at the Paris Peace Conference (1919-1920) as a part of the whole package of treaties. The principles and regulations of those international treaties were later incorporated into the Czecho-Slovak legal order by the Constitutional Act of 1920. It later became the determining document for the general regulations of Czecho-Slovak citizenship. Similar to the Czecho-Slovak regulations, when the name of the country was changed into Czechoslovakia, the regulations were left intact and the legal foundation of citizenship continued in the same way. The most outstanding feature of this period in terms of citizenship regulations was the transformation from the concept of imperial citizen to the nation state citizen.

6. 3. Road to Federalism: Communist Period

With the defeat of Nazi Germany, Czechoslovakia was re-established in its pre-war geographic dimensions with a substantial proportion of minorities, namely the German minority in the Czech lands, the Magyar minority in the southern Slovakia and the Roma throughout the country. The situation of minorities was quite different in this state compared to their conditions during the pre-war period, when an international treaty bound Czechoslovakia. Although in this period, the members of national minorities, as equal citizens, were treated quite generously in Czechoslovakia and granted special linguistic rights in education, this general attitude changed radically after the war when their situation grew insecure both externally and internally. At the international level, the advocacy for group rights of national minorities disappeared,

---

[413] M. Palous, "Questions of Czech Citizenship" in A. Liebich, D. Warner and J. Dragovic (eds.), *Citizenship East and West* (London and New York: Kegan Paul International, 1995), p. 145.

instead the principles of human rights and non-discrimination gained prominence, although they did not reflect ethnic differences among the people.

6. 3. 1. Problem of Slovak Nationalism

Within this framework, the renewal of the Czechoslovak state, after the war, marked a significant change in the development of the Czechoslovak nation and nationalism. A number of factors played important roles behind it. First of all, with the incorporation of the Bohemian land into Czechoslovakia, the state boundaries that had existed between 1918 and 1938 were re-established.

Second, with the decision of 1945, the new state declared itself as the common state of two separate and equal nations, the Czechs and the Slovaks, each master in its own country, although Czechoslovakia was to be written in one word without the historically symbolic hyphen. In addition to the Czech government in Prague in which Slovaks were strongly represented, Slovak Council of Commissioners was appointed in Bratislava. Actually, the post-war Czechoslovak regimes abandoned the fiction of a single Czechoslovak nation and language. According to John Morison, "the developments during the interwar years showed that the concept of Czechoslovak nation had taken only partial root in interwar Czechoslovakia".[414] During World War II, on the other hand, the collaboration of the Slovaks with the Nazis did not help for the invigoration of the unitary Czechoslovak nation. As a result, the equality of the Czechs and the Slovaks became the officially accepted principle of the post-war era.[415] The Czech authorities and officials decided to grant autonomy to the Slovaks as a province, although *de facto* they were controlled from Prague. Therefore, it can be argued that this model again imposed an asymmetrical model, which was established with a central Czechoslovak government ruling the whole country and a Slovak government in Bratislava.

---

[414] Morison, J., "The Road to Separation: Nationalism in Czechoslovakia" in P. Latawski (ed.), *Contemporary Nationalism in East Central Europe* (Great Britain: St. Martin's Press, 1995).p. 75.
[415] Zacek, "Nationalism in Czechoslovakia", p. 201.

As the third crucial development, Germans were expelled from the country and an exchange of minorities between Czechoslovakia and Hungary was approved. The developments during the war period made the Czech authorities to decide that integration of the German minority into the multinational Czechoslovak state had been a failure and the coexistence with them in a common state was impossible both politically and psychologically. Therefore, they started their fight especially against the alleged German attempts to 'destroy the Czech nation'. This fact led them to initiate one of the most violent nationalistic expressions in their history, which was the resettlement of the German minority groups from this area.[416] In this way, first, a constitutional decree of August 1945 deprived all Germans of their Czechoslovak citizenship, although all of the Germans living in the borderland were Czech citizens before the law. Then, large numbers of the Germans were deported from the Bohemian borderland where they had inhabited for centuries.

The creation of an ethnically homogenous Czech national territory was the main policy behind that movement. The resettlement process was also accompanied by brutal acts of reprisal and by anti-German discrimination and persecution due to the Nazi annexation of the Bohemian borderland and the persecution of the ethnic Czechs during the six-year occupation. In the brutal actions against them, the Germans colluded. With the completion of this resettlement process, the vast areas that had been ethnically German before became Slavic, which enabled the ethnic Czechs and Slavs to move in. After the population changes, the ethnic structure of the region changed completely, which led to the Czech domination.

With the same intensions, Czechoslovakia and Hungary signed an agreement in February 1946 according to which members of the Magyar minority were to be exchanged for members of the Slovak minority population in Hungary. Moreover, the Czechoslovakian authorities applied re-Slovakization policy to assimilate the Magyar minority in Slovakia. This policy necessitated the acceptance of applications from Magyars and their recognition as ethnic Slovaks. In this way, these persons were

---

[416] As a result, in the early 1947, over three million Germans had been transferred from the region.

granted Czechoslovak citizenship with the aim of diluting the concentration of the Magyar minority in Southern Slovakia and to speed up their assimilation.[417]

So, the population changes after the war altered the ethnic structure of the region completely. Besides the Germans and Hungarians' situations, the transfer of some parts of the territory to the Soviet Union reduced the Ruthenians and Ukrainian population. The Nazi ravages killed many Jews and Roma inside the state. As a result, it was accepted that the new state would only be for the Czechs and Slovaks without any substantial minorities. At this point, is has to be mentioned that the two exceptional minority groups remaining within the borders of the state were the Russians/Ukrainian and the Polish minorities who were subject to better treatment of the state authorities. Since they joined the resistance groups against Hitler and never perceived as traitors of Czechoslovakia (unlike the Germans and the Magyars), they did not suffer from the legal and bureaucratic procedures. Moreover, as a country liberated by the Soviet Union, Czechoslovakia never oppressed the Ukrainian minority, which was accepted as culturally stemming from the Soviet Union.

When the communists gained the power in February 1948, the country found itself under the direct domination of the Soviet Union the national sentiments against the Soviet Union increased and led to direct hostility against it. This was mainly because of the oppression and restrictions of the Soviet Union against the freedom of the Czech nation. Similar to other two countries, anti-Soviet element of the Czechoslovakian nationalism was quite strong during the communist period and led to reactions and demonstrations against the Soviet Union. On the other side, the communist regime originally tried to ignore ethnic differences by creating a centralised system and stressing a new common communist identity. Under these conditions, the constitutions of the 1948 and 1960 (Czechoslovak Socialist Republic) strengthened the Prague's dominance with a unified state. The Slovaks were subordinated to the central government and their legislative and executive organs were to be subjected to the ultimate control of Prague. They were granted only the trappings of the regional autonomy.

---

[417] D. Canek, "Roma and Other Ethnic Minorities in Czech and Slovak Schools (1945-1998)" <http://www.policy.hu/discus/messages/102/canek-czroma.pdf> (04/01/2007).

The constitution of 1960 even further reduced the role of the Slovaks within the whole structure of the state and shifted more power to central constitutional and political bodies. The Slovak collaboration with Germany played an important role in this policy. However, the new structuring led to some concerns and complaints among the Slovaks. Such facts intensified the Slovak nationalism to promote their own national identity, on the other side. The rise of the Slovak nationalism was strengthened by the Slovak leaders' installation in power. For example, Alexander Dubček, who was a Slovak, became the secretary of the Czechoslovak Communist Party in January 1968. This was accepted as a victory both for the reform and liberation and for the federal ideas. In time, the 1968 constitution was accepted with its federal structure, when it became impossible to prevent the demands of the Slovaks for their own distinctiveness. Czechoslovakia became a voluntary union of two equal national states; the Czech Republic with its capital in Prague and Slovakia with its capital in Bratislava. This state was called as Czechoslovak Socialist Federal Republic.

Under the new structure, many powers were reserved for the two states. A bicameral federal legislature was accepted. The national assembly was given the wide legislative powers, but the presence of two chambers of equal authority gave the Slovaks significant protection against the abuses of the majority. In sum, the social and political inequalities between the Czech and Slovak halves of the state were largely eliminated. As it is argued by Marina Ottoway, "the political opening of 1968 was accompanied by the manifestation of the Slovak nationalist aspirations and their recognition by the Czechs".[418] However, although the federal structure was an effective indicator for the harmonious co-existence between the Czechs and Slovaks, this opportunity could not be fully grasped and the Slovaks always complained about their inferior position.

The communist system started a new era in Czechoslovakia also for the ethnic minorities. The numbers of different minority groups can be seen in Table 6. 3 below. The expansion of minority policy can be observed from the constitutional developments

---

[418] M. Ottoway, *Democratisation and Ethnic Nationalism – African and Eastern European Experiences* (Washington D.C.: Overseas Development Council, 1994), p. 24

in Czechoslovakia. For example, although 1948 Constitution mentioned no minorities, 1960 Constitution declared the Magyars, Ukrainians and Polish ethnic groups as officially recognised national minorities. The Constitution of 1968 added the German minority to those officially recognised groups and expanded the extent of minority rights. During those times, domestically, the politicians tried to gain political loyalty of the ethnic minority groups in exchange for some special rights granted to them. Accordingly, the minorities gained the right to be represented in elected bodies according to their proportion in general population. On the other side, internationally, the home states of those minorities tried to persuade the Czechoslovakian authorities to introduce some specific rights and privileges.

Table 6. 3: Changes in the Ethnic Structure of the Czech Territory, 1961 - 1980

	Population					
	N			%		
Ethnic group	**1961**	**1970**	**1980**	**1961**	**1970**	**1980**
Czechs	9.023.500	9.270.600	9.733.900	94.3	94.5	94.6
Slovaks	276.000	321.000	359.400	2.9	3.3	3.5
Poles	66.500	64.100	66.100	0.7	0.7	0.6
Germans	134.100	80.900	58.200	1.4	0.8	0.6
Hungarians	15.200	18.500	19.700	0.2	0.2	0.2
Ukrainians	19.500	16.400	15.300	0.2	0.2	0.2
Others	36.700	36.200	39.300	0.3	0.3	0.3
Total	**9.571.500**	**9.807.700**	**10.291.900**	**100**	**100**	**100**

Source: P. Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe – History, Data, and Analysis,* trans. by Jan Owsinski (New York and London: M. E. Sharpe, 2003), p. 151.

6. 3. 2. Two Edges of Citizenship: Federal and Republican Citizenships

The communist regime destroyed the public space and the concept of citizenship seemed to lose its meaning for the average member of Czechoslovak society. With the establishment of the federal state starting from the late 1960s, a new legislation was

adopted concerning citizenship status. While in the period between 1918 and 1968 there was only one kind of Czechoslovak citizenship, the situation changed after the establishment of the federation. The 1968 Act gave the Czechoslovak citizens a new legal identity and accepted that they would have either the Czech or Slovak citizenship according to their birthplace, in addition to original Czechoslovak citizenship, which covered both the Czech and Slovak citizenship. Accordingly, each citizen of the Czechoslovak Republic became, as of January 1st, 1969, a dual national: a member of the federation proper and of one of the two federal republics.[419] When determining the republican citizenship, as Jirina Siklova and Marta Miklusakova argue, the principle of *jus soli* was replaced by that of the *jus sanguinis*[420]*,* although the federal citizenship was determined by place of birth. Here, there was a distinction, however. The republican citizenship of those born before January 1st, 1954 was determined according to the place of birth. The citizenship of those born after this date was determined by the nationality of their parents. However, it has to be emphasised that the republican nationality did not have any practical meaning in the daily life. It was not found on any identity documents, and all rights (right to education, social benefits, housing, and the right to vote) were established according to one's permanent residence. It was only the Czechoslovak citizenship which was recognised internationally.

6. 4. Smooth Separation: Post-Communist Period

The collapse of the communist regime, accompanied by the democratisation attempts and opening policies, was followed by the transition process in Czechoslovakia, as it was the case in other regional countries. Starting from the late 1980s, disagreements between the Czech and Slovak sides increased and the Slovaks became more able to express their concerns with the ongoing structure (the future of constitutional set-up, the power-sharing between the federation and the constituent Czech and Slovak Republics) and to mobilise the people around the idea of their independence.

---

[419] The Act No. 165/1968 Coll. on the Principles of Acquisition and Loss of Citizenship defined the federal nationality; The Act No. 39/1968 Coll. on the Principles of Acquisition and Loss of Citizenship defined republican nationality.

[420] J. Siklova and M. Miklusakova, "Law as an Instrument of Discrimination – Denying Citizenship to the Czech Roma", *East European Constitutional Review*, Vol. 7, No. 2, Spring 1998, <http://www.law.nyu.edu/eecr/vol7num2/special/denyingcitizenship.html> (12/02/2006).

With the completion of the Velvet Revolution of May 1991, which broke the bi-national political ties, the voices in both sides increased for the dissolution of the common unified Czechoslovakia and for the creation of two independent states. In this framework, especially the Slovakian nationalists and strong secessionist movements who were in favour of full independence became more active and strengthened their nationalist claims. Because, when the communist regime was overthrown, after the Velvet Revolution and the June 1990 elections, some Slovakian opposition members had replaced most of the former communist deputies in the Slovakian parliament, which consequently became an important platform of the Slovakian national revival. Therefore, "the liberal post-1989 political system and the already existing Slovakian unit eased the Slovakian national revival".[421] Under those conditions the Slovaks put their nationalist concerns ahead of everything else and political opening provided the opportunity for the manifestation and growth of the Slovak nationalism.

6. 4. 1. Impact of Nationalism on Dissolution

There were different factors behind the collapse of Czechoslovakia, e.g. nationalism; the ambiguous nature of state; social, economic and political uncertainty; institutional failures; economic inequality; political entrepreneurship, populism and state-building. Moreover, even the long historic issue of 'hyphen debate' re-emerged as a symptom of lack of a common purpose for a compromise and as a result, the federal system could not work mainly due to the irreconcilable positions of the both sides. While the Czechs were insisting on the continuation of the firm federal structure, the Slovaks were always demanding more devolution of powers on the national governments against the federal assembly. They were claiming that Slovakia would not be just a nation, but also a sovereign state, enjoying independence, even if it would be under a confederative structure. In time, the differences of interests and conflicting arguments between the two sides had become so obvious that the concept of a unitary state lost its support and legitimacy. Two irreconcilable politics, namely the liberal-

---

[421] S. R. Bollerup and C. D. Christensen, *Nationalism in Eastern Europe – Causes and Consequences of the National Revivals and conflicts in Late-Twentieth-Century Eastern Europe* (Great Britain: MacMillan Press Ltd., 1997), p. 122.

democratic and the national politics were the main determining factors behind all those developments. In other words, as Abby Innes argues "it seemed unlikely that the market and democracy would diminish national friction".[422]

When the common state of Czechoslovakia disappeared from the political map of Europe, at first the Czech and Slovak Federal Republic (CSFR) replaced it. However, with the continuing conflicts and clashing interests, it became inevitable to decide on the separation of the CSFR into two independent states. At the beginning of the January 1993 the federal state was dissolved and the federal government ceased to exist. Instead, two successor states, the Czech Republic and the Slovak Republic, replaced it. After that, the federal powers were transferred to the newly founded republics. The federal legislation became invalid and all federal organs, authorities and other institutions financed from the federal budget were dissolved. Consequently, the governments of the two republics were authorised to prepare and ratify mutual international treaties. Under those conditions, the new task for both sides' was to provide the grounds for the new political, administrative and judicial systems and to provide the new legal structure for a successful and smooth operation of their systems. The preparation of a new constitution of the states was one of the toughest issues for the new administrations.

The revealed national conflicts played an important role behind the dissolution of Czechoslovakia. In this framework, as Ottoway argues "the Czechoslovakia experience provided the proof of ethnic nationalism in the political space provided by a democratic political opening and [its] manipulation by the politicians".[423] Here, it would not be wrong to argue that the opposition to the communist system was carried out in the name of the nation. In this framework, Bollerup and Christensen argue "the Czechs adopted a territorial type of national understanding, which implied inclusive or neutral policies of nationalism towards the minority nation group, the Slovaks".[424] However, when we look at the Czech policies and regulations in the following years on different subjects, e.g. citizenship issue and the attitude towards the emergence of some radical nationalist groups, we can recognise some attempts implying the exclusive intensions of

---

[422] A. Innes, *Czechoslovakia: The Short Goodbye* (New Haven and London: Yale University Press, 2001), p. 38.
[423] Ottoway, *Democratisation and Ethnic Nationalism*, p. 25.
[424] Bollerup and Christensen, *Nationalism in Eastern Europe*, p. 248.

the Czech Republic. Moreover, the dissolution did not remove nationalism from the scene of the political agenda of both sides. In parallel to other regional experiences, national sentiments, which could not totally be eliminated during the communist period, but were suppressed in terms of their political expressions, could come to the surface with the new political regimes. As a result, the demise of communism was accompanied by an upsurge of national emotions, a return to ethnic conflicts and political elites fighting on the basis of militant nationalism and populism.

Within this framework, as Holy argues "the rise of the nationalist feelings creates the perception of the post-communist transformation as the replacement of one collectivist ideology –communism- with another one –nationalism-".[425] In other words, the end of communism made overt nationalism possible in the region, which became open for the nationalist and secessionist claims. Within the Czech domestic political life, we could observe some developments as the signs of a possible shift of the country towards a populist and nationalist direction. In this framework, by using the term "Haiderisation", Innes describes this process as "the transformation of the great neo-liberal leading light of CEE into an increasingly radically xenophobic and parochial party, an imitation of the Austrian far right".[426]

On the other side, in the early post-communist period, even before the establishment of independent Czech Republic, there were attempts to improve the conditions of the minorities. In this way, first of all, the CSFR government adopted Resolution No. 86/1992 on the Principles of the CSFR Government Policy Towards Nationality and Ethnic Minorities as the official attitude of the government towards national minorities in the country. These policies included equality; the right to develop one's own culture; the dissemination and reception of information in one's own language; the ability to form and participate in national associations; the use of one's own language in official contacts; the right of minority members to education in their own language and participation in the handling of affairs concerning national and ethnic minorities.[427] These rights were also backed by the CSFR Constitutional Act No.

---

[425] Holy, *The Little Czech and The Great Czech Nation*, p.48.
[426] Innes, *Czechoslovakia: A Short Goodbye*, p. 240.
[427] M. Horáková, "Roma in the Czech and Slovak Republics" http://www.emz-berlin.de/projekte_e/ pj41_pdf/Horakova.pdf> (15/12/2005).

23/1991 Coll. The following law, on the other hand, was adopted in June 2001 and accepted that minority members have equal rights as other citizens. They may freely declare their allegiance to their nationality. So, the choice of nationality has become subject to the free will of every individual. In this framework, the government has to support special measures for the provision of full equality of national and ethnic minorities, and for securing their development and identity. This must not affect the fundamental rights and liberties of others.[428]

Table 6. 4 below indicates the results of the population census of 1991 concerning the numbers of the minority groups within the whole population.

Table 6. 4: Ethnic Structure of the Czech Territory in 1991

	Population	
Ethnic Group	**N**	**%**
Czechs	8.363.800	81.2
Moravians	1.362.300	13.2
Slovaks	314.900	3.1
Poles	59.400	0.6
Germans	48.600	0.5
Silesians	44.400	0.4
Roma	32.900	0.3
Hungarians	19.900	0.2
Ukrainians	9.100	0.1
Others	46.900	0.4
Total	**10.302.200**	**100**

Source: P. Eberhardt, *Ethnic Groups and Population Changes in Twentieth-Century Central and Eastern Europe – History, Data, and Analysis*, trans. by Jan Owsinski (New York and London: M. E. Sharpe, 2003), p. 152.

Similar to the policies of the CSFR, the Czech Republic also tried to adopt policies to improve the conditions of the minorities. Besides internal regulations, the

---

[428] *ibid.*

Czech Republic signed internal agreements and conventions. One of them is the Charter of Fundamental Rights and Freedoms, which became an integral component of the constitutional system of the Czech Republic.[429] Accordingly, a person's affiliation with any national or ethnic minority groups may not be to her detriment (Art. 24). Citizens who constitute national or ethnic minorities are guaranteed all-round development, in particular the right to develop, together with other members of the minority, their own culture, the right to disseminate and receive information in their language, and the right to associate in ethnic associations (Art. 25/1). Moreover, their rights in terms of education in their language, the right to use their language when dealing with officials and the right to participate in the resolution of affairs that concern national and ethnic minorities are also guaranteed (Art 25/2). However, it is important not to overlook that despite the rights granted to the minorities, the historical policy of guaranteeing ethnic-homogeneity has continued in the new era, in parallel to the regional trend of ethnic uniformity and the engagement of the nation-building process.

6. 4. 2. Re-construction of Citizenship

In the Czech Republic, after the Velvet Revolution, the politicians found themselves in a position to solve a number of complicated issues, e.g. ratification of a new constitution, election of first government, foundations of the political parties. Amid all these complicated issues, the concept of citizenship has emerged as an issue that had to be dealt with carefully and urgently.

With the restructuring process, the Czech Republic inherited a situation whereby it could be a nation state implying, as Rick Fawn argues, "every member of the nation is within the borders of the state and all those living within the borders are members of that state".[430] Therefore, the Czech Republic can be defined, relatively speaking, as an ethnically homogeneous country. There were to important reasons behind the initiatives of the post-communist period, which were proposed by the post-communist regimes: to abandon the ethnic definition of sovereignty and to replace it with a more civic

---

[429] Charter of Fundamental Rights and Basic Freedoms, <http://test.concourt.cz/angl_verze/ rights.html> (21/04/2007).
[430] R. Fawn, *The Czech Republic – A Nation of Velvet* (The Netherlands: Harwood Academic Publishers, 2000), p. 161.

understanding. This represents a "striking divergence from a longstanding element of the Czech political tradition".[431] However, the existing Czech legal framework concerning citizenship still reflects its statehood. It can provide more effective solutions, if the existing rules and regulations can be redesigned and reformulated in the changing international context which imposes new standards of international laws, new customs and new global trends in understanding citizenship.

a. The Constitution of the Czech Republic:

When the regulations of the regional countries are evaluated carefully, as Nedelsky reminds us, we can recognise that the concept of "ethnic nation" is generally used as the building block of the political community.[432] However, the Czech Republic, in principle, can be considered as an exceptional case. Within this context, we can argue that, in the country, the tension between the universal citizenship norms, the dominance of particular ethno-national majority and an unequal treatment of minority do always co-exist. On the other hand, the constitution uses the civic principles and addresses the members of the state in the name of "We, the citizens of the Czech Republic in Bohemia, Moravia and Silesia" to build the Czech Republic "as the home of free and equal citizens" which are accepted as the founding elements of the nation.

Under the new structuring, the Czech Republic tried to secure the rights of the existing minorities within the common framework of the state. Here, it has to be emphasised that the lack of any mention of a nation in the documents and the relative easiness of the source of sovereignty are very unusual within the whole Central and East European context.[433] In other examples, e.g. Slovakia (ethnically mixed) or Poland (largely homogeneous), constitution building was marked by the intense debates over whether the entire citizenry or the dominant ethnic nation should be named as the state's founding entity.

