

Nationalism versus Anti-nationalism in Post-Communist Central and Eastern Europe

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Introduction

The post-communist countries in Central and Eastern Europe appear to enter the European Union with Janus-like faces. On one side are the smiles of the political and economic transitions, which have led to the establishment of functioning market economies, multiparty democracies, and membership in the Council of Europe, the European Union and Nato, at least for a majority of the countries in the region.¹ On the other side are the scars from the return of nationalism and ethnic conflict in the form of the wars in the former Yugoslavia, the large-scale discrimination of minority groups across the entire region, and the massive popular support in many countries for extreme nationalist and xenophobic parties and policies.

The aim of this chapter is to highlight the struggle between nationalist and anti-nationalist ideas in post-communist Central and Eastern Europe and to study to what extent nationalist policies have actually been introduced. The starting point is that nationalism primarily should be studied as a political idea.² I will discuss the contents of this idea in today's Central and Eastern Europe in more detail later but, briefly, the most fundamental nationalist idea is that the nation as a collective should constitute the state and be privileged by it. Although expressions of nationalism are fewer and less dramatic in the countries that have so far been more successful in their political and economic transition, I argue here that there are more similarities than differences between the nationalist ideas, and that these differences consist of varying levels of nationalism, rather than of a more qualitative kind. The variations, however vast they may appear, concern methods and consequences, not the ideas in principle. The same logic applies to the whole region, and the questions that are focused are very similar in countries where there have been violent clashes and in countries, which have handled these issues peacefully. Nationalist ideas have been proposed in every country in the region and have met resistance everywhere in the form of different liberal, social-democratic or universalistic ideas. This clash – between nationalists and anti-nationalists has been one of the most important political dividing lines in Central and Eastern Europe over the last fifteen years, along with for example the debate on economic reforms.

¹ The concept of Central- and Eastern Europe in this text refers to the fifteen countries of Albania, Bosnia-Herzegovina, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Macedonia, Poland, Romania, Slovakia, Slovenia and Serbia-Montenegro. These fifteen states are also the ones included in the empirical study.

² Or, perhaps more appropriately, as a system of ideas. Whether nationalism could qualify as a political ideology – perhaps there are too few leading theorists, perhaps the theory is too thin – or not is another issue.

The argument is developed through an empirical analysis of the various ways in which the states in the fifteen Central and Eastern European countries have dealt with questions of identity policies in five different fields of legislation. The five fields of special interests identified in this chapter are: i) constitutional definition of the state, ii) the state's internal borders, iii) conditions for acquiring citizenship, iv) language laws, and v) minority rights. The question I pose to each of the seventy-five analytical units (five fields in fifteen states) is very simple and straightforward: has the state followed a "nationalist" or an "anti-nationalist" line in its legislation? I study the ideational aspects of the legislation – the ideas behind the policy – and not the practice. The argument for studying the political arena, and identity-related legislation in particular, is that even though nationalism versus anti-nationalism is a conflict dimension that reaches over several other spheres, like the civil society, media, judicial system, elections and campaigns, the debate has to a very large degree concerned constitutions and laws. This is only to be expected since the post-communist context has forced all countries to review their constitutions and legislation in these fields.

In terms of both theory and practice, there has been a considerable amount of change regarding the relationship between states and nations in the region after the fall of Communism. While before 1989, the states were primarily defined in the name of (the working) class, and were expected to fulfill the needs of the 'people' (although only in theory), the post-communist states are to a large extent defined in the names of the nations, and the advancing of national interests is an important part of the political rhetoric. In practice, however, in many respects the changes have gone in the opposite direction. The Communist states actually discriminated more against minorities than the post-communist states of today. Even though there certainly has been pressure from international norms and European organizations – for example concerning minority policy in Slovakia, citizenship laws in the Baltic countries, and of course all the different actions taken in the Western Balkans – the domestic decision-makers are still left with a considerable range of available alternatives. The international policies toward Central and Eastern Europe, in the field of identity politics, have been pragmatic and strongly focused on short-term conflict resolution and long-term stabilization. In relation to nationalist ideas, the international norms and organizations clearly have tried to limit far-reaching discriminatory policies, but it has not prohibited nationalist policies altogether. In all of the five fields included in this study, the international context has allowed domestic decision-makers to make their own choices, be it nationalist or non-nationalist.

Perspectives on nationalism in Central and Eastern Europe

As I focus on the ideas, I simultaneously divert attention from the different national and ethnic groups. There are basically two different views on the various forms of nationalism and nationalist politics in the region. One perspective focuses on the different population groups – nations, national minorities, and ethnic groups – and explains conflict in terms of ethnicity, culture and nationalism. The other perspective focuses on ideas and explains conflict in terms of politics, giving the actors a more important role in the analysis.

It could probably be claimed that the culturalist (or nationalist) perspective is the most widely used in media reports, in textbooks, and perhaps even in empirical research. This perspective argues that what we have witnessed in the region is a clash between different national and ethnic groups, that the essence of these conflicts is to be found in the vast differences in cultures, religions, and languages, that the conflicts are historically determined and were re-activated after 1989 through the articulation of collective memories of lost greatness, and of past and present dominance and oppression by other population groups. From this perspective, the region's relatively high degree of ethnic heterogeneity is viewed as an obstacle to its development. 1989 is considered a return to history, after the Communist and totalitarian regimes, which restrained the opportunities for conflict and finally lost their legitimacy. They were undermined by the more popular idea of nationalism and allowed ethnic conflict to return with full force after the fall of the Communist systems. This perspective also explains the varying degrees of success with political and economic transitions because the ethnically most homogenous states, Poland, Slovenia and Hungary, have also been the first to establish consolidated democracies and market economies while the most heterogeneous states, Bosnia-Herzegovina and Serbia-Montenegro are still struggling to implement the most basic democratic features.

I will briefly discuss four points of criticism against this perspective while simultaneously developing my own 'anti-nationalist' perspective.³ These are: i) wrong ontology, ii) limited analytical abilities, iii) false empirical assumptions, and iv) ambiguous normative implications. First, the culturalist perspective assumes that the collective groups are non-reducible ontological entities. Against this 'groupist ontology', I argue for the need to understand nations as contingent discursive constructions because without the daily practice of national discourse, there would be no nations (Brubaker 1996). An analytical language, which treats nations as monolithic unities runs the risk of neglecting the 'real' actors who in order to achieve legitimacy for their projects formulate them as national and collective interests. Nationalist ideas are always articulated by a few, in the name of many.⁴ The fact that nations in everyday discourse, political rhetoric, and institution building are understood as autonomous subjects does not imply that they should be described in the same way in scientific analysis. We should instead relate to nations as categories in languages, and study their uses, deconstruct the varying substances and try to understand the consequences of this practice.

Secondly, we should avoid the assumption that there is something inherent in the culture and ethnicity of different population groups that generates conflict, and refrain from viewing heterogeneity as a problem. To a priori categorize conflicts as 'national' or 'ethnic' gives us much less analytical space and undermines our possibility to reach an adequate understanding of different events and processes. It is important that analysis comes first, and that categorization follows empirical investigation. The

³ The term "anti-nationalist" here refers to a methodological position, which tries to avoid taking the nationalist worldview as a given in empirical analysis (Wimmer and Glock 2002). It is not used as a normative concept.

