

## A TEST CASE FOR DEMOCRATIC CONSOLIDATION PROCESSES IN CENTRAL AND EASTERN EUROPE: CITIZENSHIP

Ebru OĞURLU\*

### ABSTRACT

Since early 1990s, citizenship has emerged as one of the topics of utmost importance in the Central and Eastern European politics with respect to the transition and consolidation processes of the regional countries. The radical systemic changes, re-emergence of nationalism in the region and revival of ethnic-based identities and identity politics in turn have forced the regional countries to reconstruct and reconfigure their citizenship policies which have become one of the key concepts to test their success in the democratisation attempts. This study aims to analyse the role of citizenship on the democratic consolidation processes of three regional countries, Hungary, Poland and the Czech Republic. Considering the inherent link between an all-inclusive citizenship approach and democracy, this paper answers whether these countries could achieve their consolidated democracies almost twenty years after the collapse of the previous regimes or the issue of citizenship still forms an obstacle for them in the completion of their democratisations.

**Keywords:** Citizenship, Transition Period, Consolidation, Ethnic Citizenship, Democratisation

### ÖZET

Yurttaşlık kavramı, 1990'lı yılların başından itibaren, Merkezi ve Doğu Avrupa Ülkeleri'nin demokratik konsolidasyon süreçleri kapsamında tartışılan en önemli konulardan biridir. Bölgede yaşanan sistemsiz değişiklikler, tekrar su yüzüne çıkan milliyetçilik akımları, canlanan etnik kimlikler ve etnik siyaset, yurttaşlık kavramının yeniden şekillendirilmesini ve yapılandırılmasını zorunlu kılmıştır. Daha da önemlisi, söz konusu kavram, bölge ülkelerinin demokrasi süreçlerinde gösterdikleri başarılarının değerlendirilmesinde başvurulabilecek kriterler arasındaki yerini almıştır. Bu çalışma, eski rejimlerin yıkılmasından itibaren geçen yaklaşık yirmi yıllık süre zarfında, üç bölge ülkesinde (Macaristan, Polonya ve Çek Cumhuriyeti) gözlenen demokratik konsolidasyon süreçlerini, yurttaşlık politikalarının rolü ve etkisi çerçevesinde değerlendirmeyi amaçlamaktadır.

**Anahtar Kelimeler:** Yurttaşlık, Geçiş Süreci, Konsolidasyon, Etnik Yurttaşlık, Demokratikleşme

---

\* Dr. Marmara Üniversitesi, Siyaset Bilimi ve Uluslararası İlişkiler Bölümü  
YDÜ Sosyal Bilimler Dergisi, C. II, No.1, (Nisan 2009)

## Introduction

Especially since early 1990s, citizenship has become a topic of utmost importance in the contemporary European politics as a result of the well-known international political developments. Advancement of globalisation, the process of European integration and the issues of immigration and multiculturalism introduced a challenge to the traditional concept of citizenship. While, 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 1980s and the emergence of multiple actors, groups and communities, in turn, have seriously questioned this automatic equality. With the rediscovery of the importance of ethnicity and cultural identities in politics throughout Europe and increasing demands for cultural and religious diversity also certified after the collapse of the communist systems in Central and Eastern Europe (CEE), it would no longer be possible to bind 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. In this framework, theoretical and empirical studies on citizenship have increased in the whole European continent. The issue has gained a special prominence in Central and Eastern European Countries (CEECs) as a part of their historical transition processes.

As a tool of the nation states in CEE, citizenship has mostly produced exclusive and discriminatory results in the region. The collapse of the communist regimes, radical systemic changes, re-emergence of nationalism in the region and revival of ethnic-based identities and identity politics in turn have forced the regional countries to reconstruct and reconfigure their citizenship and identity. Considering the rise of nationalism in the post-communist Central and Eastern Europe 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 one of the key concepts to test the attempts of the regional countries in their democratic consolidation processes. In this context, this study analyses the role of citizenship (as the independent variable) on the democratic consolidation processes of the three regional countries, namely Hungary, Poland and the Czech Republic, which constitute the dependent variable. Hereby, the question at stake is whether these countries could reach to their consolidated democracies almost twenty years after the collapse of the previous regimes or the citizenship issue still forms an obstacle for them in the

completion of their democratisation attempts and leaves them far behind in their agenda fixed at the very beginning of the regime changes. In this framework, the first part of this paper analyses the relationship between citizenship and democratisation. The second part discusses the concept of citizenship within the Central and Eastern European perspective. The last part, on the other hand, focuses on the country experiences in terms of their citizenship regulations in the post-communist era.

## **Citizenship and Democratisation**

Starting from the beginning of 1990s, democratic consolidations of the CEECs have become a focus of attention for many scholars and policy makers mainly because of their decisive influence in reshaping the current global politics. Although the collapse of their communist regimes has enabled Hungary, Poland and the Czech Republic to reconstruct their independencies, it has not been an easy task for them to complete the following transformations and consolidation processes. 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 (Bugajski, 1993: 225). With the release of various ethno-nationalist aspirations, the minority groups, which were totally suppressed during the whole communist period, could find the opportunity to increase their voices and express their demands. As a result, ethnic and national tensions resurfaced throughout the region and the countries have become subjects to inter-ethnic conflicts, identity uncertainties, new waves of xenophobic populism and rising nationalist tendencies.

