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Jean Monnet Chair Papers

The Fate of Non-Members of Dominant Nations in Post-Communist European Countries

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ne Robert Schuman Centre at the European University Institute

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The Jean Monnet Chair

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1. Nationalism after "really existing socialism"

Inter-ethnic conflicts and minority problems in post communist Central and East Europe have been generally linked to nationalism and to the legacies of "really existing socialism"[1]. This is true in a more involved fashion. Namely, nationalism and its consequences regarding national and other minorities had been predominant in all "really socialist" countries before communists seized power. Nationalism had infested political life in all of them, especially in the period between two World Wars. Communist rule appeared to be non-nationalist and to steer in the opposite direction. However, when it collapsed, nationalism not only re-emerged, but did it virulently. As a resistant strain of bacteria, it now manifests traits acquired in "real socialism". It opposes communist ideology and practice but in the same time adapts it or borrows from it. It is not surprising, then, to hear nationalists blaming only communism for the present disorder (and for the sad state of their minority or majority nation), the fewer leftists, both in the region and outside it, putting the blame only on the resurrection of pre-World War II nationalism, and still others, combining traditional nationalist and Stalinist rhetoric[2].

Although there is general agreement that nationalism is prevailing in East and Central Europe, curiously enough, nationalists are not entirely proud of being nationalist. To be more precise, blatant nationalist statements seldom go with an open espousal of nationalism as a doctrine[3]. Nationalist intellectuals are gnawed by the feeling that nationalism, after all, looks intellectually discredited - they say by the communists, but intimately know that political nationalism has been, since the end of the 19th century, associated with the xenophobic Right and anti-Semitism (Hobsbawm 1992, p. 105). There is tension between politically extremely effective nationalism at home and its nonacceptance abroad.

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[1] As many others I feel uneasy when denoting as "communism" social, economic and political systems that were introduced and maintained by communist parties in the USSR and countries under its control and influence in Europe, Asia and maybe Cuba. What was there instituted was done in the name of Marxism, Leninism and socialism but in many eyes did not correspond to the communist project. Even communist powerholders there - albeit for other reasons - refrained from calling it communism: they were only "building" the latter. To the great dismay of Western socialists and social-democrats they referred to their creation as socialism, with the proviso that their socialism was the only one really put to practice. While "communism" tends to be pejorative, "really existing socialism" is only ironic and has the advantage of clearly referring to all versions of "applied Marxism-Leninism".

[2] In his perspicacious analysis of the statements of leading Serb nationalists Milosevic refers to a number of ideas they borrowed from Soviet Stalinism, such as e.g. distaste for capitalism, nostalgia for bipolarity and fear of "new world order". Milosevic, p. 10.

[3] The same is with racism, which can be detected in opinion polls and typical racist statements by a number of "intellectuals". When called racist, the latter vehemently reject it. See interesting examples in Prodanovic, p. 79.

Even nationalists think that "other" (i.e. belonging to another nation) nationalists are bad and dangerous. Pathetic efforts are made either to avoid the label of nationalism for one's own attitudes toward one's ethnic group[4] or to obtain recognition and political and intellectual support for selected benign or "democratic" nationalisms[5].

The current preoccupation with nationalism has not been caused only by some of its most violent outbursts and the detection of its symptoms in many areas, but also by its unexpectedness. Until very recently, it was believed that "nationalism is no longer a major vector of historical development" (Hobsbawm 1990, p. 163). This was probably done under the influence of successful integration in Western Europe and the fact that the other side in the Cold War was seen as everything but nationalist.[6]

The second part of this assessment was obviously wrong. Neglected was the paradox of nationalism in "real socialism". Simultaneously it has been a powerful weapon against communism and the only means of dictators and bureaucratic elites in decaying communist systems to preserve their power by finding new legitimacy and social support. This has been well documented in the cases of Ceausescu, Castro and Kim Il Sung (Michnik 1990-1991, p.74; Gabanyi 1990, p. 372). In multinational societies the communist oligarchy promoted interethnic conflicts so as to act as arbiter (Djilas 1990, p. 225). Nationalism and the Bolshevik version of communism have been intimately linked by collectivism and anti-individualism; this explains the ease with which many former members of the ruling party became nationalists and the frequent "alliance of nationalist populism and party hard-liners" (Denitch 1990, p. XV).

These consequences, but not their dismal reality, can be explained as inevitable in decaying totalitarian rule:

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4   This is sometimes done by finding "non-nationalist" terms for "bad nationalism", as Mastnak does to differentiate between his (Slovene) nationalism and "...fascism, xenophobia, chauvinism, racism, anti-Semitism, politicised ethnocentrism, *Blut und Boden* movements" (Mastnak 1992).

5   This kind of support seems to be sought in particular in Germany and from Germans, in the expectation that understanding would be more forthcoming there than elsewhere. "German" nationalism, in the sense of ethnonationalism, has been frequently contrasted to "French" nationalism, i.e. allegiance to the state. At a meeting in Zagreb some of the local scholars attempted to convince their German colleagues, not that nationalism was good, but that **Croat** nationalism was good. They could only elicit some understanding for **any** nationalism in that part of the world, including both Croat and Serb . According to the German participants, ethnocracy was inevitable in that part of Europe and it could, but would not necessarily, lead to democracy. See Jahn and the reaction of Zenko.

6   To be sure, Hobsbawm refined this statement in the second edition of his book in the sense that "nationalism is historically less important" and that "it is no longer, as it were, a global political programme" (Hobsbawm 1992, p. 191)

Das Funktionieren des Systems hing aber von der langfristigen Lebens-
fähigkeit des Totalitarismus ab; sobald er zu zerbröckeln begann, betätigten
sich die nationalen Kader zwangsweise als national gesinnte Führungsschichen
und begannen ihre Bürger für die Interessen der Republiken und gegen den
Zentrum zu mobilisieren. Klugerweise verwendeten sie die Argumentation
und die Logik des Selbstbestimmungsrechtes, ein schon lange Jahre vom
Westen zelebriertes Prinzip, wodurch natürlich sowohl der Nationalismus als
auch der Chauvinismus gefördert wurden. Aus guten Gründen erschien der
Nationalismus den neuesrstandenen Eliten in den ehemaligen Republiken und
Satellitenstaaten als unentbehrliche Denk- und Handlungsweise (Motyl, p. 236).