⁴ This does not imply that only elites are important in the study of nationalism, nationalist ideas could as well be articulated on mass-level – as happened in Kosovo in the mid 1980s (Vladisavljevic 2002); still, it is a small group of activists speaking in the name of a larger group.

concept 'ethnic conflict' should be reserved for conclusions, and be kept away from the formulation of problems. Instead of explaining conflicts as a result of hatred and antagonism between culturally distinctive groups, we should study how conflict and war function as a source of hatred and how they may cause or strengthen diversity. Regarding the former Yugoslavia, it is probably safe to claim that there have been many more incidents of violence in the years following the wars, than in the years prior to the war, and that the differences between the ethnic groups are more clearly marked today than in the 1980s. We must also try to avoid reductionism – cultural structures are not more basic than political, social or economic structures, but it is not the other way around either. All forms of identity politics can occur in highly diverging political and socio-economic contexts.

Thirdly, the culturalist perspective is based on a simplified and sometimes even a false description of the empirical reality in Central and Eastern Europe. Two myths stand out in particular. The first one is the myth about Central and Eastern Europe as a region, which is characterized by a high degree of ethnic heterogeneity. From a historic perspective, this region is no less homogenous than Western Europe. The classification is dependent on the choice of criteria. For example, in the late nineteenth century Bosnia-Herzegovina was viewed as one of the most homogenous parts of the Habsburg Empire, because language constituted the main criteria for identifying national groups, while today it is the symbol of failed multiculturalism. A second myth is that nationalism was contained during the Communist era and was revived after 1989. This is basically wrong and it overlooks the strong institutionalization of national identities that took place during that period, particularly in the Soviet Union and in Yugoslavia, which was crucial for the development of national identities in, for example, Moldova, Macedonia and Bosnia. The national conflicts were not waiting below the surface. They were created, changed and strengthened, both intentionally and as an indirect consequence of socialist policies (Brubaker 1996).

Finally, the culturalist perspective comes with some problematic normative implications, which are seldom made explicit. A nationalist methodology is strongly connected to nationalist politics. If nationally heterogeneous countries indeed generate conflicts and if heterogeneity hinders democratic development the reasonable imperative is, quite clearly, to avoid multinational states, to divide existing multinational states according to national and ethnic lines, to restrain the movement and migration of culturally different groups, and to promote assimilation. Apartheid, ethnic cleansing and state dissolution are then logical, although not morally acceptable, consequences of real and natural problems.

As I have already claimed, I argue instead that we should understand nationalism as an idea, as an answer to political questions, to which there is always more than one alternative. The national conflicts in the region over the last fifteen years are not primarily 'group-against-group' but nationalism versus anti-nationalism. During the war in Bosnia-Herzegovina in 1992-1995, Serbs, Muslims and Croats clearly fought against each other. But if we stop there and accept the description of the war as a conflict between the three national population groups, we fail to pay attention to all those who tried to avoid the war and who worked for peace and co-existence. The anti-nationalist perspective understands the war as primarily a conflict between nationalists – be it Serbian, Croatian or Bosnian nationalists – and anti-nationalists.

Nationalism in today's Central and Eastern Europe

What is nationalism in post-communist Central and Eastern Europe about? What is the *substance* of nationalism? In *Nationalism Reframed*, Rogers Brubaker (1996) identified the three fields in which the different nationalist players in the 'New Europe' act: the 'nationalizing states', the 'national minorities' and the 'external national homelands'. Among other things, this demonstrated well that nationalism simultaneously means different things to different actors in the same context, and different things to the same actors in different contexts. For nationalism to be useful as an analytical concept in the study of politics in contemporary Europe, we must take these contextual circumstances into account, while still trying to specify its content. Nationalism is an idea, whose substance varies in time and space but which has a central core that focuses on the national population group as the most important political category, and which claims that political rights are primarily given to individuals as members of nations.

It is subsequently obvious that nationalism is no longer focused on the idea that the state and the nation should melt together to one monolithic totality. Most nationalists of today do not hold the same 'naïve' conceptions of the nation-state, as the nation-builders of the last two centuries. The ideal of complete congruence between national and political borders has been abandoned along with the rejection of the hope for the full assimilation of newcomers. Nationalism today is instead much more pragmatic. It is about strengthening the position of the titular national groups, internally as well as externally. It is about securing each nation's own language, religion, political system, tradition and culture. For the stateless national groups, nationalism is not as often about the demand for a state of their own (Kosovo being the obvious exception) but about guaranteeing the non-discrimination from the majority group, the use of their own language, and to achieve some degree of political and cultural autonomy within the structures of the existing political system.

Empirically, I believe that the most common nationalist claims in post-communist Central and Eastern Europe are captured in the following list of seven demands, three of which are associated with the titular nation and the project of building a nation state (the nationalizing states in Brubaker's terminology) and four claims associated with national minority groups (and often external national homelands, supporting the minorities).

Figure 1: Nationalist Demands in Post-communist Central- and Eastern Europe

Demands from nationalizing states	Demands from national minorities
<ul style="list-style-type: none"> - The state should be defined for the titular-nation - The titular group's language should be dominant and every citizen should speak the same national language - Citizenship should be restricted to co-nationals, and foreigners should undergo a process of naturalization prior to being granted citizenship 	<ul style="list-style-type: none"> - National minority groups should be granted territorial and/or cultural autonomy - The state should be defined multinationally - National minority languages should be officially recognized - The national minority groups should have collective group rights

While it is possible to accommodate some of these claims, others inherently clash. For example, the official recognition of minority languages does not fit well with the idea that a state should only have one official language. But even if most of these principles lead to confrontation, the similarities on a theoretical level must also be noted. All of these claims are collectivist, particularistic and excluding in terms of practical policies. There is a particularistic nature to nationalism that makes it fully logical that some of the rights given to the own group could be denied to other collectives. From this point of view it is thus relevant to describe demands for certain multiculturalist policies as a form of nationalism, because they are motivated by the desire to strengthen the position of the national minority, through means exclusive to members of that particular nation. In the empirical analysis, all types of nationalist claims are hence included in the same analytical category.

As has already been clarified, the ambition of this chapter is to highlight the struggle between nationalist and anti-nationalist ideas. For every nationalist position, there is at least one contrary position, in every field and in every country. I have chosen to refer to this position simply as ‘anti-nationalist’. The argument for this is contextual. Every society has its own traditions and a specific debate over issues concerning nationality and identity. In France, for example, the concepts of republicanism and secularism are important, while there are no corresponding intellectual traditions in Central and Eastern Europe. ‘Anti-nationalist’ in my study then functions as an analytical category, which brings together all opposition to nationalism in the same concept, with a few requirements: it must be based on a universalistic policy, have the individual in focus, and advocate state neutrality towards different identity projects.

The nationalist versus the anti-nationalist struggle takes place in several areas of society, but these in particular stand out as the five fields of nationalist politics in Central and Eastern Europe:

- The constitutional definition of the state
- The state’s internal borders
- Regulations on citizenship
- Regulations on language
- Minority rights

These five fields describe to a large extent what nationalism in contemporary Central and Eastern Europe is about. Empirically, they cover most of the nationalist rhetoric in the region. Theoretically, other issues could have been more important – for example the question of religion, which surprisingly has not been a very big issue so far – but the choice of fields strictly follows what seems to have been most significant empirically. The fields do not overlap methodologically. Even though there never can be any definitive boundaries between analytical constructions such as these fields, there have been no difficulties identifying and separating issues in the practical analysis.