---

[431] Nedelsky, "Civic Nationhood and the Challenges of Minority Inclusion", p. 93.
[432] *ibid.,* pp. 85-86.
[433] *ibid.,* p. 94

This fact can easily be recognised within the framework of the constitution of the Czech Republic, which begins:

> We, the citizens of the Czech Republic in Bohemia, in Moravia, and in Silesia,
>
> At the time of restoration of an independent Czech state,
>
> Faithful to all good traditions of the long-existing statehood of the lands of the Czech Crown, as well as Czechoslovak statehood,
>
> Resolved to build, safeguard, and develop the Czech Republic in the spirit of the sanctity of human dignity and liberty,
>
> As the homeland of free citizens enjoying equal rights, conscious of their duties toward others and their responsibility towards the community,
>
> As a free and democratic state founded on respect for human rights and on the principles of civil society,
>
> As a part of the family of democracies in Europe and around the world,
>
> Resolved to guard and develop together the natural and cultural material and spiritual wealth handed down to us,
>
> Resolved to abide by all proven principles of a state governed by the rule of law,
>
> Through our freely elected representatives, do adopt this Constitution of the Czech Republic (The Preamble of the Constitution of the Czech Republic, 1992).

From the general statements of the constitutional arrangements, we can understand that the nationhood is defined in terms of citizenship, territoriality, state history and universal values of human dignity, liberty, democracy and human rights, while it retreats from the historical legitimating discourse with some ethnic privileges. Although the new governments of the country have tried to emphasise the civic principles, at least, in most of the legal documents the ethnic understanding of the Czech nation with its ethno-cultural and historical moorings has still existed. This fact can easily be recognised in the case of the Roma minority. Therefore, as Anna Milada Vachudová claims, the attempts for such a civic liberal codification cannot prevent the

neglect of the policies and actions required in the field of the minority rights, especially in the first half of the 1990s.[434]

b. The Disputed Law on the Acquisition and Loss of Czech Citizenship:

As it was stated above, the political developments of the post-1989 period meant a great awakening of the public concern around the topic of citizenship. Immediately after the dissolution of Czechoslovakia, the problem of continuity and discontinuity emerged regarding the legal and constitutional issues, which had great impacts also on the nationality and citizenship. Within this framework, we have to mention about the two important political developments having decisive impact on the Czech citizenship: the Velvet Revolution in November 1989 and the split of the common Czecho-Slovak state at the end of 1992.

The Velvet Revolution made it possible for many emigrants, who had emigrated into the West between 1948 and 1989 due to the communist regime, to obtain the Czechoslovakian and later the Czech citizenship. Although they were punished by deprivation of citizenship during those times, a special law covering the period between 1999 and 2004 was introduced to make them able to regain their old citizenship status.

After the split of the country into two republics, on the other hand, Czechoslovak citizenship ceased to exist, but new political and civic identities emerged in the newly established two states. Therefore an unprecedented problem appeared in both sides, regarding the nationality of the former federation. Because, the citizen is accepted as the state's primary rights-bearing entity, the question 'who may be granted citizenship' became important for the existence of new political community. At the beginning of the process, nationality and citizenship issues of the newly established states were governed by the legislation that was in force before the emergence of the two new states. However, later, with the acceleration of the discussions about the issue,

---

[434] A. M. Vachudová, "The Czech Republic: The Unexpected Force of Constitutional Constraints" in J. Zielonka and A. Pravda (eds.), *Democratic Consolidation in Eastern Europe Volume 2: International and Transnational Factors* (Oxford: Oxford University Press, 2001), pp. 353-360.

both the Czech and Slovak Republics had to enact their own legislation to determine 'who would and would not gain citizenship' in Europe's new states.

In order to find answers to those questions, the Czech Republic passed a new, but, at the same time, a restrictive law to regulate the complex issue of citizenship. The Act No 40/1993 Coll. on the Acquisition and Loss of Czech Citizenship[435] determined the conditions for the acquisition of citizenship, which is open both to the citizens of the Czech and Slovak Republics as of 31 December 1992. Before the evaluation of the Act in detail, it is important to remind Bugajski's general argument saying "most of the articles appeared to be straightforward and non-controversial".[436] In effect, it seems that persons who were simultaneously citizens of both Czechoslovakia and the Czech Republic prior to 31 December 1992 automatically became citizens of the new Czech Republic. The most characteristic feature of the new regime is the mandatory fluency in the Czech language, which is in contradiction with the requirements of civic elements of the Czech state. Moreover, the primacy of the *jus sanguinis* principle, as it is the case in Hungary and Poland, proves the fact that the nation can be defined as coming close to being an ethnically defined one by denoting ethnic features to a civic community. To be more specific, it has to be emphasised that descent from a Czech parent is the primary method of acquiring Czech citizenship. Birth in the Czech Republic is not generally a basis for acquiring it. Accordingly, any person born to a Czech citizen is a Czech citizen at birth. In that case, it does not matter if the person is born in the Czech Republic or elsewhere.[437] On the other hand, children born in the Czech Republic to non-Czech parents do not acquire Czech citizenship unless the parents are stateless or at least one parent is a permanent resident in the Czech Republic. In this framework, Pavel Uhl describes the process of granting citizenship status as an "elegant way of circumventing the contradiction between ethnic facticity and civic normativeness at the expense of the original meaning of the rules establishing such normativeness".[438]

---

[435] The Act on Acquisition and Loss of Nationality can be found at <http://www.legislationline.org/legislation.php?tid=11&lid=2432&less=false> (21/03/2006)

[436] Bugajski, *Ethnic Politics in Eastern Europe,* p. 304.

[437] According to the law, if only the father is Czech, and the parents are unmarried, proof of paternity is required.

[438] P. Uhl, "Statehood and Citizenship in the Czech Republic", http://aa.ecn.cz/img_upload/f76c21488a048c95bc0a5f12deece153/PUhl_Statehood_and_Citizenship.pdf> (17/12/2005).

The Act on the Acquisition and Loss of Czech Citizenship accepts that citizens of the previous republics became either Czech or Slovak citizens, depending on their previous nationality. According to the Article 2 of the new Act, it was possible for them to acquire citizenship through the ways of birth, establishment of paternity, residence on the territory of the Czech Republic, declaration and naturalisation. Regarding the first category, Article 3 says that "gaining of citizenship by birth could be possible if at least one parent is citizen of the Czech Republic and if the parents are stateless persons, at least one of them has permanent residence on the territory of the Czech Republic and the child was born on this territory". Article 4 of the Act stipulates that citizenship could be possible by the establishment of paternity. In that case, "if the child is born out of wedlock and the mother is a citizen of a foreign state or stateless person and the father is the citizen of the Czech Republic, citizenship is gained on the day of identical declaration of the parents on the establishment of paternity or on the day of the entry into force of the court ruling establishing paternity". The third of way acquiring Czech citizenship is the residence in the Czech Republic. Article 5 says that "natural person under 17 years of age found on the territory of the Czech Republic is the citizen of the Czech Republic provided it is not established that he/she acquired citizenship of another state by birth". These articles show us that the Czech Republic uses both territorial and ethnic criteria in granting citizenship, which can be considered as a proof of impossibility of the application of pure *jus sanguinis* or *jus soli* models. On the contrary, the states prefer the combination of both ways for their citizenship policies.

On the other hand, as another way of granting citizenship, Article 6 of the new Act regulates citizenship through declaration. According to this process "a natural person, who was on 31 December 1992, the citizen of the Czech and Slovak Federal Republic, but not the citizen of the Czech or Slovak Republic may opt for citizenship of the Czech Republic by declaration". This article implies the fact that although those with Czech state citizenship from the former Czechoslovakia automatically received Czech national citizenship status in the new state, those defined as Slovak state citizenship by the 1969 act were considered as foreigner, even if they had been living in the Czech Republic.[439] Therefore, the Czech residents who were Slovaks by birthplace

---

[439] The status was determined based on the place of birth prior to 1954 and based on status of parents for those born later.

had to apply to the Ministry of Interior of the Czech Republic to acquire the Czech national citizenship. As the Human Rights Watch, which observes the whole process, claims that "this process could be achievable for them through naturalisation and fulfilling of certain rigid requirements".[440]

The last way of gaining Czech citizenship is naturalisation, which is regulated by Article 7. Accordingly, "a natural person can become at his/her request a naturalised citizen of the Czech Republic, if he/she has a continual residence on the territory of the Czech Republic for at least five years on the day of submission of the application; proves that he/she is exempted from citizenship of another state or by becoming a naturalised citizen of the Czech Republic loses his/her citizenship of another state, provided he/she is not a stateless person; no sentence was pronounced on him/her in the past five years on charges of intentional crime and proves mastery of Czech language". However, although these conditions are fulfilled by the applicants, it is not an automatic acquisition and the Ministry of Interior has always the power to reject the application.

Regarding the loss of Czech citizenship, the act stipulates that "the citizenship of the Czech Republic can be lost by exemption from citizenship of the Czech Republic, or by declaration, or by acquisition of citizenship of another country" (Articles 13-17).

In that sense, we have to state that the new Act included some retroactive conditions, which led to discrimination at least for some parts of the society. Accordingly, it was more severe and more restrictive for the Slovaks to gain Czech citizenship. Moreover, some other groups among which the Roma are the best example could not find the same opportunity. Therefore, as Uhl argues the new Act on the Acquisition and Loss of Czech Citizenship was "hardly fitting in light of today's recognised criteria ensuing from the rule of law".[441] In this framework, major national and international bodies, e.g. the United Nations High Commissioner for Refugees, the Council of Europe, human rights organisation, severely criticised the act. The breach of international legal principles is one of the main reasons behind these criticisms. The Act

---

[440] Human Rights Watch, *Roma Population in the Czech Republic – Foreigners in Their Own Land,* Vol. 8, No. 11, 1996, p. 19.
[441] Uhl, "Statehood and Citizenship in the Czech Republic".

created a distinction between the Czech and Slovak state citizenship, which did not exist before. Actually, in the former Czechoslovakia, being a Czech or Slovak citizen did not have an important value, it only denoted a person's place of residence; but it had no relevance to taxes, voting rights or any other relevant rights and obligations usually connected with citizenship. On the other hand, as it was stated in the previous parts, the most important criterion to determine all those rights and obligations was the status of Czechoslovak citizenship.

More importantly and more severely, at the same time, the new Act excluded some of the eligible persons settled in the territory from the scope of the law. To be more specific, the Roma were the most negatively affected part of the society because of the strict conditions imposed as serious barriers to the Roma minority to be granted citizenship. Those people were originally from Slovakia, either born in Slovakia or had Slovak parents and had moved to the Czech Republic territories after 1945. Therefore, when the Czechoslovak Federation was established in 1968 they were accepted as Slovak, even though only one-third of them (out of around three hundred thousand) living in the boundaries of the Czech Republic were born in Slovakia.[442] Later, when the Czech Republic came into being in 1993, the status of the Roma continued as the Slovak citizens. Consequently, they had to apply for the Czech citizenship, although it was a long and difficult process for them.

Moreover, with the new legislation, in the case of the refusal of citizenship, it has become possible not to provide any reason for it or to merely state that the applicant is not entitled to grant this citizenship. This implies that even if the applicants could fulfil the difficult conditions to obtain citizenship, this demand can arbitrarily be denied by the local authorities. However, the difficult conditions together with the lack of an administrative judiciary may easily lead to the personal discretionary power and subjective decisions and can easily target the applicants, especially, who were unable to take defensive measures, due to their socially disadvantaged positions. Within this framework, the Roma minority is the most important and well-known example. Because of their backward conditions in the society, their low level of education and high level of illiteracy, they were unable to follow the new regulations and use the opportunities of

---

[442] Nedelsky, "Civic Nationhood and the Challenges of Minority Inclusion", p. 96

the related rules and regulations. Concerning their citizenship status, the situation of the Roma minority is examined specifically in the following parts.

Being aware of the lack of clarity in the Citizenship Act, the Czech government has repeatedly amended it and created some exceptions for the facilitation of the Czech citizenship. Since its enactment, the citizenship act has been amended at different times, namely twice in 1993, and once in 1995, 1996, 1999 and 2002, mostly as a result of foreign pressure. The civil society, governmental institutions and parliaments and the spread of non-governmental organisations have been influential in the attempts to make the citizenship act more liberal. The first initiative in October 1993 was intended to allow children to acquire citizenship by adoption and to allow senior citizens to opt for citizenship on slightly more liberal conditions. The second amendment of June 1995 granted the Interior Ministry with the right to waive the two-year permanent residency requirement for those individuals who had been resettled in the Czech Republic by December 31, 1994 by the invitation of the government (for the Volnya Czechs[443]). The third amendment in April 1996, on the other hand, grants the Interior Ministry the power to waive the clean criminal record requirement.

Those modifications have been the necessary steps to make the Citizenship Act more akin to that of liberal standards of Western Europe.[444] In 1999, the Parliament passed a new law to allow former citizens of Czechoslovakia who have lived in the Czech Republic since 1993 to gain citizenship through a simple declaration. Those above-mentioned amendments made it easier for the former Czechoslovak citizens who lost their citizenship status in the period between 1948 and 1990 under the communist regimes to regain this status. However, most of the Roma are still excluded from full membership of the new state. However, despite all these attempts on the way of the improvement of the existent procedures, many features of the existing law have still stand unclear to most of the public administrators who are dealing with applying it.

---

[443] Those who had resided in the Ukraine portions of the former Czechoslovakia
[444] R. Fawn, "Czech Attitude Towards the Roma: 'Expecting More of Havel's Country'?", *Europe-Asia Studies*, Vol. 53, No. 8, 2001, p. 1202.

6. 5. Limits of Civicness of Czech Citizenship: The Roma Minority

The policies concerning the citizenship of the Roma minority and their integration into the Czech Republic are very complicated. Here, it has to be remembered that the citizens of the former Czech and Slovak Federal Republic had both federal and republic citizenship which was bound to the birthplace. Therefore, large numbers of the Roma who were born in the territories of the Czech Republic continued to have the Slovak citizenship of their parents. According to the Act, they were considered as Slovak citizens, even if they had been living on the territories of the Czech Republic since the 1950s. Their children were also considered as Slovak citizens, even if they were born in the Czech territories. More importantly, most of them did not have the intention to change their citizenship mainly due to the primacy of the citizenship of the Federal Republic over that of the constituent parts. Before 1993, 'Slovak citizenship and nationality' were meaningless and none of those people could imagine that it could have some negative consequences in the future. However, the split of the country into two republics led to unexpected and unpredictable consequences for the situation of the whole Roma. Since, the new Act imposed a set of rigid conditions, which are difficult for this ethnic group to comply with. Under those conditions, it seems that the new Act was designed to limit the possibility of acquiring Czech citizenship for the Roma.

6. 5. 1. Historically Denied Minority Group

The Roma minority living in the Czech Republic is relatively small, when it is compared with those living in other CEECs. During World War II, the Czech lands lost almost all of their Roma population, although most of Slovakia's Roma community survived. Therefore, most of the Roma living today in the territories of the Czech Republic immigrated after World War II, especially from those less developed rural areas of Slovakia to the depopulated Sudetenland regions. In later years, they were transferred to the industrial lands.

However, still a complete description of the current situation of the Roma is not possible. As Milada Horáková states "since affiliation to a national minority is based on a free declaration, no one can be marked as a minority member without having declared

his or her personal consent".[445] Historically, most of members of the Roma minority are used to call and identify themselves as either Slovaks or Czechs. Therefore, they usually represent a wider section of the society than those who openly declare their Roma identity.

Throughout the history, the national, racial and ethnic intolerance grew among the majority of the Czechs toward the Roma minority who has been subject to rejection, mistreatment, expulsion, deportation, assimilation and, even, to persecution. They were always discriminated and forced to assimilate in the society. In the 20th century, on the other hand, they became subject to mass extermination. They were registered as the persons to whom special attention had to be paid. In sum, as Siklova and Miklusakova clearly articulates, they were classified as "a group that was legally denied an identity, yet was easily identifiable and, as had always been the case, which remained the target of serious discrimination".[446] Historically, although Czechoslovakia was deemed to be the more democratic, liberal and tolerant one compared to other two examples, its Roma minority never benefited from those policies of the Czech governments. Like other minority groups, the Roma members were granted equal rights by the constitution of the first Czechoslovak Republic of 1920. Eventhough this promised to end a long period of official discrimination targeted against them, their economic and social situation did not change much during this period. Following a law in 1927, the Roma were issued as a special Personal Identity Card. After this law, the conditions for them deteriorated further and various forms of forced assimilation policy were practiced until the 1970s. Under those conditions, neither their nationality nor their ethnic identity was recognised.

Although the racial discrimination was prohibited immediately after 1945, the Roma minority was the most visible example of the discriminatory treatment, not only by the individuals, but also by a number of state agencies. They had not been included into the pre-war system of minority protection. With the expulsion of Sudeten Germans and the efforts to assimilate the Magyar minority, there were not many resources left to state administration to deal with the Roma. In that case, the Roma have positively

---

[445] M. Horáková, "Roma in the Czech and Slovak Republics", p. 5.
[446] Siklova and Miklusakova, "Law as an Instrument of Discrimination".

greeted the political changes of 1948 when the communists seized power in Czechoslovakia. They hoped that such a change would improve their situation. The discriminatory 1927 law was rendered ineffective in 1950. However, although their material conditions were improving at that time, they were still subject to assimilation through non-violent methods. Therefore, in this framework, it would not be wrong to argue that the majority of the Roma more or less accepted the assimilation policies of the communist regime. They tried to conceal their identity to diminish discrimination against them and to confuse officials about their numbers and location.

At the end of the 1960s, the increased pressure led to the establishment of the Union of Roma in Czechoslovakia in 1969. Thus, the Roma identity, culture and individuality were supported for a short time. The Roma started to exert pressure towards their recognition as an independent nationality, but it was unacceptable at that time. At the beginning of the 1970s, there were some changes in the policies towards the Roma. With the Government Decree No 231/1972, the coexistence of the Roma minority groups with the population began to be confirmed and for the first time, "social-cultural work" concept was approved for them. As Horáková, states "such a concept recognised the Roma as an ethnic group whose distinguishing features were to be respected".[447]

However, although the Federal Government Resolution of 1972 formulated the process of social integration of the Roma and the state formally guaranteed full equality of citizens, these rights were not respected. The Roma were usually accepted as a less integrated population. In the 1980s, on the other hand, their situation improved gradually. The concept of social integration and the idea of coexistence with the majority produced certain level of success. However, despite those attempts, during the policies of socialisation or social-cultural integration of the 1980s, the problems continued and the real solution could not be reached. This was mostly caused by the fact that all the new initiatives, declarations and regulations could not force the society in general and the ruling elite in particular to acknowledge the Roma minority with their own cultural attributes. Instead, as the opposite tendency, they were deprived of their own identity. However, in the second half of the 1980s the efforts increased to

---

[447] Horáková, "Roma in the Czech and Slovak Republics", p. 23.

recognise the specific Roma ethnicity and nationality for which the political developments at the beginning of the 1990s paved the way.

6. 5. 2. Did Something Change after Transition?

Although the Roma people began to be signified as a national minority group in the 1960s, it was possible for them to be officially recognised as a national minority only with the arrival of democracy after the 1990s. This was a reality for most of the CEECs. In 1991, with the Principles of the Czech and Slovak Federal Republic Government towards the Roma Minority, they legally became equal with other national minorities. In this framework, they were granted the right of the free allegiance to the Roma nationality. It was accepted that the Roma minority members who identify themselves as Roma become beneficiaries of nationality rights granted by the state. Accordingly, these rights could be asserted and executed in accordance with others, and the Roma should not be discriminated against, in any way, whether they assert such rights or not.

In the transition period of the Czech Republic, the development of the Roma ethnic identity was recognised as a prerequisite for the self-identification, emancipation and integration of the Roma minority. In this framework, as Horáková argues it the governments have decided to implement the policies on the "civic principles".[448] However, still the Roma minority was disorganised and unable to reach the effective use of the international and domestic sources of support. Therefore, their disadvantaged position in the country has continued and many Roma people have still faced serious economic and social problems. Actually, at the beginning of the transition movements in the 1990s, the economic and social situations of the Roma were based on their economic and professional status attained prior to the beginning of the reform program. Since most of them were living under miserable conditions, they could not benefit the achievements of the transition and transformation processes. While their living conditions have improved since the 1990s, their situation has still been deteriorating at the beginning of the 2000s and they have still been subject to intolerance, systemic discrimination, social marginalisation, prejudices and certain forms of hostility in the

---

[448] *ibid.*

Czech society. Therefore, despite the official recognition, the efforts to integrate the minority into the majority and to extinct the Roma culture reinforced the idea that the Roma were aliens and a worthless group without a past.

6. 5. 3. The Roma in the Czech Citizenship Law

With the enforcement of the new Act, the Slovak citizens living within the Czech Republic, most of which were Roma in origin, were given the chance to acquire Czech citizenship through the process of the citizenship procedure, which was difficult for them. As a result, the Roma who often moved between the two republics found themselves in an awkward position. They were left as the long-term of life-long residents of the country, but without Czech citizenship. The "discriminatory and exclusive characteristics of the new citizenship law"[449] can easily be seen in the legislative practices of the related state bodies. Here, it would be important to understand the difficulties of the citizenship process for the Roma within a more detailed framework. First of all, for the acquisition of the Czech citizenship, all the applicants had to prove their Slovak citizenship from the Slovak authorities. Then, they had to apply for release from this citizenship. Only then could they apply for this status. However, this is a difficult requirement for the Roma. Since, many of them do not have any documents to prove their nationality as Slovak. It is theoretically possible to apply for and obtain such documents from the Slovak authorities, i.e. the Slovak Embassy in Prague. But it was very complicated and costly process, which was very difficult for the Roma to pay all the expenses without any income.

On the other side, even if they could be able to prove their Slovak citizenship and be released from it, the prohibition of the dual citizenship is another handicap for those who would like to apply to the Czech citizenship. As Siklova and Miklusakova point out, the current legislation, namely, the Section 7.1.b of the Act on the Acquisition and Loss of Czech Citizenship implies that one of the conditions of acquiring Czech citizenship is the submission of the document certifying the release from one's original citizenship.[450] In this framework, it would not be wrong to argue that dual citizenship is

---

[449] Uhl, "Statehood and Citizenship in the Czech Republic".
[450] Siklova and Miklusakova, "Law as an Instrument of Discrimination".

restricted under the Czech laws and regulations. This requirement, on the other hand, would lead to some situations where the applicants may lose their *de jure* citizenship. This loss is because of the fact that those people are expected to be released from their former citizenship without confirming that they were entitled to Czech citizenship. Between these two periods (the release from the prior citizenship and acceptance of their Czech citizenship), however, they have remained without any citizenship status.