2. The ethnic nature of political life

True to the belief that nationalism was the best antidote to communism and
that it promised immediate political success with voters who had under "real
socialism" lost any political sophistication, if they ever had any, and with non-
existent civil society, ethnic political parties were the first to be formed. Some
politically ambitious non-nationalists used this stratagem. Such parties have
aimed to rally all members of a given ethnic group and to exclude others.
Even when ethnic exclusion is not explicitly stipulated in its statutes and its
name, as, e.g. with the Democratic Party in Serbia, the nature of the party and
its programme, deter all ethnically different citizens not eager to assimilate
(Horowitz 1985, p. 291)[7]. The objective of the party is basically the defence
and promotion of the "national interest" taken in its ethnic meaning. This goes
both for parties of the ethnic majorities and ethnic minorities. The manipula-
tive potentials of the "national interest" have proven to be enormous in the
region (Dimitrijevic, 1994).

In a multinational state ethnic identification in name and programme is
bound to produce debilitating effects. An extreme example, with tragic conse-
quences, was to be found in Bosnia-Herzegovina. There the outcome of the
first multi-party elections in 1990 resulted in a "coalition government" of the
Serb Democratic Party, the local branch of the Croat Democratic Community
and the Party of Democratic Action, which was pronouncedly Muslim in all
respects but name. At least two important non-nationalist parties took part in
the elections, but were defeated. In an atmosphere of mistrust, the voters
landed in an almost perfect prisoner's dilemma and many of them, in the last
moment, switched their allegiance from political to national choice. The elec-
tions thus resembled a fateful census, where most voters cast their ballots for
their respective national party. It was clear that the coalition of the three
nationalist parties could not run the country: it eventually fell apart and party

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[7] See infra, footnote 11.

leaderships transformed themselves into headquarters of embattled paramilitary organisations.[8] It was to be expected that the referendum for independence, where the Croats and Moslems allied against the numerically inferior Serbs, would not be recognised by the latter: there had been a consensus among the nationalist leaders that the civic democracy would be replaced by communal arrangement; the elections and the resulting government belonged to the latter and the referendum to the old fashioned former category. One of the rules of the emerging communitarian order is that no ethic group is willing to submit to any numerical majority of citizens.

For a distant observer, it is not easy to form a judgement as to the level of ethnic exclusiveness and nationalism in a political party: appearances might be neutral in comparison with the nationalist character of actual political and propaganda practice. In the post-totalitarian attempts of the local elites to preserve their power, some communist parties have quite successfully developed into nationalist associations. Where this transformation was convincing, they have been more successful at elections. Thus the Communist Party of Montenegro, even before changing its name, won 64% of the popular vote in Montenegro in 1990 because it became closely identified with Serb nationalism. The League of Communists of Serbia was probably the first communist party to become nationalist. Under a changed name (Socialist Party of Serbia) it managed to obtain 46% of the popular vote at the 1990 elections in Serbia. On the other hand, the former League of Communists of Bosnia-Herzegovina, which by the almost equal ethnic distribution in the population and among its members had been prevented from becoming nationalist, scored only 8% of the popular vote. Another interesting development occurred in Croatia, where the former communists could not easily relinquish their anti-nationalist stance. Faced with intense nationalism of the leading Croat party, which eventually won the elections, non-Croat citizens (mostly Serbs) and non-nationalist Croats voted for the reformed communists (Party of Democratic Changes), so that this party scored respectable 23.6 %. However, it has not managed to exercise a corresponding influence after the elections. Confronted with ethnic anxieties, this party was too moderate for the Croats and the Serbs alike: it was sandwiched between aggressive Croat nationalist parties and the newly founded Serb Democratic Party, which identified itself only with the defence of the interests of Serbs in Croatia (Goati, 1991).

In countries with strong national minorities mainstream political parties were unable to cross the ethnic divides. After the first multi-party elections, the second largest party represented in the Romanian Parliament was the

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[8] After two years of war in Bosnia and Herzegovina, the Serb "Republic Srpska" and the Croat "Croat Community of Herceg-Bosna" are for all practical purposes one-party para-states, under the absolute dominance of the Serb Democratic Party and the Croat Democratic Community, respectively. To a lesser degree the officially recognised Republic of Bosnia and Herzegovina is ruled predominantly by the Party of Democratic Action.

Democratic Union of Hungarians, with 7.2% of the popular vote - it ranked above the traditional National Liberal Party, which collected only 6.3%. In Serbia, Albanians boycotted three elections (1990 1992, 1993), whereas in Macedonia an Albanian party is strongly represented in the National Assembly. In two elections, Hungarians in Serbia voted mostly for the Democratic Union of Vojvodina Hungarians, which came out stronger than some traditional Serbian parties. The Movement for Rights and Freedoms, which represents Turks in Bulgaria, and Omonia[9] (the Greek minority party in Albania) enlisted the votes of virtually all Turks and Greeks, respectively: they have a relatively strong position in the legislature. The circle of the politicisation of ethnic identity becomes thus complete.

Political allegiance and voting based exclusively on ethnic lines inherently contradict political pluralism and civil society. Communal values disappear or become very weak, both among the majority population and among minorities. Individuals are pushed not to act primarily as citizens but as members of the ethnic group[10]. They are induced not to recognise any social, economic, professional and other interests and to behave as if all members of the ethnic group were in the same social position. Under such circumstances, there are few political parties or other associations that formulate common concerns and corresponding political claims that would transgress ethnic divisions and group citizens in various other combinations. In post communist multinational countries the latter have been singularly unsuccessful and isolated. Thus society gradually becomes blocked for progress and national elites get the opportunity to exploit their co-nationals in the name of global national goals.