The following table indicates how I will analyze the different concepts empirically in the study, regarding classification of nationalist and anti-nationalist positions:

Figure 2: Analytical schedule

Theoretical dimension	Empirical criteria	Nationalist category	Anti-nationalist category
Definition of the state	Constitutional Preamble, Subject in Constitution	Nation(s) as constituent(s) of the state	Civic definition, citizens as subjects
State's internal borders	Administrative regional divisions	Regions defined nationally	Unitary state; Federalism with non-national definition of regions
Citizenship	Laws on citizenship	Identity as criteria for acquiring citizenship	Non-identity related criteria for citizenship
Language	Language laws	Restrictions on the private and public use of languages	No restrictions on the use of language, the state supports the use of different languages when practically possible
Minorities	Legislation on minority rights	Group rights, group-based parliamentary representation, affirmative action	Universal rights, prohibition of discrimination

In the following sections, I will study each of these fields in the fifteen countries included in this chapter. I will discuss one field at a time, and integrate the discussion of all the countries. Each part begins with a theoretical discussion about what is included in the dimension, and how I have operationalized the concepts empirically. I will focus the attention on the most important debates in the region, in order to exemplify and illustrate, and the empirical descriptions will be kept short. The analysis results in a table where the legislation of each state in every field is classified as either 'nationalist' or as 'anti-nationalist'. For a field to be classified as nationalist, some part of the legislation needs to have a 'nationalist' content. To be classified as anti-nationalist, no part of the legislation can have any nationalist content. The analysis is limited to two categories of output, which makes it impossible to study different degrees of nationalism. The aim here is just to see whether nationalist legislation has been introduced or not, and to present a broad and general picture of the balance between nationalism and anti-nationalism in the whole region, as a basis for further discussion. Before I begin the discussion of the five fields, I will however, provide a short historical background.

Nationalism in Central and Eastern Europe before 1989

The idea of the nation as it is articulated in nationalist theory, and as we understand it today, e.g. as including the whole population and not just an elite, dates back to the late eighteenth century. In Central and Eastern Europe, nation building and state building were interrelated social and political processes during the nineteenth century. They reached their peak with the end of World War I and the creation of several new nation states after the final collapse of the European multiethnic empires. All the states, which were formed, were nationally defined and an explicit connection was made between the nation and the state. An independent state was seen as a nation's well-deserved prize after decades of struggle for sovereignty, against empires and in competition with rivaling nation-building

neighbors. At the same time, all of these nationalizing states included large minority groups and the formal guarantee of their rights and protection was an important part of the Paris Peace Treaties in 1919-1920. An international regime for supervising minority rights was introduced, under the mandate of the League of Nations; this following intense lobbying from several national interest organizations (Fink 1996). In Central and Eastern Europe, the 1920s and the 1930s came to be dominated by the institutionalizing of nationalist policy through an international system of norms and also through some distinct legislation. This, however, did not do much to prevent extensive discrimination against minorities in the different countries, ranging from very strong assimilatory policies in Poland to racial laws against Jews in Hungary and violent national conflicts in the Kingdom of Yugoslavia.

After World War II this policy was completely abandoned. The principle of national sovereignty, which had guided the decisions made in 1920, had been discredited by 1945, not least because of its association with Hitler's Ostpolitik, which was legitimized in terms of national independence and collective rights. The post-war period instead witnessed a shift of norms, away from collectivism and nationalism. The United Nations' Declaration of Human Rights in 1948 was based exclusively on individual rights and it clearly avoided any references to group rights and collectivism. The international norm, which was established, stated that states should remain neutral to identity projects that political rights should be universal and civic, and that minority problems would be fading away with time. In this respect there were strong similarities between the West and the East. The Communist ideology claimed that it was superior to nationalism; the national conflicts in Yugoslavia, for example, were thought to vanish quickly, under the rhetoric of brotherhood and unity. Even though we know now that the socialist states in reality continued a policy, which discriminated against minorities, and that there were close relations between titular nations and states, the socialist countries rarely used nationalist rhetoric and only categorized citizens in terms of their national identity to a limited extent. This further underlines the similarities with the West because discrimination and an informal bias toward titular nations were common there as well, even though the official policy said something different (Jackson Preece 1997; Resler 1997).

The first changes appeared as early as in the mid 1960s. The optimism concerning the possibility to overcome the differences in identities, which was the result of 150 years of nation building, diminished both in the West and the East. In 1966, the rights of minorities to their own culture, religion and language were mentioned in an international treaty for the first time.⁵ This change of attitude would however not result in concrete political action until the late 1980s. The most important decision was taken at the meeting of the European Security Conference in Paris in 1990 where collective rights were mentioned as something positive for the first time since before the war. Two years later the same conference created the position of a High Commissioner for National Minorities, which was given the task of supervising minority policies in Central and Eastern Europe. In 1995, finally, the European Council adopted a framework convention for national minorities, which constituted the most far-reaching step thus far for the return of collective rights (Burgess 1999; Chandler 1999).

⁵ The International Covenant on Civic and Political Rights.

In conclusion, while the 1920s and 1930s clearly were dominated by a nationalist norm, and the post-war period by an anti-nationalist universalistic liberalism, post-communist Europe appears to exist in a more ambiguous context (Cumper and Wheatley 1999; Hughes and Sasse 2003). Many of the ideals and practices from the post-war period remain strong. That became evident when the break-up of the three multi-national countries in Eastern Europe – the Soviet Union, Yugoslavia and Czechoslovakia – was met with considerably less enthusiasm from the West, than the similar re-writing of the political map of Europe eighty years earlier. But these ideals have come to be complemented with an increasing number of collectivist policies, not least concerning minority rights.

Field I: Definition of the state

The question addressed in this section is whether the state should be defined as national or civic, or, to put it differently, whether the national groups are the constituents of the state, or the citizens as individuals. The most fundamental project of nationalism in Europe during the last two hundred years has been the move toward uniting the nation and state, which has meant either trying to create a nation within a pre-defined state, as in Sweden, Spain and France, or trying to establish a state while at the same time spreading the idea of a national identity, as in Italy, Germany and most of Central and Eastern Europe. Nationalism today still includes this element, but, as was noted earlier, as an analytically category it has to be extended to include also the search for multinational states, in order to give equal attention to national minority demands in the discourse on nationalism.

To some extent, the nationalist idea is dominant all over the world. Almost all European states are popularly associated with their titular nation. The focus on the level of political debate, however, is not common perceptions of the state, but how these principles are expressed in the states' constitutions, something that obviously has a great symbolic value. Classified in the nationalist category in this field, are countries whose constitutions clarify that the state consists of one or several nations, that the nations as collectives are the bearer of rights, or ones with chauvinistic formulations like, for example, that the state is the result of the nation's historic struggle for independence. The anti-nationalist stance is that the state should be defined for all of its citizens, regardless of nationality, and that the citizens, as individuals, not as members of a group, constitute the state. The anti-nationalist position here rejects every reference to the nation.⁶

Most of the countries in the region adopted new constitutions in the early 1990s, in particular between 1990-1992. The exceptions are: Hungary which did not adopt a new constitution but instead revised the old one from 1949; Poland where the adoption of a new constitution became the focus of a huge political struggle which did not end until 1997; Albania, which has adopted two new constitutions, one in 1991 and one in 1998; Bosnia-Herzegovina got its first constitution in the fall of 1995, after the negotiations in

⁶ The term 'people' is difficult here, since the 'people', although often interpreted as including all citizens of a state, during the Communist era was used as a collective category. However, I do not see how the term 'people' could be understood as a priori nationalist without further qualifications, and therefore, references to the 'people' have here been interpreted as non-nationalist.

