

Dr. Erika Harris
Institute for Politics and
International Studies
University of Leeds
LS2 9JT

Email: E.Harris@leeds.ac.uk

**Management of the Hungarian Issue in Slovak Politics:
Europeanisation and the Evolution of National Identities**

Copyright©2003[PSA]

Research for this paper is a part of a larger research project into Europeanisation of Slovakia, funded by the UK Economic and Social Research Council (Award: TO 26271128). The author would like to thank the ESRC, the Slovak Academy of Sciences and the Slovak Government Office of the Deputy Prime Minister for Minorities and Regional Development for their invaluable assistance. Thanks are also due to the Slovak Ministry of Foreign Affairs and all members of the Slovak Parliament who were willing to talk to me.

Abstract

The aim of this paper is to explore the potential of 'Europeanisation' as an external democratising force in the management of minority issues in contemporary Slovakia. The starting point is that the integration of postcommunist democracies into established Euro-Atlantic structures impacts directly on democratic forms and practices by which national groups integrate within and between states. The emphasis is on the construction and interpretation of national identity. The efforts by the EU and the Council of Europe are focused on the reduction of ethnic tensions. It is argued that some of the more intrusive moves may lead to resentment among majorities, but the overall assessment of the 'Europeanisation' process is that it contributes to democratic consolidation which in turn is the most effective route to a reduction in inter-ethnic tensions within and between states. The European Union possesses the most powerful set of resources for promoting democracy and there is little doubt that the further democratisation in postcommunist Central Europe is now synonymous with European integration and vice versa.

The distinguishing feature of postcommunist democratisation processes is the prominence of identity-related issues at the centre of political life and their potential to destabilise new democracies and interstate relations. The complex interaction between the national and international dimension of democratisation is here illustrated by the latest developments in the relationship between Slovakia, its Hungarian minority and Hungary. The case study demonstrates clearly the choices to be made between two approaches to the management of minority issues in Slovakia: a 'Europeanisation' paradigm and a nationalism paradigm. The former stands for political accommodation of identity-related differences in order to minimise the tensions between majority and minority whilst the latter seeks to accommodate one group at the risk of maintaining or even increasing the existing tensions. Both national groups in question - the Hungarian minority and the Slovak majority - vacillate between those two approaches. However, it is argued here that the relationship is becoming more accommodating and characterised by political pragmatism and European integration, but always in danger of being undermined by non-abating currents of latent nationalism (from both sides).

INTRODUCTION

In 1997 the Commission concluded ‘that Slovakia does not fulfil in a satisfying manner the political conditions set out by the European Council’¹. The position of Slovakia has changed dramatically since then. From a country best known for its initial exclusion from integration into Euro-Atlantic structures², Slovakia is now a candidate for the first wave of the EU eastward enlargement³ and the second wave of the NATO⁴ enlargement. The 1998 general elections which were critical to the observance of constitutional order and the rule of law, the treatment of minorities, the relations with the West and the general commitment to democracy were a turning point in Slovakia’s integration process. The post-1998 governments have been extremely successful in transforming Slovakia’s international status, but only relatively successful in providing a better framework for interethnic relations. Nevertheless, Mr. Pál Csáky, the current Deputy Prime Minister for Minorities and Regional Development and one of the most prominent representatives of the Slovak Hungarian Coalition (SMK) in the Slovak government commented that Slovakia, compared to pre-1998, is ‘a different country’⁵.

This paper seeks to examine the extent to which this statement is true. It does so in the following steps: the theoretical considerations that inform this paper are the subject of the present introductory chapter. The empirical analysis examines firstly, the position of minorities in Slovakia generally and secondly, the Hungarian minority in particular. The relationship between Slovak majority and the Hungarian minority is then further examined through the two controversial issues: the Hungarian Status Law and the Beneš Decrees. The issue at hand is the analysis of the potential of ‘Europeanisation’ as an external force contributing to the minimisation of ethnic tensions within the state by promoting institutions which are politically more accommodating to ethnic diversity. The

¹ Agenda 2000 Summary and conclusions of the opinions of Commission concerning the Applications for Membership of the EU by the candidate states. Strasbourg 15 July 1997. At EU Vienna December 1998 summit Slovakia’s entry in the first group of Eastern European countries was rejected and so was Slovakia’s membership of the NATO (Madrid July 1997).

² G.Pridham included Slovakia among ‘pariah regimes’ in his article about political conditionality, ‘Uneasy Democratizations – Pariah Regimes, Political Conditionality and Reborn Transitions in Central and Eastern Europe’ *Democratization* Vol.8, No.4, 2001 pp. 65-94. I would argue that Slovakia should not be studied in the same category as Serbia, Belarus and possibly not even Romania, but certainly fits the category of unconventional liberal democracies, or ‘defective’ democracies in the period 1993-1998. For ‘defective’ democracy see W. Merkel and A. Croissant ‘Formale und informale Institutionen in defekten Demokratien’ *Politische Vierteljahresschrift* Vol.41 No.1, 2000, pp.3-30.

³ Slovakia began negotiations for the EU accession in February 2000. Despite the two year gap with earlier candidates (the Czech Republic, Poland, Hungary, Slovenia, Cyprus and Estonia), the negotiation process has been very successful and at the December 2002 Copenhagen Summit, Slovakia has been invited to join the EU in the first wave of eastward enlargement, hoped to be 2004.

⁴ Decision taken at the NATO summit in Prague in November 2002. In an unexpected call for a ‘robust enlargement’ by the USA (the affects of 11 September should not be disregarded) the offer went to: Slovakia, Slovenia, Romania, Bulgaria, Latvia, Lithuania and Estonia.