Ethnonationalism operates also against ethnically identical political opponents and their associations. Under its pressure, all political organisations become gradually submitted to a "test" of patriotism and ethnic conformity. When, in the opinion of the self-appointed judges, a political party does not embrace a modicum of nationalism, it is subjected to damnation with a corresponding epithet that includes the ubiquitous "anti-", but varies from country to country. In Romania, it is anti-Romanianism (Tismaneanu and Mihaies, p. 25), in Serbia anti-Serbism, in Croatia, anti-Croatism etc. The animosity towards co-nationals with insufficiently developed ethnic feelings eventually

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9   In a wave of anti-Greek feelings Omonia became regarded as a subversive organisation. Mobs attacked its offices and on 2 February 1992 it was officially prevented from fielding candidates in new elections. Some time later, ethnic Greeks established a new party, under the less revealing name of the "Union for Human Rights". *East European Reporter*, vol. 5, no. 2, 1992, p. 36.

10   The following statement by Miroslav Toholj, one of the leaders of the Serb Democratic Party in Bosnia and Herzegovina, deserves to be quoted: "Serbs have been finally deprived of their Serb name, they have been made citizens, which they will not accept". *Vreme* (Belgrade), 9 March 1992, p. 54.

becomes greater than hatred against aliens[11]. This results in wholesale regression in political life: some of the participants cease to be perceived as political opponents and become treacherous enemies, unworthy of respect and protection.[12] Steven Lukes reminds us of a similar development of the slogan of *fraternité* after the French Revolution: it "acquired a new and ominous meaning, promising violence first against non-brothers and then against false brothers" (Lukes, p. 435).

Common interests are best realised and defended when they are perceived to be in jeopardy. The tribal instinct is therefore most probably the result of fear for national identity, which overshadows all other considerations. Nationalist regimes have always shown strong resilience vis-à-vis economic sanctions (Dimitrijevic - Pejic). The latter are meant to induce rational reactions, but nationalist sentiments are not rational: under their influence people are prepared to sacrifice "vulgar" rational interests in favour of "noble" irrational demands of national survival, dignity and sovereignty. Abstract anxiety is permeating most societies in post-communist transition: "fear of yesterday, fear of today, and fear of tomorrow" (Miszlivetz, p. 19). The defence of the ethnic group has become the primary concern.

3. Nationalism and human rights

Extreme nationalism poses a serious threat to human rights. Authorities hesitate to offer protection of life and limb against "patriotic" hooligans, or even worse, use them as accessories. Freedom of association becomes restricted to a circle of nationally acceptable groups. Laws against defamation, slander and libel do not operate and the freedom of expression becomes the property of the ruling elite. On the other hand, editors of publications belonging to the opposition are denounced as alien hirelings[13]. Incitement to national hatred is not only tolerated but officially encouraged. The climax is reached in

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[11] Lack of national feeling ("ethnic atheism") is generally considered to be abnormal and treacherous.. One Ostoja Sibincic, leader of a group of Serb refugees from Croatia, has become famous for saying that some Serbs are "more qualified" (kvalitetniji) than others. Sibincic is a simple man, but not so Zoran Djindjic, doctor of philosophy, translator of Husserl and leader of the verbally moderate and supposedly non-nationalist Democratic Party: "There have always been statistical Serbs who have been more catholic than the Pope, and less Serb than Croats" (*NIN*, 8 April 1994, p. 7).

[12] Vojislav Seselj, the leader of the ultra-rightist Serbian Radical Party, who then supported the incumbent President of Serbia, Slobodan Milosevic, against Milan Panic, who was regarded as moderate and pro-Western, made the following statement after the results of the December 1992 elections: "For him (i.e. Panic) voted Hungarians, Albanians, Croats, Muslims and other treacherous strata", *Borba* (Belgrade), 25 December 1992, p. 4. From the results, it was obvious that many ethnic Serbs had voted for Panic.

[13] See examples in *Vreme*, 11 May 1992, pp. 19, 50, 51, and 25 May 1992, p. 61

military hostilities among states reduced to their ethnic component. As illustrated by examples from former Yugoslavia and the former USSR, horrible passions generated by nationalism cannot be restrained by humanitarian law: they result in extreme cruelty to combatants and sufferings of the civilian population. The tendency of every civil war not to heed the status of civilians is exacerbated by hostility toward all members of the other ethnic group, which is the first step toward genocide.

Apart from bringing a vague feeling of relief - nationalist parties are proud of "having restored dignity to the nation" - post-communist nationalism is a combination of visceral ethnocentrism and some features of communist rule. It is a substitute ideology in times of peril and impatience: by identifying (ethnically alien) scapegoats for failures in the recent past and the near future it can restore the mythical glories of distant history and sustain insecure political elites even when they are unable to formulate clear social and economic programmes.

4. The post-communist nation state and minorities

The "socialist" state, which in many respects favoured the "working class" but in legal terms did not as a rule prescribe or condone discrimination on any ground but political opinion, was thus generally replaced by an outwardly liberal democratic state, which in its mildest form is heavily loaded in favour of the dominant ethnic group. Most post-communist states in East and Central Europe are based on strict adherence to the ethnonationalist idea of the "nation state" as a state primarily "belonging" to the dominant, most numerous, "historic", "constituent", "state building" etc. nation. Members of other ethnic groups are in most cases formally recognised, declared equal and protected, but essentially treated as an anomaly, or tolerated as historic "guests"[14]. Even in situations when the latter do not fear loss of citizenship (nationality) or discrimination, the political "message", explicitly or implicitly reflected in the constitution and various laws, is that they cannot claim to influence the vital affairs of the state, it being the achievement of historical aspirations of one (ethnic) nation and the most important means for the protection of is fundamental interests, such as survival, independence, culture etc.