Dayton, which ended three and half years of civil war; and Serbia-Montenegro, which adopted a new constitution after the final and formal dissolution of Yugoslavia, in 2003.

The fifteen countries vary quite considerably in this field. A few of them – Albania, the Czech Republic, and Latvia – completely lack references to the nation. The Czech constitution, for example, refers to an old state tradition, but does not mention the Czech nation at all. The Hungarian constitution defines the state as civic without any references to the Hungarian nation. It does however, mention ethnic and national minorities, but without naming any particular group and the interpretation is thus that the Hungarian constitution is anti-nationalist in this field.

All of the other countries in the region have nationalist preambles in their constitutions. In Estonia and Slovenia, the constitutions begin with formulations about each nation's struggle for statehood – the Slovenian constitution states the Slovenian people's undeniable right to independence, but apart from that it does not make any differences between the rights of different groups of the population. The Lithuanian constitution has a preamble, which puts the Lithuanian nation as the subject, as it is claimed to have formed the state several centuries ago, and to have preserved its language and culture. The rest of the constitution is civic, defining citizens as subjects and without any mention of nationhood.

Slovakia and Macedonia largely follow the same model, although after a lot more debate. The Slovak constitution defines the state as constituted by the Slovak nation, and several Hungarian parties have tried to change this formulation, so far without success (*East European Constitutional Review* 9.4). In Macedonia, the constitution from 1992 was hotly debated. The constitution contained a series of very explicit formulations about the Macedonian nation as the sole constituent part of the Macedonian state. After heavy criticism from Albanian parties, and the violent conflict during 2001 when government forces struggled against Albanian militant groups, which resulted in more than a thousand casualties, the preamble was changed in November 2001. It defines the state as for 'members of the Macedonian nation, members of the Albanian, Romani, Vlachian, Turkish and Serbian nations living in Macedonia, along with others'. Leading Macedonian parties proposed a completely civic definition of the state, without any national references, but Albanian parties rejected this in negotiations (Belamaric 2003). It is important to note that there have been conflicts between the Albanian parties concerning the state as multinational or civic where the two leading parties have taken different positions.

The Romanian constitution contains an interesting paradox since it clarifies that Romania is an undividable nation-state, while it at the same time declares that Romania is the homeland for everyone, regardless of nationality. This formulation has been strongly criticized by the leading Hungarian party, which, among other things, recommended that the European Council deny membership to Romania unless this formulation is changed. The Hungarian party in the parliament wants the Hungarian minority to be defined as a state building nation in Romania, but all other political parties defend the current preamble (*East European Constitutional Review* 2.4)

The Bulgarian constitution also contains a preamble, which declares the integrity of Bulgaria's nation and state. Poland's constitution could also be interpreted as paradoxical, because the preamble includes a long description of the history of the Polish nation, and even the main text sometimes uses the nation as the subject – citizens are obligated to serve the nation and the state – while at the same time it adheres to a wide and inclusive

definition of the Polish nation. The adoption of a new constitution in 1997 was the result of several years of tough negotiations and it is clearly a compromise between nationalist and anti-nationalist forces, where this particular issue was one of the central ones (Spiewak 1997). The Croatian constitution begins with a remarkably long preamble, which discusses the Croatian nation's thousand years old history of independence, and the traditions that the state is based on. It also claims that the state is constituted by the Croatian nation and other nationalities, and that all are equal.

Bosnia-Herzegovina is quite different in this respect, because the country lacks a single titular nation and instead has three constituent nations – Bosnian, Croatian and Serbian – which together with 'others' make up the state. Apart from this formulation, the constitution – from Dayton/Paris 1995 - does not have any references to any of the nations' histories. The State Community of Serbia and Montenegro, finally, is quite a unique type of state because it is precisely a 'state community', consisting of the two states of Serbia and Montenegro. The confederal constitution states only this, and the two 'national' constitutions do not include any national references either.

In conclusion, in most of the countries there has been a considerable amount of debate and political struggle regarding the question of the definition of the state, where the obvious defining line has been one separating the advocates of nationalist or multi-nationalist positions, on the one side, from the advocates of non-nationalist, civic, definitions of the state, on the other. Five of the countries have adopted non-nationalist constitutions: Latvia, Serbia-Montenegro, Hungary, the Czech Republic and Albania. The other ten countries have adopted different versions of nationalist definitions of the state.

Field II: The state's internal borders

This field relates to the common distinction between federal and unitary states. The ideas behind federalism or unitary states do not necessarily have anything to do with nationalism, even though in practice the dimensions often overlap. The specific question addressed here is whether national and ethnic demographics should be considered when drawing internal administrative borders, for example between regions and municipalities, in a country with more than one national population group – e.g. all European countries. The nationalist position here is that borders of political importance to as large extent as possible should follow ethnic and national lines. The classic form of nationalism wanted full sovereignty for all nations, but in the world of today even hard-core nationalists realize that the demographic map is much too complicated for this to be achieved. A restricted form of autonomy within another state can therefore be accepted. There are many examples of this conflict dimension from other countries outside the study in this chapter: between the Spanish state and the Catalan and Basque nationalists, between the British state and Scottish nationalists, between the Georgian state and Abkhazian and Adzjarian nationalists, just to mention a few. Some of the ones that are labeled nationalists here advocate complete independence for their nation, but most of them only want increased autonomy within the existing nation state.

As I define nationalism in this chapter, the state's internal administrative borders should follow national and ethnic borders and national or ethnic groups should be given territorial autonomy within the state. The anti-nationalist position rejects this policy. The result is that nationalism can mean either a federal state, composed of different nationally defined

regions, or a quasi-federal state, which gives territorial autonomy to one or several ethnic groups. Anti-nationalism can mean either a unitary state or a federation consisting of regions, which are not defined nationally.

Apart from Serbia-Montenegro and Bosnia-Herzegovina, all states in the region are unitary states. None of these thirteen countries give any territorial autonomy to national population groups. Demands for these kinds of solutions have mostly not been raised, with a few exceptions.

Czechoslovakia was, until its dissolution, a federation consisting of two nationally defined republics. After the fall of the Communist regime in 1989, the name of the country was discussed intensely and between 1990 and 1992 it was named the Czech-Slovak Republic. In independent Slovakia, Hungarian minority parties have proposed the creation of a 'Hungarian' region and in 1994, local politicians illegally proclaimed the Komarno region, which provoked strong reactions from all other political parties (*East European Constitutional Review* 3.2; 9.4). Even though this probably should be interpreted more as a reaction against the discriminatory minority policies in Slovakia during the years of the Meciar-regime, and not as a political objective in its own – it was even denied that it was a step towards autonomy – the demand for a Komarno-region has re-surfaced again, as late as in 2000 (*East European Constitutional Review* 9.4).