Under those conditions, democratisation in post-communist CEE has produced many struggles over the restructuring of the governing institutions and the key political concepts. Among them, the issue of citizenship has appeared as one of the most crucial topics with its definitive structures and practical implications. Although the linkage between citizenship and democracy is mostly overlooked, *“the establishment of a citizenry with political and human rights and with democratic traditions and political culture in civil society”* (Ágh, 1998: 77) is an essential condition for well-functioning democracies. At the first stages of regime changes, *“the issue of citizenship and the creation of truly democratic institutions”* (Ekiert, 1991: 312) have emerged as the two complementary dimensions of democratisations *“including both stages of... transition to liberal and constitutional democracy and its subsequent consolidation”* (Pridham vd.,

1994: 2). Therefore, the fate of democracy in those countries has become subject to the representation of the citizens and their active participation in the political systems. Accordingly, the chances of democracy increase, when citizens identify themselves with a broader and all encompassing state since it guarantees 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 (Hesli, 1997: 190-191).

The 1989 revolutions as the results of a number of structural, historical, political-systemic and international factors were the first steps in the transitions of the regional countries. They involved the tasks of the collapse of the previous authoritarian/totalitarian systems, initiation of the new constitutions, spreading of the democratic structures and adaptation of the new political elites to the new circumstances. The consolidation processes, on the other hand, have implied the normalisation and internalisation of democracy in social, institutional and even psychological life, as well as in calculations for achieving success (Linz ve Stepan, 1996: 5). With reference to those criteria, it seems that the transitions of the regional countries were rapid, non-violent and definitive; while their consolidations will be a lengthy, concerted and inconclusive process (Schmitter ve Karl, 1992: 53). More importantly, even the emergence of democratic systems will not guarantee their durability. Rather, full institutionalisation of the new system, dissemination of democratic values and adoption of an all-encompassing and inclusive citizenship has emerged as the minimum requirements for the stable democratic futures of the regional countries.

Contrary to the above-mentioned requirements, however, the re-emergence of the traditional forms of ethnic and regional nationalism, as well as the continuation of narrow-minded citizenship understanding has emerged at the early stages of transitions of the regional countries as the threatening factors for their democratic evolutions. The lack of a meaningful role for citizens and citizen politics has also contributed to the common disillusionment with the new system (Nagle ve Mahr, 1999: 217). 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” (Linz ve Stepan, 1996: 53). The complex relationship among those criteria has made the consolidation process a difficult task for the recently independent, partly-free and semi-democratic CEECs which have been plagued by ethnic conflicts, new waves of xenophobic populism and ethnocentric radicalism in the post-communist era.

Considering the theoretical assumption of the “intrinsic link between democracy and civic nation” (Crawford, 1996: 126) and the real situation of the prevalence of ethno-cultural conceptions of the nation, national identity and citizenship (rather than the civic universalistic type), we can assume that most serious problems and setbacks for the democratic improvements have mostly emerged from the strong role ethnicity has played in the region. Since, when ethnicity is applied to civic dimensions of nationhood<sup>1</sup> (Schöpflin, 2002: 277-278), it may produce destructive results as it can be seen in the citizenship policies of the regional countries.

### **Citizenship in Central and Western Europe**

Citizenship serves as the guiding principle of the functioning democracies and citizens are their most distinctive elements. In this framework, there are two unavoidable questions for stable and effective democracies: Who is a citizen in a state and how are the rules of citizenship defined? Concerning the first one, it is usually accepted that in the democracies the *demos* is the citizen, with its individualistic connotations, rather than the collectivist people (Linz and Stephen, 1996: 28). Regarding the second question, on the other hand, two principles are used to grant citizenship status, *jus sanguinis* (citizenship by descent) and *jus soli* (citizenship by the virtue of having been born in the country). The regulation of citizenship based on one of those principles has inevitable impacts on the democratic futures of the countries. In this respect, the most fundamental issue of the CEECs is the restructuring of the citizenship criteria within the scope of the new legislation which had to be developed in each country. Since “*even where [it was] already in place, it [was] too narrow in scope or poorly enforced*” (Williams, 1999: 59).

Most of the problems of the regional countries have appeared due to the incompatibility of their ethnic citizenship practices with theoretically ideal form of civic citizenship. This gap usually emerges from the “*internal contradiction of the national state between a universal conception of [civic] citizenship with its*

---

<sup>1</sup> 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.