As a result of this, nationality as a link between an individual and his/her ethnic group (nation) has been either confused with nationality as a link

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[14] Cf. Chapter I of the Constitution of Croatia, Preamble of the Constitution of Macedonia, Preamble of the Constitution of Serbia, art. 1, 4 and 6 of the Constitution of Romania, Preamble of the Constitution of the Ukraine, Preamble and art. 3 and 5 of the Constitution of Slovenia, art. 6 of the Constitution of Hungary. For further elaboration and consideration of constitutional drafts see Hayden 1992, Dimitrijevic 1993.

between a citizen and his/her state (German *Staatsangehörigkeit*), or the first has taken precedence over the latter, even in legal terms. This mother-child relationship results in dubious law. In Latvia and Estonia, it is expected that the ethnically different former citizens of the USSR, after having been denied citizenship of those reconstituted states, would not become stateless but only alien, because they belong to the state suggested by their ethnicity. Their elites suffering from the same disorder, each nation must have a home, and one home only. In its aggressive form, such thinking results in dreams about the "great" state: Great Serbia, Great Croatia, Great Hungary, Great Bulgaria and, yes, Great Albania, etc. In the defensive mode it is a cry for at least some section of the Earth wholly owned by the nation, which ethnic aliens are invited to leave and join "their" states:

Latvia is the only home country for the ethnic Latvians, the only place in the world where they can exercise their statehood. Whereas any representative of the other ethnic groups living in Latvia, most of whom are economic migrants, who is not satisfied with the provisions of the Baltic legislation regarding treatment of non-Balts or insufficient representation in the structures of power, can still return to their respective national states where they can exercise their national political rights of self-determination (sic) (Bojars, 342)[15]

Provisions of many post-communist constitutions stress the duty of the state to assist ethnic co-nationals abroad, although they are foreign nationals (citizens)[16]. Apart from being highly questionable under international law, such provisions cannot but add to the isolation and estrangement of national minorities in the countries where they live: they gradually become more "alien" and their leaders start corresponding to the nationalist-extremist cliché of "traitors" and "foreign agents".

In countries that had kept a national image under "socialism" and which were named after the dominant nation this process has strengthened or exaggerated the ethnic features of the state. However, it was disastrous for multinational federations. They, at least constitutionally, did not recognise the supremacy of one nation. Of the three "socialist" federations, two, Yugoslavia and the USSR, collapsed almost immediately, and the third, Czecho-Slovakia, could not survive even in a reconstructed, liberal version. It seems that post-communist nationalism cannot tolerate the idea of a multinational state, let alone a state that is "anational". To be sure, some observers believe that the

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[15] Note the supreme importance of the right to self-determination, which seems to comprise all individual rights.

[16] Cf. e.g. art. 6 (3) of the Constitution of Hungary, art. 6(1) of the Constitution of Romania and art. 72 (2) of the Constitution of Serbia. The most outspoken in this respect is art. 10 of the second draft of the Constitution of Albania: "The Republic of Albania looks after the recognition of national and democratic rights of the Albanian population living outside the state boundaries of the Republic".

creation of civil society in a multinational state is fraught with insurmountable difficulties:

In einer ethnisierten, politisierten und menschenrechtsbewussten Atmosphäre ist die Schaffung von sich nicht gegenseitig bekämpfenden Institutionen schwer, wenn nicht sogar unmöglich (Motyl, p. 239).

This invites interesting comparisons with post-fascist states, which retained their multi-ethnicity (Spain), reverted to (non-ethnic) federalism (Germany) or introduced considerable autonomy and decentralisation (Italy). On the other hand, in Slovenia, where before the collapse of Yugoslavia, the civil sociaty and alternative movements had seemed to be strong and flourishing, the advent of the hypernational state has swept them from the political and social scene[17].

5. Types of ethnic minorities

Generally speaking, in the post communist period the minorities that had been recognised, acknowledged or tolerated in pre-communist times were joined by new ethnic entities, some of them finding it difficult to accommodate to the status of a minority.

a. Migrant workers

In other parts of the world, migrant workers are considered as the foremost candidates for new minorities. This does not seem to be the case in East and Central Europe. To be sure, foreigners came to work in some of the better developed countries of real socialism, especially from corresponding countries in Asia. However, they were there under "fraternal" interstate arrangements, as groups and not as individuals. They were the first to experience "communist" xenophobia: in their case, traditional racism was fused with the distaste of their "friendly" country of origin, such as Vietnam or North Korea (Dimitrijevic, 1993, p. 40). Low standard of living and unemployment make most post communist states unattractive to foreign labour. However, there was a tendency within multi-ethnic "socialist" states to seek work and settle in the more developed areas, such as the Baltic republics in the USSR and Slovenia in Yugoslavia. New governments there adamantly refuse to recognise such migrant workers as established minorities. In Slovenia, for instance, only the two "autochtonous" and "historic" minorities of the Italians and Hungarians

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[17] See the statement of the Slovene sociologist and philossopher Rastko Mocnik in *Nedeljna Borba*, 24-25 April 1994, p. X.

are officially recognised but not the more numerous Croats, Serbs and Moslems who settled there permanently under Yugoslavia[18]

b. Persons identifying with a wider state frame

The experience of multinational states and "anational" federations together with the communist experiment of substituting class and ideological allegiance for national ties have weakened the national consciousness in a number of individuals. Now a person refusing ethnic identification (an ethnic "atheist") for the nationalists is either inconceivable, treacherous or outright crazy.[19] Aggregations of such individuals can be numerically important. Not only are such people to be found in countries of immigration outside Europe, but they have emerged in multinational states in Europe.

In Yugoslavia it was possible to state "Yugoslav" as national belonging, and in 1981 about 6% of the population, or 1,219,045 persons, declared themselves as such.[20] They have no place in the new nationalist set-up and are treated with utmost suspicion. It is interesting that the Constitution of Croatia expressly recognises a number of very small ethnic groups, but does not mention the Yugoslavs, although in the census conducted in Croatia **after** the proclamation of that act the Yugoslav group proved to be the second non-Croat group in numerical strength: Yugoslavs comprised 2.2% of the population, double as much as the Muslims listed second (after the Serbs) in the Constitution[21]. According to the Croatian electoral laws, all candidates have to indicate their (ethno)nationality after their name: at the July 1992 elections, Yugoslavs were recognisable by the indication that they were "undecided"[22]. "Undecided" people cannot organise, they have no common origin or separate

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[18] Art. 5 and 64 of the Constitution of Slovenia. At the latest census there were 3.064 ethnic Italians and 8.503 ethnic Hungarians in Slovenia. On the other hand, there were 54.212 Croats, 47.911 Serbs and 26.842 Muslims (Marko, pp. 2-3).