Hungarian demands for autonomy have also been put forward in Romania. In 1994, the leading Hungarian minority party requested autonomy 'territorial and other' with jurisdiction over policies concerning education and culture (*East European Constitutional Review* 3.3). A year later, representative councils were unilaterally established in two districts, followed by strong criticism from the other parties (*East European Constitutional Review* 4.2). In April 2003, a new Hungarian organization was formed in Transylvania, called 'The national council for Hungarians in Transylvania', and this has again drawn attention to the question of what kind of autonomy the Hungarians really want.

Bosnia-Herzegovina is a very clear example of a country where the internal borders follow nationalist principles. The state is a federation, consisting of two parts – Republika Srpska, which is strongly connected to the Serbian nation – and the Federation of Bosnia-Herzegovina, which in its turn is a federation of two parts, both nationally defined – Croatian and Bosnian, respectively. Apart from this, many of the political organs in the state are divided according to national criteria. The highest instance, the presidential council, consists of three representatives, one for each constituting nation. Since 1995, the political conflicts, regarding the state's internal borders, have been very intense. The dominant Croatian party, the HDZ, wants to establish an autonomous Herzeg-Bosna, with the same status as Republika Srpska.

The State Union of Serbia and Montenegro is a new construction in constitutional terms, and does not seem to function as a state at all. Montenegro, which is clearly nationally defined, is in most respects a completely independent state with, for example, its own currency – the euro – and the border between Serbia and Montenegro is more or less like a state border. Serbia is also a federation in its turn. According to the Yugoslav constitution from 1974 – which officially turned Yugoslavia into a confederation – Serbia had two autonomous provinces, Vojvodina and Kosovo. In the late 1980s, the Milosevic regime in Belgrade cancelled the autonomy for the provinces, and Serbia was a unitary state until Nato's war against the country in the spring of 1999. After the establishment of democracy, the federal structure was re-introduced, although in a very complicated

context. Since 1999 Kosovo is actually independent from Serbia, and is ruled as an international protectorate. In Vojvodina, Hungarian groups have put forward demands for increased autonomy.

In conclusion, in this field thirteen out of fifteen states reject nationalist ideas, while Serbia-Montenegro and Bosnia-Herzegovina clearly should be classified as nationalist.

Field III: Citizenship

The difference between citizens and non-citizens may not be as big as before, since many states give extended social and economic rights to non-citizen residents in their countries, but it is still the only way to achieve full political rights. Even if some countries allow non-citizens to vote in local elections, every country in Europe requires full citizenship as a condition for non-restricted participation in the political life, and, what is at least of some importance, citizenship has a symbolic value, formally giving the individual complete equality within the state.

The differences within the European countries as to how citizenship is regulated are often conceptualized as quite important, and related to the two classic principles of *ius soli* and *ius sanguinis*, e.g. citizenship achieved by birth on a certain territory or through parents. These two principles are often used as methodological ideal types and are empirically exemplified with the French and German systems, respectively. I find it relevant to use this dichotomy here although there often is a good case for criticism against this approach – mostly for over-emphasizing the differences and not paying enough attention to the similarities, e.g. no matter where or by whom you are born, citizenship is given to you at birth and it is very difficult, if not even impossible, to change later in life (Stevens 1999).

Nationalism is defined here as the idea that the way to membership in a state should be through the nation. If you belong to the nation, you are welcome in the state. Because most nationalist ideas claim that national identity is transferred biologically, this in practice means that *ius sanguinis* is corresponding to the nationalist ideal. To have one or both of the parents – depending on the particular view of the nationalist theory in question – as members of a state is a guarantee for becoming a citizen. If you are not a citizen by birth, you have to earn it through a process of naturalization, which according to nationalist ideas means being assimilated. In practice, this often means that applicants for citizenship have to verify that they know the national language and/or history, and pledge allegiance to the nation.

The anti-nationalist view rejects all demands for naturalization and national or ethnic identity as criteria for citizenship. An anti-nationalist position does not, however, necessarily imply a more liberal or inclusive citizenship policy, because it does not mention other restrictions than the identity-related ones, for example on economic resources and criminal records.

Regarding the issue of citizenship laws in the region, two countries have received much more attention than the others, namely Estonia and Latvia. This is not due to any uniqueness of the principles, however. It is rather because the consequences of the two countries' laws have been much more dramatic than in any other state with the result that a large part of the population has been practically excluded. In the early 1990s, both Estonia and Latvia reintroduced – restaurated is the officially used term – the citizenships from the

years before the Soviet annexation, granting citizenship only to those who were citizens in 1940, or who were direct descendants to prior citizens.⁷ Everyone else had to follow a process of naturalization. It is important to note that the link to 1940 did not in itself imply a nationalist policy, because it did not exclude non-Latvian or non-Estonian citizens from before the Soviet occupation, while simultaneously it excluded a few Estonians and Latvians who had immigrated to the countries after 1940. The demands for naturalization were, however, very strongly connected to national identity. The applicant had to know the Estonian and Latvian languages respectively, he or she had to have knowledge about the nation's history (in the case of Latvia), and an oath of allegiance to the state was needed for a person to be granted citizenship. In addition, there was a requirement for a long period of permanent residency in the country, and in the Latvian case there were quotas, which meant that only certain groups (categorized primarily according to age) could apply for citizenship each year, which in practice made citizenship impossible for large groups of people for at least a decade.

These laws were introduced in Estonia in 1992, and they were liberalized slightly in 1993, to be tightened again in 1995. In Latvia they were first introduced in 1991 and then in 1994 with the introduction of the quotas. These were removed in 1998 along with some more liberalizing changes, which granted immediate citizenship to anyone born in the country after 1991 (*East European Constitutional Review* 7.1, 7.3). In 2001, one more decision on liberalization was made in Latvia, to accelerate the integration of non-citizens (*East European Constitutional Review* 10.2-3). In Estonia, people who had applied for citizenship prior to the elections in 1990, thus showing their support for the Estonian nation, did not have to go through the naturalization process. Latvia in this regard discriminated against former members of the Soviet military, while making it easier for Livonians (*East European Constitutional Review* 3.2). Both Estonia and Latvia have held referendums on the citizenship issue. In 1992, the Estonian people voted on whether to give non-citizens the right to participate in elections, with the result that 52 percent said no. In Latvia the amendments of 1998 took effect after 52 percent of the people had voted for them (*East European Constitutional Review* 7.4; (Smith 2003).

Lithuania largely followed the same principles. In 1989, it reintroduced the Lithuanian citizenship and gave non-Lithuanians a period of two-years to decide whether they wanted citizenship, provided that they declared loyalty to the constitution. The requirements for naturalization are: knowledge of the Lithuanian language and of the constitution together with an oath of allegiance towards the constitution.

Several of the other countries in the region also have nationalist citizenship policies, although none has resulted in as large numbers of non-citizens. Slovakia requires knowledge of the Slovak language; Albania demands 'elementary knowledge' of the Albanian language; Bosnia-Herzegovina requires knowledge in one of the constituent nation's languages and a written paper that declares that the applicant identifies him or herself as a Bosnian citizen and that he or she did not take part in the aggression against the Bosnian state. The Czech Republic requires knowledge of the Czech language and no criminal record. As stated earlier, the latter is not classified as nationalist, but, given the context it should be noted that in the Czech Republic it was informally referred to as 'the

⁷ Estonia originally followed a patriarchal principle, which meant that citizenship only could be achieved if the father or his father had been citizen, a resolution, which was removed in 1993 (*East European Constitutional Review* 2.2).

gypsy clause', because it hinders Slovak Roma from applying for citizenship in the Czech Republic, which seems to be precisely what the Czech decision-makers were after (*East European Constitutional Review* 5.1; (Siklova and Mikluskova 1998).