Second, the whole administrative procedure of granting citizenship was difficult due to the low level of education and even illiteracy among the Roma minority. The group is largely ignorant of the law. For many of them, the citizenship process is a complicated and confusing bureaucratic process. Therefore, it was very difficult for them to comprehend the new legislation without any help. The related authorities, on the other hand, were not cooperative on this issue. They failed to provide substantive information about the law or explain the application procedure. Even for those who realised that it would be advantageous for them to acquire Czech citizenship, it was not possible to start the procedures due to the requirements of the law. In that sense, the information campaign has become the task of the non-governmental organisations.

As the third difficulty, it has to be emphasised that the conditions were very strict and it is almost impossible for the Roma people to fulfil all of them. On the other hand, they were aware of the fact that they could not be considered as Czech citizen without complying this rigorous administrative process. These conditions were long-term residency (five years) and the lack of any criminal record in the last five-year period, preceding their application. To be more specific, the condition of the clear criminal record implied that the applicant has not been convicted of criminal offence within the last five years. But, as Horáková clearly interprets it, "for those people, this condition was as an additional punishment *ex post facto*".[451] Because, the rate of the crime among those people is quite high, but it is mostly influenced by the social circumstances of its members and has a different character from the criminality of the majority. On the other hand, the requirement of long-term permanent residence is also hardly achievable among the Roma. Actually, most of them had been in the country for longer periods, but it was only a *de facto* residency. The movements of the Roma within

---

[451] Horáková, "Roma in the Czech and Slovak Republics", p. 55.

the country often occurred without official permission. Therefore, they did not register for the permanent residence in the country, which led to the lack official registration for them. This lack of official registration and existence of only temporary residence permits, on the other hand, have caused serious problems for granting the citizenship status. Last, but not least, it has also to be underlined that the members of the Roma have often faced the arbitrary treatment of the local authorities during their application processes.

The above-mentioned complicated requirements made it difficult for the Roma to meet all conditions of getting citizenship status.[452] After the introduction of the new law and its implementation a large majority of the population has become "foreigner in their own country"[453] without any legal basis. This argument is valid even for those who were born in the territories of the Czech Republic and had never left it. Therefore, it is one of the most acute problems that have to be dealt with in the Czech Republic to eliminate the negative and discriminatory impacts of the legislation and to make the related changes.

After this general information, here it is necessary to evaluate the implications of the Act on the Acquisition and Loss of Czech Citizenship on the Roma minority. At the beginning it has to be emphasised that citizenship is the prerogative of the state. But the Czech Republic cannot be considered as totally liberal in this regard mainly because of the refusal of dual citizenship which presents dilemmas not only for Slovaks but also for Czech émigrés and because of its implications on the Roma, who were disenfranchised and marginalized after the Act. In this framework, the Act has been defined as an "official policy of deliberate, but indirect marginalisation and discrimination against the Roma minority".[454] Therefore, as Nedelsky argues "Czech citizenship policy may be an example of what Robert Hayden terms 'bureaucratic ethnic cleansing'".[455] All these policies and practices confirm the promises of civic understanding of citizenship could

---

[452] As an example, the paper-filled application process, which puts the burden of proof on applicant, has often been scrambled by district officials who knowingly gave the Roman false information. The process resulted in leaving Roma who had resided for years, even their lifetime, in the Czech lands without proof of residence to ensure access to any public services.

[453] Human Rights Watch, *Roma Population in the Czech Republic,* p. 20.

[454] R. Fawn, "Czech Attitude Towards the Roma", p. 1201.

[455] R. M. Hayden, "Constitutional Nationalism in the Formerly Yugoslav Republics", *Slavic Review,* Vol. 51, No. 4, 1992, p. 668.

not be kept. Although the legal documents provide the basis for the respect and protection of the same and equal rights for the Roma, the level of the civicness of the Czech political community's has remained quite low.

Moreover, some new debates and discussions have emerged in the country concerning those issues. As Nedelsky remind us, the ongoing practices of the civic nation have created a distinction between the "communities of citizens and ethnic nations".[456] Therefore, it would not be wrong to argue that contrary to the founding civic principles, the political practices of the countries can be different in reality. In this framework, the Czech Republic represents one of the most appropriate examples.

6. 6. Evaluation: Double Standards of the Czech Citizenship Regulations

Within the general framework of the application of the Citizenship Act, the most serious drawbacks of the existing legislative principles and their possible remedies is evaluated below. First of all, one of the most debatable aspects of the citizenship issue is related to the residency status of the applicants. The Act requires the applicants to prove their permanent residency in the country to be able to submit the relevant application for citizenship. But, considering the fact that the achievement of the permanent residency itself is the result of a state-granted permission, it would be a helpful step to annul this condition to decrease the discriminatory effect of the Act. In this framework, it would be a better treatment, if the acquisition of citizenship were based on actual residency.[457] This can make it relatively easier to achieve citizenship status.

Human Rights Watch supports the view that "citizenship should be granted to all who were permanent residents at the time when the new state came into existence and who were citizens of predecessor state".[458] Otherwise, those who had migrated from Slovakia to the Czech Republic and had significant links with the territory of the Czech

---

[456] While the ethnic nation refers to a type of prepolitical community that may exist under a variety of different political circumstances, a community based on the civic principle requires a political configuration that secures the equal provision of rights and duties for the entire citizenship. See Nedelsky, "Civic Nationhood and the Challenges of Minority Inclusion", p. 107.

[457] Actual residence is not state-granted and shows the current place of the applicant where he or she is living.

[458] Human Rights Watch, *Roma Population in the Czech Republic,* p. 24.

Republic would be denied from citizenship. This is one of the most important aspects of the citizenship debates within the new regulative framework. Here, we have to emphasise that those people who migrated from Slovakia to the Czech lands could not have foreseen the changes in the political status of Czechoslovakia and they lived in those territories with the expectation that their residence would not be interrupted by the issue of citizenship. Therefore, those people have to be treated separately from the new immigrants who applied for citizenship after the dissolution of Czechoslovakia.

The second controversial issue on the granting of citizenship is the attempts to shift the criteria for acquiring citizenship towards economic self-sufficiency, absence of public funding needs, and stricter assessment of compliance with the prescribed legal standards. Such conditions can be considered as the other indicators of the unwillingness of the Czech authorities to grant citizenship status. Under those conditions, the Roma could not find the opportunities to grasp the benefits of the daily lives and to overcome their economic and social problems. Therefore, it is very difficult for them to fulfil those criteria, which imply the economic well being of the applicants to be granted the citizenship status. Here, it has to be emphasised that as Bugajski argues "those conditions were imposed and practised to disqualify some number of Roma from gaining citizenship".[459]

Third, the rejection of the citizenship without providing the legal justifications is a serious concern among the applicants. The decision is subject to the discretionary power of the Ministry of Interior. However, the Supreme Court, as the highest judicial authority of the country, clearly expressed its view that if an application is rejected, reasons must be given about the rejection and those reasons must be legally as well as factually credible. This is important to provide the legal grounds for the refusal and to prevent the criticism about the subjective application of the citizenship rules and procedures. So, for a better and smoother functioning of the system, the Act has to specify the reasons for rejecting an application with their nature actually being significant.

---

[459] Bugajski, *Ethnic Politics in Eastern Europe*, p. 304.

It can be a success if the above-mentioned factors are taken into consideration and the alternative ways can be found to minimise the effects of the exclusive citizenship understanding of the Citizenship Act. This will be important minimise discrimination among the citizens, which is essentially contrary to the professed civic principles of the Czech Republic.

Here, there is another important point that has to be mentioned. It is the double standard of the Czech authorities concerning the citizenship status of ethnic Czechs living outside of the Czech Republic. Especially after the 1990s, the Czech authorities and officials showed a particular interest in the ethnic Czechs outside of the Czech Republic. In 1995, the Parliament passed an amendment to the Citizenship Act. The Interior Ministry was given the right to waive the permanent residency requirement for those individuals who had been resettled in the Czech Republic by the Czech government before 31 December 1994. This provision was applied particularly for the Czechs. However, this was an important indication to show the hypocrisy in the government's action and the double standard of the valid legislation. With those decisions, the government had facilitated citizenship for ethnic Czechs living abroad. However, on the other hand, it did very little to help non-ethnic Czechs to obtain citizenship in the country where they had lived all or most of their lives. To be more specific, after the related regulations, it became easier for an ethnic Czech in Ukraine who had committed a murder to gain citizenship than a law-abiding Roma who was born and lived his entire life in the Czech Republic. Such a practise, on the other hand, corroborates the ethnic dimension of the Czech Citizenship Act. Therefore, the revision is of utmost importance for the democratic prospects of the country.

CHAPTER VII

TOWARDS DEMOCRATIC CONSOLIDATION:

A TEST OF EUROPEANISATION

The historical concept of citizenship is in the way of transformation within the integration processes of the EU. In that sense, Europeanisation of citizenship has emerged as one of the commonly discussed topics both as an indication for the success of the integration attempts among the old member states of the EU, and as a determining point for the ability of the new member states to adapt themselves to the new conditions after their membership to the EU. Therefore, it is of utmost importance to evaluate carefully the redefinition and practices of citizenship in the CEECs to be able to grasp not only the compatibility of those countries with the EU definitions and implications, but also for the success of the consolidation of their newly established democracies.

It would be useful to start this chapter with the theories of Europeanisation and the Europeanisation attempts in CEE. Within this framework, the meaning and implications of the Europeanisation of the concept of citizenship are evaluated in this chapter with a specific reference to European citizenship. Then the chapter examines the specific examples of the countries in terms of their citizenship and minority policies. This will provide us some clues for the assessment of the success of those regional countries in terms of their democratisation attempts. In this part, the regular reports of the Commission are the basic reference documents for detailed information regarding the practices of the countries. The following part is about the critical theory, which emerges as an alternative to internalise the diversity, to accept the recognition of the Other as a value for more democratic societies and to adopt more inclusive way of citizenship not only in theory but also in practice.

7. 1. Theories of Europeanisation

In recent years, the theme of Europeanisation has emerged as one of the mostly discussed topics on the agenda of Europe with reference to the social, political, cultural and economic developments in the continent. However, despite the growing number of studies and ongoing discussions and debates on the issue, a workable theory and a shared definition could not be found yet. As Peter Mair argues "the concept of Europeanisation remains poorly and confusingly defined".[460]Therefore, the meaning and implementation of the concept has remained vague and contested, which leads to many more questions rather than providing answers to the existing ones. However, despite the lack of the common definition of the concept, it is commonly accepted that the study of Europeanisation, which is supposed to explain the processes of cultural change, new identity formation, policy change, administrative innovation and even modernisation, is important to understand the contemporary politics of the continent.

On the other hand, notwithstanding the lack of a grand theory of Europeanisation, in general it is understood in terms of transformation and democratisation and used both as a 'process' (whereby other territorial units are either affected by or imitate Europe/EU) and an 'end-state' (Europe or the EU). Here, it has to be emphasised that in both of them Europeanisation and the EU policy formation and policy processes are highly interconnected to each other. As Kevin Featherstone, in one of his articles, where he was showing the Europeanisation of the British Labour Party, clearly articulates "the essential characteristics of 'Europeanisation' refer to the relationship between the domestic level of politics and that taking place at the level of the EU".[461] So, it is an interactive, two-way relationship between the European and national levels, rather than a uni-directional one. Below, the definitions and meanings of Europeanisation are studied in a more detailed way by focusing on different perspectives.

---

[460] P. Mair, "The Europeanisation Dimension", *Journal of European Public Policy*, Vol. 11, No. 2, April 2004, p. 338.
[461] K. Featherstone, "The British Labour Party from Kinnock to Blair: Europeanism and Europeanisation" *European Union Studies Association (ECSA) Biennial Conference*, Pittsburgh: June 1999 <http://aei.pitt.edu/2266/01/002348_1.PDF> (30/04/2007).

7. 1. 1. Definitions of Europeanisation

Although it is the common argument that Europeanisation is an open concept and it is very difficult to define what it is, its connotations generally imply the 'political, economic and social changes within the EU and response to those changes from the individual states'. The difficulty of finding a common definition of Europeanisation arises from the fact that multiple disciplines, while dealing with the subject, give their priority to different perspectives and offer, as a result, different definitions. This statement implies that Europe is considered according to different perspectives, ranging from a cultural entity to the EU as the institution. What is important within this range is to decide which Europe these definitions refer to. At this point, Birgit Sittermann makes a distinction among historical, cultural and political Europe. According to her understanding, historically, Europeanisation means the export of European political institutions, political parties and way of life beyond the European continent. Culturally, it refers to the reshaping of identities in contemporary Europe in a manner which relativises the national identities. This broad aspect of Europeanisation is more to do with peoples' practices and deals with issues such as citizenship, the standardisation of cultural life and practices and increasing cross-border contact. Politically, on the other hand, Europeanisation can be defined, according to Sittermann, in terms of the EU enlargement (the transformation of the candidate countries to the Western European state model, which can be understood as a modernisation process), the development of polity and policies at the European level and national adaptation due to EU influence (the penetration of European rules, directives and norms into the otherwise differentiated domestic spheres). Within the last framework, Europeanisation is mostly related to the implementation of the EU legislation in its narrowest form and policy transfer and learning with the EU in a broader and general perspective. [462]

Considering different implications of the concept, it is necessary to have a look at the dynamics of Europeanisation conceived and underlined within alternative approaches in order to be able to fully grasp the meaning and implications of the

---

[462] B. Sittermann, "Europeanisation – A Step Forward in Understanding Europe?", *Nachwuchsgruppe Europäische Zivilgesellschaft* (Münster: Westfälische Wilhelms-Universität) <http://nez.uni-muenster.de/download/Sittermann_Literature_Review_Europeanisation_FINAL2006.pdf> (10/04/2007).

concept. First of all, we have to mention two basic definitions, which may seem as complementary to and dependent on each other. On the one side, Maria Green Cowles, James Caporaso and Thomas Risse define Europeanisation as "the emergence and development at the European level of distinct structures of governance, that is of political, legal, and social institutions associated with political problem-solving that formalise interactions among the actors, and of policy networks specialising in the creation of authoritative European rules".[463] In their vision the concept refers to the construction of institutions at the supra- or inter- governmental level or at a level beyond the nation state leading to some sort of convergence at the European level, together with its impacts on the member states.

According to this understanding, the impact of such governance on the changes in domestic structures is one of the key decisive points to define what Europeanisation is. What has to be kept in mind, however, is that Europeanisation cannot be accepted as something implying a total convergence considering the varying impact across countries and policy areas. Europeanisation is also different from harmonisation due to the possibilities of divergences among the policies of the states in terms of their degree, direction, place and time. Therefore, it has to be accepted that the divergence among the member states cannot disappear with the Europeanisation process as Kerry Howell explains it. He says that "[Europeanisation] indicates a continual interaction and dialectic between the uniformity of the EU and the diversity of the individual member states. … Consequently, there is no end-state because as the EU develops, member states diversity is in a continual state of flux".[464]

With respect to second and deeper implication of Europeanisation, as Kevin Featherstone and Claudio M. Radaelli accept "it is not the consolidation of European institutions and authorities as such that is Europeanisation, but rather, more conventionally, the relation between these institutions, on the one hand, and the policies

---

[463] M. G. Cowles, J. Caporaso and T. Risse "Europeanisation and Domestic Change: Introduction" in M.. Cowles, J. Caporaso and T. Risse (eds.), *Transforming Europe: Europeanisation and Domestic Change* (New York: Cornell University Press, 2001), p. 3.
[464] K. Howell, "Developing Conceptualizations of Europeanization and European Integration: Mixing Methodologies", ESRC Seminar Series/UACES Study Group on the Europeanisation of British Politics, November 2002 <http://aei.pitt.edu/1720/01/Howell.pdf> (30.03.2007).

243

and processes of the member states, on the other".[465] In that sense, Europeanisation necessitates the penetration of the European dimension in domestic arenas of politics and policy implying that domestic structures and policy-making is strongly dominated by the European logic of political behaviour, which makes domestic politics become increasingly subjected to European policy-making.[466] According to this understanding, Europeanisation can be considered as a process by which European forms of arguments, and governance, have been exported to the individual states. In a similar way, Börzel defines Europeanisation as a "process by which domestic policy areas became increasingly subject to European policy-making".[467] Consequently, it is accepted as a source of change by implying an active response as having the transformative power. The European influence, while penetrating into the domestic structures, can take place on two different levels, institutional adaptation and adaptation of policies and polity.[468] The former refers to the way through which the actors and institutions are affected by the EU membership, while the latter is concerned with the influence of the EU public policies on the national level and how and whether EU requirements are integrated in the national policy processes.

These two definitions of Europeanisation force us to take into account "two faces of Europeanisation", as Thomas Christiansen reminds us in his review article. Accordingly, "[o]n the one hand, … Europeanisation necessarily encompasses the *institutionalisation* of a distinctly European political system. That is Europeanisation involves the creation and consolidation of authoritative political institutions at the supranational European level. On the other hand, … Europeanisation also encompasses the *penetration* of European rules, directives and norms into the otherwise differentiated domestic spheres".[469] So, it evokes parallel and interconnected processes of change at both the national and supranational levels. Therefore, it is obvious that we would have

---

[465] K. Featherstone and C. M Radaelli, "A Conversant Research Agenda" in K. Featherstone and C. M Radaelli (eds.), *The Politics of Europeanisation* (Oxford Oxford University Press, 2003), pp. 331-341.
[466] C. Knill and D. Lehmkuhl, "How Europe Matters. Different Mechanisms of Europe" European Integration Online Papers (EIOP), Vol. 3, No. 7, (15/6/1999) <http://eiop.or.at/eiop/comment/1999-007c.htm> (28/04/2007)
[467] T. Börzel, "Towards Convergence in Europe? Institutional Adaptation to Europeanization in Germany and Spain", *Journal of Common Market Studies*, Vol. 37, No. 4, December 1999, p. 574.
[468] K. Featherstone, "Introduction: In the Name of Europe" in K. Featherstone and C. M Radaelli (eds.), *The Politics of Europeanisation* (Oxford Oxford University Press, 2003), pp. 7-12.
[469] T. Christiansen, "Review Section", *Journal of European Public Policy*, Vol. 11, No. 2, April 2004, pp. 340-341.

benefits from the synthesis of both approaches instead of preferring one of them to the other. In this context, Christiansen argues that we have to pay our attention to the understanding of the "Europeanisation of politics and politics of Europeanisation".[470]

A third alternative way of definition of Europeanisation characterizes it as the achievement of the political unification of Europe. In this case, as Johan P. Olsen explains, Europeanisation can be inferred as the end-state of the developments and involves both the autonomous institutions of governance and a shared popular culture and identity, which give direction to the collective action from above.[471] As another alternative definition of the concept of Europeanisation, Jim Buller and Andrew Gamble define it "as a smokescreen for domestic political manoeuvres… It describes the process whereby certain actors at the domestic level will encourage or at least acquiesce in European integration as a way of either implementing domestic changes or legitimasing the status quo at home".[472] Besides all other definitions and implications, the broadest definition of the concept is offered by Robert Harmsen and Thomas M. Wilson who consider Europeanisation "as the reconstruction of identities".[473] In its essence, this definition, which focuses on the issue of culture and identity, refers to the reshaping, redefining and negotiating of identities in Europe.

Along with those general definitions, it should not be forgotten that internally Europeanisation is closely related to the organisational and administrative power of the EU. This point makes us recall that the studies about Europeanisation bring domestic politics back into our understanding of European integration. In other words, the changes at the domestic level or lack of it provide a clear focus for the analysis of Europeanisation process. This point is mostly interested in the national adaptation to Europe for which national institutions are considered as important actors. In this framework, the main focus of Europeanisation is on the process of institution-building and political integration at the European level, together with the concern how European

---

[470] *ibid.*, 346.
[471] J. P. Olsen, "The Many Faces of Europeanization", *ARENA Working Papers*, WP 01/2, 2001 <http://www.arena.uio.no/publications/working-papers2002/papers/wp02_2.htm> (28/04/2007).
[472] J. Buller and A. Gamble, "Conceptualising Europeanisation", *Public Policy and Administration*, Vol. 17, No. 2, 2002, pp. 15-16.
[473] R. Harmsen and T. M. Wilson, "Introduction: Approaches to Europeanisation" in Harmsen and T. M. Wilson (eds.), *Europeanisation: Institution, Identities and Citizenship – Yearbook of European Studies 14*, 2000, p. 17

integration might be impacting on the domestic politics of the EU member states. As Knill and Lehmkuhl argues "the domestic impact of Europe varies with the level of European adaptation pressure on domestic institutions and the extent to which the domestic context (including institutional opportunity structures and domestic actor constellations) facilitates or prohibits actual adjustment to European requirements".[474] When we mention about the domestic impact of the European policies, we have to keep in mind that there are different mechanisms, by which European requirements can make the domestic changes possible. Knill and Lehmkuhl identify those mechanisms as "positive integration, negative integration and framing integration".[475]

In this framework, positive integration implies that European directives or regulations prescribe an institutional model and domestic actors have to comply with this model. This is the most explicit way and involves direct institutional adaptations and compliance. Negative integration, more implicitly, implies that European influence is confined to altering domestic opportunity structures and the distribution of power and resources between domestic actors. In this case, the states are not forced to replace their existing institutional arrangements in favour of any model prescribed by Europe. As Maarten P. Vink argues "unlike positive integration, which is regulatory, negative integration is deregulatory".[476] This is a much less demanding way and has a more indirect impact. The framing integration, as the weakest form, on the other hand, implies that European policy neither defines institutional structure and requirements, nor modifies the institutional context for strategic interactions, but it affects domestic arrangements by altering the beliefs and expectations of the domestic actors and changes the domestic climate in favour of the European ideas, values and beliefs. Accordingly, changes in the beliefs affect strategies and preferences of the domestic actors and lead to institutional adaptations. This mechanism provides the ground for the positive or negative integration models and changes the domestic political environment by encouraging the overall support for broader European reform objectives.

---

[474] Knill and Lehmkuhl, "How Europe Matters. Different Mechanisms of Europe".
[475] *ibid.*
[476] M. P. Vink, "The Limited Europeanization of Domestic Citizenship Policy: Evidence from Netherlands", *Journal of Common Market Studies*, Vol. 39, No. 5, 2001, p. 878.