[19] In his ideal type or "caricature" of Communitaria Lukes deals also with deviants: "Recalcitrant individuals have been known to reject the category by which they are identified or to pretend that they don't belong to it. Some cross or refuse to acknowledge the identifying boundaries, and some even reject the very idea of such boundaries. Non-, ex- trans-, and anti-identifiers are not the happiest people in Communitaria. They feel uneasy because they tend to be seen as "not true Communitarians", as disloyal, even as 'rootless cosmopolitans'." (Lukes, pp. 429-430).

[20] *Statisticki godisnjak Jugoslavije 1988*, Belgrade: Savezni zavod za statistiku, 1988, p. 122.

[21] Contrary to widespread beliefs, "Yugoslavism" was officially discouraged already in 1981, which could also be inferred from the instructions given to the census takers (Liebich 1992, p. 36). This can be explained by creeping nationalism, which found its first expression in the "confederal" 1974 Constitution of Yugoslavia.

[22] *Novi vijesnik* (Zagreb), 8 July, 1992, p. 13 a.

language or other features related to ethnicity and thus cannot claim minority status[23].

There was much ado about the "Soviet man" in the USSR (Jevtuch, 249), but such people were not registered at censuses. Chances are, however, that many members of the "Russian speaking" minorities in non-Slavic states in the territory of the former Soviet Union (Central Asia, the Baltic republics) feel vaguely "Soviet", the way they had felt to be "Rossiiski", and not Russian, in the Russian Empire ("Rossia"). Many of them are not Russian, but Byelorussian, Ukrainian etc.[24]. They have been generally described by the language they speak, and Russian used to be the *lingua-franca* of the Soviet Union. As exemplified by the nationality (citizenship) debate in Estonia and Latvia, Russian speakers do not seem to be accepted as a minority. Instead they are offered either statelessness or the nationality of Russia. In the latter case they would become aliens linked to a country that might not be the most germane in the ethnic sense.

c. Old majorities becoming new minorities

Close to those who identified only with the wider framework of the state are persons who after its dissolution find themselves reduced from members of a recognised constituent nation to persons belonging to a national minority. Especially dramatic are the psychological and political effects of this change for those who used to identify themselves with the most numerous and (at least culturally) dominant nations. The best examples seem to be the Russians and the Serbs. In the Soviet Union, the former used to feel at ease in the whole territory, where their language was official and readily spoken. Their "comfortable" position seems to have been taken for granted (and was perceived by others as arrogance) - no federal unit was exclusively "Russian" and, what was probably politically most important, there was no Russian section of the Communist Party of the Soviet Union. Millions of Russians find themselves now outside Russia, where they have been treated either as a national minority or as aliens, in most cases as unwelcome reminders of communism, which they allegedly imposed. This impression was strengthened by the haughty attitude of some of them, who persisted to consider themselves as an elite and refused to adapt to local customs, respect local traditions, learn the local language etc.

Serbs in Yugoslavia were scattered through the territory of that state. In the republic named Serbia they comprised about two-thirds of the population, but they lived in considerable numbers in Bosnia-Herzegovina, Croatia and Montenegro. Only Montenegro remained within the reduced state of Yugoslavia. The other former republics - now independent and sovereign states - have

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[23] "Fortunately, they (the non-conforming Communitarians) are few and unorganized. Least of all are they likely to form another subcommunity" (Lukes, p. 430).

[24] For the complexity of the denomination "Russian speaking", see Tishkov , p. 49.

treated Serbs as a national minority (Croatia, Macedonia, Slovenia) or are believed to be dominated by non-Serbs (Bosnia-Herzegovina). In those new states, where Serbs form a considerable part of the population (Croatia, Bosnia-Herzegovina), reduction to a national minority was experienced as humiliating degradation, especially if it was accompanied by triumphant nationalism of the government. No dialogue is possible between a government that offers only to tolerate alien and unwelcome guests (free to leave if they are not happy) and the leaders of an ethnic group for whom any minority status, even the most favourable, is anathema.

To complicate this, dreams about "great" states concern territory only, and not its inhabitants. This is the first step toward ethnic cleansing. Territorial claims based on history implicitly admit that one's own nation is presently not in the majority. Everything is done to explain this by historical injustices, especially if they are attributable to communism and other international conspiracies.[25] One of the Davin C. Pugh's famous "Seven Rules of Nationalism" posits that: "If a minority of our people live there, it must belong to *us* - they must be protected against your oppression".

d. "Artificial nations" and "communist inventions"

A common feature of all exclusive nationalisms has been to deny the existence of "uncomfortable" ethnic groups or nations. This applies to religiously "estranged" peoples, such as the Adzaris in Georgia[26], Muslims in Yugoslavia and Pomaks in Bulgaria (Liebich, p. 34). The existence of Macedonians has been rejected by Greek, Serbian and Bulgarian nationalists alike[27]. Many Ukrainians, including some former dissidents and human rights activists, resolutely deny the existence of Ruthenians suggesting that the matter of Ruthenian national identity be submitted to an arbitration of historians and ethnologists. It is not great news then to learn that Tatar leaders reject separate Bashkir identity (Sheehy, p. 34). Nationalists vie for seniority and have ancient claims: they seem to hold that there existed historical deadlines for the creation of nations, after which no applicants can be considered. Is it to be believed that in

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[25] See Ekmecic. Its is interesting that this Serb historian gives the expressions *ius soli* and *ius sanguinis* unexpected meanings. Dealing with the motives of European powers in relation to the Yugoslav crisis he writes: "France sacrificed her principle that national rights are defined according to the right to land ("droit de sol") and accepted the German formula of the 'right of blood'"(p. 25)

[26] "Georgia was proclaimed as a 'national state of Georgians and Abkhazians', but not of Ossetians, Adzaris or Meskhetian Turks!" (Tishkov 1992, p. 59).