*uniform rights and duties and an inevitably particularistic [ethnic] conception of the people”* (Smith, 1995: 98). While the first one entails a voluntaristic definition of nationality implying the aspiration for democratic reform, respect for others and multicultural society; the second one is based on ethnicity, cultural and ideological allegiances with the implications of an exclusivist and chauvinistic citizenship (Jenkins ve Sofos, 1996: 22). In that context, civic citizenship is defined in terms of the willingness to acquire civic values, irrespective of the religious roots or ethnic differences of the people. As a result, 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. As opposed to the allegiances to the civic virtues, ethnic citizenship is based on the common ethnic and cultural properties as well as the institutionalisation of the domination of ethnic majority and its influence in the country. However, it ought to be remembered 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. This convergence is described by Anthony D. 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”* (Smith, 1986: 151).

The dissolution of the multi-national states in CEE starting from the early 1990s and the emergence of the nation states in their place proved the historical role of ethnicity which filled the existential gap left by the collapse of the previous regimes. 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 the region through the link between citizenship and membership to the ethnic nation despite all kinds of its damage to the civic loyalty, equality and open and voluntary association which would form the basis of future discussions on citizenship.

Within the Central and Eastern European context, two points are crucial to fully grasp the background of the citizenship definitions and implementations. First, the debates and discussions on the issue are closely related to the nation-building experiences of the regional countries which depend on the notion of ethnic and cultural citizenship based on the exclusive identity of *ethnos* instead of

the common citizenship within *demos*. Accordingly, belonging to the nation is becoming a matter of being, not willing, and citizenship is defined with references to the ethnic origin through the principle of *jus sanguinis*. The second point is that the main discussions about citizenship have usually been developed around the issue of minorities. This is mainly because of the geopolitical re-arrangements following the two world wars which rendered minority problem a lasting and often an acute one in the region. The homogenisation attempts of the regional countries where the incongruence between the territorial and ethnic boundaries is their historical faith have inevitably led to the detriment of the civic component of the citizenship policies and ethnicity has become a tool for social exclusion, demarcation or discrimination (Scherrer, 2003: 97). In other words, the persistence of ethnic identities in those countries and the dominance of an “*ethnic majority ruling its own state*” (Crawford, 1996: 124) have inevitably led to the unfavourable impacts on the minority groups in almost all countries. They have suffered from the citizenship policies of the dominant nation mostly because of the implicit recognition of full citizenship rights only for the majority ethnic group. The insufficiency of their rights have led to their complaints about the lack of any guarantee for the maintenance of their culture and ethnic identities, particularly during an unsteady process of political and legal transition (Bugajski, 1995: 434). Therefore, it would not be wrong to argue that the CEECs have weak civic orientations and usually show discriminatory and non-emancipative practices of citizenship rights (Rose, 2001: 97-98).

In this context, considering the “*broad and inclusive citizenship where all citizens are accorded equal individual rights and obligations*” (Linz ve Stepan, 1996: 25) as the basis of a functioning democracy, the integration of minorities and the guarantee of their citizenship rights without reference to any cultural or ethnic criteria have emerged as the determining factors for the future of regional democracy. 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. Only the equality of all members regardless of their ethnic identity, not in theory but more importantly in practice, can create the suitable grounds for the smooth functioning of a democracy. Otherwise, “*when embodied in nations and states conceived in exclusive ‘ethnic’ rather than inclusive ‘civic’ terms, democracy has had strong tendencies to degenerate into ethnocracy*” (Bideleux, 2001: 47).

## Country Experiences

In the light of the above-mentioned discussions, it has become clear that the post-communist developments in CEE necessitated a reconsideration of the question of ethnic versus civic citizenship. For a more promising future, the regional countries have to revise their classical citizenship understanding. Accordingly, the 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 ethno-cultural community implying the belongingness in a nationality with distinct language, culture and religion. In the era of multiple identities, when citizenship politics can no longer be accepted as confined within the boundaries of the nation states, *“the myth of civic versus ethnic model of nation and citizenship seems to be losing its relevance by the increasing cultural diversity within the nation states all over the world”* (Özdoğan, 2000: 39). On the contrary, it has become the most appropriate way to find the reconciliation between the universal civic concerns and the recognition of ethno-cultural traits within a more inclusive collective identity (Özdoğan, 2000: 56). Such an alternative way would solve the clash between citizenship and nationality, recognise the ethnic communities in the code of citizenship and guarantee their equal rights in the material and symbolic goods of the state.

Despite those theoretical assumptions, the common historical criticism behind the citizenship policies of the CEECs is their restrictive feature whether in formal or informal way. In the past, 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. Theoretically, the logic of their citizenship regulations is based on the concept of equal citizenship. All kinds of discrimination are prohibited to strengthen the bonds among citizens. However, although all constitutions and related regulations principally include the guarantee of equal rights and opportunities for each citizen, there might emerge large discrepancies between the rights in principle and rights in practice (Rose, 2001: 101-102). Even if the formal restrictions may disappear, the story can be different regarding the informal restrictions (Schmitter ve Karl, 1997: 77). In other words, citizenship cannot be as civic as it appears and civic definitions of the regulations cannot prevent discriminatory ethnic practices. On the contrary, each state feels itself free to construct its civic norms, according to its own cultural traditions and practices, inherited ideas, perspectives and moral norms. As a result, *“citizenship is coloured by the ethnic heritage of the state concerned”* (Schöpflin, 2006: 20).