Keeping in mind those mechanisms of integration, we have to mention two ways of Europeanisation process, the top-down and bottom-up ways, which, in principle, link the European norms with the national ones. The former one refers to the pressure from Europe to the states implying static and uni-directional changes and alterations. The top-down approach, which is closely related to Svein Andersen's definition gives priority to the "formal authority, diffusion and rational adaptation"[477] by stressing the hierarchical relationship between the EU and the member states. Within this framework, the focus is on the EU legislation, rules, policies and regulations emanating from the EU level and applying at the national one. In other words, Europeanisation is accepted as the independent and the changes at the domestic level as the dependent variable. Therefore, the EU level is considered as the starting point, which forces the national changes and adaptations at the national level.[478]

Notwithstanding its prominence in the early studies, the top-down perspective has begun to be challenged in recent years, when it was accepted that domestic effects and constraints are also important for the whole Europeanisation process, which has to be considered as "circular rather uni-directional".[479] Because, the whole process involves a complex, multi-level interaction in terms of both vertical and horizontal axes. Therefore, the existence of the domestic actors and bilateral and multilateral interactions among them have become as one of the significant factors in the way of Europeanisation. So, considering the fact that domestic factors are not only the passive recipients, in the bottom-up process, "the starting point is the national level and the outcome is situated at the EU level"[480], as Radaelli clearly argues. Accordingly, unlike the top-down process, the national level and the system of interaction among the domestic actors, problems, resources, styles and discourses are becoming the independent, while the European level is accepted as the dependent one. However, despite the clear-cut definitions of these two ways, what has to be emphasised is that

---

[477] S. S. Andersen, "The Mosaic of Europeanisation – An Organisational Perspective on National Re-contextualization", *ARENA Working Papers*, WP 04/11 <http://www.arena.uio.no/publications/wp04_11.pdf> (27/04/2007)

[478] C. M. Radaelli, "Europeanisation: Solution or Problem?", *European Integration Online Papers (EIOP)*, Vol. 8, No. 16 (06/10/ 2004) <http//eiop.or.at/eiop/texte/2004-016a.htm> (28/04/2007).

[479] K. H. Goetz, "Four Worlds of Europeanisation", *Paper prepared for the ECPR Joint Sessions of Workshops* (Turin: Italy, March 2002).

[480] The theories of neo-functionalism and intergovernmentalism can be understood in this framework. For detailed information, see Radaelli, "Europeanisation: Solution or Problem?"

Europeanisation involves both top-down and bottom-up processes rather than mutually excluding each other. Therefore, we should try to find the ways of embracing both approaches and benefiting from their synthesis.

7. 1. 2. Europeanisation of Central and Eastern Europe

Europeanisation is not a concept related only to the old member states of the EU. On the contrary, the new members of CEE have also been in the focus of Europeanisation studies starting from the time of their candidacy. Therefore, at this point, it would be important to understand what Europeanisation of CEE refers to. In this framework, Radaelli's definition of Europeanisation is highly applicable to the specified region. This definition says that "Europeanisation consists of processes of (a) construction, (b) diffusion, and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things', and shared beliefs and norms which are first defined and consolidated in the EU policy process and incorporated in the logic of domestic (national and subnational) discourse, identities, political structures, and public policies".[481] This definition is important to see the changes in CEECs in parallel to the EU policy processes and requirements.

When dealing with this issue, the first point that has to be stated without any hesitation is that Europeanisation processes have followed different paths in the western and eastern parts of the continent, which led to some differences instead of commonalities in the two parts of the continent. As Klaus H. Goetz clearly defines "while, in the West, Europeanisation is typically associated with a diverse range of triggers and causal mechanisms and a differential impact that is linked to the capacity of embedded domestic institutions to accommodate and domesticate European adaptive impulses, Europeanisation Eastern-style is seen to be linked to pattern of coercive adaptation, which follows a consequentialist logic of short-term tactical calculations rather than domestic appropriateness. … Therefore, it is not surprising that Europeanisation of core state institutions is described in terms of fragmentation,

---

481 C. M. Radaelli, "Europeanisation of Public Policy" in K. Featherstone and C. M. Radaelli (eds.), *The Politics of Europeanisation* (Oxford Oxford University Press, 2003), p. 30.

instability, façades and parallelism".[482] In other words, Eastern European style of Europeanisation involving the top-down process to shape the Europeanisation experiences of the new member states of the EU reflects the hierarchical and impositional aspects of domestic adaptation, which is strengthened mainly by conditionality principle.

The Europeanisation of CEE, in a very specific perspective, is closely related to the enlargement process of the EU, which led to the transfer of the EU regulatory norms, practices and capacity to the governance systems of the CEECs. As Attila Ágh states, "Europeanisation of the polity and policy processes involving political harmonisation [was] a precondition for accession to the EU".[483] In this period, the then-candidate states had to deal both with their domestic conditions and the EU requirements (accumulated law, practices of the member states and a list of the economic, political and institutional requirements) equally. Because, the enlargement process made it compulsory for the CEECs to adapt and implement the existing EU laws and regulations in their domestic politics. In this framework, as Heather Grabbe argues "… Europeanisation is linked to the politics of enlargement in practice, through a two-way process that causes feedback effects from Europeanisation on the reformulation of accession policy".[484]

What has to be kept in mind is that Europeanisation of CEECs appeared as a vertical relationship and asymmetrical negotiations over the terms of their accession. Those negotiations imposed some obligations for them within the framework of their domestic structures and policy-making, as well as of implementing processes. In its essence, this hierarchical and top-down relationship between the EU and the then candidate states reflect the power asymmetries between the two groups of states. This means that the candidate countries were always in the position to accept and download

[482] K. H. Goetz, "Europeanisation in West and East: A Challenge to Institutional Theory" <http://www.arena.uio.no/events/papers/goetz.pdf> (27/04/2007)

[483] A. Ágh, "Europeanisation of Policy-making in East Central Europe: the Hungarian Approach to EU Accession", *Journal of European Public Policy*, Vol. 6, No. December 1999, p. 839.

[484] H. Grabbe, "Europeanisation Goes East: Power and Uncertainty in the EU Accession Process" in K. Featherstone and C. M. Radaelli (eds.), *The Politics of Europeanisation* (Oxford Oxford University Press, 2003), p. 310.

the rules and regulations of the member states, although their capacity and ability to affect the policies of the EU is very limited and weak.

7. 2. New Forms of Citizenship and Cultural Identities

The inclusion of new members to the EU increased the cultural plurality of the Union. To be more concrete, after the enlargement, the EU has become more and more diverse, with the new developments of fading and newly emerging boundaries and recognition of various minorities. This European diverse society reflects itself through a plethora of diverse belongings, cultural, religious, ethnic, and emotional. With the whole process, those different traditions, as the characteristics of the Eastern part of Europe, are juxtaposed with the European project. In this respect, the EU membership would have important impacts on the discussions and debates of the newly accepted member states regarding the issues of the nation, nationalism, citizenship and minorities. Since, as Balázs Vizi argues "it would act as an agent in transferring international norms to domestic legislation and policies of those countries".[485] As a result those external norms would be internalised in the related single states and the membership to the EU would provide a new framework for those relatively newly accepted countries to deal with all related concepts and their implications.

The potential benefits and advantages of enlargement by the member states of the EU do not deny the fact that there is a cultural gap between Western and Eastern parts of the continent due to their different traditions and historical pasts. This cultural diversification and differentiation of the member states' ethnic structure may result in some problems in dealing with ethnic pluralism. But, at this point, it should not be deemed that neither such differences should necessarily be eradicated to divert cultural diversity and nor shun away from requirements of the new citizenship practices, which has to be founded on the new understanding of relationship between identity and citizenship. Therefore, the idea of homogenising the plurality of the national cultures to form a European nation appears as a project that is neither practicable nor useful. Because in the European structure, it is necessary to implement effective measures for

---

[485] Vizi, "The Unintended Legal Backlash of Enlargement?", p. 90.

the promotion of peaceful coexistence among various member states and the minority groups within those members. That's why, instead of the homogenising attempts, finding the ways for a collective identity based on aspects of commonality of the members of the EU would be a more feasible and acceptable attitude. Such an approach would also minimise the conflicts and controversies among the member states (in terms of their different historical citizenship ideals and practices). Actually, under the existing structures and conditions of the EU, this understanding is an inescapable reality when the nations and the dominant discourses on nationhood are confronted with the EU's supra-national political entity.

7. 2. 1. European Challenges to the Traditional Understanding of Citizenship

Today, although the nation states still provide the main reference points for individuals' and groups' identities, this is true to a lesser extent in the era of globalisation. Because, as Joseph H. Carens explains according to the traditional understanding, "state citizenship should take priority as a locus of political identity"[486], which may restrict the opportunities for the groups that lack the legal status of citizenship. In the contemporary era, people may have different groups identities that cannot be confined to politics and which can be vitally important for them. In this respect, one of the main objectives should be to decrease the gap between cultural identities and citizenship at different governance levels. One of the ways behind this objective is not to be bound with the conventional ways of citizenship, but to identify its new forms in new channels of participation.

Although the ideals and structures of citizenship are founded on a presumed correspondence between identities, belongings, civic cultures, citizenship, state boundaries and human geography, in diverse societies, this correspondence can hardly be achieved. Therefore, the increase in diversity has to be countered with new citizenship practices and some formula for the togetherness in difference has to be found. Actually as Triandafyllidou and Spohn explicitly articulate it "the institutional

---

[486] J. H. Carens, *Culture, Citizenship and Community – A Contextual Exploration of Justice as Evenhandedness* (Oxford: University Press, 2000), p. 169.

components of citizenship and the civic elements of nationalism and national identities are not fixed entities, but historically changing in weight and scope".[487] Therefore, it would be possible to shift from the classical understanding of citizenship to its new forms. Such an understanding, on the other hand, necessitates an evolution in the classical understanding of citizenship. In other words, besides the top-down practices and implications, we need a bottom-up approach for a more inclusive type of citizenship. The new realities and necessities make it impossible to deal with them with the concepts and tools of the past.

In this framework, as Lithman and Sicakkan point out, we can point out four spheres of citizens' involvement, namely the essentialised, national, trans-national and glocal modes of belonging.[488] Chronologically, the first sphere is that of essentialised belongings (singular forms of ethnic, religious or diasporic belongings) and the forms of citizenship they represent. They can be observed in some of the European states' religious and ethnic minorities. In most of the European states, they have formed their own spheres of interaction, meaning and channels of participation in politics and in the society at large. The second sphere comprises the national mode of belonging, which was created by the nation states. It comprises the state-building peoples and assimilates the minorities into the national mode of belonging. The third sphere accommodates the trans-national forms of belonging, which excludes the essentialised and territorialized forms of belonging. The interactions in those spaces are cross-border, organised in trans-national organisations and aimed at bypassing the existing political and territorial boundaries between peoples. The fourth sphere is composed of the coexistence of those different forms of belonging and participation. This sphere can be called as glocal space implying the diversity of arenas and platforms for individuals where the influence of the norms, and interests of the nation states are largely bypassed and people are not defined as minority or majority and do not need to refer to nation states' references.

[487] A. Trandafyllidou and W. Spohn, "Introduction" in W. Spohn and A. Trandafyllidou (eds.), *Europeanization, National Identities and Migration – Changes in Boundary Constructions between Western and Eastern Europe* (London and New York: Routledge, 2003), p. 5.
[488] Y. G. Lithman and H. Sicakkan, *Diversity and Citizenship – The European Union, Citizens, Minorities and Migrants* (Norway: University of Bergen, Centre for Development Studies, 2003), p. 29.

As it can be expected, these different spaces of citizenship provide alternatives to its traditional notion and may be considered as the prototypes of the diverse societies of the future, accommodating diversities on the societal level, multiple identities and hybridity on the individual.[489] Those alternatives, on the other hand, can be utilised and transformed by the EU as an opportunity to increase involvement, make the coexistence possible, and reinforce the identification with Europe, which are all important factors for the strengthening of the civic mode of citizenship throughout the whole Europe.

Actually, within the framework of European citizenship and considering the acceptance of new cultures and ethnicities, it has to be accepted that citizenship differs from ethnicity and nationality and citizenship need not be in identical terms. Since, as Martin J. Matuštík argues "it is the nationalist determination of identity, not national or communitarian identity that contributes to the weakening of cultures through their ethnic strife".[490] In this framework, the middle way can be found in Habermas' thesis between one's citizenship in a constitutional republic (rebuplicanism) and one's national allegiance to a cultural community (nationhood). But for this, we have to confront current nationalist and fundamentalist trends in politics and culture and be more flexible to accept broad definitions of citizenship implying inclusive and all-embracing definitions. In this way, the creation of effective European citizenship can be built on disentanglement of citizenship and belongings to ethnic or national categories, which, as J. H. H. Weiler points out "… the conceptual decoupling of nationality from citizenship … is understood in the first place in civic and political rather than ethno-cultural terms. On this view, the Union belongs to, is composed of, citizens who by definition do not share the same nationality".[491] Consequently, the membership is defined according to some shared values instead of the emotional attachments associated with nationality-based citizenship and creates a suitable atmosphere to think about the multiple *demoi* and identity. From this emerges "a vision of multiculturalism without ethnocentric and national hatred, post-national identity without an

---

[489] *ibid.*

[490] M. J. Matuštík, *Postnational Identity – Critical Theory and Existential Philosophy in Habermas, Kierkegard, and Havel* (New York and London: The Guilford Press, 1993), p.21.

[491] J. H. H. Weiler, "To be European Citizen – Eros and Civilisation", *Journal of European Public Policy*, Vol. 4, No. 4, December 1997, p. 509.

internationalist homogenisation of regional cultures, and deliberative democracy undistorted by an imperial world order or by fragmentation and anomie".[492]

This broader understanding of citizenship within the scope of the civic understanding would extend the boundaries of the *demos* to include also native minorities and support the interaction between the new comers and the indigenous people for the construction of a shared future. In that sense, as Krystyna Romaniszyni argues "the multiethnic and multicultural ideals can be inspired as a political community, based on the constitution, law and citizenship, with the possibility of admitting new comers providing they adhere to the political rules at the same time accepting cultural differences and formation of ethnic communities".[493] So, in this way, the European civic citizenship would represent the concrete perspectives concerning citizenship, belonging, multiple identities, co-existence and the formation of new and inclusive European public spaces. This perspective conceives citizenship "as a structure that provides access for people with legitimate claims to arenas, spaces and corporate benefits in the state".[494] Only such an understanding could be compatible within the frameworks of both enlargement and integration to close the gap and incongruities among the old member state, new member states, and candidate states.

7. 2. 2. European Citizenship and Its Legal Foundations

Because of the recent changes and developments in the era of the 21st century, the present social and political realities of Europe have appeared quite different in both scope and content from the problems faced in the previous centuries. Therefore, new problems and conflicting issues can be understood in terms of neither the 19th century nor the 20th century nation state models. On the contrary, some creative and original perspectives have become necessary to understand the current realities and to find solutions to the emerging problems. In this framework, we have to agree with Christian P. Scherrer, who argues that "… to give more shape to a European facet of identity, the

---

[492] Matuštík, *Postnational Identity*, p. 252.

[493] K. Romaniszyni, "Migration, Cultural Diversification and Europeanization", in W. Spohn and A. Trandafyllidou (eds.), *Europeanization, National Identities and Migration – Changes in Boundary Constructions between Western and Eastern Europe* (London and New York: Routledge, 2003), p. 111.

[494] Lithman and Sicakkan, *Diversity and Citizenship*, p. 32.

decision makers must think about a process towards European citizenship, as a healthy counterweight and binding framework to the existing pluralism".[495] In that sense, the new Europe must be a Europe of the citizen and of peoples. In this way, it can be expected that European citizenship has evolved within the European Community, and later within the EU. In general, although the statehood and nationhood have remained as the main determining factors for the European identity, the development and success of such kind of an identity can be accepted as an opportunity experiencing alongside other identities. The coexistence of ethnic groups and cultures within the nation states and the meshing of cultures, a pluralisation of the host's or receiving society's culture lead to the cultural diversification. In this framework, for a functioning and effective European citizenship concept some clear and decisive intention is felt to disconnect the cultural identity and citizenship.[496] This will bring a gradual disassociation of rights from nationality implying a thinning of the distinctions between citizens, historical native minorities and new immigrant minorities.[497]

Within the framework of the above-mentioned statement, it would not be wrong to argue that in the search for the new European configuration, the issues of minorities, their rights, citizenship and membership would emerge as the serious topics under the new conditions. As Scherrer argues "the future Europe will not have a majority any more, we are approaching a situation of patchwork of minorities. The conglomerate of cultures, religions, races, fashions and lifestyles would enable us to dump the dominance of the majority".[498] With the Europeanisation attempts, the fundamental opposition between the nationalist ideal of a homogeneous and a pure national culture and population and the existence of minorities is challenged. This phenomenon, hence, necessitates the identification of the new alternatives and appropriate forms of citizenship for more inclusive definitions and practices. Therefore, it is of utmost importance to find the existing and potential areas of conflicts and disagreements within the European context in devising and transferring inclusive citizenship forms to the

---

[495] C. P. Scherrer, Ethnicity, Nationalism and Violence – *Conflict Management, Human Rights and Multilateral Regimes* (England: Ashgate 2003), p. 199.
[496] E. Horváth, "All Thing European: Citizenship and Identity in Search of Meaning", *Regio – A Review of Studies on Minorities, Politics and Society*, 2004, p. 40.
[497] Lithman and Sicakkan, *Diversity and Citizenship,* p. 11.
[498] Scherrer, *Ethnicity, Nationalism and Violence,* p. 197.

member (both old and new), associated and candidate states. In this framework, despite its drawbacks, the EU can provide some prospects for the nation states, as well.

All those conditions inevitably work for the diversification of national identities enriching the existing identities with a new component of the European identity. As Thomas Risse expresses, it has to be understood that "it is wrong to conceptualise European identity in zero-sum terms, as if an increase in European identity necessarily decreases one's loyalty to national or other communities. … [P]eople can feel a part of both communities without having to choose some primary identification".[499] Therefore it is better to conceive the fact that European integration would lead to dual or multiple identities (or multiple and cross-cutting identities), which would be appropriate for the multi-level governance of the EU. In this framework, Risse identifies two ways of thinking about multiple identities. First, territorially, identities can be nested into each other implying that Europe forms the outer boundary and the region or nation state constitutes the core. Second, physiologically, we can think about a "marble cake" model of multiple identities according to which the identities of the people cannot be separated on different levels and European identity enmeshes with the national identities leading to diverging identity outcomes rather than a homogeneous and generalised European identity.[500] Such an understanding would be possible under the current conditions, which impose that sovereignty has become fragmented and states cannot be able any more to control their most classic functions. Therefore, the most appropriate and effective way for the future of the diversified Europe would be the amalgamation of the European and national elements in the formation and development or in the change of collective identities, instead of superimposition or replacement of any of them.

Under the current conditions of the "post-national communities and expressions of citizenship would be more universalistic, more sensitive to cultural differences and more deeply committed to the eradication of social and economic inequality as a result".[501] In this framework, the ways for excluding singularity and exclusivity, but on

---

[499] T. Risse, "Neofunctionalism, European Identity, and the Puzzles of European Integration, *Journal of European Public Policy*, 12:2, April 2005, p. 295.
[500] *ibid.*, pp. 295-296.
[501] A Linklater, "The Transformation of Political Community: E. H. Carr, Critical Theory and International Relations", *Review of International Studies*, Vol. 23, No. 3, 1997, pp. 337-338.

the other hand, for promoting multiplicity have to be found. However, here, we have to admit that the past examples of the creation and development of the European citizenship have been usually exclusive and oppressive. Because, European citizenship is a right derived from prior possession of the nationality of a member state. In other words, as Weiler argues "nationals of the member states are European citizens, not the other way around"[502]and the naturalisation acts of the member states are based on *jus sanguinis* or law of descent. Here, it has to be stated that there are at least two kinds of naturalisation processes throughout Europe.[503] Equally important, on the other hand, it does not seem possible that *jus soli* principle could and would be adopted and applied in the short-term implying that especially the second- or third- generation individuals will be deprived of the citizenship status of the countries where they have been living for a long time. Besides those difficulties, we can argue that after enlargement of the EU some new problems would emerge considering Markus Thiel's argument that "while EU citizenship in theory has become generally more open and flexible through the enlargement's inclusion of additional nationalities, it remains insignificant for the EU's identity to cope with the centrifugal implications of future enlargements as long as it is contingent on a priori citizenship of a member state".[504]

This understanding is strengthened by the insistency of the EU member states' attachments to their national citizenship, which is proved by Article 17 (1) of the Treaty on the European Union (TEU) saying "every person holding the nationality of a Member State shall be a citizen of the Union". This Article implies that European citizenship remains rooted in statist conceptions of nationality and the admission to the European citizenship consequently depends on the domestic nationality law because of the unwillingness of the member states to give up their authority in matters of citizenship acquisition. So, European citizenship continues to be a derivative of the national citizenship at the moment. The exclusive "gate-keepers" remain the member

---

[502] Weiler, "To be European Citizen", p. 511.

[503] The traditional, complicated and restrictive nation state and assimilation-oriented model (Austria, Germany) and the modernised, nation state based, but integration oriented citizenship law (Denmark, Sweden, France, where more stringent restrictions apply since 1993). For more detail, see Reuter, "Ethnic-Minority Groups in Germany".

[504] M. Thiel, "European Identity and the Challenge of Enlargement", *Jean Monnet/Robert Schuman Paper Series*, Vol. 5, No. 31, September 2005, p. 8.

states.[505] In this framework, it would be appropriate to argue that the interaction between the national and European components is more valid than the alternative models of superimposition of one of them over the other. This interaction will pave the way for the development of inclusive civic European identity due to the existence of the millions of people, who are non-nationals of any member state.

Within the framework of European citizenship, it has to be accepted that it does not cover the full range of rights, which have traditionally been constitutive of the national citizenship. On the contrary, it integrates elements, which are normally out of the scope of citizenship. So, the notion of European citizenship provides some rights, mainly economic and social ones, conferred by the TEU for all citizens of the EU and some duties imposed thereby. Consequently, the concept itself claims to impose new configurations of norms and identities and the most appropriate question appears as what has been gained by adding the concept of citizenship to pre-existing package of rights and duties rather than adding new rights and duties to a concept.

At this point, we can see the main logic and motivation behind the introduction of the concept of European citizenship. It is the evolution of European integration from the EU among the peoples of Europe to a people of Europe, which would make people able to feel as European in the same way as they feel their national identity.[506] Such a perception necessitates a change in the mental processes of the people, which imposes interaction among different nationalities, languages and cultures, but to produce the ways of shared Europe, rather than the production of one big assimilated unity. In this framework, the European citizenship would tie the people to the Union and offer more tangible results concerning both rights and duties.

Within this general framework, we can find two basic approaches behind the introduction of European citizenship concerning its implications: particularistic and pluralist-minimalist definitions. While the former emphasises the importance of the factors such as history, politics, economics and other socio-cultural aspects, the latter highlights the importance of the inclusive and civic conceptions of European values. In

---

[505] Weiler, "To be European Citizen", p. 497.
[506] *ibid.*

other words, as it is clearly articulated by Muriel Rambour, "as each identity, European identity also has two components. According to its cultural aspect, people identify themselves to a delimited community sharing the same ethnic communities, values, history a mass culture. This side of European identity reflects its exclusive characteristics. On the other hand, its civic component is related to the political and institutional dimensions of human group".[507] In this framework, the civic side of European citizenship includes the citizenship ideals of the people rather than their social identities and cultural values, which remind us Habermas' argument that citizens should not identify with cultural or ethnic identity but rather with constitutional principles that guarantee their rights and duties.[508]

In this context, it can be deduced from the provisions of the TEU that the *demos* of the EU and its membership are understood in the first place in civic and political rather than ethno-cultural terms. In other words, the substance of membership is the commitment to the shared values of the EU as expressed in its documents. This is a commitment to the duties and rights of a civic society covering the areas of public life, a commitment to membership in a polity, which privileges exactly the opposite of nationalism. However, in evaluating European citizenship and its meaning and implications, it would not be correct to mention about the clear-cut divisions between its civic and ethnic components. On the contrary, as Thiel convincingly argue, "the reality lies in a combination of both tendencies: so far EU citizens possess a capacity to tolerate intra-European cultural diversity but still want to maintain their own national culture, which is consistent with the socio-psychological group-identity model".[509] In that sense, it would be important to watch out whether the civic or ethnic sides of citizenship will prevail in Europe in terms of the practices of the member states. Because, it would be the spread and common acceptance of civic norms, which will make the legal status of European citizenship a social reality. Those civic norms, in other words, the presence of shared communal identities, mutual tolerance and trust and commitment to the republican ideals of citizenship will stimulate the citizens to engage for collective goals.