⁵ P.Csáky, Interview November 2001. During the later interview in March 2002 Mr.Csáky commented that the Slovak – Hungarian relationship had deteriorated and that all Central European countries are struggling with the last stages of the accession negotiations.

argument here holds that European integration of Slovakia and integration of national groups within Slovakia are mutually interdependent.

Political and Normative Dimensions of Europeanisation

There are many meanings to Europeanisation, all involving a description of a shift from a classical nation-state to a politically institutionalised transnational polity. In all cases 'Europeanisation' is synonymous with European integration. It may involve the process of implementation of European rules in a particular country, or more broadly the impact of their implementation on domestic politics. Thus, the aim of this paper is to explore the impact of 'Europeanisation' – here, following the work of T.Risse, Maria Green Cowles and James Caparaso defined as the emergence and development at the European level of distinct structures of governance – on domestic structures of a (future) member state.

Domestic structures entail the formal institutions of the state and its national legal system and administration, but also the perception and public discourse about national and ethnic identity and the meaning of citizenship, the role of the state and political traditions. The latter, 'informal' structures are the subject of the present discussion. The distinction does not mean to suggest that formal and informal structures can be analysed independently of each other; on the contrary, I would argue that institutional, political and normative aspects of 'Europeanisation' are mutually interdependent⁶.

Eastern and Central European wave of democratisation differs substantially from other transitions from other authoritarian regimes⁷ in many aspects. Apart from the obvious simultaneity of democratisation and marketisation and the fundamental difference in post Cold War international environment, there is the salience of nationalism⁸ as a dominating aspect of postcommunism. Whilst I do not wish to argue that there is a direct correlation between the intensity of nationalism and the success of the corresponding transition, the evidence is that nationalism has to be considered as a major challenge to democratisation⁹. The low level of democratic consolidation in Slovakia which was at the heart of the country's initial exclusion from the club of leading prospective 'Eastern' members of the European Union had more to do with high level of nationalist mobilisation and the position of minorities than with economy.

Domestic and international have merged into a tied and at times complex nexus. The debate about the implications for democracy, sovereignty and the idea of the nation as the bearer of both pivots round two interrelated issues:

⁶ For an extended theoretical exploration and empirical evidence of the importance of institutions in identity construction see E.Harris 'Europeanisation of Slovakia', Working Paper, Central European University, Budapest, in print.

⁷ S.Huntington *The Third Wave*, Norman OK, University of Oklahoma Press, 1993.

⁸ Harris *Nationalism and Democratisation* Aldershot, Ashgate, 2002 .

⁹ Harris 2002; J.Zielonka and A.Pravda *Democratic Consolidation in Eastern Europe* Oxford, Oxford university Press 2001 p.3; J.J.Linz and A.Stepan *Problems of Democratic Transition and Consolidation* Baltimore, The Johns Hopkins University 1996, p.29; G.Nodia 'The Impact of Nationalism' *Journal of Democracy* Vol.12, No.4 pp.27-34; J.Snyder *From Voting to Violence* New York, W.W.Norton & Company 2000.

- 1) 'Europeanisation' is synonymous with the intensification of the democratisation process from beyond the state's boundaries. Domestic politics can no longer be divorced from the international assessment of it. This leads to a certain 'relativisation' of the state as the arena for political life¹⁰. The traditional understandings of the nation, the state and its sovereignty no longer have the explanatory and critical power they once did, but one should not underestimate the enduring relevance and appeal of the nation-state as the still preferred political organisation of our time.
- 2) The major concern about 'Europeanisation' (and globalisation for that matter) is that it may weaken national sovereignty and national identity. The de-territorialized expansion of democracy in the form of transnational norms and organisations meets its greatest challenge in territorialized politics of the nation-state with its legitimacy rooted in national identity endorsed and historically facilitated by the political project of the nation-state. 'Europeanisation', in yet another of its many meanings, means the construction of a new collective identity – or rather a new understanding of identity - and its dissociation from the ethnically dominated territory of the nation-state.

Identity is a form through which we are aware of ourselves and through which we interpret the world¹¹. A similar analogy can be drawn with national identity. Nations, similarly to individuals tend to explain who they are through their past experiences. The illusion here is twofold: the generations that have come before have handed down something perceived as solid, indestructible and immensely valuable; secondly, as we reach to the past selectively (for that is the greatest benefit of the past – the selectiveness with which we can pick and choose [un]suitable events), the nation appears to be a culmination of an ongoing process, it has a certain destiny¹². This is why the past features so prominently in national identity. Collective memory is powerful and inspiring, but not necessarily the most reliable source from which to seek the inspiration for the future political possibilities. It is precisely this past-inspired historically determined view of Hungarians as danger to the Slovak nation that nearly destroyed the Slovak integration process. The future of new Slovakia is not well served by national identity steeped in painful experiences of the past. Moreover, it is an identity wholly inappropriate to the future expectations which lie in European integration and with the Hungarian minority.

¹⁰ I. Neumann 'Regionalisation and Consolidation' in J. Zielonka and A. Pravda p.60. See also D. Held *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* Cambridge, Polity Press 1995, and relatedly, A. Linklater *The Transformation of Political Community: Towards a Postwestphalian Order* Cambridge, Polity Press 1998.

¹¹ R. Poole *Nation and Identity* London, Routledge 1999 pp.44-61.

¹² E. Balibar *Race, Nation, Class Ambiguous Identities* London, Verso 1996. p.132.