In this framework, the recognition of multiple identities and formulation of democratic citizenship have appeared as the two crucial factors for the regional countries to complete their democratisations. This can be achieved through deconstructing citizenship and nationality to guarantee broad and inclusive citizenship. As a result, it would be possible for the countries to create more democratic, 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, namely the majority ethnic group.

The following part of the paper focuses on the specific examples of the citizenship policies and practices by focusing on the constitutions and citizenship regulations of Hungary, Poland and the Czech Republic. This analysis proves the continuing tension between the civic and ethnic citizenship understanding even in the post-communist era. Beforehand, it should be stated that the three mentioned countries could not still be considered as completing their political transformation and democratic consolidation processes yet. Although they accepted new constitutions and citizenship laws to develop and flourish civic and inclusive citizenship, the citizenship practices are not as promising as the theoretical and legal guarantees on paper. To be more concrete it has to be underlined that “*ethnic bias of citizenship regulations*” (Verdery , 1998: 296) has dominated the citizenship perception of each country.

Hungary, Poland and the Czech Republic have reformulated their legislations on citizenship after the breakdown of the authoritarian and totalitarian regimes. In the new era, national identity and its reconstruction on the ethnic and cultural identity have emerged as the important part of the rebuilding of the new political identity. The previously suppressed or manipulated cultural and political traditions have continued to play an important and enormous role. As a result, the discussions about citizenship and related documents have been accompanied by the definition and redefinition of the nation, national history and national tradition which can be recognised in the official documents of the related countries. Most of the new constitutions have defined statehood in ethnic, national or cultural terms, rather than in civic-territorial language. As a consequence, respective constitutions have singled out the majority ethnic groups as the state-forming nation, with attendant privileges (Bugajski, 2002: xxxv). In the preambles of the constitutions 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 (Culic, 2003: 47). So, the constitutions

proclaimed the dominant ethnic group's symbolic ownership of the state (Stein, 2002: 10). As a result, sizeable minorities have been discriminated and excluded from the chances of participation in the public debates and discussions regarding the issues of their concern.

In a similar way, the regional countries formulated new citizenship laws, although the meaning of citizenship for their new politics has remained uncertain. The current legislation on citizenship is shaped according to an assertive nationalist understanding in line with the constitutions. This also strengthened the prevalence of exclusive notion of citizenship over the inclusive one (Jasiewicz, 1995: 81) in Hungary, Poland and the Czech Republic. The following examples of the citizenship regulations of each country will prove the fact that even if a state is established on the civic definition of popular sovereignty; it would have discriminatory ethnic policies in practice.

### **A) Hungarian Citizenship Dilemma**

The new legislative framework has become a requirement to initiate the domestic reform movements in Hungary after the systemic changes in 1989-1990. The Hungarian constitution<sup>2</sup> shaped the political system and structure of the new period when the issue of citizenship has appeared among the priorities of the Hungarian political agenda. Although the constitution created the general legal framework,<sup>3</sup> the rules and norms, regulatory principles and legal requirements of the new citizenship regime were shaped by the Hungarian Citizenship Act LV of 1993. The Act, which has been designed to be compatible and in harmony with the international legal theories and practices of citizenship, was put into practice to transform the people from political subjects to conscious citizens (Goodwill-Gill, 1995: 131). However, despite all intentions for developing democratic citizenship, the continuing ethnic bias of the new Act led to severe criticism in the country. According to the new Act *jus sanguinis* was accepted as the main

---

<sup>2</sup> The new constitution was accepted in 1993 as the amended version of the 1949 Constitution. It was re-modified with different acts and regulations in 1993, 1994, 1995, 1997, 2001, 2002, 2003 and 2004.

<sup>3</sup> The Hungarian 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 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 any 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.

principle of granting the citizenship status and it became easy for the ethnic Hungarians to get the citizenship status. During the 1990s, those obtaining Hungarian citizenship were almost exclusively ethnic Hungarians. Even between 1999 and 2001, 19,351 persons obtained Hungarian citizenship, of which 13,259 had Hungarian ancestry (Kovats, 2003). Although over time, the number of non-Hungarians securing citizenship has increased, it has still remained low. More importantly, each successor government has granted the special privileges to the Hungarian ethnic minorities living in neighbouring countries. Therefore, as Balázs Majtényi argues *“the concept of cultural nation has [remained as] a strong tradition in [Hungarian] public political thought, 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”* (Majtényi, 2005: 11-12).

The Hungarian ethnic priority is more visible in its citizenship practices which can be evaluated from two different aspects, the Hungarian Status Law and the conditions of the Roma minority in the country. The Status Law having ethno-national traits was approved in June 2001 with the schedule to enter into force in January 2002 to foster the position of the Hungarian minority abroad. The Law reveals highly nationalist sentiments of the Hungarian post-communist nation-building process which can be seen in the following provision: *“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, Article 6 (3))”*.