---

[507] M. Rambour, "When Socio-history goes along with the Political Science – The Need of a Shared View to Explore the Prospects of a European Identity", *Second Heirs Conference: The Making and Unmaking of the European Union: Fifty-five years of crabwalk?,* Portsmouth, November 2005, p. 56.
[508] J. Habermas, *Postnational Constellation* (Cambridge: Polity Press/MIT, 2001), p. 74.
[509] M. Thiel, "European Identity and the Challenge of Enlargement", p. 4

Therefore, as Welzel et al. argues "… the growth of society's civicness will have crucial consequences for the realisation of citizenship. … [and] dynamics of civicness is essential for both the development and evolution of both national and Union citizenship within the European Union".[510]

7. 2. 3. Europeanisation of Citizenship for Central and Eastern Europe

One of the main impacts of the Europeanisation process of CEE is Europeanisation of their policies including citizenship. As one of the most important dimensions of the Europeanisation process, Europeanisation of citizenship, defined by Jeffrey T. Checkel as the "development of new collective understandings on citizenship and membership at the European level"[511], has moved to the top of the political agenda of Europe starting from the beginning of the 1990s within the framework of both the integration and enlargement processes. Actually Europeanisation of citizenship, as a specific topic, has emerged together with the whole process of Europeanisation attempts of the constituent member states, their policy-making processes and their societies. Therefore, as Edward Moxon-Browne's argues "it is more useful and less misleading to anchor [this] process in a broader context of the Europeanization of other facets of political, economic and social life within the EU".[512] What is specific for citizenship, on the other hand, is the development of new norms and practices concerning the issue. As Gary P. Freeman and Nedim Ögelman argue the changes in the national policy would only qualify as Europeanisation if it could be shown that European norms push national policies in a certain direction, but the changes are not from the initiatives emanating from Brussels, and mainly are responses to domestic considerations.[513]

---

[510] C. Welzel, J. Díez-Nicolas, L. Halman, H. D. Klingemann, T. Pettersson and L.Rabusic, "Changing Patterns of "Civicness" - Citizenship, Identities, and Values in Europe", *Integrated Project Proposal – FP6-2002-Citizens-3*, 2003, <http://www.iu-bremen.de/imperia/md/content/groups/schools/shss/cwelzel/8.doc> (15/10/2006).

[511] J. T. Checkel, "The Europeanization of Citizenship" in M.. Cowles, J. Caporaso and T. Risse (eds.), *Transforming Europe: Europeanisation and Domestic Change* (New York: Cornell University Press, 2001), p. 196.

[512] E. Moxon-Browne, "The Europeanization of Citizenship: A Passport to the Future", in Harmsen and T. M. Wilson (eds.), *Europeanisation: Institution, Identities and Citizenship – Yearbook of European Studies 14*, 2000, p. 180.

[513] G. P. Freeman and N. Ögelman, "Homeland Citizenship Policies and the Status of Third Country Nationals in the European Union", *Journal of Ethnic and Migration Studies*, Vol. 24, No. 4, October 1998, p. 784.

Europeanisation of the domestic policies, domestic opportunity structures, interests, beliefs, ideas and values are very important for the regional countries when adopting themselves to the changing European norms, procedures and structures. Among others, their citizenship policies are not exception to this general statement. But, concerning the policy changes, there is a crucial theoretical point, which should not be overlooked: 'mismatch or misfit' between the European demands of decisions and legislation and the national institutions and structures. In this framework, the degree of fit constitutes 'adaptational pressure', which can be defined as the degree of compatibility between the European rules and norms and the national institutions, administrative systems and their decision-making structures. Theoretically, the degree of adaptational pressure determines the extent to which domestic institutions must change to comply with European rules and policies. In this framework, it is commonly argued, "Europeanisation matters only if there is divergence, incompatibility or 'misfit' between European-level institutional process, politics and policies and the domestic level".[514] So, a degree of incompatibility is necessary for national reactions to take place. However, on the other hand, a high degree of mismatch is likely to produce some resistance to domestic adaptation because of the possible challenges to the identity, constitutive principles, core structures and practices of the national institutions. Therefore, it is highly probable that the medium-degree mismatches can lead to the most intensive national adaptation. In other words, domestic institutional changes are likely in cases when Europe requires incremental rather than substantial deviation from existing arrangements.

This theoretical explanation implies that, concerning the specific policy areas including the citizenship policy, the effect of Europeanisation can be evaluated by looking at the emergence and development of the supranational policies at the EU level and the degree of national adaptation. This is important to show us the variations between the EU and national policies. This can be achieved either by the replacement of the national policies with a comprehensive, new Community policy or a merger and integration of the Community and national policies. In this sense, it is important to examine not only the legal rules and regulations of the regional countries, but also the concept of European citizenship with its implications. This way can provide a deep

---

[514] Radaelli, "The Europeanisation of Public Policy", p. 44.

analysis of the Europeanisation of citizenship policies of the CEECs. Hence, it becomes possible to understand the effects of Europeanisation on the citizenship policies of the related countries. But, in doing this, we have to admit beforehand that although norms on citizenship and membership are evolving within the European framework, there is still lack of satisfactory research and empirical studies dealing with the impact of the European integration on domestic citizenship policy. This is mostly because of the fact that citizenship policies are accepted as the last bastion of sovereignty of the nation states, which do not want to be restricted by the supra-national policies beyond their control.

Notwithstanding difficulties and obstacles, under current conditions, it has become a necessity to cross the boundaries of the formal institutional law and politics to be able to evaluate the citizenship issue more effectively and efficiently at the European level. Such an approach, on the other hand, can only be possible through disconnecting the idea of European citizenship rights and entitlements and that of citizenship as nationality. In this framework, as John Borneman and Nick Fowler argue Europeanisation of citizenship is likely to emerge when peoples' senses of identity "no longer turn around categories of religion, folk or national defence but around categories of exchange, difference, and value".[515]

As it was mentioned in the previous chapters, we have different uses of citizenship within the European framework, e.g. trans-national, post-national or multiple citizenship, as well as the establishment of the European citizenship by the TEU. Within the framework of those different identifications, the main focus is the impact of the European integration on national citizenship, or put it differently, on the Europeanisation of national citizenship. At this point, we should not deny Enikő Horvath's assumption saying "for the citizens of the new member-states, … Union citizenship did not mean a sudden discovery of being European …; instead it was an institutional confirmation of something many had felt all along".[516] This institutional confirmation, on the other hand, can be realised through the mechanisms of the Europeanisation discussed above. Accordingly, by recalling different mechanism, we

---

[515] Borneman and Fowler, "Europeanisation", p. 492.
[516] Horváth, "All Thing European", p. 60.

can argue that due to the lack of any binding EU legislation on citizenship policy, we cannot mention about the positive integration. Since, member states oppose any Community actions in this field. Negative integration, on the other hand, can be extended to the field of citizenship with the efforts of the member states to direct their nationality laws in a less restrictive way and thereby challenge the existing political opportunity structures. As the last option, the framing integration, as the third mechanism of Europeanisation, is more likely when European decision-making context allows for the adaptation of vague and more or less symbolic policies. This is the most appropriate model for the citizenship policies for which European norms provide only broad objectives and no binding legislation. To be more specific, we have to look at Vink's argument stating that it would be possible to have less binding and more flexible policies by multiculturalising the nationality discourse and stressing human rights.[517]

As it has been observed in almost all of their domestic economic, political and social issues, the EU membership of the CEE countries has some inevitable impacts on their traditional understanding of citizenship issue. In that sense, the latest enlargement of the EU towards this region has created some policy challenges both for the EU and the new member states equally, mainly because of different perceptions and rules on the citizenship issue.

The collapse of the communist regimes and the inclusion of the CEE countries into the EU necessitated a re-evaluation of civic and ethnic elements of citizenship and the change in their relative importance. In this period, it has become an important question whether the new member countries will bring their cultural values, social identities and citizenship ideals into the EU and whether such a practice would strengthen or weaken the Union's 'civic' values. It should not be overlooked that the civicness of the EU is debatable. It is difficult to answer whether the members of the EU are thoroughly civic or they are as civic as they are professed to be. Therefore, consequently, it is highly questionable to what extent European citizenship could be an inclusive one considering that the enlargement implies that many Central and Eastern Europeans are relegated to second-class citizenship.[518] Because, the status of citizenship

---

[517] Vink, "The Limited Europeanization of Domestic Citizenship Policy", p. 879.
[518] Scherrer, *Ethnicity, Nationalism and Violence,* p. 180.

does not often suffice to guarantee the social integration of these people. They may continue to be subject to discrimination mainly because of the racial or cultural characteristics or in-group/out-group differences, in practical term. Therefore, the whole process would serve as a serious test for the whole Europe to evaluate the feasibility and applicability of the intentions of the European officials and policy makers, who are always insisting on cultural diversity, equality and equal opportunity regarding the whole people of the EU. Although these policies are dominant and apparent on paper and in the official speeches and declarations, an important section of the whole population in the daily life is against the minority groups and diversity. Therefore, such a fact creates some problems for the daily practices of the concept of European citizenship.

Theoretically, when we look at the new member states of CEE starting from their candidacy period, it is possible to say that generally they met the conditions of membership, which are relevant to the legal and political aspects of citizenship, respect for liberty, democracy and human rights. But, the implications and practices of those concepts in two parts of the continent have showed some variations. In this framework, it is generally argued that the new members of the EU have weaker civic orientations than the West European member states[519], due to their discriminatory practices of citizenship rights. The citizenship understanding of those countries is defined more often according to the ethno-cultural determinants and variables, which are radically different from the traditional understanding of citizenship in the political sense, which offers equal rights and sovereignty for all citizens. Therefore, although it is commonly argued that "the new states are still in the range of the EU's civicness"[520], Richard Rose's argument stating that the realisation of citizenship rights remains incomplete in CEE and they have large discrepancy between the rights in principle and rights in practice[521] is quite convincing. However, on the other hand, as Thiel argues "with the enlargement and acceptance of the new member states, a 'thick' cultural identity as evident in many of Europe's nation states has never been achieved by the EU and further widening will only enable a 'thin' version of common identification based on common civic values, democratic practices, respect for diversity and for human

---

[519] R. Rose, "A Divergent Europe", *Journal of Democracy*, Vol. 12, 2001, pp. 97-98.
[520] Welzel et. al.
[521] Rose, "A Divergent Europe", pp. 101-102

rights".[522] This model of European citizenship could only minimise the exclusive implications of citizenship and overcome bitter identity politics and borders. Such an approach would be an opportunity also for the new members of the EU, if they would be able to follow the EU rules and practices in the way of the civic principles, which would be the only guarantee for more inclusive and accommodative Europe. Therefore, it is important to watch out the developments in the new member states and to understand the problems and obstacles, which prevent them from approaching to the European norms and rules.

7. 3. Pending Problems of Hungary, Poland and the Czech Republic before Accession to the European Union

Within the framework of the above-mentioned statements and observations, we can argue that the EU rests on the belief that the society should primarily be based on and held together by contractual relations rather than primordial ties of religion, race, ethnicity and kinship, which are at odds with the cosmopolitan supra-national legal order. Therefore, the EU expects the same principles and criteria from its entire member states, including the new ones, whose legitimacy have generally rested on ethnic nationalism and exclusivity. In that sense, the persistence of ethnic identities in the post-communist period of CEE has increased the concerns about discrimination especially vis-à-vis the minority groups of those states considering the fact that the preferential status of the dominant ethnic groups has been the basis of the sate, democratic representation and most of the political, social and economic rights and entitlements.

At this point Robert Bideleux's argument should not be forgotten. He says that "when embodied in nations and states conceived in exclusive 'ethnic' rather than inclusive 'civic' terms, democracy has had strong tendencies to degenerate into ethnocracy".[523] When the state is founded on the basis of ethnicity, it usually excludes minorities from the national community. This kind of ethnic nationalism, on the other hand, can easily lead to destabilising effects on the whole system and functioning of

---

[522] M. Thiel, "European Identity and the Challenge of Enlargement", p. 7.
[523] R. Bideleux, "'Europeanisation' and the Limits to Democratisation in East-Central Europe" in G. Pridham and A. Ágh (eds.), *Prospects for Democratic Consolidation in East-Central Europe* (Manchester and New York: Manchester University Press, 2001), p. 47.

democracy. Therefore, ethnic nationalism has the potential to become exclusive, dogmatic and violent, leading to, in Crawford's words, "ethnic vicious circle".[524] Equally important, it should not be overlooked that it is always disputable in reality how inclusive the 'civic' principles are. Therefore, instead of the written principles, which only stay on the paper, the practices of the states are more important to understand the intentions and views behind their acts.

Within this general structure, the general tendency in the regional countries is "an ethnic majority rules its own state".[525] Minority groups throughout the CEE region, on the other hand, contend that the rights they possess as individual citizens are simply insufficient to guarantee the maintenance of their culture and ethnic identities, particularly during an unsteady process of political and legal transition.[526] This part of the study focuses on the EU regular reports, which were written during the candidacy period of the countries. In general, these Reports dealt with the candidate countries' situations in terms of their economic, political and social compatibility and adaptability to the EU. In particular, on the other hand, they focused on specific issues to indicate the basic problems of the countries and offer some solutions to those problems. Minority issues and citizenship are one of the main subjects that the EU monitored in these countries during their candidacy. Therefore, the Regular Reports would be one of the key documents to understand the problems of the countries and the concerns of the EU on these subjects.

7. 3. 1. Regular Reports for Hungary, 1998 – 2003

In its Regular Reports starting from the late 1990s, the EU had always paid its attention on the minority issue in Hungary in general and the situation of the Roma minority in particular. In 1998 Regular Report, the EU appreciated the comprehensive Roma action programme initiated by the Hungarian government in 1997 in response to the deterioration of the situation of the Hungarian government, but the EU kept its reservation on the issue due to the discrimination against and bad treatment of the Roma

---

[524] Crawford, *East Central European Politics Today,* p. 128.
[525] *ibid.,* p. 124.
[526] Bugajski, *Ethnic Politics in Eastern Europe,* p. 434.

in general. Education is considered by the EU authorities as the main priority to provide the opportunities for the Roma to improve their conditions in the society. The overall assessment of the EU in terms of the minority was the violation of their rights in different fields of societal life.

In the 1999 Regular Report the EU was only worried about the Roma and stated "whilst the situation of other minorities does not pose any particular problem, continued attention needs to be paid to the respect of the human rights of the Roma by the Hungarian authorities".[527] It was the main reason behind this statement that the Roma continued to suffer widespread prejudice and discrimination in their daily lives in terms of the access to the education, employment, public institutions and services. The EU officials take into consideration the criticisms of the ombudsman for minority rights who expressed "there [was] no *de jure* but *de facto* discrimination against the Roma people".[528] Their health and housing conditions were below those of the rest of the population. More importantly, they may be subject to the use of force by the police. Under those conditions, the EU concluded "despite the steps taken, the situation of the Roma remains very difficult. Further attention needs to be paid to fighting prejudices of the majority of the population, to ending discriminatory practices in public services and to the full enforcement of the revised medium-term action programme at regional and local level".[529] This fact implies that the Hungarian government had to pay special attention to the needs and demands of the Roma group to make them equal citizens in the society.

In 2000 Regular Report, the EU appreciated the concrete measures of the Hungarian government to address the difficult situation of the Roma minority through the medium-term Roma action programme adopted in April 1999. On the other hand, the Commission accepted that those measures could be realised only in the medium-terms, however the Roma minority needed some immediate support to overcome the problems and obstacles. The report mainly focused on the poor health and living conditions, which led to shorter life expectancy than the average. The Commission also warned the Hungarian authorities about the educational problems (segregation in special

---

[527] European Commission, *1999 Regular Report from the Commission on Hungary's Progress Towards Accession*, (13/10/1999), p. 15.
[528] *ibid.*
[529] *ibid.*, p. 16.

schools), widespread prejudices, institutional discrimination and "everyday racism, e.g. the denial of entrance to the bars, or in relation to employment".[530]

In the 2001 Regular Report, the Commission recognised the strengthening of the policy instruments and measures within the framework of the medium-term action programme to improve the rights of the minorities with a particular emphasis to the situation of the Roma. The Commission emphasised that "whilst the other 12 recognised minorities are well integrated into Hungarian society, the situation of the Roma in Hungary remains difficult".[531] Here, again the main concern was about the poor living conditions, low educational levels, social disadvantages, high mortality levels, underdeveloped infrastructure and weak economic facilities of the areas where the Roma were living, which in total lead to isolation of the Roma minority in the society. However, despite those problems, the Commission welcomed the new long-term strategy prepared in July 2001. Accordingly, the most important and valuable steps have been taken in the fields of education, employment, legal protection and culture. As the overall assessment, the EU accepted that "the government has made efforts to progress with the implementation of a comprehensive program to improve the situation of the Roma and increased the budgetary means to implement it. However, these means remained limited in relation to the extent of the social disadvantage affecting the Roma"[532] considering the ongoing problems and complaints of the Roma.

The 2001 Regular Report paid a special attention to the Status Law adopted in June 2001. The Commission said "while the objective of the Law is to support Hungarian minority in neighbouring countries and to maintain their cultural heritage; some of the provisions laid down in this Law conflict with the prevailing European standard of minority protection, as determined in a report adopted on 19 October 2001 by the Council of Europe's Commission for Democracy through Law (Venice Commission)".[533] Accordingly, unilateral actions and measures granting some advantages and benefits to kin minority living in and citizens of other states are only

---

[530] European Commission, *2000 Regular Report from the Commission on Hungary's Progress towards Accession* (08/11/2000), p. 20.
[531] Commission of the European Communities, *2001 Regular Report on Hungary's Progress towards Accession*, SEC (2001) 1748 (Brussels: 13/11/2001), p. 22.
[532] *ibid.*, 23.
[533] *ibid.*, p. 91.

legitimate, if the states respect the principles of the territorial sovereignty, *pacta sunt servanda*, friendly relations among the states and the respect of human rights and fundamental freedoms, in particular the probation of discrimination. But, the Status Law, which was a unilateral action of the Hungarian government, did not pay attention to those principles and even ignored them. Such a fact, on the other hand, created serious concern in Romania and led to tension and reaction in the state. Moreover, the Law was not in line with the principle of non-discrimination. Therefore, the EU officials and authorities severely criticised the Status Law and warned Hungary to comply with the principles of the EU and consult wit its neighbours.

The 2002 Regular Report accepted that there are 13 recognised minorities in Hungary and among them the Roma is the one that is most seriously affected by social inequalities. Similar to the previous reports, the 2002 Report accepted the ongoing problems in education, employment, housing, health and living standards mainly because of the fact the Roma policy was not well integrated into general social development strategies. On the contrary, it remained as a separate and parallel initiative. Therefore, despite the steps within the framework of the 1999 medium-term programme, the Commission stated "continued efforts, including the efforts to tackle the problem of discrimination, are necessary to achieve positive changes in the situation of the Roma".[534] Concerning the other minority groups, on the other hand, the Commission appreciated Hungary's institutional framework protecting the interests of its minorities and promoting their cultural and educational autonomy. On the other side, the Commission continues their concerns in terms of the Status Law and wanted Hungary to bring the law –at the latest upon accession- compatible with the EU's anti-discrimination policies.

In the 2003 Comprehensive Monitoring Report, the Commission expressed its concerns on the continuing Roma problems and the difficulties they faced in their daily lives due to the troubles in the areas, which were stated in the previous reports. The Report also reminded us that long-term Roma strategy could not be applied effectively. On the other hand, the Commission welcomed the modification to the Status Law

---

[534] Commission of the European Communities, *2002 Regular Report on Hungary's Progress towards Accession*, SEC (2002) 1404 (Brussels: 9/10/2002), p. 32.

adopted in June 2003 with its effect to bring the legislation in line with the EU requirements. However, given that the Law still contained extraterritorial elements, the Commission states "prior agreement has to be sought with the neighbouring countries concerned on the application of these elements in these countries".[535]

As it can be understood from the content of the Regular Reports, minority issue was still among the priorities of the political agenda of the country. However, through its candidacy period and even after its membership to the EU, Hungary could not take the necessary steps as fast as it was expected. The Roma minority is still living under poor and disadvantaged conditions. However, as one of the most determinant indicators having considerable impact on the democratic processes of Hungary in its post-communist period, it is important for Hungary to be active in this area and take the measures and policies without any hesitation. This is an important task in front of the Hungarian government not only to improve the living standards of the minorities, but also to guarantee their integration into the society, as well as to fasten and strengthen its attempts in the way of democratic consolidation.

7. 3. 2. Regular Reports for Poland, 1998 – 2003

The Regular Reports of the EU on Poland mainly touched on the issues of those minority groups living in the country. In the 1998 Regular Report, the Commission accepted that the respect for and protection of the minorities continues to be assured. In this report the Commission focused on the concrete steps taken by the Polish authorities in the way of the well treatment of minorities. The Commission appreciated the Polish policies in the way of the respect for and protection of minorities by referring to the Polish constitution with a specific reference to the constitutional provisions. Regarding the German minority specifically, on the other hand, the Commission paid a special attention to the efforts of the government by underlining "policy towards the Germanophone minority continues to be constructive. … The president and government of Poland have worked constructively to meet the concerns of the Jewish community. In

---

[535] European Commission, *2003 Comprehensive Monitoring Report on Hungary's Preparations for Membership*, p. 51.

particular, the Polish government has made commitments to contribute to an international assistance fund for victims of Nazi oppression".[536]

In the 2000 Regular Report, the existence of a working minority administration was accepted and it was clearly stated "… since 1993, there has over this period been a reduction in negative attitudes towards minorities".[537] The EU welcomed the legislation of 1999 on the protection of the former Nazi concentration camp sites. The Report clearly emphasised "[t]his is a concrete sensitivity with which mainstream state and religious representatives have worked to address the concerns of the Jewish community and others affected by the camps".[538]

The 2001 Regular Report expressed its gladness about the well development of the administrative structure for addressing minority issues. It mainly focused on the Interministerial for National Minorities created at the national level to oversee minority issues including the development of the policy, the coordination of actions and the prevention of the infringement of minority rights. Independent from the governmental structure, the Unit for the Protection of Foreigners' and National Minorities' Rights was set up in the Ombudsman Office to deal specifically with the minority rights issues. Those policies and steps of the government were very warmly welcomed by the EU. Consequently, the Commission accepted that Poland has made considerable progress in the areas of human rights and respect for and protection of minorities.[539]

Similar to the previous reports, the 2002 Regular Report accepted that in Poland minorities continued to be protected and their rights respected. The Report accepted that human rights and protection of the minorities are among the competences of the Polish Ombudsman who was playing an important role in protecting civil, political and human rights and the rights of the minorities. Moreover, a special unit in the Ombudsman's Office monitors the protection of foreigners and rights of national minorities. The report

---

[536] European Commission, *1998 Regular Report from the Commission on Poland's Progress towards Accession*, p. 13.
[537] European Commission, *2000 Regular Report from the Commission on Poland's Progress towards Accession*, p. 21.
[538] *ibid.*
[539] Commission of the European Communities, *2001 Regular Report on Poland's Progress towards Accession*, (SEC 2001) 1752 (Brussels: 13/11/2001), pp. 24-25.

also noted the encouraging signs with respect to measures to alleviate the difficult social situations of the Roma minority, although the good intentions could not be fully practiced mainly due to the budgetary limitations.[540]

Those reports show us that Poland was trying to take the steps and accept the policies to improve the conditions of the minorities. Among those initiatives, the concrete policy proposals were accepted as the success of Poland not only in the way of its membership to the EU, but also in its democratic consolidation processes.