MINORITIES IN SLOVAK POLITICS

The relatively high level of ethnic heterogeneity makes the position of minorities one of the most important socio-political issues in Slovakia¹³. The political representation of the Hungarian minority in the government (SMK/ Slovak Hungarian Coalition) dominates domestic politics even if to a lesser extent in their second term than initially. This is due to the existence of nationalistic elements in the opposition parties whose anti-minorities mobilisation is an integral part of their political agenda. This was evident during the 2002 elections when Slovak versus non-Slovak presence in the government became temporarily a debate in the daily press¹⁴. Whilst the incumbent Prime Minister Dzurinda claimed that he would not be opposed to the post of the Chairman of the Parliament to go to a person of other than Slovak nationality, the Chairman of the new opposition's SMER, Fico, declared that it would be most 'unusual' for a member of the minority to be chairing the Slovak Parliament. Both politicians drew attention to the Slovak-Hungarian question¹⁵ once more. The pre-election campaign was loaded with references to restoring the 'Slovak thread' in politic, i.e. I. Gašparovič, the Chairman of the newly formed HZD/Movement for Democracy, promised no cooperation with the SMK; Jan Slota, the PSNS/ The Real Slovak National Party, claimed to 'settle the problem of the Hungarians and Gypsies'¹⁶.

Admittedly, the anti-minority rhetoric does not appear to have impressed the voters. Nevertheless, its continuing reappearance must not be underestimated, for it illustrates firstly, the intention to exploit the ethnic issue for political gain and secondly, the assumption on the part of some political elite that the exploitation of ethnic division in society remains a relevant strategy for political mobilisation¹⁷. The fundamental

¹³ 14% of the population declares itself to be other than Slovak. Slovakia thus counts as one of the most ethnically heterogeneous countries in Europe. With the exception of the ex-Soviet Republics, Slovakia is in the 4.place after: Macedonia, Spain and Croatia. A.Dostál 'Národnostné Menšiny' M.Kollár and G.Mesežnikov ed. *Slovakia 2000*, IVO, Bratislava, 2001.

¹⁴ In 1998, three ministerial posts awarded to the Hungarian representatives were relatively high in proportion to 15 parliamentary seats. In 2002, the position of the SMK in the government is even stronger with 20 seats: 3 ministerial posts (agriculture, environment, development), the Deputy Prime-Minister for Human Rights, Minorities and the European Integration, and the First Deputy Speaker of the Parliament. The position of the Speaker of the Parliament traditionally goes to the second strongest party in the coalition, in this case the Hungarian SMK, but to avoid the opposition's complaints about non-Slovaks in the government the position was given to the KDH and the SMK got the First Deputy Speaker. *TASR* 3/10/02.

¹⁵ *TASR* 27/9/02 and 3/10/02.

¹⁶ *TASR* 17/9/02 and 3/9/02 respectively.

¹⁷ The issue of minorities is further exacerbated by the less political, but very serious problems faced by the second largest minority - the Romany, whose problems are more of a socio-economic nature. Here again, this most pressing problem has been relegated to the 'Roma Office' under the Ministry of Culture. The newly appointed Minister of Culture R. Chmel expressed doubts about the capability of his Ministry to deal with Roma issue and called for an inter-ministry approach instead, whilst adding that 'nobody wants to deal with that'(Roma).*TASR* 9/10/2002.

characteristic of Slovakia is that it is a multiethnic state. Its future - territorial, political, economic and cultural - cannot be divorced from its minorities.

The minority policies of the Mečiar administration (1994-98) were assessed negatively by the representatives of minorities, the NGO's, the majority of experts in the field and the international community. The nationalistic slant of that government was one of the reasons for the initial rejection of Slovakia from the first wave of entrants into the EU. This was the period of the implementation of a discriminatory State Language Law (1995), the negative reforms in the provision of cultural subsidies and unsuccessful efforts to enforce Slovak education into Hungarian schools. Whilst the government's interests focused on the discrimination of the Hungarian minority in the areas of education and culture, the Romany problems met with an utter lack of interest; the former may have changed, but the latter remains unchanged despite some cosmetic efforts.

The post-1998 administration succeeded in creating a better framework for the resolution of minority issues. The previous government pushed through a legislation by which in communal elections (December 1998) ethnic quotas were adopted: the candidates had to declare their ethnicity and the ethnic composition of candidates had to correspond with the ethnic composition of the local population. The objective was directed against the SMK who in the previous system often achieved a higher representation than the proportion of its population would indicate. The post-1998 Dzurinda government returned the law and in the subsequent elections 241 mayors came from the SMK (and further 4 013 representatives at local government level). The bilingual school certificates in schools with minority languages were reinstated. Further established were the following institutions: the governmental Committee for Human Rights and Minorities, the post of the Deputy Prime Minister for Minorities and Regional Development, with a section for human rights and Romany issues attached to it, the ethnic minorities representation in various governmental advisory bodies mostly involved in the much improved system of cultural subsidies and minority education, including the Romany. Recently there is the long-awaited institution of Ombudsman (protection for human and civil rights which is stipulated by the Slovak Constitution as the public protection of fundamental rights, even if without the qualification that these entail). Previously, Slovakia and Belarus were the only two Central/Eastern European countries without an Ombudsman.

Despite the positive shifts in minority policies, one cannot claim an entirely new system. The absence of constitutional changes which would guarantee the continuation of this trend question Slovakia's ability to deal with minority issues adequately and positively. Over the last two years no actual laws that would address some outstanding minority problems have been passed in the Parliament. That with the exception of the changes brought to the much-criticised Language Law (1995) by the adoption of Minority Languages Law (1999) which enabled the ratification of the European Charter for Regional or Minority Languages (more below).