[27] In the eyes of successive Bulgarian governments "Macedonians are in fact Bulgarians who have fallen under the influence of Serbian propaganda" (Troebst, p. 36)

the future no new ethnic groups would emerge, or at least groups with a new identity?[28]

Complaints about "artificial nations" are a favourite part of the nationalists' rhetoric and reflect their fear of proliferation of subversive groups. To be sure, their argument carries some weight in former communist countries, for the invention and fragmentation of ethnic groups was a method of governance through the "Marxist solution of the national question". A good example was the Soviet attempt to create a Moldovan, separate from Romanian, nation, supported by the imposition of the Cyrillic alphabet (Liebich, p. 34).

On the other hand, it is easily forgotten that internationalist communists were, at least initially, liberal in their attitudes toward small and oppressed ethnic groups and that they gave some of them the first historical chance to claim separate identity (Jevtuch, p. 249; Motyl, p. 235). As aptly observed by Mullerson, "they (i.e. socialist states) saw in individual rights and freedoms a clear and certain threat to their power, which granting some language or cultural rights to minorities did not do" (p. 796). Minority rights under the "really existing socialism" were not adequate substitutes for absent civil and political rights, which the minorities lacked, well as majorities. As soon as a minority group was perceived to be "treacherous" or "anti-socialist" horrible collective measures followed: such as those in the USSR against Chechens, the Ingushies, the Crimean Tartars, the Volga Germans and the Meskhetian Turks. Government considerations were obviously related to security: as a rule, minute and isolated ethnic groups were better tolerated than parts of potentially dangerous larger nations: thus, for instance, the German minority was ignored everywhere in Central and East Europe, except in Romania.

To simple minds, individuals who genuinely believe to belong to newly recognised ethnic groups are not only "national traitors", but illegitimate children of communism, as well. In non-communist Greece, the common wisdom is that the Macedonian nation was "created" by Tito, above all to harm the Greeks.[29] Macedonia is seen as a security threat, so that old efforts to assimilate Slavs in Greek Macedonia, dating from pre-communist times, are now

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[28] In the former Soviet Union, claims to nationhood by "strong cultural minorities and small Northern peoples", such as the Gagauz, Karpato-Russians and Siberian Tatars' are being rejected even by the most liberal authors (Tishkov 1992, 50).

[29] The Preamble of the 1991 Constitution of Macedonia refers to the "cultural, spiritual and state heritage of the Macedonian people" and "especially to the state and legal traditions of the Krusevo Republic and the historical decisions of ASNOM (the Anti-Fascist Council of National Liberation of Macedonia)". Tito may have influenced the latter, but the short-lived Republic of Krusevo was proclaimed in 1903 and the leading political group active at the time was "The Internal *Macedonian* Revolutionary Organisation" (VMRO).

compounded by fears of communism[30]. National characters, so dear to a nationalist, are easily related to political attitudes: in nationalist environments it is easy to speak of "liberal", "communist", "progressive" or "retrograde" etc. nations.[31]

e. The fate of minorities not recognised under "real socialism"

Almost all post-communist regimes in Central and Eastern Europe have failed to upgrade ethnic groups that had no standing under the communist system. In a society permeated by nationalism and national concerns, this should be more important than in the nationally subdued communist system. Characteristic is the stubborn refusal to recognise Gypsies as a national minority or even a respectable ethnic group.[32] This goes hand in hand with extreme anti-Gypsy feelings, which are accompanied by persistent attempts to reduce the statistical importance of the Roma community[33].

f. The reduction of rights of recognised minorities

Some minorities enjoyed, at least in some "socialist" states, nominal and formal rights. These rights were mostly cultural and linguistic and looked better than those in most other states. This specially applied to wide territorial autonomy of the areas principally inhabited by a minority, in the form of autonomous provinces and regions. In fact, it was in the nature of the communist totalitarianism to deal with minorities principally in a territorial context, where it was easier to control and did not imply personal privileges[34] However, in some countries the language of the minority was freely used throughout the territory of the state and in the highest institutions.

The majorities in new and reformed states find that this status should be cut to proportions that they consider normal. For security and "state" reasons autonomies have become intolerable and cultural and linguistic rights contra-

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[30] Greece has been long familiar with the category of "slavophone Greeks" and in the early fifties a government decree decided to settle the northern territories "with new colonists with healthy national consciousness" (Mullerson, p. 796-797)

[31] The newest contribution is by Radovan Karadzic, the president of the "Republic Srpska": according to him "Japanese are an objective nation, who appreciate Serbs".

[32] The only exception seems to be the Preamble of the 1991 Constitution of Macedonia, which defines that State as the "national State of the Macedonian people, which guarantees ... permanent coexistence of the Macedonian people with Albanians, Turks, Wallachians, **Roma** and other nationalities living in the Republic of Macedonia" (emphasis added). The Constitution of Slovenia promises to regulate by law the special position of Roma in that country (Art. 65).

[33] According to the 1977 census, there were only 230,000 Roma in Romania. Now, a slightly higher official figure is presented, but the estimates of their true numbers vary from 300.000 to 5 million! (Liebich 1992, p. 39)

[34] The "non-territorial" Jews were a problem in the USSR and elsewhere in the "socialist camp". See Motyl, p. 235.

dict the "nation-ness" of the post-communist nation state, which tends to be hypernational. The first act of the national-communist regime in Serbia was to abolish the autonomous provinces of Kosovo (with an Albanian majority) and Vojvodina (with a multiethnic composition and the Serbs accounting for 50 percent of the population). The official use of the minority languages was restricted to areas "where nationalities (minorities) live, and in accordance with the law" (Art. 8 (2) of the Constitution). In turn, the Law on the Official Use of the Language and the Alphabet[35] delegates to municipalities the decision as to whether nationalities live in their territory and which languages are to be used (Art. 11). One of the new limitations is that exclusively the Serbian version of the toponymes and personal names is to be used on public signs. The only concession to the minority is the possibility to use the spelling appropriate to its language and alphabet (Art. 7)[36].