7. 3. 3. Regular Reports for the Czech Republic, 1998 – 2003

The Czech Republic, on the other hand, emerged with better chances for the completion of its consolidation. After the separation following the Velvet Divorce, the new state was close to being a nation state, which had important impacts on the stateness issue. In this process of the country, the minority issues and their concerns and problems took the priority among the policy agenda of the governmental authorities. Their attempt, successes and failures were closely monitored by the related EU institutions as it was the case for other regional countries and the assessment of the EU were written regularly in its regular reports.

In the 1998 Regular Report of the Czech Republic, the Commission clearly expressed its concerns about the application of the citizenship law mainly due to the bureaucratic obstacles, administrative fees and lack of concerted approach by the relevant ministries. Those obstacles, however, left large number of persons without citizenship among whom the Roma had a great percentage.[541] The report expresses its concerns about the racially motivated attacks and discrimination against the Roma and severely criticised the term 'problem citizens' used for the people from the Roma minority.[542] The Commission also warned the authorities on the continued need to take

---

[540] Commission of the European Communities, *2002 Regular Report on Poland's Progress towards Accession*, (SEC 2002) 1408 (Brussels: 09/10/2002), pp. 28-31.
[541] European Commission, *1998 Regular Report from the Commission on Czech Republic's Progress towards Accession*, p. 10.
[542] *ibid.* p. 11.

effective measures to guarantee the protection and support of the Roma minority, which was important for the future of those people.

In the 1999 Regular Report, the Commission continued to pay our attention to the ongoing situation of the Roma due to the widespread discrimination, anti-Roma prejudice and social exclusion against them. It welcomed the positive steps by the governmental authorities to eradicate the spread of racism and extremist movements and the amendments in the citizenship law, which allowed large number of the Roma to regain the Czech citizenship. But, on the other hand, it also realised the difficulties and problems surrounding them, e.g. in the field of education, employment and financial limitations. Regarding the other minorities, the Commission did not have any serious criticism or reservations.[543]

The 2000 Regular Report mentioned about the draft outline of the Czech Republic for a long-term policy called "Concept of the Government Policy towards Members of the Roma Community" as a promising attempt in the way of the improvement of the Roma situation. The Report interpreted this policy as a strategic plan focusing on the key areas of education, housing, employment and the fight against discrimination. However, the EU was aware of the fact that "[a]s regards the overall situation of the Roma in the Czech Republic, further efforts are needed, in particular to combat anti-Roma prejudice and to strengthen the protection provided by the police and the courts".[544] On the other side, the situation regarding the other minorities (the Slovaks, Poles, Germans, Hungarians and Ukrainians) remained satisfactory.

The 2001 Regular Report accepted that the situation of the non-Roma minority was satisfactory. But, most of the Roma continued to suffer from widespread discrimination and from far below average living conditions. In this report, the Commission appreciated the Law on the Rights of National Minorities, which entered into force in August 2001 and strengthen the legal framework for the protection of the rights of the minorities. The Commission also recognised the positive effects of this

---

[543] European Commission, *1999 Regular Report from the Commission on Czech Republic's Progress towards Accession* (13/10/1999), pp. 16-17.
[544] European Commission, *2000 Regular Report from the Commission on Czech Republic's Progress towards Accession* (08/11/2000), p. 26.

law, which led to the official inclusion of the rights in the legal documents and their institutionalisation through the governmental bodies.[545]

The 2002 Regular Report paid its attention to the citizenship issue and stated "[t]here is a problem of discrimination affecting the Roma, notably through the operation of the citizenship law".[546] The Commission also found out further cases of racially motivated violence against the Roma and widespread discrimination in their daily lives, although the Commission was aware of the more positive steps and measures in favour of the Roma minority taken in the reference year. Among them, the adoption of the primary school project; the extension of the preparatory classes for the Roma children; the strengthening of the human rights institutional framework; affirmative actions in education, employment, housing, social and health care; the support for the development of the Roma language and culture and the attempts in the way of the security of the Roma were the most important ones that were appreciated by the Commission.[547] However, despite those promising initiatives, the EU did not deny the need for further governmental and non-governmental programmes to further improve the situations of the minorities in general and the Roma in particular.

The 2003 Comprehensive Monitoring Report said that the similar problems of the Roma observed in the previous years continue in different fields of the daily life. In this report it was stated "[a]ttention must be given to alignment with the anti-discrimination *acqui* and considerable efforts should aim at improving the situation of the Roma minority".[548]

Those reports of the EU have provided the basic information about the situation of the minorities in Hungary, Poland and the Czech Republic. As a general analysis of the reports it can be argued that the minorities have been subjects to discrimination in each country mainly because of the dominance and preponderance of the nation state

---

[545] Commission of the European Communities, *2001 Regular Report on the Czech Republic's Progress towards Accession*, (SEC 2001) 1746 (Brussels: 13/11/2001), pp. 24-25.
[546] Commission of the European Communities, *2002 Regular Report on the Czech Republic's Progress towards Accession*, (SEC 2002) 1402 (Brussels: 09/10/2002), p. 18.
[547] *ibid.,* pp. 30-31.
[548] European Commission, *2003 Comprehensive Monitoring Report on the Czech Republic's Preparations for Membership*, p. 35.

policies. Those policies also emphasised the needs and demands of the majority population at the expense of the minority groups living in the same country. Therefore, it would be important for them to find the ways of providing the same living conditions and equal opportunities for the minorities.

CONCLUSION

As a tool of the nation states in CEE, citizenship has mostly produced exclusive and discriminatory results. The discussions around the issue have taken new dimensions after the transition movements of the regional countries and their membership to the EU. The collapse of the communist systems led to the reconfiguration of citizenship and identity, concerning the inclusion and exclusion of the people, through the definition of the concept of belonging. As a result of those developments citizenship has become one of the key concepts to test the success of the regional countries to complete their consolidation processes. Although the link between citizenship and democracy is mostly overlooked, it is obvious that citizenship deficit can endanger a well-functioning democracy.

Although the collapse of the communist systems in Hungary, Poland and the Czech Republic has enabled them to reconstruct their independencies, the transformation and consolidation processes in these countries have not yet been completed. They have entered the post-communist era with fragile democracies concerning their political, economic and social developments. Political instability was coupled with citizenship and identity issues considering the eruption of long-suppressed and unresolved ethnic identities. The countries have become subjects to inter-ethnic conflicts, identity uncertainties, new waves of xenophobic populism and rising nationalist tendencies. Therefore, although the first stages of transition were relatively quick, easy and highly promising, the whole consolidation process has become a long and difficult one with some inconclusive and uncertain stages. Moreover, the emergence of democratic systems does not guarantee their durability. Full institutionalisation of the new system, dissemination of democratic values and the ability to manage existing tensions within the borders are also necessary prerequisites for a successful consolidation process. Re-emergence of traditional forms of ethnic and regional nationalism, as well as the continuation of narrow-minded citizenship understanding can easily threaten democratic evolution of those countries. Under those conditions, "the triangular relationship among nationalism, citizenship-identity and democracy has

become an important factor to determine the success of transition and consolidation attempts".[549]

Within this general framework, one of the most important dimensions of the consolidation processes of the regional countries is both the theoretical definition and practical implications of the citizenship. There would be no democracy, without an all embracing citizenship approach. The chances of democracy increase, when citizens identify themselves with a broader and all encompassing state, since it guarantee s equality among the citizens. Its likelihood declines, on the other hand, when different cultural groups are isolated and marginalized in the state, which also decreases the potential of civic nations with their 'theoretically' wide-ranging and inclusive connotations.

Taking the above into consideration, it can be argued that Hungary, Poland and the Czech Republic have not yet completed their political transformation and consolidation processes yet. They accepted new constitutions and citizenship laws with the intention of developing and flourishing civic and inclusive kind of citizenship understanding. In that sense, although theoretically they can be seen as successful, the results of the practices of citizenship are not as promising as the theoretical and legal guarantees. The post-1990 period has enforced the discrimination among citizens in favour of ethnically defined majorities. Ethnic bias of citizenship regulations prevails in each country. Moreover, in the case of Hungary, the provisions and regulations that reach across state borders to protect the co-ethnics abroad clearly reflect the ethnic tendencies.

Historically, these countries put severe restrictions to grant citizenship status. Today they seem not to follow the same line by refraining from imposing at least 'formal restrictions'. The logic of their citizenship regulations is based on the theory of equal citizenship. All constitutions theoretically include the guarantee of equal rights and opportunities for each citizen. Discrimination is prohibited to strengthen the bonds

---

[549] J. J. Linz and A. Stepan, *Problems of Democratic Transition and Consolidation – Southern Europe, South America and Post-Communist Europe* (Baltimore and London: The John Hopkins University Press, 1996), p. 53.

among citizens. However, these theoretical explanations do not deny the practical limitations on the basis of informal criteria and restrictions. Civic definitions of the regulations could not prevent discriminatory ethnic policies in practice. On the contrary, each state constructs its own civic norms, according to its own cultural traditions and practices, inherited ideas, perspectives and moral norms. In other words, "citizenship is coloured by the ethnic heritage of the state concerned".[550] The ethnicity and ethnic identity of the non-dominant groups still cause their exclusion, demarcation and discrimination, which is detrimental to the civic component of national identity.

In this framework, the two crucial factors for the success of democratisation seem to be internationalisation of democratic citizenship and multiple identities without any xenophobic tendencies. Less majoritarian and more consensual policies in each level of the societal life can provide the suitable framework for further democratic attempts. This can be achieved through the understanding, which deconstructs citizenship and nationality to guarantee the broad understanding and inclusive practices of citizenship. This can make it possible for the countries to achieve more democratic and more peaceful multi-cultural and multi-ethnic societies. Otherwise, with its exclusive connotations, enjoyment of full citizenship will be confined only to a limited group of people – the majority ethnic group. This is a difficult task for the regional countries as a whole mainly due to the fact that it is not so-called Western republican ideas based on common citizenship within the demos, but ethnic and cultural one based on the exclusive identity of the ethnos. Therefore, membership to the nation is a matter of being, not willing.

In this framework, the examples of this study have proved that the tension between the civic and ethnic understanding of citizenship continues in post-communist constitutions and citizenship regulations. The ethnic priority is visible in the citizenship practices of Hungary, which does not refrain from using the distinction between the Hungarians and Magyars to denote the primacy of the ethnic Hungarians. This priority makes them, including even those living outside the border of Hungary, more

---

[550] G. Schöpflin, "Hungary and the EU: The Status Law and After" in B. Majtényi, Z. Kántor, B. Vizi, I. Halász and S. Deets (eds.), *Beyond Sovereignty: From Status Law to Transnational Citizenship, Slavic Euroasian Studies* (Slavic Research Centre: Hokkaido University, 2006), p. 220.

privileged. They can use those privileges through the concept of 'out-of-state citizenship', which was initiated for the cohesion and solidarity of all ethnic Hungarians with Hungary. Those ethnic Hungarians living outside of the borders can easily intensify nationalist tendencies and press for ethno-national definition of sovereignty. This further strengthens the ethnic definition of citizenship. On the other hand, the citizens living in Hungary can be excluded from benefiting citizenship rights and entitlements. This is especially true for the Roma minority, who can never feel their equality with others, even if they have the same citizenship status. Therefore, it is of crucial importance for Hungary to solve the tension between its ethnic identity and civic politics, which will be an important step for its democratisation attempts.

In the case of Poland, where both exclusive and inclusive aspects of citizenship co-exist, the attempt for the harmonisation of civic and ethnic conceptions of citizenship is one of the most important developments of the post-communist period. Historical Polonisation policy transformed multi-ethnic structure of the country into a homogenous Catholic one. The establishment of Poland as an ethnically, religiously and linguistically homogenous nation led to the disappearance of minorities. The Jews were the primary targets of those policies in Poland. The nationalistic understanding and anti-Semitic policies mainly initiated by Germany but also strongly supported by Poland has become an important factor to achieve the goal of homogeneity. The Poles used the ethnic-cleansing policies, even if they did not construct it at the beginning. The primary goal behind those policies was to strengthen the homogeneity. The understanding, based on the alleged homogeneity, reproduces not only ethnic nationalism, but contributes to the ethnic definition of citizenship and identity. Ethno-cultural aspects of citizenship and its exclusivity remain always powerful. Besides ethnicity, religion is among the most important ones. Since it remained partitioned among the great powers for a long period, this situation has strengthened the Polish national feelings to emphasise their 'Polishness'. In this framework, the Polish citizenship appears to be equal to nationality. Migration, double citizenship and citizenship status of the repatriates have emerged as the main points of discussion in post-communist Poland. These relatively recent developments led to new policy initiatives to deal with the emerging uncertainties. New policies mostly strengthen the ethnic aspect of citizenship understanding in Poland. This

proves the Polish historical policy of transforming the idea of the citizenship of a state to the idea of citizenship which is to a large extent ethnic and one-nationalist character.

The Czech Republic, on the other hand, is also not free of problems in terms of the citizenship issue despite its image as the most civic country. The Slovak distinctiveness was always an important factor for the definition of Czech identity. Their different national identity and national interests within Czechoslovakia led to serious conflicts between them and created the hyphenisation problem to strengthen the identities of both sides. The democratisation attempt starting from the late 1980s enabled both sides to emphasise their differences and express their demands more strongly. The failure to reconcile those differences, on the other hand, led to the disintegration of the federation. The civic territorial conceptualisation was always existent among the Czechs in the early periods, while the period of national revival revealed the ethnic and cultural intension. In time, the Czech nation was transformed from the political-territorial understanding to a linguistic-national one. The effects of both factors can easily be recognised in the Czech citizenship understanding. The application of the ethno-cultural conditions both in granting the status of citizenship and in the practice of citizenship rights constitutes one of the most important deficiencies of the existing legislation. The Czech citizenship law is mainly discussed and criticised within the framework of the Roma minority. The limits of civic understanding of the Czech citizenship were mostly felt during the separation of Czechoslovakia into the Czech and Slovak Republics. After the separation large numbers of the Roma were deprived of their Czech citizenship status although they were living in the Czech territories for long periods. Equally important, even if the Roma could get this status after long and complicated processes, they have still been excluded from the full practice of the rights and entitlements of this status. This is mainly because of ethnic prejudices among the Czech population towards the Roma. In the Czech example, the tension between liberal understanding and ethnic principles is important to understand the boundaries of membership the Czech Republic still tries to solve.

The policies and practices of Hungary, Poland and the Czech Republic prove that they could not complete their democratisation process within the framework of their citizenship and identity understanding, which is accepted as a litmus test in this

study. Despite their unprecedented attempts and policy initiatives, they still have ambiguities over the meaning and implication of citizenship. Therefore, the most important question emerges whether there would be any reversal of democratic consolidation in the regional countries referring to their current conditions. Their success will completely depend on their efforts in adopting inclusive and extended version of citizenship.

In this framework, the main discussions about citizenship have been developed around the minorities in CEE. The geopolitical arrangements of the region have rendered the issue of minority a lasting and mostly an acute issue. Under the new structure, it was difficult to achieve the congruence between the state and nation. Only a few states could begin their transition and consolidation processes with a high degree of homogeneity. Historically minorities have been considered as threats to the integrity and stability of the region. Their integration and guarantee of their political and cultural rights is important for Hungary, Poland and the Czech Republic for the completion of democratic consolidations. This can be achieved through the protection of and respect towards the cultural, ethnic, religion and other minority groups, instead of homogenisation/nationalisation policies and xenophobic nationalism that target one cultural nation within the state. The promotion of cultural nation, instead of political one, would mean the breach of equality due to its exclusion of different minorities. Considering the fact that obtaining the legal status of citizenship does not eliminate the sense of discrimination and subordination, it would be an achievement if the members of cultural, ethnic and religious minorities can be treated as equal members and express their needs and demands without any restriction. Equality of all members regardless of their ethnic identity, not in theory but more importantly in practice, can create the suitable grounds where differences and diversities can live together. If the democratic consolidation is the ultimate goal of those countries, the equality and recognition of minorities is a crucial dimension of the whole democratisation process.

In the light of these discussions, it can be argued that despite their achievements in a relatively short period of time, concerning citizenship and identity politics, Hungary, Poland and the Czech Republic can complete their democratisation processes only when the diversity, tolerance and mutual understanding can become the basis of

the societal life. This can pave the way for more democratic structure and more civic understanding of citizenship.

In the whole process of transformation of Hungary, Poland and the Czech Republic, Europeans were always both observers and participants in their attempts. The extension of citizenship and the development of truly democratic institutions will increase their success in terms of both the consolidation process and their adaptation to the EU. The membership to the EU provided a new framework for them to redefine their identity and citizenship in accordance with the recent Western European developments. In this framework, European citizenship and/or Europeanisation of citizenship has appeared in Europe as challenges to traditional citizenship. It has become important to evaluate how those countries changed in parallel to the EU process and requirements. European citizenship was initiated to imply that citizenship differs from nationality. The main intention behind the efforts to decouple them is to minimise the nationalist determination of identities and to guarantee inclusive implications of citizenship. Consequently, the Union will belong to the people who do not necessarily share the same nationality. This is an attempt to strengthen the civic and political understanding and to ensure Europe as of both people and citizen. Nevertheless, the result was the opposite. The idea of European citizenship has not completely been freed from ties to nationality.

Concerning citizenship and identity, Europe itself does have ambiguities and uncertainties. Considering the fact that they have important implications for their sovereignty, the member states do not want to be restricted by the policies of such a supranational institution. The emergence of transnational and subnational interactions, as well as multiple identities and cultural diversity, on the other hand, makes it crucially important to redefine citizenship. In this framework, the spread of civic principles has emerged in Europe as an option for more inclusive definitions and implications. Consequently citizenship will be more flexible and open. In this framework, the members of the EU mostly criticise Hungary, Poland and the Czech Republic. The criticism is mainly because of their historical ethnic priority and preference. The EU forces them to reevaluate the civic and ethnic components of citizenship and change their relative importance in favour of the former one. This can guarantee the particular

needs and interests of the minorities. On the other hand, the EU accepts that this is difficult for them to abandon their traditions and change the way of life. However, it is very debatable whether West Europeans are thoroughly civic or they are as civic as they would like or claim to be. Even the most civic ones do not refrain from using ethnic citizenship. This is one of the best examples of double standards of the EU itself. Therefore, the European experiences and alternative models cannot be considered as ideal ones due to their inherent contradictions.

The new member states' success of the more inclusive and broader citizenship understanding will totally depend on their definition of identities and citizenship. It is not easy for them to solve the historical dilemma between the civic or ethnic definitions. The prevalence of ethnic and particularistic rather than the civic universalist type, which leads to sharp distinctions among citizens, makes their adaptation to the EU longer and more difficult. It will be for their own interest to promote the civic and inclusive understanding and to accommodate internal cultural diversity. Equality and participation seem as the two crucial factors behind this objective. Otherwise, strong identity-based cleavages will hinder not only their adaptation capability, but also the consolidation process.

BIBLIOGRAPHY

Reports

Commission of the European Communities, *2001 Regular Report on Hungary's Progress towards Accession*, SEC (2001) 1748 (Brussels: 13/11/2001).

Commission of the European Communities, *2001 Regular Report on Poland's Progress towards Accession*, (SEC 2001) 1752 (Brussels: 13/11/2001).

Commission of the European Communities, *2001 Regular Report on the Czech Republic's Progress towards Accession*, (SEC 2001) 1746 (Brussels: 13/11/2001).

Commission of the European Communities, *2002 Regular Report on Hungary's Progress towards Accession*, SEC (2002) 1404 (Brussels: 9/10/2002).

Commission of the European Communities, *2002 Regular Report on Poland's Progress towards Accession*, (SEC 2002) 1408 (Brussels: 09/10/2002).

Commission of the European Communities, *2002 Regular Report on the Czech Republic's Progress towards Accession*, (SEC 2002) 1402 (Brussels: 09/10/2002).

European Commission, *1998 Regular Report from the Commission on Poland's Progress towards Accession*.

European Commission, *1998 Regular Report from the Commission on Czech Republic's Progress towards Accession*.

European Commission, *1999 Regular Report from the Commission on Czech Republic's Progress towards Accession* (13/10/1999).

European Commission, *1999 Regular Report from the Commission on Hungary's Progress Towards Accession* (13/10/1999).

European Commission, *2000 Regular Report from the Commission on Czech Republic's Progress towards Accession* (08/11/2000).

European Commission, *2000 Regular Report from the Commission on Hungary's Progress towards Accession* (08/11/2000).

European Commission, *2000 Regular Report from the Commission on Poland's Progress towards Accession* (08/11/2000).

European Commission, *2003 Comprehensive Monitoring Report on Hungary's Preparations for Membership*.

European Commission, *2003 Comprehensive Monitoring Report on the Czech Republic's Preparations for Membership.*

Books and Articles

Abdelal, R., "Memories of Nations and States: Institutional History and National Identity in Post-Soviet Eurasia", *Nationalities Papers,* Vol. 30, No. 3, 2002, pp. 459-484.

Ádám, M., "Ethnicity and Nationalism in the Successor States" in M. Ádám (ed.), *The Versailles System and Central Europe* (Great Britain: Ashgate, 2004).

Ágh, A., "Europeanisation of Policy-making in East Central Europe: the Hungarian Approach to EU Accession", *Journal of European Public Policy*, Vol. 6, No. 5, December 1999, pp. 839-854.

Agnew, H. L., *Origins of the Czech National Renascence* (Pittsburgh and London: University of Pittsburgh Press, 1993).

Agnew, H. L. "New States, Old Identities? The Czech Republic, Slovakia, and Historical Understanding of Statehood", *Nationalities Papers*, Vol. 28, No. 4, 2000, pp. 619-650.