Few major issues remain open. The SMK rejected the new parliamentary law on the use of minority languages (see also below) because it did not deem it adequate, whilst the opposition also abstained from voting for the opposite reasons, but the law was passed anyway. The most important among the outstanding issues is the change to the preamble of the Constitution (1992) which still reads "We the Slovak nation in the memory of the political and cultural heritage of our predecessors and centuries long experience of

struggles for national existence and stateness...” and only later mentions minorities, thus implicitly excluding minorities from the ‘ownership’ of the state¹⁸.

The change of the preamble has long been on the agenda of the SMK without success, as are other demands. These are mainly: the constitutional guarantee by which issues directly involving the minorities would come under their own jurisdiction, the higher education for teachers, theologians and cultural workers in minority languages within Slovak universities and the creation of at least one administrative county (*kraj*) where the Hungarian speakers would form a significant majority (given that such a region de facto exists). All these demands have been rejected by the parliamentary majority, including the coalition partners. The issue of a significantly Hungarian county (*Komárňanská Župa*) which would consist of 6 Hungarian dominated districts [*okres*] led to a serious governmental crisis in August 2001¹⁹ after the SMK very nearly left the government.

The fact that the governmental crisis was averted²⁰ must be viewed positively, considering that the SMK during its 4 years in the government achieved only minor compromises on some issues²¹, but no significant victories. On the whole, despite the regular disagreements and the general unease about the demands from the Hungarian representatives - the justification for which is to be sought in the complex relationship between Slovakia and Hungary in the past - the assessment of the SMK as a political force is generally positive, even by the opposition (with the exception of the SNS)²². The Hungarian coalition is viewed as a stable and loyal partner in the coalition that respects agreements, keeps to its government programme and is dedicated to European integration. Given the fragmentation of the main coalition parties and often acrimonious pre-election alliance-building within the Parliament, the SMK is the most stable among the coalition parties.

A multiethnic democracy requires more than a mere acceptance of the multiethnic reality, it requires an adequate management of ethnic diversity, in order to restrain the

¹⁸ For the Slovak Constitution and its implications, see Harris(2002), namely chapter 4 p.115-119.

¹⁹ In July 2001, in compliance with the EU regulations, Slovak government created a new decentralised level of government (regional parliaments). After many proposals and counterproposals, difficult negotiations and inter-party and inter-coalition struggles the 8 existing regions remained the same – as they were created by Mečiar’s administration. The SMK, and in this one particular issue the KDH agreed with them, were against. At the same time the electoral principle by which the heads of the regional authorities are elected has been changed from one round to two-rounds; according to the SMK this is disadvantageous for Hungarian representatives.

²⁰ Which was conditional on the ongoing reforms in regional governments and further decentralisation and reorganisation of central institutions of the state. For details see: V.Nižňanský, J.Kling ‘Verejná Správa’ in M.Kollár and G.Mesežnikov *Slovensko 2001*, Bratislava, IVO 2001.

²¹ See the issue of unidentified land (originally belonging to expelled and expropriated Hungarians whose land under the Beneš Decrees was confiscated 1945-48 under the charge of collaboration with the Nazi Germany). The SMK in agreement with the governmental programme, demanded to bring the management of this land from the Slovak Property Fund under the local authority. This too was strongly rejected, mostly by the Left (claiming that local authorities in this case were the representatives of the Hungarian minority). Finally, a proportion of the land can be managed by the local authority, but the final word rests with the Property Fund.

²² Having spoken to a number of politicians (Appendix 1, Adamiš, Csáky, Kováč, Mesežnikov, Novosád, Tkáč), I was surprised by the positive assessment of the SMK’s influence on democratic process and the belief that the party is fundamental to Slovak democracy.

attempts to exploit ethnicity for the purposes of political agitation. Neither has achieved a level of adequacy at which nationalism can be eliminated from political life - lastingly. Judging on the lack of constitutional guarantees for the continuation of the largely positive developments in minority policies, one must conclude that Slovak national identity has not quite come to terms with shared ownership of its state with minorities. The recently adopted European Charter of Minority and Regional Languages (1.1.2002) is an example of this half-hearted 'Europeanisation' process.

European Charter of Regional or Minority Languages

In legal terms, the Charter is a multi-layered international framework document of a cultural nature²³; it is not about concrete rights of individuals, but assumes that signatory states will adopt laws which correspond with the principles of the Charter. For the Charter to become legally binding corresponding state legislation has to be adopted. The implementation of the commitments for the protection of minority languages undertaken by the state must be constitutionally guaranteed and correspond with the spirit and principles of the Charter as they are expressed in its preamble, and Parts I. and II. which are general for all states.

According to the Charter, minority language constitutes a significant form of expression by a certain number of people worthy of measures associated with this Charter. Further it is explained that 'regional' denotes border regions where the majority of the population may speak it, whilst the term 'minority' stands for situations where the language is used by a not geographically concentrated people, or concentrated group that is considerably less numerous than the majority of that region. The languages are however specified by the state in the ratification document.

Slovakia has chosen a number of languages divided to three groups depending on the rules for implementation: 1) Bulgarian, Czech, Croat, German, Polish and Romani; 2) Rusyn and Ukrainian; 3) Hungarian. The terms regional and minority have been united under the term 'national minorities' languages' (*jazyky národnostných menšín*) which corresponds with the actual situation in Slovakia. There is no minority group excluded from the list (with the possible exception of the officially recognised Jewish minority who however do not speak any particular 'minority' language).