Sole reference to constitutional and legal provisions reducing the status of the minorities does not fully reflect what the latter perceive to be the deterioration of their position. References to international standards are no consolation, especially when the change occurs in the realm of policies, based on the same general provisions. Thus, for instance, the Serbian Law on Radio and Television stipulates that "Radio-Television Novi Sad prepares and produces radio and television programme for the territory of the Autonomous Province of Vojvodina in Serbo-Croat and the languages of nationalities" (Art. 20 (2)). The time allocated at Novi Sad stations to broadcasts in minority (nationality) languages has been reduced in February 1993 - for reasons of economy, according to the government appointed management. The representatives of the Association of Slovaks, Romanians and Ruthenians in Yugoslavia were of a different view:

Under the pretext that information in the languages of minorities is "above European and world standards", many programmes have been abolished - those in particular, which have contributed most to the preservation of the national identities and which have been the most popular. If, in time of general economic crisis, it is minority rights that suffer first, this cannot be called economy, but discrimination.[37]

All minorities, old and new, have to live in a surrounding of boastful references to the superiority of the dominant nation, to its past glories and victories (not infrequently over the nations to which minorities belong) and amid a rhetoric of deprecation, derision and hate. They are exposed to menacing projects of future restriction and exclusion and, what is most disturbing, to incitement to national and religious hatred that goes unpunished. Article 20(2) of the International Covenant of Civil and Political Rights, which obligates its

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35 *Sluzbeni glasnik Republike Srbije*, 45/1991.
36 For other examples see Hobsbawm 1992, p. 185 ff.
37 "Stednja ili diskriminacija", *Borba*, 19 February, 1993, p. 6.

signatories to "prohibit by law" "any advocacy of national, racial and religious hatred" has been as a rule implemented by the successors to the former communist states parties very literally: such laws do exist but are not put in practice.

6. Imaginable outcomes

Irrespective of their dimensions and proportions, nonmembers of the state nation are, in the post communist hypernational state, *de facto* or *de iure* minorities. If they are not less numerous than the state nation or if their numerical inferiority is not striking, as, e.g. in Estonia or Latvia, then they are clearly in a non-dominant position, which is another criterion for a minority (Capotorti). Almost all countries in the region are multiethnic but are very reluctant to admit this officially. Determined nation states have replaced federated states and autonomies, where they existed. There is no such thing as an anational or multinational post communist state.

It is quite clear then that settlements like power sharing or, in the taxonomy of McGarry and O'Leary (p. 4), "consociationalism" are very unlikely in the near future. One can only hope that all minorities would be recognised and granted adequate individual and collective rights.

If we turn again to the new and old minorities described above, we shall note that they invite various reactions from the post communist nationalist majorities and their governments. They mostly belong to the time tested methods of eliminating rather than managing ethnic differences but can have different results in terms of human cost and suffering.

Elimination of minorities by *assimilation*, which eventually destroys an ethnic group while preserving or even, in the eyes of the dominant group, elevating persons belonging to it, does not seem to be available to all minorities in all post communist states. Assimilation has been offered on the combined criteria of nature and size so that efforts toward assimilation will most likely be aimed at smaller groups of ethnically "estranged" people. In former multinational federations all successor nation states hope that those who opted for statist supranationalism, i.e. identification with the larger state, would recognise their fallacy and return to their "natural" ethnic fold. However, only those who have reason to claim that they belong to the nation ruling the state where they live will be properly assimilated - others would become part of the national minority of their ethnic co-nationals[38] and would be treated as such.

[38] E.g. "Yugoslavs" who, by operation of the Slovene Act on Nationality (*Uradni list Republike Slovenije, 1/1991*), acquired Slovene nationality on the basis of their residence

One would expect that the same would apply to all "artificial" nations, the logic being the same: they allegedly forgot their true national identity owing to pernicious foreign influences. It is this where the numerical and security criteria emerge. Small minorities of that kind, such as e.g. Pomaks and Macedonians in Bulgaria, are offered assimilation but larger and more coherent groups are not. In spite of the Serb and Croat rhetoric that Muslim Slavs in Yugoslavia are in fact islamised Serbs or Croats, Muslims have not been encouraged by the Serb and Croat states to assimilate by the simple device of adopting the corresponding version of Christianity.[39] Absorbing too many newcomers would threaten to dilute or "pollute" the nation allegedly softened by years of "cosmopolitanism".

In all other cases the suggested and applied methods of regulation tend to be less merciful. To borrow again from McGarry and O'Leary, the overall tendency is towards management in the form of hegemonic control or to elimination in the form of mass population transfers (pp. 9, 23). Old minorities are tolerated as de facto second rate citizens, their rights acquired under "really existing socialism" are being abolished or reduced, they are kept far from important decision-making and expected to loyally recognise the general supremacy of the state nation. Thus, they approach the former position of the officially unrecognised de facto minorities. As to the members of the formerly dominant or equal "titular" nations, they are officially treated as old minorities but, sometimes for their size and sometimes because of their resistance to what they perceive as degradation, regarded with distrust and apprehension. In Latvia and Estonia the tendency is to prevent them from acquiring nationality and to regard them as aliens, which inevitably implies the possibility of individual or collective expulsion.

Mass transfer and exchange of populations appears to be the secret and sometimes not so secret dream of many nationalist leaders. Not only was "ethnic cleansing" in the form of forcing and inducing new minorities to leave been practised in many places, and particularly in former Yugoslavia, but it has been accompanied by high sounding rationalisations coming from respected intellectuals and learned institutions. In their eyes the Yugoslav experience allegedly indicated that common life was impossible and that Yugoslav ethnic nations should totally separate in order to live peacefully in new ethnically purer neighbouring states[40]. "Humane resettlement" appears to be the current euphemism[41]

in Slovenia at the time of independence cannot declare themselves as ethnic Yugoslavs any more: depending on their origin, they became Slovenes, Serbs, Croats etc.

39 For many educated atheist Muslims this would be a bewildering choice.

40 In his message of 26 March 1992 to the "Congress of Serb Intellectuals in Bosnia and Herzegovina", which convened on the very eve of the outbreak of large scale hostilities in that Yugoslav Republic, the famous Serb writer Dobrica Cosic wrote, *inter alia*: "Respecting historical experiences and the current situation prevailing among us, we, Serbs, Moslems, and Croats, must, as equitably as possible, separate and delimitate so as

Genocide is the remaining radical method of eliminating ethnic differences. Although some operations in Yugoslavia and elsewhere had genocidal elements and nationalist authorities appeared to have condoned them by not investigating or prosecuting the perpetrators[42]. Open advocacy and policy of genocide has been avoided, less because of the domestic than of the international public opinion, to which most post communist hypernational states, being relatively small, must grudgingly adapt.