Alienikoff, T. A. and D. Klusmeyer, "Plural Nationality: Facing the Future in a Migratory World", in T. A. Aleinikoff and D. Klusmeyer (eds.), *Citizenship Today – Global Perspectives and Practices* (Washington D. C.: Carnegie Endowment for International Peace, 2001).

Ålund, A., "The Quest for Identity: Modern Strangers and New/Old Ethnicities in Europe" in H. R. Wicker (ed.), *Rethinking Nationalism and Ethnicity-The Struggle for Meaning and Order in Europe* (Oxford: Berg, 1997).

Arendt, H., *The Origins of Totalitarianism* (New York and London: Harcourt Brace & Company, 1973).

Aydın, S. "Azınlık Kavramına İçeriden Bakmak" in A. Kaya and T. Tarhanlı (eds.), *Türkiye'de Çoğunluk ve Azınlık Politikaları: AB Sürecinde Yurttaşlık Tartışmaları* (İstanbul: TESEV Yayınları, 2005).

Bader, V., "Citizenship and Exclusion: Radical Democracy, Community, and Justice. Or, What is Wrong with Communitarianism?", *Political Theory*, Vol. 23, No. 2, 1995, pp. 211-246.

Barany, Z. D., "Living on the Edge: The East European Roma in Post-Communist Politics and Societies," *Slavic Review* Vol. 53, No. 2, Summer 1994.

Bárdi, N., "The History of Relations Between Hungarian Governments and Ethnic Hungarians Living Beyond the Borders of Hungary" in Z. Kántor, B. Majtényi, O. Idea, B. Vizi and I. Halász (eds.), *The Hungarian Status Law: Nation Building and/or Minority Protection* (Japan: Slavic Research Center – Hokkaido University, 2004).

Barkey, K., "Thinking About Consequences of Empire" in K. Barkey and M. von Hagen (eds.), A*fter Empire – Multiethnic Societies and Nation Building* (USA: Westview Press, 1997).

Batt, J., "The International Dimension of Democratisation in Czechoslovakia and Hungary" in G. Pridham, E. Herring and G. Sanford (eds.), *Building Democracy? The International Dimension of Democratisation in Eastern Europe* (New York: St. Martin's Press, 1994).

Bauböck, R., "Cultural Citizenship, Minority Rights and Self-Government" in T. A. Aleinikoff and D. Klusmeyer (eds.), *Citizenship Today – Global Perspectives and Practices* (Washington D. C.: Carnegie Endowment for International Peace, 2001).

Beck, U., *The Reinvention of Politics: Rethinking Modernity in Global Social Order* (Cambridge: Polity Press, 1997).

Beiner, R., *Liberalism, Nationalism, Citizenship – Essays on the Problem of Political Community* (Vancouver and Toronto: OBC Press, 2003).

Bertossi, C., "French and British Models of Integration – Public Philosophies, Policies and State Institutions", *ESCR Centre on Migration, Policy and Society Working Paper,* No. 46 (Oxford University, 2007).

Bhargava, R, "Should We Abandon the Majority-Minority Framework?" in D. L. Sheth and G. Mahajan (eds.), *Minority Identities and the Nation-State* (Oxford: University Press, 1999).

Bideleux, R., "'Europeanisation' and the Limits to Democratisation in East-Central Europe" in G. Pridham and A. Ágh (eds.), *Prospects for Democratic Consolidation in East-Central Europe* (Manchester and New York: Manchester University Press, 2001).

Bogdan, H., *From Warsaw To Sofia – A History of Eastern Europe* (Santa Fe, New Mexico: Pro Libertate Publishing, 1982).

Bollerup, S. R. and C. D. Christensen, *Nationalism in Eastern Europe – Causes and Consequences of the National Revivals and conflicts in Late-Twentieth-Century Eastern Europe* (Great Britain: MacMillan Press Ltd., 1997).

Borneman, J. and N. Fowler, "Europeanisation", *Annual Review of Anthropology*, Vol. 26, 1997, pp. 487-514.

Bosniak, L., "Denationalising Citizenship" in T. A. Aleinikoff and D. Klusmeyer (eds.), *Citizenship Today – Global Perspectives and Practices* (Washington D. C.: Carnegie Endowment for International Peace, 2001).

Bozoki, A. and B. Bösze, *Migrants, Minorities, Belonging and Citizenship – Glocalisation and Participation Dilemmas in EU and Small States, The Case of Hungary,* Glocalmig Series 6 – Series editor: Hakan G. Sıcakkan (University of Bergen: International Migration and Ethnic Relations Center for Development Studies, 2004).

Börzel, T., "Towards Convergence in Europe? Institutional Adaptation to Europeanization in Germany and Spain", *Journal of Common Market Studies*, Vol. 37, No. 4, December 1999, pp. 573-596.

Brock, P., "Polish Nationalism" in P. F. Sugar and I. J. Lederer (eds.), *Nationalism in Eastern Europe* (Seattle and London: Universtiy of Washington Press, 1969).

Brubaker, R., *Citizenship and Nationhood in France and Germany* (Cambridge, Massachusetts, London: Harvard University Press, 1992).

Brubaker, R., "Immigration, Citizenship, and the Nation-State in France and Germany" in R. Beiner (ed.), *Theorising Citizenship* (New York: City University of New York Press, 1995).

Bugajski, J., *Nations in Turmoil – Conflict and Cooperation in Eastern Europe* (Oxford: Westview Press, 1993).

Bugajski, J., *Ethnic Politics in Eastern Europe – A Guide to Nationality Policies, Organisations, and Parties* (Armonk, New York and London, England: M. E. Sharp, 1995.

Bugajski, J., *Political Parties of Eastern Europe – A Guide to Politics in the Post-Communist Era* (New York-London: M. E. Sharpe –The Centre for Strategic and International Studies, 2002).

Buller, J. and A. Gumbler, "Conceptualising Europeanisation", *Public Policy and Administration*, Vol. 17, N. 2, 2002, pp. 4-24.

Calhoun, C., *Critical Social Theory – Culture, History and the Challenge of Difference* (Oxford: Blackwell Publishers Inc, 1995).

Caplan, R. and J. Feffer, "Introduction" in R. Caplan and J. Feffer (eds.), *Europe's New Nationalism – States and Minorities in Conflict* (Oxford: University Press, 1996).

Capotorti, F., *Study on the Rights of Persons Belonging to Ethnic, Religious, and Linguistic Minorities*, UN Doc. E/CN.4/Sub.2/384/Rev.1, 1979.

Carens, J.H., *Culture, Citizenship and Community – A Contextual Exploration of Justice as Evenhandedness* (Oxford: University Press, 2000).

Checkel, J. T., "The Europeanization of Citizenship" in M. Cowles, J. Caporaso and T. Risse (eds.), *Transforming Europe: Europeanisation and Domestic Change* (New York: Cornell University Press, 2001).

Chojnowski, A., "Polish National Character, The Sanacja Camp, and the National Democracy" in I. Banac and K. Verdery (eds.), *National Character and National Ideology in Interwar Eastern Europe* (New Haven: Yale Center for International and Area Studies, 1995).

Christiansen, T., "Review Section", *Journal of European Public Policy*, Vol. 11, No. 2, April 2004, pp. 337-348.

Connor, W., *The National Question in Marxist-Leninist Theory and Strategy* (New Jersey: Princeton University Press,1984).

Conover, P. J., "Citizen Identities and Conceptions of the Self", *The Journal of Political Philosophy*, Vol. 3, No. 2, 1995, pp. 113-165.

Cowles, M. G., J. Caporaso and T. Risse "Europeanisation and Domestic Change: Introduction" in M.. Cowles, J. Caporaso and T. Risse (eds.), *Transforming Europe: Europeanisation and Domestic Change* (New York: Cornell University Press, 2001).

Crawford, K., *East Central European Politics Today, From Chaos to Stability?* (Manchester and New York: Manchester University Press, 1996).

Crowe, D, "The Gypsies in Hungary," in D. Crowe and J. Kolsti (eds.), *The Gypsies of Eastern Europe* (M.E, Sharpe Inc: New York, London, 1991).

Crozier, A. J., *The Causes of the Second World War - History of the Contemporary World* (Oxford: Blackwell Publishers, 1997).

Csepeli, G. and A. Örkeny, "The Changing Facets of Hungarian Nationalism", *Social Research*, Vol. 63, No. 1, 1996, pp. 247-286.

Culic, I., "State-Building and Constitution Writing in Central and Eastern Europe after 1989", *Regio - A Review of Studies on Minorities, Politics, Society,* 2003, pp. 38-58.

Çavuşoğlu, N., *Uluslararası İnsan Hakları Hukukunda Azınlık Hakları* (İstanbul: Su Yayınları, 2001).

Çavuşoğlu, N. "Azınlıkların Korunmasına İlişkin Uluslararası Normlar" in A. Kaya and T. Tarhanlı (eds.), *Türkiye'de Çoğunluk ve Azınlık Politikaları: AB Sürecinde Yurttaşlık Tartışmaları* (İstanbul: TESEV Yayınları, 2005).

Dabrowski, M., "Review Article – What Kind of Modernity Did Poles Need? A Look at Nineteenth Century Nation-Making", *Nationalities Papers*, Vol. 29, No. 3, 2001, pp. 509-523.

Dahrendorf, R., "Citizenship and Beyond: The Social Dynamics of an Idea" in B. Turner and P. Hamilton (eds.), *Citizenship – Critical Concepts,* Volume II (London and New York: Routledge, 1994).

David, Z. "Statistics – The Hungarians and Their Neighbours, 1851-2000" in S. Borsody (ed.), *Hungarians A Divided Nation* (Yale: Russian and East European Publications, 1988).

Deak, I., "Hungary", *The American Historical Review*, Vol. 97, No. 4, October 1992, pp. 1041-1063.

Deetes, S, "Pulling Back from Neo-Medievalism: The Domestic and International Politics of the Hungarian Status Law", in B. Majtényi, Z. Kántor, Balázs Vizi, I. Halász and S. Deets (eds.), *Beyond Sovereignty: From Status Law to Transnational Citizenship, Slavic Euroasian Studies* (Slavic Research Centre: Hokkaido University, 2006).

Eberhardt, P., *Ethnic Groups and Population Changes in Twentieth-Century Centra and Eastern Europe – History, Data, and Analysis*, trans. by Jan Owsinski (New York and London: M. E. Sharpe, 2003).

Falk, R. "The Decline of Citizenship in an Era of Globalisation", *Citizenship Studies,* Vol. 4, No. 1, 2000, pp. 5-17.

Fawn, R., *The Czech Republic – A Nation of Velvet* (The Netherlands: Harwood Academic Publishers, 2000).

Fawn, R., "Czech Attitude Towards the Roma: 'Expecting More of Havel's Country'?", *Europe-Asia Studies*, Vol. 53, No. 8, 2001, pp. 1193-1219.

Featherstone, K., "Introduction: In the Name of Europe" in K. Featherstone and C. M. Radaelli (eds.), *The Politics of Europeanisation* (Oxford Oxford University Press, 2003).

Featherstone, K. and C. M Radaelli, "A Conversant Research Agenda" in K. Featherstone and C. M. Radaelli (eds.), *The Politics of Europeanisation* (Oxford: Oxford University Press, 2003).

Ford, R. T., "City-States and Citizenship" in T. A. Aleinikoff and D. Klusmeyer (eds.), *Citizenship Today – Global Perspectives and Practices* (Washington D. C.: Carnegie Endowment for International Peace, 2001).

Fowler, B., "Fuzzing Citizenship, Nationalising Political Space: A Framework for Interpreting the Hungarian "Status Law" as a New Form of Kin-State Policy in Central and Eastern Europe" in Z. Kántor, B. Majtényi, O. Idea, B. Vizi and I. Halász (eds.), *The Hungarian Status Law: Nation Building and/or Minority Protection* (Japan: Slavic Research Center – Hokkaido University, 2004).

Frank, T., "Nation, National Minorities, and Nationalism in Twentieth-Century Hungary" in P. F. Sugar (ed.), *Eastern European Nationalism in the 20th Century* (Washington: The American University Press, 1995).

Freeman, G. P. and N. Ögelman, "Homeland Citizenship Policies and the Status of Third Country Nationals in the European Union", *Journal of Ethnic and Migration Studies*, Vol. 24, No. 4, October 1998, pp. 769-788.

Garcia, S. (ed.), *European Identity and the Search for Legitimacy* (London: Pinter Publishers, 1993).

Gellner, E., *Nations and Nationalism* (Oxford: Blackwell, 1983).

Giordano, C., "The Comeback of the National State: Ethnic Discourses in EastCentral Europe" in B. Balla and A. Sterbling (eds.), *Ethnicity, Nation and Culture – Central and East European Perspectives* (Hamburg: Krämer, 1998).

Goetz, K. H., "Four Worlds of Europeanisation", *Paper prepared for the ECPR Joint Sessions of Workshops* (Turin: Italy, March 2002).

Goodwill-Gill, G., "Comment on Gabor Nagy's Paper 'Citizenship in Hungary from a Legislative Framework'" in A. Liebich, D. Warner and J. Dragovic (eds.), *Citizenship East and West* (London and New York: Kegan Paul International, 1995).

Górny, A, A. Grzymała-Kazłowska, P. Koryś and A. Weinar, "Multiple Citizenship in Poland", *ISS UW Working Papers, Migration Series*, No. 53 (Warsaw: Institute for Social Studies, Warsaw University, 2003).

Grabbe, H., "Europeanisation Power and Uncertainty in the EU Accession Process" in K. Featherstone and C. M. Radaelli (eds.), *The Politics of Europeanisation* (Oxford: Oxford University Press, 2003).

Grenville, J. A. S., *A History of the World – From the 20th to the 21st Century* (London and New Rork: Routledge: 2005).

Gunsteren van, H., *A Theory of Citizenship – Organising Plurality in Contemporary Democracies* (Boulder, CO: Westview Press, 1998).

Habermas, J., "Citizenship and National Identity – Some Reflections on the Future of Europe" *Praxis International*, Vol. 12, No. 1, 1992, pp. 1-19.

Habermas, J., "The European Nation-State – On the past and future of sovereignty and citizenship" in A. Linklater (ed.), *International Relations – Critical Concepts in Political Science* (London and New York: Routlage, 2000).

Habermas, J., *Postnational Constellation* (Cambridge: Polity Press/MIT, 2001).

Harmsen, R. and T. M. Wilson, "Introduction: Approaches to Europeanisation" in Harmsen and T. M. Wilson (eds.), *Europeanisation: Institution, Identities and Citizenship – Yearbook of European Studies 14*, 2000.

Hayden, R. M., "Constitutional Nationalism in the Formerly Yugoslav Republics", *Slavic Review,* Vol. 51, No. 4, 1992, pp. 654-673.

Helsinki Watch, *Struggling for Ethnic Identity – The Gypsies of Hungary* (Human Rights Watch: New York, Washington, London, 1993).

Hindens, B., "Citizenship in the Modern West" in B. S. Turner (ed.), *Citizenship and Social Theory* (London: Sage, 1993).

Holy, L., *The Little Czech and The Great Czech Nation – National Identity and the Post-Communist Transformation of Society* (Cambridge: Cambridge University Press, 1996).

Horváth, E., "All Thing European: Citizenship and Identity in Search of Meaning", *Regio – A Review of Studies on Minorities, Politics and Society*, 2004, pp. 37-61.

Hroch, M., "Nationalism and National Movements: Comparing the Past and the Present of Central and Eastern Europe", *Nations and Nationalism,* Vol. 2, No.1, 1996, pp. 35-44.

Human Rights Watch, *Roma Population in the Czech Republic – Foreigners in Their Own Land*, Vol. 8, No. 11, 1996.

Ieda, O., "Post-Communist Nation Building and the Status Law Syndrome in Hungary", in Z. Kántor, B. Majtényi, O. Idea, B. Vizi and I. Halász (eds.), *The Hungarian Status Law: Nation Building and/or Minority Protection* (Japan: Slavic Research Center – Hokkaido University, 2004).

Ignatieff, M., *Blood and Belonging: Journeys into the New Nationalism* (London:Vintage, 1994).

Innes, A. *Czechoslovakia: The Short Goodbye* (New Haven and London: Yale University Press, 2001).

Janics, K., "The Hungarians of Slovakia: From Czechoslovak to Slovak Rule" in S. Borsody (ed.), *The Hungarians: A Divided Nation* (Yale: Russian and East European Publication, 1988).

Jasiewicz, K., "Citizenship in Post-Communist Poland: Civil Society or Das Volk?" in A. Liebich, D. Warner and J. Dragovic (eds.), *Citizenship East and West* (London and New York: Kegan Paul International, 1995).

Jenkins, B. and S. A. Sofos, "Nation and Nationalism in Contemporary Europe: A Theoretical Perspective", in B. Jenkins and S. A. Sofos, *Nation and Identity in Contemporary Europe* (London: Routledge, 1996).

Kalberg, S., "Foundations of Modern Citizenship" in B. S. Turner (ed.), *Citizenship and Social Theory* (London: Sage, 1993).

Kántor, Z., "Status Law and 'Nation Policy': Theoretical Aspects", in Z. Kántor, B. Majtényi, O. Idea, B. Vizi and I. Halász (eds.), *The Hungarian Status Law: Nation Building and/or Minority Protection* (Japan: Slavic Research Center – Hokkaido University, 2004).

Kántor, Z., "Re-Institutionalising the Nation – Status Law and Dual Citizenship, *Regio – A Review of Studies on Minorities, Politics, Society,* 2005, pp. 40-49.

Kántor, Z., "The Concept of Nation in the Central and East European 'Status Laws'" in B. Majtényi, Z. Kántor, Balázs Vizi, I. Halász and S. Deets (eds.), *Beyond Sovereignty: From Status Law to Transnational Citizenship, Slavic Euroasian Studies* (Slavic Research Centre: Hokkaido University, 2006).

Karwinska, A., " 'Us' and 'Them': Youth Attitudes towards ethnicity in Poland" in T. D. Sfikas and C. Williams (eds.), *Ethnicity and Nationalism in East Central Europe and the Balkans* (Aldershot: Ashgate, 1999).

Kaya, A. "Avrupa Birliği Bütünleşme Sürecinde Yurttaşlık, Çokkültürcülük ve Azınlık Tartışmaları: Birarada Yaşamanın Siyaseti" in A. Kaya and T. Tarhanlı (eds.), *Türkiye'de Çoğunluk ve Azınlık Politikaları: AB Sürecinde Yurttaşlık Tartışmaları* (İstanbul: TESEV Yayınları, 2005).

Keith Faulks, *Citizenship – Key Ideas* (London and New York: Routledge, 2000).

Kelly, G. A., "Who Needs a Theory of Citizenship?" in B. Turner and P. Hamilton (eds.), *Citizenship – Critical Concepts,* Volume II (London and New York: Routledge, 1994).

Keylor, W. R., *The Twentieth-Century World* (New York and Oxford: Oxford University Press, 1984).

Keyman, F., *Globalisation, State, Identity/Difference – Toward a Critical Social Theory of International Relations* (New Jersey: Humanities Press, 1997).

Kis, J., "Beyond the Nation State", *Social Research*, Vol., 63, No. 1, Spring 1995, pp. 191-245.

Kis, J., "The Status Law: Hungary at the Crossroads", in Z. Kántor, B. Majtényi, O. Idea, B. Vizi and I. Halász (eds.), *The Hungarian Status Law: Nation Building and/or Minority Protection* (translated by Bob Dent) (Japan: Slavic Research Center – Hokkaido University, 2004),

Klusmeyer, D. "Introduction" in T. A. Aleinikoff and D. Klusmeyer (eds.), *Citizenship Today – Global Perspectives and Practices* (Washington D. C.: Carnegie Endowment for International Peace, 2001).

Kohn, H., "Western and Eastern Nationalisms" in J. Hutchinson and A. D. Smith (eds.), *Nationalism* (Oxford: Oxford University Press, 1994).

Kovács, M. M., "The Politics of Non-resident Dual Citizenship in Hungary", *Regio – A Review of Studies on Minorities, Politics, Society,* 2005, pp. 50-72.

Kovats, M., "The Political Significance of the First National Gypsy Minority Self-government in Hungary", *Contemporary Politics*, Vo. 6, No. 3, 2000, pp. 247-262.

Krejci, J. and P. Machonin, *Czechoslovakia, 1918-1992 – A Laboratory for Social Change* (London: Macmillan Press Ltd., 1996).

Kymlicka, W., *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995).

Kymlicka, W., "Nation-building and Minority Rights: Comparing West and East", *Journal of Ethnic and Migration Studies*, Vol. 26, No. 2, April 2000, pp. 183-212.

Kymlicka, W., "Western Political Theory and Ethnic Relations in Eastern Europe" in W. Kymlicka and M. Opelsky (eds.), *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe* (Oxford: Oxford University Press, 2001).

Lampe, J. R., "What To Do About Nationalism? The Recurring Dilemma of Western Policy in East Central Europe" in Latawski (ed.), *Contemporary Nationalism in East Central Europe* (London: Macmillan, 1995).

Latawski, P., "The Problem of Definition: Nationalism, Nation and Nation-State in East Central Europe" in P. Latawski (ed.), *Contemporary Nationalism in East Central Europe* (London: Macmillan, 1995).

Leff, C. S., "Czech and Slovak Nationalism in the Twentieth Century" in P. F. Sugar (ed.), *Eastern European Nationalism in the 20th Century* (Washington: The American University Press, 1995).

Linklater, A. "The Transformation of Political Community: E. H. Carr, Critical Theory and International Relations", *Review of International Studies*, Vol. 23, No. 3, 1997, pp. 321-338.

Linz, J. J. and A. Stepan, Problems of Democratic Transition and Consolidation Southern Europe, South America and Post-Communist Europe (Baltimore and London: The John Hopkins University Press, 1996).

Lithman, Y. G. and H. Sicakkan, *Diversity and Citizenship – The European Union, Citizens, Minorities and Migrants* (Norway: University of Bergen, Centre for Development Studies, 2003).

Lodzinski, S., "Polish Citizenship – Ethnic Boundaries and Issue of Citizenship in Polish Society" in Bálint Balla and Anton Sterbling (eds.), *Ethnicity, Nation and Culture – Central and East European Perspectives* (Hamburg: Krämer, 1998).

MacMillan, M., *Paris 1919 – Six Month that Changed the World* (New York: Random House, 2001).

Mahajan, G. and D. L. Sheth, "Introduction" in D. L. Sheth and G. Mahajan (eds.), *Minority Identities and the Nation-State* (Oxford: University Press, 1999).

Mair, P., "The Europeanisation Dimension", *Journal of European Public Policy*, Vol.11, No. 2, April 2004, pp. 337-348.

Majtényi, B., "Special Minority Rights and Interpretations of the Nation in the Hungarian Constitution", *Regio – A Review of Studies on Minorities, Politics, Society,* 2005, pp. 4-20.

Majtényi, B., "Utilitarianism in Minority Protection? (Status Law and International Organisations) in B. Majtényi, Z. Kántor, B. Vizi, I. Halász and S. Deets (eds.), *Beyond Sovereignty: From Status Law to Transnational Citizenship*, Slavic Euroasian Studies, No. 9 (Slavic Research Centre: Hokkaido University, 2006).