Within the framework of the above statement, Hungary guarantees certain rights and privileges in Hungary for the ethnic Hungarians living abroad.<sup>4</sup> Therefore, the Law is accepted as a serious attempt to create a kind of *“out-of-state citizenship”* (Přibáň, 2004: 424) which is entirely based on blood and race principle with a legal and political symbolisation of cohesion and solidarity of ethnic Hungarians and their identification with the Hungarian state (Přibáň, 2004: 424).

The Status Law has also created an astonishing distinction between the Hungarians and Magyars. While the former constitutes the citizens of Hungary, the latter implies Hungarians living abroad (Kántor, 2006: 49). By separating citizenship from the ethnic identity and constructing a clear definition of citizen of

---

<sup>4</sup> These privileges include the permission to work in Hungary for three months of each year, access to social security system and welfare benefits, assistance for students in higher education during their study in Hungary.

the Hungarian state and the citizen of other states, but ethnically Hungarian individuals, the Law is enhancing and enriching the “*ethnic concept of citizenship*” (Schöpflin: 2004: 96) and strengthens the bonds between the community of the Hungarians living in Hungary and those residing in the neighbouring countries through “re-ethnicisation of citizenship policies” (Joppke, 2003).

The second aspect of the Hungarian citizenship practices is directly related to the Roma minority living in the country. Legally, the Roma are the citizens of the country. However, they do not have access to the rights and entitlements provided by their citizenship.<sup>5</sup> In other words, even if the principle of equality consisting of civil, political and social rights are in place in Hungary, the members of the Roma find themselves excluded from the full enjoyment of their citizenship status. Although it is a state obligation to make them able to use their citizenship rights, the authorities usually avoid of developing interactive relations with the members of the Roma minority which would improve their conditions in benefiting the rights and benefits of their citizenship status. Therefore, considering the commonly accepted view that “*passing laws is one thing, and implementing and enforcement of them is quite another*” (Helsinki Watch: 1993: 25), it is mostly common to observe that the members of the Hungarian Roma still face considerable difficulties in exercising their citizenship rights. As Kovats explains it, especially, since the mid-1980s, they have been experiencing a decline in the protection and entitlements accruing from citizenship mainly due to the increasing prejudice and discrimination against them (Kovats, 2000: 247).

It is important to analyse the conditions of the Roma because this shows us that while the “ethnic Hungarians” living abroad are granted considerable rights and privileges in Hungary, even if they do not have any citizenship status, the Roma people who are legally Hungarian citizens are deprived of their citizenship rights and benefits. This exclusion of the Roma from their citizenship rights leads to their treatment as second-class citizens and violates the principle of equal citizenship. More importantly, “there seems no chance [for the Roma] to participate and to be represented in the country”. Therefore, the Roma cannot feel as active citizens having some influence on the political, social and economic developments of the country. In this framework, the conditions of the Roma population have proved the most serious dilemma of Hungary in terms of civic citizenship due to the discrepancy between the legal framework and the daily practices which leaves the notion of civic citizenship only on paper. However, if the status of citizenship is useless or if it does not have any practical meaning

---

<sup>5</sup> Larry Olomofoe, Human Rights Trainer, European Roma Rights Centre, interview (31/10/2006).

because of the inconsistency between the theory and practice, this status does not make any sense.

## **B) Clash between Civic and Ethnic Aspects of the Polish Citizenship**

Similar to the Hungarian developments, it has become a necessity for Poland to modify its citizenship regulation after the deep social and political reforms of 1989. The new Constitution of 1997 and the Law on Polish Citizenship of 1962 have appeared as the two main instruments to legalize the citizenship issue. According to the Law, *jus sanguinis* was accepted as the general principle to grant Polish citizenship. The ethno-cultural aspects of Polish citizenship and its exclusivity have always remained powerful due to the historical partitions of the country among the great powers which strengthened the Polish national feelings. The lack of a state for a long time intensified not only the ethno-cultural aspects, but also the exclusive character of citizenship (Górny vd., 2003: 52). Accordingly, Polish nationhood has become the strongest sentiment in the society and all policies have become the instruments of deepening national feelings. As one of them, Polonisation policies transformed multi-ethnic structure of the country into a homogenous nation state. The ethnically, religiously and linguistically homogenous state based on a strong Polish national identity, on the other side, has reproduced ethnic nationalism and contributed to the ethnic definition of citizenship. Therefore, Poland could never develop a truly civic citizenship understanding and it has always been difficult to distinguish “nationality” from “citizenship” (Lodzinski, 1998: 154). In this framework, Polish citizenship policies and practices have historically evolved from the idea of citizenship of a state to citizenship in an ethnic and nationalist character reflecting the historical change of Polish society from a multi-ethnic to a mono-ethnic one. Consequently, the exclusive aspect of citizenship has still been strongly felt in Poland mainly due to the dominance of the ethno-cultural traits and characteristics as the obvious features of the history of the Polish nation.