The grouping is important in view of the State Language Law (*Zákon NR SR č. 270/1995 Z.z.*) and its 1999 extension about the Use of Minority Languages (*Zákon NR SR č.184/1999 Z.z.*)²⁴. The territory where these (minority) languages are used denotes communities where the minority constitutes a minimum 20% of the population (according to the above mentioned 'Minority Languages Law' and listed under č.221/1999). This however results in a breach of the spirit of the Charter.

Firstly, because its implementation is denied to individuals who use a minority or regional language, but do not claim a minority nationality (Slovak citizens can claim a nationality distinct to state citizenship); there does not seem to be a distinction between minority language as a mother tongue or a minority language as a form of expression

²³ 'Právna analýza legislatívneho rámca používania jazyka národnostných menšín v úradnom styku' from the documentation provided by the Centre for Legal Analysis in Bratislava. Translation by myself.

²⁴ For details about the Language Laws see Harris (2002), chapter 4.

which is what the Charter stipulates. Second, the stipulation of 20% leaves out most of the languages from the first group, because there are no communities where 20 % of the population speaks Bulgarian, Croat or Polish and the state is then not obliged to realize some of the measures of the Charter. In actual fact only Ukrainian, Rusyn and the Hungarian minority benefit from this law and only in the border regions where there is a concentration of these minorities. Given the penetration of Slovak society by these minorities, many of their members may live in the areas below the 20%, but nevertheless communicate in minority languages. Thirdly, the State Language Law regulates the use of official language in Slovakia regardless of nationality. Contrary to its title, the 'Minority Language Law' only regulates the use of minority language in contact with official authorities, whilst other areas of social, political and cultural life (i.e. audio-visual media, education, courts, etc.) are all regulated by the State Language Law. In practical terms this implies that the State Law delimits the areas in which the Charter is operational. Thus, for example, the theatre, the local musea, libraries, the newspapers and many other institutions necessary to the maintenance of minority cultures are not protected adequately by the Charter.

MANAGEMENT OF THE HUNGARIAN ISSUE IN SLOVAK POLITICS

The concern here is to present the management of the Hungarian minority issues with reference to 'Europeanisation'. The question, put bluntly, is whether the policy decisions can be presented as a choice between Europe and a certain construction of Slovak nationalism. The two most significant historical markers round which Slovak national identity has been historically constructed are the Hungarian and Czech nations²⁵. Since Slovakia's independence, the Hungarian minority has become an extension of Hungary in Slovak national consciousness. The perceptions about the sovereignty, the role of the nation and the state and democracy are all focused on this relationship. The management of the 'Hungarian issue' has assumed a central position in political life (far beyond problems that the actual coexistence of the two national groups requires, as it were, 'on the ground'). The exaggerated importance of this issue, for both sides, reflects in the first place a number of historical facts and their mutually incompatible interpretations, as well as very contemporary problems²⁶.

²⁵ Harris (2002), mainly chapter 3.

²⁶ The mutually incompatible interpretation of the past among the Slovaks and Hungarians stem from their diametrically opposed national (mis)fortunes whereby victory of one meant the loss for the other and vice versa. The improved status of Slovaks within the newly established Czechoslovakia (1918, for the first time an officially recognised nation after centuries of the Hungarian rule) meant a considerable loss of the Hungarian territory following the Trianon agreements and the change of status for the Hungarians, from the dominant nationality to a minority in the state they did not support. The wartime Slovak State (1939-1945, courtesy of Hitler) was territorially and politically diminished by the annexation of its Eastern and Southern regions by Hungary, also Hitler's ally. The post-Second World War Czechoslovakia expelled thousands of Hungarians and confiscated their properties in revenge for the 'collaboration' with Germans – the issue which remains unresolved and is dealt with below. In the newly

The Slovak-Hungarian relationship symbolises, simultaneously, a maturing or a regressing democracy, it is a sign of rising or waning nationalism, but also, an important criterion by which the admission into the EU is assessed. ‘Europeanisation’ of Slovakia and the management of the Hungarian minority issue have become nearly identical. Slovak national identity is facing a choice between the past in which Hungary has played a negative role and Europe in which the future cooperation may put this past to rest. Obviously, Slovakia cannot do this by itself, but needs the Hungarian minority to face a similar choice²⁷.

The following discussion of the Law on Legal Status of Hungarians Living in Neighbouring Countries and the very sensitive issue of the Beneš Decrees illustrates how deeply ingrained the past is in the relations among national groups in Central Europe, how fragile their good intentions are²⁸ and how important the role of the EU is in mediating these conflicts.

Law on Legal Status of Hungarians Living in Neighbouring Countries (henceforth the Hungarian Law, known in Slovakia as *‘Krajanský’ Zákon*).

The act LXII on Hungarians living in Neighbouring Countries was adopted by the Hungarian parliament 19 June 2001 (in operation 1.1.2002). It has sparked off a political upheaval in Slovakia (and also in Romania) and was greeted by the EU less than enthusiastically. My argument is that it is not a good law and that its premise is not in the spirit of the new Europe, but that the reaction to it in Slovakia is even worse.

Rogers Brubaker²⁹ in his attempt to explain the rise of ‘new nationalism’ in postcommunist Europe has identified an interlocking dynamic between ‘nationalizing’ nationalism of newly independent states, autonomist nationalism of national minorities and the trans-border nationalism of the ‘external homelands’ to which they belong by shared ethnicity, but not their citizenship. The reason for mentioning Brubaker here is to emphasize the crucial role of ‘external homeland’ in any analysis of majority-minority relationship. A state becomes an ‘external homeland’, when political and cultural elites chose to define ethnic kin in another state as members of their nation, thus protect and monitor their interests. Hungary by adopting this law makes its stance as ‘external homeland’ clear when it states that the law is in “order to ensure that Hungarians living in neighbouring countries form a part of a Hungarian nation as a whole and to promote and preserve their well-being and awareness of national identity within their home countries”³⁰.

independent post-communist Slovakia which was not supported by the Hungarian minority they became a target of severe nationalising policies of the new state.