Romania does not require knowledge of the Romanian language, but it does require an oath of honor where the applicant swears to be faithful to the fatherland and the Romanian people, to defend the rights and the national interest, and to respect the constitution of Romania. Romania is also one of few countries in the region, which allows multiple citizenships.

Hungary does not have any identity-related criteria for naturalization, but on the other hand, descendants to previous Hungarian citizens are exempted from the naturalization process (*East European Constitutional Review* 2.2). That includes the possibility to choose between an oath and a pledge to the constitution. The difference is whether to include God or not. Poland gives citizenship to anyone born with Polish parents and has no identity-related criteria for naturalization.

The Bulgarian law is clearly anti-nationalist. The country offers citizenship to anyone born in Bulgaria, to anyone who has a parent who is citizen, or through naturalization with no identity-related criteria at all.

Serbia and Montenegro each have their own citizenship acts, both of which are non-nationalist. Macedonia requires oral knowledge of the Macedonian language. Croatia requires knowledge of the language as well as of the Latin script, and that the migration office comes to the conclusion that the applicant accepts the Croatian culture. For 'ethnic Croats', the naturalization process could be avoided through a written note stating that the person defines him or herself as a Croat. Slovenia originally introduced a very liberal citizenship legislation, which was criticized by nationalist parties (*East European Constitutional Review* 2.4). In 1995, they wanted a referendum on citizenship with the aim of making Slovenia an ethnically more homogenous state. Now, however, naturalization requires knowledge of the Slovenian language, which is tested through an oral and written language exam.

In conclusion, the question of citizenship has been very important in all of the countries. Most of them demand knowledge of the national languages, and some of them require different forms of oaths or allegiances towards the state, the constitution, or even the nation. Only four of the fifteen countries do not have any kind of nationalist citizenship policy: Bulgaria, Poland, Serbia-Montenegro, and Hungary.

Field IV: Language politics

Language continues to play a central role as the prime characteristics of national identity. Ever since the nation building processes of the nineteenth century, language has been the main criteria for separating different groups in the region. Only in the Serbocroatian area did religion play a more significant role, but the development over the last years has increased the differences between the languages and today it seems reasonable – although normatively problematic – to describe Serbian, Croatian and even Bosnian as separate languages. The nationalist principle is that everyone within the nation – and thus the state – should speak one language and one language only. The formulation and diffusion of a codified language within the borders of the nation-state has been one of most important characteristics of a nation building process. Nationalists subsequently want to limit the use

of languages other than the national one within the country. This objective is most often limited to restrictions in the public sector – primarily the education system – but sometimes also includes the private sphere. The anti-nationalist position is the opposite: There should be no restrictions on which languages an individual may use, in public or in private. Every prohibition on the use of a language is rejected by the anti-nationalist position. But anti-nationalism also means that the state as far as possible should support the use of minority languages, for example, in communication with authorities, and in education.

The methodological distinction between nationalist and non-nationalist policies is drawn at every active restriction from the state on the use of languages, in private and in public. But there is of course also a practical dimension to this, which makes it a highly sensitive issue to analyze. To not offer education in a language that no one uses cannot be considered a restriction. But if a large group of the population speaks another mother tongue than the titular nation, an anti-nationalist would want the state to offer that group education in its own language. To establish precise numerical criteria on how large the minority group should be is the wrong way to approach this, even though that is how these issues are most often handled in reality. First, because it is impossible to know exactly how many people belong to a particular group, which has been proven by considerable debate in the region over censuses. It is in the nature of this discourse that there are discrepancies regarding how the state and the minority define the groups. The second reason is because it neglects the contextual dimension. I think instead that each case should be studied carefully using the guiding principle from the previous discussion, but with much weight given to context.

The question of which language(s) should be official, and thereby allowed to be used in communication with authorities, in education and in public office, at work places, and on names on cities and streets, is one of the most debated and infected in Central and Eastern Europe. In some cases the state wants to limit the use of some languages, and in other cases minority spokespersons want to make their own languages official. The overall pattern in the region is that each country only has one official language, but that the use of minority languages is tolerated, and to some extent supported. Education is generally offered in minority languages at the elementary and secondary levels, but not at higher levels. Some countries do have more than one official language, which are often limited to certain regions. But there have also been several cases where the state has tried to restrict the use of minority languages, in a nationalist way. Minority parties have proposed lower percentage limits as well as more opportunities for education and they have protested against shortcomings in implementation, while majority nationalist parties have protested against the tolerance and support for any language other than the titular nations’.

In Estonia, Estonian is the only official language, which means that it is the only language that may be used at some public work places. The election laws from 1996 require that candidates without graduation from an Estonian school must declare their will to learn Estonian. In 1998, this law was amended so that the government had the right to test the language skills of members of the parliament (*East European Constitutional Review* 7.1, 8.1). Like the citizenship acts, these laws have been strongly criticized. In Latvia, the situation is similar, with Latvian being the sole official language and members of the parliament are obligated to speak Latvian, which includes swearing an oath.

The Slovak Republic adopted new, very nationalistic language laws in 1990. They turned Slovak into the only official language, and stated that the use of other languages was allowed as long as it did not threaten the state's integrity or discriminated against other citizens, and languages other than Slovak were outlawed on cities, streets and public places. Since then, the laws have gradually been liberalized. In 1993, after pressure from the Council of Europe, everyone born in Slovakia got the right to register their name in the language of their choice, including Hungarian, which is the mother tongue of at least seven percent of the population (Ramet 1997). In 1994, the requirement for married women to add the Slovak suffix '-ova' to their family name was abolished and in the same year bilingual official signs were allowed in towns, where the minority made up at least twenty percent of the population (*East European Constitutional Review* 2.4). This followed from protests from minority parties against the removal of such signs already in place. In 1999, new language laws were adopted, which again used the twenty percent criteria, concerning whether a minority language could be used in communication with authorities. Hungarian parties wanted the limit to be ten percent while Slovak nationalist parties wanted a referendum on the issue (*East European Constitutional Review* 8.4). The parliament has also voted for a Hungarian-speaking university, which is to open in 2004, with three faculties: theology, pedagogy and economics.

In Romania, the only official language is Romanian. In 2001, laws were adopted which guaranteed the use of minority languages in communication with authorities and on street signs in areas where the minority made up at least twenty percent of the population. This followed after a big debate, and the leading Hungarian party demanded, here as in Slovakia, that ten percent would be a better limit. The state also guarantees education in the minority language, but the laws were tightened in 1997, when an exception was made for teaching in the subjects of history and geography. There has also been a long debate on the founding of a Hungarian-speaking university in Cluj-Napoca/Kolozsvar (or even a combined Hungarian and German-speaking university), which so far has resulted in a gradual expansion of Hungarian faculties. The Romanian nationalist parties have reacted very strongly against every expansion of the use of the Hungarian language. The Greater Romanian Party took legal action against Prime Minister Nastase for having 'insulted national symbols and national dignity' after the decision that Cluj-Napoca/Kolozsvar should be bilingual.