In post-communist Poland there have been serious attempts to propose inclusive and democratic citizenship understanding mostly among the younger, urban, well-educated and secularised sections of the society. The recent developments, i.e. migration, double citizenship and citizenship status of the repatriates, have appeared as the new framework to discuss the citizenship issue and led to new policy initiatives to deal with the emerging uncertainties. However, despite all initial attempts to promote civic principles and to strengthen the inclusive dimension of citizenship, new policies have only strengthened ethnic preferences

and exclusive aspects of Polish citizenship. In that sense, the “*co-existence of both inclusive and exclusive visions of [Polish] citizenship [with the dominance of the latter one]*” implies the harmonisation of both Western and Eastern models through the emphasis on their ‘Polishness’” (Paczolay, 1995: 101).

### **C) Limits of Civicness of the Czech Citizenship**

Similar to other two countries, the post-1989 political developments have produced a great awakening of the public concern around the issue of citizenship in the Czech Republic. The historical transformation from the political-territorial understanding of the Czech nation to a linguistic-national one (Agnew, 1993: 255) with the ethnic and cultural connotations has produced considerable impacts on the citizenship issue. Despite its image as the most civic country among the others and its experience of the civic-territorial conceptualisation of citizenship, the country also shares the similar problems with Hungary and Poland on the citizenship issue.

The post-communist initiatives of the Czech Republic, namely the 1992 Constitution and the 1993 Law on the Acquisition and Loss of Czech Citizenship, have been proposed to strengthen the civic attributes of citizenship. However, the current legal framework on the issue still reflects the dominance of the ethnic perceptions with an unequal treatment of minorities in the country. The primacy of the *jus sanguinis* principle is one of the proofs that the nation is ethnically defined. In that sense, the application of the ethno-cultural conditions both in granting the status of citizenship and in practicing its rights has constituted one of the most important deficiencies of the existing legislation. The most unfavourable impacts of this treatment can be felt on the conditions of the Roma minority living in the country. Even if they are the eligible persons for getting the status of citizenship, most of them have systematically been excluded from the scope of the law. The strict conditions and requirements of the legislation have become serious barriers for them to get the citizenship status. Therefore, the process of granting citizenship has usually been defined 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*” (Uhl, 2000).

The serious deficiencies of the Czech citizenship legislation can clearly and easily be through a in-depth analysis of the Roma who could officially be recognised as a national minority only with the beginning of the democratisation process in early 1990s. Their historically disadvantaged position in the country

has continued even in the new era and many Roma people have still faced serious economic, political and social problems. Among others, citizenship issue is the most acute one due to the discrimination and injustices it caused for the Roma. The limits of civicness of the Czech citizenship were mostly felt during the separation of Czechoslovakia into the Czech and Slovak Republics. Although they have been living in the Czech territories for a long time, after the separation, the large numbers of the Roma were deprived of the Czech citizenship status because of the complicated requirements of getting citizenship status.<sup>6</sup> After the new law and its implementation a large majority of the population has become “*foreigner in their own country*” (Human Rights Watch, 1996: 20) without any legal basis.

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 the ethnic prejudices among the Czech population towards the Roma. In that sense, it is quite possible to observe the dominance of the ethnic understanding of the new regime as contrary to the professed civic ideals and principles of the Czech citizenship regulations. Therefore, the new Act is considered as “*official policy of deliberate, but indirect marginalisation and discrimination against the Roma minority*” (Fawn, 2001: 1201) and Czech citizenship policy may be an example of what Robert Hayden calls as “*bureaucratic ethnic cleansing*” (Hayden, 1992: 668). Although the legal documents have provided 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.

## **Conclusion**

The concepts of definitions of citizenship and democracy have evidently acquired greater depth in the 1990s with the emerging international and regional developments. The more prominence given to ethnicity within any state has led to the weaker civic and democratic values (Crawford, 1996: 137) and the prevalence of ethnic and particularistic rather than the civic universalist type has inevitably led to sharp distinctions among the citizens. Those conditions, on the other hand,

---

<sup>6</sup> 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. Other requirements are permanent residency, economic self-sufficiency, clean criminal record which are very difficult to meet for the Roma.

have been completely inappropriate for the well-functioning democracies which require an inclusive and extended version of citizenship. The policies and practices of Hungary, Poland and the Czech Republic have shown that they have not yet completed their democratisation process within the framework of their citizenship understanding. Despite the systemic changes and their unprecedented attempts and policy initiatives, they still have ambiguities over the meaning and implications of the concept. Therefore, each of them has to find the ways of the egalitarian and inclusive citizenship. For this, they have to provide the opportunities for all minority groups as well as traditionally disadvantaged or underpowered majorities to express their interests in the political process (Ágh, 1998: 224).