²⁷ Some Hungarian customs are subject of uneasy sentiments among the Slovak public. It could be argued that the singing of the Hungarian anthem at the end of each church Mass may add unnecessary fuel to the debate about the loyalty of Slovak Hungarians to the state of their citizenship.

²⁸ Between my two visits to Slovakia November 2001 and March 2002, the Slovak – Hungarian relationship within Slovakia and between the states deteriorated beyond recognition. This was also due to the *Beneš Decrees* which has resurfaced during the Hungarian election campaign.

²⁹ R.Brubaker *Nationalism Reframed* Cambridge, Cambridge University Press, 1996.

³⁰ The preamble to Act LXII of 2001 www.cla.sk.

Interwar Europe provided many examples of homeland politics, resulting in 'revision' of the Hungarian borders into Czechoslovakia and the annexation of Bohemia by Germany who also claimed to protect their ethnic kin. A more contemporary example is the involvement of Serbia in conflict between Croat Serbs and Croats in Croatia at the beginning of war in 1991. These are dramatic examples to illustrate a considerably less problematic situation in Slovakia; however, politics of trans-border involvements and dual affiliations are always politically meaningful and potentially explosive.

The 'Hungarians living abroad' denotes members of Hungarian minorities in Croatia, Serbia, Slovenia, Ukraine and the largest groups in Romania and Slovakia. These minorities are a remnant of the revision of Hungarian borders according to the Trianon agreements after the First World War; it is important to note that 'neighbouring' in this case does not mean Hungarians in Austria. Herein lie the first two problems with this law: it is historically sensitive and the omission of Austria from the adopted law's competence appears too suggestive about who Hungary considers good neighbours and strengthens the argument against its compatibility with EU legislation³¹. The debate in Slovakia, whilst touching on some legal aspects of the law, has been largely conducted from a historical and psychological position³². Consequently, it is the Hungarian minority and its representatives who are facing the criticism which, where appropriate, should be really directed at the Hungarian government. If there is a dispute and all sides involved believe there is one, the dispute should be on legal issues only.

The law³³ applies to persons who a) have lost their Hungarian citizenship for reasons other than voluntary renunciation, and b) are not in possession of a permit for permanent stay in Hungary. It also applies to spouses living with persons thus identified and to the children of minor age raised in common household. These persons shall be entitled to benefits and assistance³⁴ on the territory of Hungary, as well as in their place of residence in the specified neighbouring countries on the basis of "Certificate of Hungarian Nationality". The issuing of this ID card constitutes the thorniest issue of this law (Articles 19 and 20).

The main criticism from Slovakia is the Law's incompatibility with the Slovak Constitution which prohibits:

- i) discrimination of its citizens on the basis of ethnicity. Arguably the implementation of this law in mixed communities could disadvantage other national groups,

³¹ For example MP R.Hofbauer (HzDS) stated "that it is obvious that Slovakia is considered a less valuable state, if it can be treated differently to a EU member state, such as Austria". Transcripts from the parliamentary debates 5-6 February 2002 obtained through the Office of the Deputy Prime Minister.

³² The timing of this law, on the day when Slovakia signed the European Charter for Regional and Minority Languages, seems a little regretful.

³³ A much shortened version, based on the actual Act LXII of 2001 of the Hungarian Parliament, copy of the text provided by the Centre for Legal Analysis, Bratislava, www.cla.sk.

³⁴ The benefits and assistance involve: in the field of culture and education benefits identical to those of Hungarian citizens; work permit for a period of 3 months of any calendar year including health, pensions and travel contribution for the period of work; the promotion of culture, mother tongue, education broadcasting etc. in the neighbouring countries etc...All in all a very robust support for Hungarian ethnic communities.

meaning Slovak. The key word is arguably, because the Slovak Constitution allows for positive discrimination of some groups³⁵;

- ii) the implementation of this law involves the issuing of identity verification documents in another country which infringes on the sovereignty of Slovakia. This applies even if the recommending organisations are ‘civic’ associations which Hungarian nationals can freely join, because the card itself is actually a subject of Hungarian authorities, thus operating on the territory of Slovakia.

Slovak Law, in operation since 1997 (*Zákon o zahraničných Slovákoch, Zbierka Zákonov č. 70/1997*) regulates the legal status of ethnic Slovaks living abroad and applies to all persons who declare themselves as such, regardless of which country they live in. Interestingly, the Slovak law offers broader benefits, for example no limits on their stay and no work permits. Otherwise the benefits are similar, including education, scholarships, etc. It is granted to any person who is not a Slovak citizen, is of Slovak ethnic origin (someone of the linear ancestors up to third generation must have been of Slovak nationality) and has cultural and linguistic awareness (in the absence of documentary evidence, written declaration of an organisation or two citizens in the applicant’s country has to be provided).

There are however crucial differences which make the Slovak law legally and politically less significant:

- i) the Slovak law is implemented exclusively by Slovak governmental authorities which eliminates the issues of possible infringements on sovereignty;
- ii) ethnic Slovaks are scattered round the world, there are no significant Slovak communities and consequently, the Slovak law has no political implications, and crucially,
- iii) the implementation of the Hungarian Law has an effect strictly outside Hungary, the Slovak law on the contrary applies only in Slovakia.