Hungary's language legislation constitutes a good example of an anti-nationalist policy, because it provides for extensive rights to education in minority languages. Poland and the Czech Republic follow these principles as well. In Lithuania, minority languages are to be used by authorities in areas where the minority is of 'substantial numbers', without any further specification, however.

Bulgaria is the only country in the region, which does not guarantee any education in minority languages, only the *study* of the language. With a Turkish minority constituting more than nine percent of the population, according to the 2001 census, this must be considered a considerable limitation on the use of the mother tongue for a large group of the population, and it thus falls into the nationalist category.

In Macedonia, minority language education is provided on the primary and secondary levels but not in higher education. This has been the subject of much debate and an Albanian-speaking university, which had functioned illegally for a time in Tetovo, was formally legalized in January 2004, despite strong criticism from the parliamentary

opposition. After the violent conflict in 2001, a political compromise was reached, in which minority languages were declared official in regions where they were spoken by at least twenty percent of the population (*East European Constitutional Review* 9.3, *East European Constitutional Review* 10.4). Ethnic Albanians were issued passports in the Albanian language, but they do not have the right to use Albanian in the parliament.

Slovenia gives official status to the Italian and the Hungarian languages in some regions. In Croatia, Italian is an official language in Istria, after a decision by local politicians in April 2001, which drew strong criticism from the national government. It stated that it was worried that this could encourage other groups to demand the same rights, and that it jeopardized the state's integrity. In Serbia, the Hungarian language was illegal in the public sphere during the 1990s, but is now legalized. The constitution declares that a minority language shall be official in places where national minorities make up fifteen percent of the population, but the limit for minorities on using the language in communication with authorities is as low as two percent. Minorities are also guaranteed education in their own language on the primary and secondary levels.

In conclusion, in most cases where there are restrictions, the minority group seems to be dissatisfied, and the twenty percent threshold should be considered a relatively high limit. Following on the previous discussion, I conclude that the Bulgarian, Croatian, Estonian, Latvian, Macedonian, Romanian and Slovakian language policies are to be classified as nationalist.

Field V: Minority rights

The fifth and last field in the study concerns minority rights. The right of every individual to identify him or herself with any ethnic or national group, and to practice this identification constitutes a fundamental part of the doctrine of Universal Human Rights. Almost every country in the world has stated that it will respect this right, and violations of the doctrine are likely to provoke strong reactions. There is almost never any disagreement on the value of this right, but there is nevertheless an ongoing intense debate about whether minority rights can be fully protected under the established norm of individual and universal rights, or if there is also a need for collective group rights. Advocates for multicultural group rights argue that the recognition of a population group, as a group, is *per se* an essential part of human rights. Because there are important differences between different population groups, 'color-blind' universal policies are considered discriminating. Liberal opponents argue that such a policy will institutionalize injustices, and lead to moral relativism as well as conserve non-liberal and/or patriarchal structures. Equality between individuals, not between groups, is the liberal and anti-nationalist ideal.

The difference between collective and universal rights is that the former only applies to members of a group, while the latter is equal for all citizens. A collective right, in this sense, could never be for everyone because it would then become universal. The substance of the right, for example exceptions from public laws or affirmative action, is not important in this context. In this study, I focus on rights aimed at national and ethnic groups, but the same logic could be applied to gender rights as well.

Even though in theory there are a large number of rights, which could be defined collectively, only two types of rights have existed in the region in practice: i) political representation of groups, which means that minority groups are guaranteed representation

in the regular political instances or have the right to their own political instances (although not based on territory, because it would then fall into the second field of this study), and ii) direct support for the development of national minority identities. The first category is easily recognizable, while it is almost impossible to examine the other type in a study of a limited scope. In this study, I focus on more principled declarations about official state guarantees to specific national and ethnic minorities.⁸ General statements about the rights of ethnic and national minorities, without further specification, are interpreted as universal, anti-nationalist policies. Only when a specific group is mentioned, is it defined as nationalist.

There is, however, an additional form of nationalist policies, besides state support for specific national population groups. In some countries, ethnic organizations and parties are forbidden. This must clearly be categorized as a nationalist policy, because, in effect it means that the majority group's culture and identity is the only one that is fully accepted. The anti-nationalist position is that the state should not discriminate between different population groups, neither positively nor negatively.

It has been previously stated that a common form of collective national rights in the region is guaranteed parliamentary representation for minorities. In Hungary, thirteen 'historical minorities' are officially recognized and are each granted one mandate in the parliament: Armenians, Bulgarians, Croats, Germans, Greeks, Poles, Roma, Romanians, Russians, Serbians, Slovaks, Slovenes, and Ukrainians. To be considered historical, a minority must have been represented in Hungary for at least a century, thus excluding large immigrant groups from Asia (Kovats 1999; Krizsán 2000).

Slovenia largely followed the same principle and has given the Italian and the Hungarian minorities a seat each in a parliament with 90 seats, thus granting the two population groups a huge over-representation because together they make up less than one percent of the population. The two groups have also a stated right to autonomy, official status for their languages, and these rights are not at all dependent on the size of the population groups. The Roma are also given explicit rights in Slovenia, although not in the constitution, but in a separate statute. Other, much larger minority groups such as Serbs, Croats and Muslims, are not given any group rights at all, a policy which has been criticized by the Council of Europe.

Croatia and Romania also guarantee minorities representation in the parliament. In Croatia this is guaranteed through eight earmarked seats, which are divided so that minorities with more than one and a half percent of the total population are guaranteed at least one and a maximum of three seats, and smaller population groups are together guaranteed four seats. During the last few years there has been a dramatic change of direction in Croatian minority policy, and the post-Tudjman governments are even advocating affirmative action for minorities. In Romania, ethnic minority parties are guaranteed parliamentary representation, of one seat per population group, unless they do not get enough votes to secure representation in the ordinary election. The Polish election laws are exempting ethnic parties from the percentage barrier.

In Kosovo, the Serbian minority is guaranteed seats in the parliament as well as in the government (ten seats out of 120 in parliament, two seats in the government), and 'other

⁸ The form of collective rights most common in North America and Western Europe – exemption from public laws (concerning education, slaughter and so on) for some religious minorities, has not appeared in Central and Eastern Europe so far.

minorities' are guaranteed ten plus one seat, respectively. There are no specific rights for groups in Serbia outside of Kosovo, but there is an ongoing debate on exempting minority groups from the five per cent barrier.

The Lithuanian constitution contains a few general formulations about collective minority rights, which do however remain unspecified. In Macedonia a new system was introduced in 2001, which gives minorities a certain number of veto rights, on questions of particular concern, e.g. language, symbols, culture and local administration (*East European Constitutional Review* 10.4).

In Bosnia-Herzegovina, the main political institutions are structured entirely nationally. The executive organ – the presidential council – consists of three individuals each representing one of the three constituent nations, and the election system guarantees that every citizen is represented primarily by his own group and not as a citizen. The minority rights, apart from the three constituent nations, do not, however, include any group rights. The Roma are recognized as a minority, but they do not have any specific rights (Bieber 2004).

Some countries also provide their minorities with a form of political – not territorially based – autonomy. In Hungary, the thirteen historic minorities have the right to form local councils to act side by side with regularly elected institutions (*East European Constitutional Review* 2.3). The Czech constitution names five minorities – German, Hungarian, Polish, Roma, Slovak – which are to enjoy extra protection, but its meaning is not specified. In 1994, when representatives of the Polish minority complained to the government of a lack of state support, they received the answer that the Czech state is 'civic' and does not give privileges to any ethnic group (*East European Constitutional Review* 3.2).