Concerning citizenship and identity politics, Hungary, Poland and the Czech Republic can complete their democratisation processes only when they accept diversity, tolerance and mutual understanding as the founding basis of their societies. This would be the only way for further expansion of new democracies in CEE. Nevertheless, the current practices of the regional countries are not promising in the age of increasing ethnic nationalism and exclusivism. The post-communist citizenship policies have not redressed discrimination against the ethnic minorities. Rather the persistence of ethnic identities, preferential status of dominant ethnic groups, and subordination of minorities and ethnically biased practices of citizenship regulations have implied that the civic and theoretically inclusive practices have been far from being the principle of the daily life. Therefore, strong identity-based cleavages and the nationalising citizenship laws of each country with over-representation of the dominant nationality still forms a serious setback for further democratisation and consolidation processes.



**BIBLIOGRAPHY**

- ÁGH, A. (1998) *The Politics of Central Europe*, Sage Publications, London.
- AGNEW, H. L. (1993) *Origins of the Czech National Renaissance*, University of Pittsburgh Press, Pittsburgh and London.
- BIDELEUX, R. (2001) 'Europeanisation' and the Limits to Democratisation in East-Central Europe in Pridham, G. and Ágh, A. (eds.) *Prospects for Democratic Consolidation in East-Central Europe*, Manchester University Press, Manchester, 25-53.
- BUGAJSKI, J. (2002) *Political Parties of Eastern Europe – A Guide to Politics in the Post-Communist Era*, M. E. Sharpe, New York and London.
- BUGAJSKI, J. (1995) *Ethnic Politics in Eastern Europe – A Guide to Nationality Policies, Organisations, and Parties*, M. E. Sharp, Armonk, New York and London.
- BUGAJSKI, J. (1993) *Nations in Turmoil – Conflict and Cooperation in Eastern Europe*, Westview Press, Oxford.
- CRAWFORD, K. (1996) *East and Central European Politics Today, From Chaos to Stability?* Manchester University Press, Manchester and New York.
- CULIC, I. (2003) State-Building and Constitution Writing in Central and Eastern Europe After 1989, *Regio – A Review of Studies on Minorities, Politics, Society*, 38-58.
- EKIERT, G. (1991) Democratization Process in East Central Europe: A Theoretical Reconsideration, *British Journal of Political Science*, 21 (3), 285-313.
- FAWN, R. (2001) Czech Attitude Towards the Roma: 'Expecting More of Havel's Country?', *Europe-Asia Studies*, 53 (8), 1193-1219.
- GOODWILL-GILL, G. (1995) Comment on Gábor Nagy's Paper 'Citizenship in Hungary from a Legislative Framework' in Liebich, A., Warner, D. and Dragovic, J. (eds.) *Citizenship East and West*, Kegan Paul International, London and New York, 129-133.
- GÓRNY, A., GRZYMAŁA-KAZŁOWSKA, A., Koryś, P. and Weinar, A. (2003) Multiple Citizenship in Poland, *ISS UW Working Papers - Migration Series*, 53, Institute for Social Studies - Warsaw University, Warsaw.
- HAYDEN, R. M. (1992) Constitutional Nationalism in the Formerly Yugoslav Republics, *Slavic Review*, 51 (4), 654-673.

HELSINKI WATCH (1993) *Struggling for Ethnic Identity – The Gypsies of Hungary*, Human Rights Watch, New York, Washington and London, 1993.

HESLI, V. L. (1997) Political Institutions and Democratic Governance in Divided Societies in Grey, R. D. (eds.), *Democratic Theory and Post-Communist Change*, Prentice Hall, New Jersey, 190-216.

HUMAN RIGHTS WATCH (1996) Roma Population in the Czech Republic – Foreigners in Their Own Land, 8 (11).

JASIEWICZ, K. (1995) Citizenship in Post-Communist Poland: Civil Society or Das Volk? in Liebich, A., Warner, D. and Dragovic, J. (eds.) *Citizenship East and West*, Kegan Paul International, London and New York, 79-100.

JENKINS, B. and SOFOS, S. A. (1996) Nation and Nationalism in Contemporary Europe: A Theoretical Perspective in Jenkins, B. and Sofos S. A. (eds.) *Nation and Identity in Contemporary Europe*, Routledge, London, 7-29.

JOPPKE, C (2003) Citizenship between De- and Re-Ethnicization, *Russell Sage Foundation Working Paper*, 204 <<http://www.russellsage.org/publications/workingpapers/Citizenship%20between/document>> (11/02/2009).

KÁNTOR, Z. (2006) The Concept of Nation in the Central and East European ‘Status Laws’ in Ieda, O. (eds.) *Beyond Sovereignty: From Status Law to Transnational Citizenship?*, Slavic Research Centre - Hokkaido University, Japan, 37-52.

KOVATS, M. (2003) Hungary: Between Ethnic Community and European State, *Open Democracy – Free Thinking for the World* < [http://www.opendemocracy.net/people-migrationeurope/article\\_1632.jsp](http://www.opendemocracy.net/people-migrationeurope/article_1632.jsp)> (30/01/2009).