The post-communist nation state is, at its mildest, a state of latent discrimination. Even when official ethnic differentiation is rare, the "spirit" of the constitutions and laws signals to members of all minorities that they are inferior citizens, submitted to frequent tests of loyalty[43]. Whereas the level of individual rights has generally increased in most such states, the protection of the minorities has shrunk. Politically and psychologically this creates tensions, anxiety and doubtful allegiance which results in political instability and uncertainty of human rights in general.

to remove the reasons for hate and killings and in order to be able tomorrow to unite with fewer obstacles in all that is rational and useful for all of us" (*Vreme*, 4. April 1994, p. 15 - the pomposity and length of the sentence have been deliberately retained in translation). Two months later Cosic was elected first President of the reconstructed Federal Republic of Yugoslavia only to be unceremoniously impeached hardly after a year in office by a Parliament loyal to the Serbian President Milosevic.

41 See *Nedeljna Borba*, 9-10 April 1994, pp. II-III. Under the strong influence of reports by writers and travelers on the alleged barbaric past and eternal ethnic and religious enmity in Bosnia some Western authors advocate civilised resettlement: "In reality, where... peoples cannot coexist tolerably, and minority status is impractable (sic), then they have to separate. This is bound to be very bad for many of them, but it does not have to mean civil war. Had the outside world more readily recognized the disruptive consequence of dissolving the Bosnian protectorate, and been ready earlier on actively to assist the resettlement of its communities, then things might (at least) have been better than they presently are" (Nairn, p. 408). This presupposes pressure from below on wise and concerned nationalist leadership and does not take into account that "clean" territory is claimed also where co-nationals are a minority. Orderly transfer of populations is conceivable only after borders have been decided by some superior authority (the United Nations?) or, more probably, by the force of arms. It is therefore unlikely that things might have been better. See supra, 5 c.

42 One was the abduction of 19 passengers, all apparently ethnic Moslems from Serbia, from a Yugoslav train transiting through the territory occupied by Bosnian Serb forces, on 27 February 1993. In spite of the solemn promises of the President of Serbia that they would be found and the culprits punished there has been no progress in the investigation and the abducted persons are presumed to be dead. *Vreme*, 28 February 1994, p. 9.

43 Persons not belonging to the "state nation" are being constantly being reminded of their potential disloyalty. In a series of self-administered tests, published by the popular Zagreb weekly *Globus*, the Croats were graded as to their "quality" and the Serbs as to their loyalty. Serbs scored negatively if they thought e.g. that Belgrade was "more beautiful and cleaner" than Zagreb or if they were fans of a Serbian soccer club. *Borba*, 22 April 1993, p. 17. This is to be compared with the statement of Sinisa Vucinic, the leader of a militant pro-regime rightist group in Serbia: "Serbia shall not be the state of equal citizens, but the state of Serbs and loyal citizens". *Borba*, 23 April 1993, p. 13.

7. Possible solutions

The post communist ethnic syndrome has brought about - rather belatedly, one might say - a flurry of activity of various international organisations in Europe. The Conference on Security and Co-operation in Europe (CSCE) has produced an impressive body of "soft law" relating to national and other minorities[44]. Both the Council of Europe and the European Union have been concerned with the minority issues, sometimes duplicating their efforts (Wille; Bloed 1994). In comparison, the United Nations has to its credit a modest body of hard law regarding discrimination and related matters but there seems to have been little willingness and imagination to apply it to all minority situations[45]. The common belief, shared by many governments, is that Art. 27 of the International Covenant on Civil and Political Rights remains the only authoritative text. The latter is, however, a result of the post World War II situation where collective rights were distrusted in favour of settling minority issues in terms of the individual rights of persons belonging to minorities. The recently adopted Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (18 December 1992) is in the same vein and, in spite of some advances, remains "soft law", rigged with "phrases like 'where appropriate', 'where required', 'wherever possible', 'encourage conditions', 'create favourable conditions', and 'in a manner not incompatible with national legislation'" (Alfredsson, p. 78).

In terms of norm setting the existing CSCE documents appear to be largely satisfying in essence but not in form. They would have to be more understandable and systematic in order to be promoted to international norms. Too great a dependence of citizens on their national affiliation contradicts the principle of non-discrimination, prevents the participation of all of them in political and economic life and causes unrest among persons not belonging to dominant nations. It would be in the interest of the new nation states to respect the rights acquired under the previous non-national or multinational state to the greatest extent. They could consider to recognise the right of option, as it has been applied to nationality (citizenship) in modern peace treaties (Kunz 1930; Kunz 1947).

Similar suggestions cannot come in terms of rules of international law and commands by international organisations and conferences (although some inter-ethnic "peace treaties" have to be mediated by them) but in terms of domestic law and policies, where informed foreign advice would be extremely helpful. Some assistance of this concrete, political nature has been provided by the CSCE High Commissioner on National Minorities and this is why his per-

[44] Relevant documents are reproduced in the valuable collection of Bloed, 1993.
[45] For all applicable standards see Alfredsson - Melander - Nilsson.

formance in only one year after the creation of the post has been enthusiastically received (Bloed 1994, p. 82).

This raises the possibility of outside arbitration in inter-ethnic and minority affairs. To a certain extent, arbitration was envisaged under the League of Nations system of minorities treaties, which was allowed to lapse with the emergence of the United Nations. One of the reasons of dissatisfaction was that minorities treaties created obligations only for some politically disadvantaged "infant countries carved out of the Austro-Hungarian Empire's corpse" (Farer - Gaer, p. 243). Curiously, but expectedly, these very states are now in the post communist category. As intimated by their reaction to the draft "Pact on Stability in Europe", launched by the French prime minister Balladur early in 1993 (Bloed 1994) they would probably resist any arrangement designed only for them and which would not bind the allegedly ethnically stable democracies in the West.

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