The Slovak constitution does not refer to any group rights. During the Meciar era, Slovakia received massive domestic and international criticism for actively discriminating against minorities, and there seems to be a wide agreement that the policy has changed dramatically since 1998. In 1996, the parliament passed three laws, which undermined the position of minorities: a new administrative system, which ensured that the Hungarians would not make up more than 30 percent of the population anywhere; the spreading of information 'undermining state integrity' was criminalized; and an amendment to a bilateral agreement with Hungary stated that Slovakia did not have to give Hungarians any collective rights (Ramet 1997).

Bulgaria and Albania do not give any collective rights to minorities at all, and they also outlaw parties that are ethnically defined (and in Albania religious parties, as well). In Albania, this forced a party which represented the Greek minority to change its name in order to be allowed to continue to function. In Bulgaria, the ratification of the Council of Europe's Convention on national minority rights was subject to an extended debate on whether it was compatible with Bulgarian law, because the constitution does not officially recognize the existence of any national minorities in the country. Romania also has a restriction on ethnic parties and requires that their programs must not threaten 'national sovereignty' (*East European Constitutional Review* 5.2-3).

The status laws, which were introduced in Hungary in 2001, constitute a different type of collective rights. These grant specific rights – to education, work permits et cetera – to ethnic Hungarians outside of Hungary. These laws have been debated extensively both inside and outside of Hungary, ever since the late 1990s, and even though the version that

passed contained fewer rights than were originally planned, it has been further undermined by later amendments – the rights have been extended from including only ‘ethnic Hungarians’ to anyone who is studying the Hungarian language and culture. This is mostly due to criticism from Slovakia, Romania and the EU. Moreover, the status laws do not apply to Hungarians inside the EU.

In summary, a majority of the countries in the region have some form of nationalist policies regarding minorities, which either grant group rights to minorities, or deny them the voluntary association in parties and organizations. Only four countries completely reject nationalist policies in the field of minority rights: Bosnia-Herzegovina, Latvia, Slovakia and the Czech Republic.

Conclusions

Figure 3 summarizes the empirical study, by indicating in which fields which countries have been classified as nationalist.

Figure 3: Empirical Conclusions of the Study

Country/Field	I	II	III	IV	V
Albania	-	-	Yes	-	Yes
Bosnia-Herzegovina	Yes	Yes	Yes	-	-
Bulgaria	Yes	-	-	Yes	Yes
Czech Republic	-	-	Yes	-	-
Croatia	Yes	-	Yes	Yes	Yes
Estonia	Yes	-	Yes	Yes	Yes
Hungary	-	-	-	-	Yes
Latvia	-	-	Yes	Yes	-
Lithuania	Yes	-	Yes	-	Yes
Macedonia	-	-	Yes	Yes	Yes
Poland	Yes	-	-	-	Yes
Romania	Yes	-	Yes	Yes	Yes
Serbia-Mont.	-	Yes	-	-	Yes
Slovakia	Yes	-	Yes	Yes	-
Slovenia	Yes	-	Yes	-	Yes

How nationalist are the policies in post-communist Central and Eastern Europe? Of the seventy-five fields studied, forty have been classified as nationalist, e.g. almost exactly fifty percent. Whether this is to be interpreted as a glass half-full or half-empty can perhaps be discussed. Because the trend is that more and more fields are turning nationalist, I would say half-full. A first conclusion may be drawn, namely that there is considerable variation across the region. This overview of nationalist policies shows a very mixed picture. There are clear differences between countries, within countries, as well as between and within the fields. Every country has a nationalist legislation in at least one

field, but no country has nationalist legislation in all fields. In each of the five fields, nationalist legislation has been introduced in some countries, but not in all. We may also note that there seems to be no regional differences within Central and Eastern Europe. In terms of legislation, the Balkan states do not differ from the Baltic or the Central European countries, with the only exception of the field of the state's internal borders.

Is there a theoretical puzzle to be analyzed here or are the results just what one may have expected to find? The fields that have been studied are precisely *different* fields, that is, they are not merely the result of differences in the situation of analysis, but they do correspond to different political discourses in the empirical reality of daily politics. Every single piece of legislation that has been analyzed is the result of a process, which involves a large number of actors (politicians, organizations, government officials, intellectuals, journalists, lobbyists) who interact to formulate, debate, decide and implement specific ideas and propositions. It is a process that is influenced by various structures – the political system, civil society, media, historical traditions, demography, and socio-economic factors – which together establish diverging norm systems in each field and each state. Although this may seem obvious, it is indeed precisely what needs to be said. It clearly demonstrates the need to study nationalism and identity politics in the region primarily as ordinary politics. Nationalism is a political idea, which forms an alternative in a wide range of topics. If ideology had not been more important than nationality, ethnicity or culture, competing parties within the same national group would not have held vastly diverging opinions as to how identity politics should be exercised. National and ethnic differences are but one dimension in this complicated process. The output that is analyzed is not the result of a struggle between nations, and the national collectives have not been united in their fight for their national interest.

Regarding the question of external pressure, it is important to note that international norms have played a big part. The post-communist countries, which have introduced the most far-reaching nationalist policies, have been widely criticized, and the policies have often been changed following the criticism. But there is more to the international influence than just restrictions on very radical nationalism. In the same way that the democratization process in the region has been a part of a larger global change – the so called third wave of democracy – and the market economic reforms have been strongly shaped by the global economic liberalization and de-regulation since the 1980s, an increased global orientation towards identity politics since the mid- 1980s has functioned as a point of reference for the nationalizing actors in the region. Globally, and primarily on the European level, there has been a change in norms, although in opposite directions: pro-nationalist in the field of minority rights, while anti-nationalist in the fields of citizenship, the state's internal borders, and language policies (Hughes and Sasse 2003; Rady 2000).

The international dimension also consists of several external actors who influence the domestic processes. The list of states acting as external national homelands for their respective minorities is long. For example, Hungary supports Hungarians in Slovakia, Romania, and Serbia; Greece supports Greeks in Albania; Belarus and Germany put pressure on Poland, and Poland on Lithuania; Italy and Austria support their respective minorities in Slovenia; Russia takes tough measures against Estonia and Latvia, and Serbia and Croatia went to war for the Serbs and Croats of Croatia and Bosnia-Herzegovina, and so on.

Apart from the sovereign states, international organizations – in particular the Council of Europe, the European Union and, not the least, the OSCE – have been very active and have made certain standards of identity politics a requirement for membership (Gilbert 1996; Martin Estebanez 2000; Vermeersch 2004; Wright 1996). The influence from these organizations has gone in both directions. It is anti-nationalist concerning citizenship legislation and language rights in some of the countries, and nationalist concerning minority rights. The policy of the European Union, in particular, has in several cases been very ambiguous. The EU has not taken a stance neither for group rights nor for universal rights. The dominant approach instead appears to focus on security and not on justice, which leads to policy conclusions that are logical in their own right, but which together create an impression of ambiguity (Brusis 2003).

In conclusion, international norms and external actors may have limited the range of options for the domestic decision-makers, but they have still been left with the choice of accepting or rejecting nationalist policies. The fact that the output has been equal parts nationalist and anti-nationalist clearly demonstrates the importance of this conflict-dimension, which I have tried to highlight.

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