The Report by Venice Commission³⁶ has pointed out that the concern of the ‘kin-States’ for their ‘kin-minorities’ who are citizens of ‘the home-States’ is not new in international law. Nearly all postcommunist states in the region have included a link with their kin-minorities in their Constitutions: Article 6 of the Hungarian Constitution(1989): “ 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”; Croatia (1991): “ Parts of Croatian nation in other states are guaranteed special concern and protection by the Republic of Croatia”; Poland (1997): “The Republic of Poland shall provide assistance to Poles living abroad to maintain their links with the national and cultural heritage”; Slovakia (amended 2001): “The Slovak Republic shall support national awareness and cultural identity of Slovaks living abroad to maintain their links with the national cultural heritage”. Similar articles are to be found in Romanian, Slovenian, Macedonian, Ukrainian and other Constitutions.

³⁵ G.Gál, A. Lamačková, B.Jarábik ‘Comparative Analysis on the so-called status laws in Hungary and Slovakia’, Centre for Legal Analysis, Bratislava, 2002.

³⁶ ‘Report on the preferential treatment of national minorities by their kin state’, adopted by the European Commission for Democracy through Law, Venice 19-20 October 2002. www.cla.sk

The main tools the kin-states have at their disposal are multilateral and bilateral treaties. The EU regarded bilateral treaties conducive to stability (see Pact on Stability in Europe 1993) “through the promotion of good neighbourly relations, including questions related to frontiers and minorities....”. The Pact was signed by 52 states and adopted in 1995 by a number of Eastern/Central European states that expressed the desire to join the EU. Slovakia and Hungary signed a bilateral ‘Treaty on Good Neighbourliness and Friendly Cooperation between Slovak Republic and the Republic of Hungary’ in 1995. Compliance with the treaty is not legally binding, but non-compliance constitutes a breach of principle (*pacta sunt servanda*) under international law.

The recent tendencies by ‘kin-states’ to enact a domestic legislation conferring special rights to their kin-minorities, had not, until very recently, caused any concern, nor had there been any attempts to regulate and coordinate these laws by international organisations. The Venice Commission³⁷ states that the Hungarian law shows “the impellent necessity of addressing the question of the compatibility of such laws with international law and with European standards on minority protection”(p.12). In the Commission’s opinion the following principles must be respected: a) the territorial sovereignty of States; b) *pacta sunt servanda*; c) friendly relations among states, and d) the prohibition of discrimination.

This author argues that the Hungarian Law is if not in breach of all of those, certainly coasting dangerously on the verge of breaching them for the reasons stated by the Venice Commission:

- i) “No other state or international organisation can exercise jurisdiction in the territory of a State without the latter consent”. Slovakia has not been consulted prior to the adoption of this law, even if the Slovak politicians could be accused of not pre-empting this by approaching Hungary prior to the law’s adoption;
- ii) “The State can legitimately issue laws and regulations concerning foreign citizens, as long as the effects of these laws are to take place within its borders”. This is not the case with the Hungarian Law and “it is not conceivable, that a home-State should not have a word to say about it” (p.12);
- iii) “Quasi-official functions of non-governmental organisations registered in another country constitute an indirect form of state power: as such it is not permissible unless specifically allowed”. Accordingly, the ‘civic’ organisations recommending the issue of the personal ID cards are an extension of the Hungarian state;
- iv) Treaties must be respected and “States should accordingly abstain from making unilateral measures, which would risk compromising the climate of co-operation with other States”. There is little doubt that the law ignores the Treaty of Good Neighbourliness, by dispensing with any negotiations with Slovakia prior to its adoption and creating an atmosphere of mistrust, and
- v) “The ID cards create a political bond between minorities and their kin-States”. Such a bond is understandably a concern for home-States, which in the Commission’s opinion should have been consulted prior to the adoption of any measures aimed at creating the documents in question.

It is clear that the report by the Venice Commission puts a negative light on the Hungarian Law. This account of the latest dispute between Hungary and Slovakia has

³⁷ The European Commission for Democracy through Law created by the Council of Europe.

tried to illustrate how sensitive the issue of minorities is and how easily it disrupts the tentative progress of political integration within Slovakia. My argument is that despite the Hungarian law not being a very good law, the reaction in Slovakia has demonstrated how slow the transformation from the overwhelmingly ethnic conception of nationhood to a democratic and European one actually is. The same could be said about Hungary.

My concern is mostly with two evident facts. Hungary is not prepared to accept fully that its kin-minority is a citizen of another state and by extending its constitutionally underpinned 'partial' citizenship rights to their minority, it is exacerbating a historically delicate relationship between the two nations and conspires, even if unwittingly, in undermining the creation of a new political nation in a new Slovakia. Slovakia, on the other hand, is viewing all attempts by Hungary to provide for its kin-minority with suspicion and hostility; it reacts defensively and without generosity of a confident neighbouring state. Neither nation has moved away sufficiently from its past-inspired identity to a new future-orientated one³⁸.