Marshall, T. H., Class, *Citizenship and Social Development* (New York: Anchor Books Doubleday& Company, Inc., 1965).

Matuštík, M. J., *Postnational Identity – Critical Theory and Existential Philosophy in Habermas, Kierkegaard, and Havel* (New York and London: The Guilford Press, 1993).

Mayall, J., "Sovereignty and Self-Determination in the New Europe" in H. Miall (ed.) *Minority Rights in Europe – The Scope for a Transnational Regime* (London: Pinter Publishers, 1994).

Miall, H., "Introduction" in H. Miall (ed.) *Minority Rights in Europe – The Scope for a Transnational Regime* (London: Pinter Publishers, 1994).

Millard, F., "Nationalism in Poland", in P. Latawski (ed.), *Contemporary Nationalism in East Central Europe* (Great Britain: St. Martin's Press, 1995).

Miller, D., *Citizenship and National Identity* (Oxford and Cambridge: Polity Press, 2000).

Morison, J., "The Road to Separation: Nationalism in Czechoslovakia" in P. Latawski (ed.), *Contemporary Nationalism in East Central Europe* (Great Britain: St. Martin's Press, 1995).

Moxon-Browne, E., "The Europeanization of Citizenship : A Passport to the Future", in Harmsen and T. M. Wilson (eds.), *Europeanisation: Institution, Identities and Citizenship – Yearbook of European Studies 14*, 2000.

Nagy, G., "Citizenship in Hungary from a Legislative Framework" in A. Liebich, D. Warner and J. Dragovic (eds.), *Citizenship East and West* (London and New York: Kegan Paul International, 1995).

Nedelsky, N., "Civic Nationhood and the Challenges of Minority Inclusion – The Case of the Post-Communist Czech Republic", *Ethnicities*, Vol. 3, No. 1, 2003, pp. 85-114.

Nielsen, K., "Cultural Nationalism, Neither Ethnic nor Civic" in R. Beiner (ed.), *Theorizing Nationalism* (Albany: State University of New York Press).

Offe, C., *Modernity and the State: East, West* (Cambridge: MIT Press, 1996).

Oliver, D. and D. Heater, *The Foundations of Citizenship* (New York and London: Harvester Wheatsheaf, 1994).

Ottoway, M., *Democratisation and Ethnic Nationalism – African and Eastern European Experiences* (Washington D.C.: Overseas Development Council, 1994).

Özdoğan, G. G. "Civic versus Ethnic Nation: Transcending the Dual Model?" in G. G. Özdoğan and G. Tokay (eds.), *Redefining the Nation State and Citizen* (İstanbul: Eren, 2000).

Paczolay, P., "Comment on Krzysztof Jasiewicz's Paper 'Citizenship in Post-Communist Poland: Civil Society or Das Volk?'" in A. Liebich, D. Warner and J. Dragovic (eds.), *Citizenship East and West* (London and New York: Kegan Paul International, 1995).

Palmer, R. R. and J. Colton, *A History of the Modern World* (Oxford: Clarendon Press, 1966).

Palous, M., "Questions of Czech Citizenship" in A. Liebich, D. Warner and J. Dragovic (eds.), *Citizenship East and West* (London and New York: Kegan Paul International, 1995).

Perczynski, P. and M. Vink, "Citizenship and Democracy: A Journey to Europe's Past", *Citizenship Studies*, Vol. 6, No. 2, 2002, pp. 183-199.

Pettigrew, T. H., "Reactions Toward the New Minorities of Western Europe, *Annual Review of Sociology*, Vol. 24, 1998, 77-103.

Přibáň, J., "Reconstituting Paradise Lost: Temporality, Civility, and Ethnicity in Post-Communist Constitution-Making", *Law & Society Review,* Vol. 38, No. 3, 2004, pp. 407-431.

Radaelli, C. M., "Europeanization of Public Policy" in K. Featherstone and C. M. Radaelli (eds.), *The Politics of Europeanisation* (Oxford Oxford University Press, 2003).

Rallu, J. L., "Access to Citizenship and Integration of Migrants: Lessons from the French Case", *Paper prepared for the 12th Biennial Conference of the Australian Population Association* (Australian Population Association, 2004).

Rees, H. L., *The Czechs During World War I: The Path to Independence* (Boulder: East European Monographs, 1992).

Reuter, L. R., "Ethnic-Minority Groups in Germany: Life Chances, Educational Opportunities, Minority Group Identity, and Political Participation" in Russell F. Farnen (ed.), *Nationalism, Ethnicity, and Identity – Cross National and Comparative Perspectives* (New Brunswick and London: Transaction Publishers, 1994).

Risse, T., "Neofunctionalism, European Identity, and the Puzzles of European Integration, *Journal of European Public Policy*, Vol. 12, No. 2, April 2005, pp. 291-309.

Robinson, J., O. Karbach , M. M. Laserson, N. Robinson and M. Vichniak, *Were the Minorities Treaties a Failure?* (New York: Institute of Jewish Affairs, 1943).

Romaniszyni, K. "Migration, Cultural Diversification and Europeanization", in W. Spohn and A. Trandafyllidou (eds.), *Europeanization, National Identities and Migration – Changes in Boundary Constructions between Western and Eastern Europe* (London and New York: Routledge, 2003).

Romsics, I., "The Trianon Peace Treaty in the Hungarian Historiography and Political Thinking" in P. D. Hupchick and R. W. Weisberger (eds.) *Hungary's Historical Legacies – Studies in Honour of Steven Béla Várdy* (New York Columbia University Press, 2000).

Rose, R., "A Divergent Europe", *Journal of Democracy*, Vol. 12, 2001, pp. 93-106.

Roshwald, A., *Ethnic Nationalism and the Fall of Empires – Central Europe, Russia and the Middle East, 1914-1923* (London: Routledge, 2001).

Rothschield, J., *East Central Europe between the Two World Wars* (Seattle and London: University of Washington Press, 1977).

Rothschield, J. and N. M. Wingfield, *Return to Diversity – A Political History of East Central Europe Since World War II* (Oxford: Oxford University Press, 2000).

Safran, W., "Citizenship and Nationality in Democratic Systems: Approaches to Defining and Acquiring Membership in the Political Community", *International Political Science Review*, Vol. 18, No. 3, 1997, pp. 313-335.

Scherrer, C. P., *Ethnicity, Nationalism and Violence – Conflict Management, Human Rights and Multilateral Regimes* (England: Ashgate 2003).

Schmitter, P. C. and T. Karl "The Types of Democracy Emerging in Southern and Eastern Europe and South and Central America" in P. M. E. Volten (ed.), *Bound to Change: Consolidating Democracy in East Central Europe* (New York and Prague: Institute for East West Studies, 1992).

Schöpflin, G., "The Problem of Nationalism in the Postcommunist Order" in P. M. E. Volten (ed.), *Bound to Change: Consolidating Democracy in East Central Europe* (New York and Prague: Institute for East West Studies, 1992).

Schöpflin, G., Nationhood, Communism and State Legitimation", *Nations and Nationalism,* Vol. 1, No. 1, 1995, pp. 81-91.

Schöpflin, G., "Nationality and Ethnicity in Europe, East and West" in C. A. Kupchan (ed.), *Nationalism and Nationalities in the New Europe* (London: Cornell University Press, 1995).

Schöpflin, G., *Nations, Identity, Power - The New Politics of Europe* (London: Hurst & Company, 2002).

Schöpflin, G., "Identities, Politics and Post-Communism in Central Europe", *Nations and Nationalism* Vol. 9, No. 4, 2003, pp. 477-490.

Schöpflin, G., "Citizenship and Ethnicity: The Hungarian Status Law" in Z. Kántor, B. Majtényi, O. Idea, B. Vizi and I. Halász (eds.), *The Hungarian Status Law: Nation Building and/or Minority Protection* (Japan: Slavic Research Center – Hokkaido University, 2004).

Shafir, G., "Introduction: The Evolving Tradition of Citizenship" in G. Shafir (ed.), *The Citizenship Debates – A Reader* (Minneapolis and London: 1998).

Shelton, A., "The Poles and the Search for a National Homeland" in P. F. Sugar (ed.), *Eastern European Nationalism in the 20th Century* (Washington: The American University Press, 1995).

Sheth, D. L., "The Nation-State and Minority Rights" in D. L. Sheth and G. Mahajan (eds.), *Minority Identities and the Nation-State* (Oxford: University Press, 1999).

Shulman, S., "Challenging the Civic/Ethnic and West/East Dichotomies in the Study of Nationalism", *Comparative Political Sciences*, Vol. 35, No. 5, June 2002, pp. 554-585.

Schuster L. and J. Solomos, "Rights and Wrongs Across European Borders: Migrants, Minorities and Citizenship", *Citizenship Studies,* Vol. 6, No. 1, 2002, pp. 37-54.

Smith, A. D. *The Ethnic Origins of Nations* (Oxford and Cambridge: Blackwell, 1986).

Smith, A. D., *National Identity* (London: Penguin Books, 1991).

Smith, A. D., *Nations and Nationalism in a Global Era* (Cambridge: Polity Press, 1995).

Smith, A. D., *The Nation in History – Historiographical Debates About Ethnicity and Nationalism* (Hanover: University Press of New England, 2000).

Soysal, Y. N., "Toward a Postnational Model of Membership" in G. Shafir (ed.), *The Citizenship Debates – A Reader* (Minneapolis and London: 1998).

Spencer, P. and H. Wollman, "Nationalism, Politics and Democracy in the Development of Post-Communist Societies" in T D. Sfikas and C. Williams (eds.), *Ethnicity and Nationalism in East Central Europe and the Balkans* (Aldershot: Ashgate, 1999).

Spinner, J, *The Boundaries of Citizenship – Race, Ethnicity and Nationality in the Liberal State* (Baltimore and London: The Johns Hopkins University Press, 1994).

Stein, J. P., "National Minorities and Political Development in Post-Communist Europe", in J. P. Stein (ed.), *The Politics of National Minority Participation in*

Post Communist Europe – State-Building Democracy and Ethnic Mobilisation (New York London: M. E. Sharpe –East West Institute, 2002).

Stroschein, S., "Territory and the Hungarian Status Law Time for new Assumptions?" in B. Majtényi, Z. Kántor, Balázs Vizi, I. Halász and S. Deets (eds.), *Beyond Sovereignty: From Status Law to Transnational Citizenship, Slavic Eurasian Studies* (Slavic Research Centre: Hokkaido University, 2006).

Sugar, P. F., "External and Domestic Roots of Eastern European Nationalism" in P. F. Sugar and I. J. Lederer (eds.), *Nationalism in Eastern Europe* (Seattle: University of Washington Press, 1969).

Sugar, P. F., "Nationalism, The Victorious Ideology" in P. F. Sugar (ed.), *Eastern European Nationalism in the 20th Century* (Washington: The American University Press, 1995).

Sugar, P. F., "Introduction" in P. F. Sugar (ed.), *Eastern European Nationalism in the 20th Century* (Washington: The American University Press, 1995).

Theren, P., "Roma Policy: The Long Walk Towards Political Participation," in P. Thelen (ed.), *Roma in Europe – From Social Exclusion to Active Participation*, (Skopje: Friedrich Ebert Stiftung, 2005).

Thiel, M., "European Identity and the Challenge of Enlargement", *Jean Monnet/Robert Schuman Paper Series*, Vol. 5, No. 31, September 2005.

Tilly, C., "Conclusion: Why Worry about Citizenship" in M. Hanagan and C. Tilly (eds.), *Extending Citizenship, Reconfiguring States* (New York and Oxford: Rowman and Littlefield Publishers Inc., 1999).

Tóth, J. and E. Sik, "Joining an EU Identity – Integration of Hungary or Hungarians", in W. Spohn and Anna Triandafyllidou (eds.), *Europeanisation, National Identities and Migration – Changes in Boundary Construction between Western and Eastern Europe* (London and New York: Routledge, 2003).

Tóth, J., "Principles and Practice of Nationality Law in Hungary", *Regio – A Review of Studies on Minorities, Politics, Society,* 2005, pp. 21-39.

Tóth, J. "Relations of Kin-state and Kin-minorities in the Shadow of the Schengen Regime", *Regio – A Review of Studies on Minorities, Politics, Society,* 2006, pp. 18-46.

Trandafyllidou, A. and W. Spohn, "Introduction" in W. Spohn and A. Trandafyllidou (eds.), *Europeanization, National Identities and Migration – Changes in Boundary Constructions between Western and Eastern Europe* (London and New York: Routledge, 2003).

Turner, B.S., "Outline of a Theory of Citizenship", *Sociology,* Vol. 24, No. 2, May 1990, 189-217.

Turner, B. S., "Contemporary Problems in the Theory Citizenship" in B. S. Turner (ed.), *Citizenship and Social Theory* (London: Sage, 1993).

Turner, B. and Hamilton (eds.), *Citizenship – Critical Concepts,* Volume I (London and New York: Routledge, 1994).

Ungvari, T., *The "Jewish Question" in Europe – The Case of Hungary* (New York: Columbia University Press: 2000).

Unowsky, D., "Comments: Contesting and Constructing National Identity in Central Europe", *Nationalities Papers*, Vol. 29, No. 3, 2001, pp. 493-497.

Üstel, F., *Yurttaşlık ve Demokrasi* (Ankara: Dost, 1999).

Vachudová, A. M., "The Czech Republic: The Unexpected Force of Constitutional Constraints" in J. Zielonka and A. Pravda (eds.), *Democratic Consolidation in Eastern Europe Volume 2: International and Transnational Factors* (Oxford: Oxford University Press, 2001).

Verdery, K., "Introduction" in I. Banac and K. Verdery (eds.), *National Character and National Ideology in Interwar Eastern Europe* (New Haven: Yale Center for International and Area Studies, 1995).

Vink, M. P., "The Limited Europeanization of Domestic Citizenship Policy: Evidence from Netherlands", *Journal of Common Market Studies*, Vol. 39, No. 5, 2001, pp. 875-896.

Vizi, B., "The Unintended Legal Backlash of Enlargement? The Inclusion of the Rights of Minorities in the EU Constitution", *Regio – A Review of Studies on Minorities, Politics, Society,* Vol. 8, 2005, pp. 87-108.

Walzer, M., "States and Minorities" in C. Fried (ed.), *Minorities: Communist and Identity* (Berlin, 1983).

Walzer, M., "The Communitarian Critique of Liberalism", *Political Theory*, Vol. 18, No. 1, 1990.

Weil, P., "Access to Citizenship: A Comparison of Twenty-Five Nationality Laws" in T. A. Aleinikoff and D. Klusmeyer, *Citizenship Today – Global Perspectives and Practices* (Washington D. C.: Carnegie Endowment for International Peace, 2001).

Weiler, J. H. H., "To be European Citizen – Eros and Civilisation", *Journal of European Public Policy*, Vol. 4, No. 4, December 1997. pp. 495-519.

White, G., *Nationalism and Territory – Constructing Group Identity in Southeastern Europe* (New York: Rowman & Littlefield Publishers, Inc, 2000).

Williams, C., "Imagined Democracy: Ethnicity and nationalism in East Central Europe and the Balkans" in T. D. Sfikas and C. Williams (eds.), *Ethnicity and Nationalism in East Central Europe and the Balkans* (Aldershot: Ashgate, 1999).

Wolak, A. J., *Forced Out – The Fate of Polish Jewry in Communist Poland* (Arizona: Fenestra Books, 2004).

Wolczuk, K., "Conclusion: Identities, Regions and Europe", *Regional and Federal Studies*, Vol. 12, No. 2, Summer 2002, 203-213.

Yack, B., "The Myth of the Civic Nation" in R. Beiner (ed.), *Theorizing Nationalism* (Albany: State University of New York Press, 1999).

Zacek, J. F., "Nationalism in Czechoslovakia" in P. F. Sugar and I. J. Lederer (eds.), *Nationalism in Eastern Europe* (Seattle and London: University of Washington Press, 1969).

Zubrzycki, G., ""We the Polish Nation": Ethnic and Civic Visions of Nationhood in Post-communist Constitutional Debates", *Theory and Society* Vol. 30, No. 5, 2001, pp. 629-288.

Sources Accessed Online

"Acquisition of Citizenship by Facilitated Naturalization: Poland" <http://www.kettosallampolgarsag.mtaki.hu/allampolg/tv_21.html> (12/08/2005).

"Act on Acquisition and Loss of Nationality, the Czech Republic" <http://www.legislationline.org/legislation.php?tid=11&lid=2432&less=false> (21/03/2006)

Andersen, S. S., "The Mosaic of Europeanisation – An Organisational Perspective on National Re-contextualization", *ARENA Working Papers*, WP 04/11 <http://www.arena.uio.no/publications/wp04_11.pdf> (27/04/2007).

Canek, D., "Roma and Other Ethnic Minorities in Czech and Slovak Schools (1945-1998)" <http://www.policy.hu/discuss/messages/102/canek-czroma.pdf> (04/01/2007).

Charter of Fundamental Rights and Basic Freedoms <http://test.concourt.cz/angl_verze/rights.html> (21/04/2007).

"Constitutional Watch – A country by country update on constitutional politics in Eastern Europe and the ex-USSR", *East European Constitutional Review,* Vol. 10, No. 2/3, Spring/Summer 2001 <http://www.law.nyu.edu/eecr/vol10num2_3/constitutionwatch/hungary.html> (04/01/2007).

Featherstone, K., "The British Labour Party from Kinnock to Blair: Europeanism and Europeanisation" *European Union Studies Association (ECSA) Biennial Conference*, Pittsburgh: June 1999 <http://aei.pitt.edu/2266/01/002348_1.PDF> (30/04/2007).

Górny, A., "New Phenomena and Old Legislation: Regulations Regarding the Acquisition of Citizenship in Poland" <http://aa.ecn.cz/img_upload/f76c21488a048c95bc0a5f12deece153/AGorny_Polish_citizenship.pdf> (17/12/2005).

Goetz, K. H., "Europeanisation in West and East: A Challenge to Institutional Theory" <http://www.arena.uio.no/events/papers/goetz.pdf> (27/04/2007).

Horáková, M., "Roma in the Czech and Slovak Republics" <http://www.emz-berlin.de/projekte_e/pj41_pdf/Horakova.pdf> (15/12/2005).

Howell, K., "Developing Conceptualizations of Europeanization and European Integration: Mixing Methodologies", *ESRC Seminar Series/UACES Study Group on the Europeanisation of British Politics*, November 2002 <http://aei.pitt.edu/1720/01/Howell.pdf> (30/03/2007).

Joppke, C., "Citizenship between De- and Re-Ethnicization" <http://www.russellsage.org/publications/workingpapers/Citizenship%20between/document> (02/10/2006).

Kawczynski, "Nationality: Roma Citizenship: Europe" <http://www.errc.org/cikk.php?cikk=1760> (26/09/2006).

Knill, C. and D. Lehmkuhl, "How Europe Matters. Different Mechanisms of Europe" European Integration Online Papers (EIOP), Vol. 3, No. 7, (15/06/1999) <http://eiop.or.at/eiop/comment/1999-007c.htm> (28/04/2007).

Kovats, M., "Hungary: Between Ethnic Community and European State", *Open Democracy – Free Thinking for the World,* December 2003 <www.openDemocracy.net> (29/09/2006).

Olsen, J. P., "The Many Faces of Europeanization", ARENA Working Papers, WP 01/2, 2001 <http://www.arena.uio.no/publications/working-papers2002/papers/wp02_2.htm> (28/04/2007).

Parliamentary Assembly of the Council of Europe, "Rec. 1201 (1993) on an Additional Protocol on the Rights of National Minorities to the European Convention on Human Rights" <http://assembly.coe.int/Documents/AdoptedText/ta93/EREC1201.HTM> (15/02/2007).

Radaelli, C. M., "Europeanisation: Solution or Problem?", *European Integration Online Papers (EIOP)*, Vol. 8, No. 16 (06/10/2004) <http//eiop.or.at/eiop/texte/2004 016a.htm> (28/04/2007).

Rambour, M., "When Socio-history goes along with the Political Science – The Need of a Shared View to Explore the Prospects of a European Identity", *Second Heirs Conference: The Making and Unmaking of the European Union: Fifty-five years of crabwalk?,* Portsmouth, November 2005 <http://aei.pitt.edu/7051/01/heirscolloquium2005.pdf> (13/05/2007).

Siklova, J. and M. Miklusakova, "Law as an Instrument of Discrimination – Denying Citizenship to the Czech Roma", *East European Constitutional Review*, Vol. 7, No. 2, Spring 1998 <http://www.law.nyu.edu/eecr/vol7num2/special/denyingcitizenship.html> (12/02/2006).

Sittermann, B., "Europeanisation – A Step Forward in Understanding Europe?", *Nachwuchsgruppe Europäische Zivilgesellschaft* (Münster: Westfälische Wilhelms-Universität) <http://nez.uni-muenster.de/download/Sittermann_Literature_Review_Europeanisation_FINAL2006.pdf> (10/04/2007).

Tanase, I., "Defining National Minorities: Old Criteria and New Minorities", *Seminar Series "Citizenship and National Minorities in Europe",* St. Antony's College, Oxford University, January 2003 <http://www.sant.ox.ac.uk/esc/esc-lectures/Tanase.htm> (13/02/2007).

Tóth, J., "Hungary: A Case of Ethnic Preference in Citizenship Law" <http://aa.ecn.cz/img_upload/f76c21488a048c95bc0a5f12deece153/JToth_Citizenship_Law_in_Hungary.pdf> (17/12/2005).

Tóth, J., "Transversal Study Cultural Policy and Cultural Diversity – National Report-Hungary", 2002 <http://www.coe.int/t/e/cultural_co-operation/culture/completed_projects/transversal/pub_hungary.asp#TopOfPage> (10/12/2005).

Uhl, P., "Statehood and Citizenship in the Czech Republic" <http://aa.ecn.cz/img_upload/f76c21488a048c95bc0a5f12deece153/PUhl_Statehood_and_Citizenship.pdf> (17/12/2005).

Welzel, C., J. Díez-Nicolas, L. Halman, H. D. Klingemann, T. Pettersson and L.Rabusic, "Changing Patterns of "Civicness" - Citizenship, Identities, and Values in Europe", *Integrated Project Proposal – FP6-2002-Citizens-3,* 2003 <http://www.iu-bremen.de/imperia/md/content/groups/schools/shss/cwelzel/8.doc> (15/10/2006).

Internet Sites

http://assembly.coe.int (official site of the Parliamentary Assembly of the Council of Europe).

http://europa.eu (official site of the European Union).

http://www.europarl.europa.eu (official site of the European Parliament).

http://www.oefre.unibe.ch/law/icl/hu00000_html (Hungarian constitution).

http://www.un.org (official site of the United Nations).

http://venice.coe.int (official site of the Venice Commission, Council of Europe).

http://www.nepszamlalas.hu (official site of Hungarian Central Statistical Office).

http://www.czso.cz (official site of Czech Statistical Office)

http://www.legislationline.org (inter-based legislative database).

http://conventions.coe.int (official Site of Council of Europe).