KOVATS, M. (2000) The Political Significance of the First National Gypsy Minority Self-government in Hungary, *Contemporary Politics*, 6 (3), 247-262.

LINZ, J. J. and STEPAN, A. (1996) *Problems of Democratic Transition and Consolidation – Southern Europe, South America and Post-Communist Europe*, The John Hopkins University Press, Baltimore and London.

LODZINSKI, S. (1998) Polish Citizenship – Ethnic Boundaries and Issue of Citizenship in Polish Society in Balla, B. and Sterbling, A. (eds.), *Ethnicity, Nation and Culture – Central and East European Perspectives*, Krämer, Hamburg, 149-164.

MAJTÉNYI, B. (2005) Special Minority Rights and Interpretations of the Nation in the Hungarian Constitution, *Regio – A Review of Studies on Minorities, Politics, Society*, 4-20.

- NAGLE, J. D. and MAHR, A. (1999) *Democracy and Democratization – Post-Communist Europe in Comparative Perspective* Sage Publications, London.
- ÖZDOĞAN, G. G. (2000) Civic versus Ethnic Nation : Transcending the Dual Model? In Özdoğan, G. G. and Tokay, G. (eds.) *Redefining the Nation State and Citizen*, Eren, Istanbul, 37-58.
- PACZOLAY, P. (1995) Comment on Krzysztof Jasiewicz’s Paper ‘Citizenship in Post-Communist Poland: Civil Society or Das Volk?’ in Liebich, A., Warner, D. and Dragovic, J. (eds.) *Citizenship East and West*, Kegan Paul International, London and New York, 101-105.
- PŘIBÁŇ, J. (2004) Reconstituting Paradise Lost: Temporality, Civility, and Ethnicity in Post-Communist Constitution-Making, *Law & Society Review*, 38 (3), 407-431.
- PRIDHAM, G., HERRING, E. and SANFORD, G. (1994) Introduction in Pridham, G., Herring, E. and Sanford, G. (eds.), *Building Democracy? The International Dimension of Democratisation in Eastern Europe*, St. Martin’s Press, New York, 1-6.
- ROSE, R. (2001) A Divergent Europe, *Journal of Democracy*, Vol. 12 (1), 93-106.
- SCHERRER, C. P. (2003) *Ethnicity, Nationalism and Violence – Conflict Management, Human Rights and Multilateral Regimes*, Ashgate, Aldershot.
- SCHMITTER, P. C. and KARL, T. L. (1992) The Types of Democracy Emerging in Southern and Eastern Europe and South and Central America in Volten, P. M. E. (eds.) *Bound to Change: Consolidating Democracy in East Central Europe*, Institute for East West Studies, New York and Prague, 42-68.
- SCHMITTER, P. C. and KARL, T. L. (1991) What Democracy is ... And is not?, *Journal of Democracy*, 2 (3), 75-88.
- SCHÖPFLIN, G. (2006) Hungary and the EU: The Status Law and After in Ieda, O. (ed.) *Beyond Sovereignty: From Status Law to Transnational Citizenship?*, Slavic Research Centre - Hokkaido University, Japan, 215-224.
- SCHÖPFLIN, G. (2004) Citizenship and Ethnicity: The Hungarian Status Law in Kántor, Z., Majtényi, B., Ieda, O., Vizi, B. and Halász, I (eds.) *The Hungarian Status Law: Nation Building and/or Minority Protection*, Slavic Research Centre - Hokkaido University, Japan, 87-104.
- SCHÖPFLIN, G. (2002) *Nations, Identity, Power - The New Politics of Europe*, Hurst & Company, London.

SMITH, A. D. (1995) *Nations and Nationalism in a Global Era*, Polity Press, Cambridge.

SMITH, A. D. (1986) *The Ethnic Origins of Nations*, Blackwell, Oxford and Cambridge.

STEIN, J. P. (2002) National Minorities and Political Development in Post-Communist Europe in Stein J. P. (eds.) *The Politics of National Minority Participation in Post-Communist Europe – State-Building Democracy and Ethnic Mobilisation*, M. E. Sharpe, New York and London, 1-30.

UHL, P. (2000) Statehood and Citizenship in the Czech Republic <[http://aa.ecn.cz/img\\_upload/f76c21488a048c95bc0a5f12deece153/PUhl\\_Statehood\\_and\\_Citizenship.pdf](http://aa.ecn.cz/img_upload/f76c21488a048c95bc0a5f12deece153/PUhl_Statehood_and_Citizenship.pdf)> (11/02/2009).

VERDERY, K. (1998) Transnationalism, Nationalism, Citizenship, and Property: Eastern Europe Since 1989, *American Ethnologist*, 25 (2), 291-306.

WILLIAMS, C. (1999) Imagined Democracy: Ethnicity and Nationalism in East Central Europe and the Balkans in Sfikas, T. D. and Williams, C. (eds.), *Ethnicity and Nationalism in East Central Europe and the Balkans*, Ashgate, Aldershot, 45-71.