Beneš Decrees

The EU is facing another, strictly Central European issue, which has recently threatened to disturb the relationships between Hungarians and Slovaks, but also between the Germans, Austrians and the Czechs. The issue is so sensitive that the new Slovak government after the formation of the new coalition with the Hungarian SMK pledged not to reopen the discussion of the Decrees because 'it is explosive for Central Europe and not helpful at home for the time being'³⁹. It concerns the post-war anti-Hungarian and anti-German presidential decrees of Edward Beneš (president of Czechoslovakia 1935-38, the president of the provisional government in exile during the war, and re-elected president of post-war Czechoslovakia 1946-48) by which Czechoslovakia with the acquiescence of the Allied powers tried to deal with the misguided notion of 'collectively guilty' parties. The Decrees relate to the laws of the Czechoslovak Parliament in Prague, and the decrees by ministries in Prague and the offices of commissioners in Bratislava, issued between 1945-48. In principle, some of those laws are still part of statute books of the Czech and Slovak Republics and have never been officially revoked. The issue at hand is that Germany and Austria want to condition the membership of the Slovak and Czech Republics in the EU on the cancellation of these decrees (Hungary vociferously agrees). Some of these decrees served to legitimise discrimination against 3,5 million German minority and 800 000 Hungarian minority living in the post-war re-established Czechoslovakia which led to property confiscation, populations transfers, deportations, expulsions and deaths.

The origins of the complex relationship between Hungarians, Germans, Czechs and Slovaks go back to the close of the World War One and the decisions made by entente powers at Versailles and Trianon. These were further exacerbated by the Munich

³⁸ Personal correspondence from the Government Office of the Deputy Prime Minister for Minorities and the Regional Development, Bratislava. The modified act has been presented to the Slovak Prime Minister Dzurinda at the end of November 2002 who rejected it. The issue remains unresolved for the moment. The representatives of the Hungarians in Slovakia were dismayed at this rejection. *Sme* 28 November 2002 and *Budapest Analytica* No.8, November 2002.

³⁹ *SME* 4/5/ October 2002. The European Parliament refuses to deal with this issue for the same reason.

agreements (September 1938) by which border regions of Czechoslovakia were annexed by Germany and the Vienna Arbitration (November 1938) whereby parts of Slovak territory were annexed by Hungary. The consequences of those treaties and conferences presided over by various European powers have haunted Central Europe for decades and currently constitute a considerable complication in the inter-state relations among future members of the Union⁴⁰.

*About the Decrees*⁴¹

The Decrees were an integral part of post-war Europe in the period 1945-1948; there was no Czechoslovak Parliament and all legislative activity was mediated through presidential decrees – some 200 of them ranging from ordinary military, monetary, fiscal and judicial matters to indeed the deeply disturbing matters of collaborators, enemies of the state and confiscation of property, resettlements of the ‘collectively’ guilty and all other laws which were trying to deal with the trauma of the war. History is littered with conflicts caused by tragic attempts to assuage one trauma by causing new traumas. Revenge is short-lived with long-lived consequences.

The legal complexities of the Beneš Decrees are well beyond this paper. The decree No.33/1945 deprived the members of German and Hungarian minorities of their Czechoslovak citizenship⁴². Once a part of the population is deprived of citizenship and corresponding civil rights the laws that derive from that are always unjust and inhuman. The result was the expulsion of the Sudeten German population from the Czech lands and confiscation of their property to which the Allies agreed (Potsdam Conference).

A different approach – population exchange - was adopted with the Hungarian minority in Slovak lands. During 1946-7 some 76 600 Hungarians were deported to Hungary and their properties confiscated; at the same time approximately 60 000, mostly less propertied ethnic Slovaks came back to Czechoslovakia. An additional 40 000 Hungarians were ordered to leave and some 10 000 escaped. Another decree (88/1945) meant a deportation of 73 000 Hungarians for labour to Czech lands. All land of all Hungarians has been confiscated and later by yet another decree redistributed to Slovak owners who did not own the land (66% of the confiscated land). Immediately, it must be remarked that after the communist takeover (February 1948), eventually all land was renationalised. This makes the issue of restitutions even more complex, because of the thus arising ‘multi-layered’ ownership of the land (the same complications with Hungarians who returned to Slovakia from the enforced deportation to the Czech lands, also after 1948).

⁴⁰ For example V.Klaus, previously the chairman of the influential ODS party (now the new President) demanded a guarantee from the EU, before the Czech Republic joins, that the Beneš Decrees will not have to be revoked and that Austria and Germany will not put further pressure on the Czech Republic in that respect. *SME* 29 April 2002.

⁴¹ The information is from the following: Informačné materialy č.14/2000 J. Žatkuliak *K dekrétom prezidenta Beneša a k nariadeniam Slovenskej národnej rady vo vzťahu k súčasnosti*, Parlamentný Inštitút, Bratislava 2000; *Study paper on the Beneš Decrees*, submitted by the Human Rights for minorities in Central Europe, Komárno 2001.

⁴² With the exception of active anti-fascists, but also all collaborators, including the Slovaks and Czechs who tried to acquire German or Hungarian citizens during the war.

In 1947, in the name of ‘reslovakization’ ethnic Hungarians were given the opportunity to accept Slovak nationality which up to 400 000 people had no choice, but to accept. From October 1948 citizenship was renewed for all members of the Hungarian and remaining German minorities in Czechoslovakia. Since 1990, citizens whose property has been confiscated by the communist regime have the right to restitution – with the exception of the members of the German and Hungarian minority or their legal heirs on the basis of Beneš decrees (laws 229/1991 and 330/1991). To the great dismay of the Hungarian minority in Slovakia these laws were confirmed in Slovakia by the Supreme Court as recently as 1999.

Seeking stability within the regional context or Europeanising the minority issues?

Both the Czech and Slovak Republics reject the notion of the revocation of the decrees. The consensus on this issue from all sides of the political, national and ideological spectrum is overwhelming and to say the least ironic⁴³. President Havel in 2001 declared that the decrees are a foundation of the Czech Republic and they could not be revoked without serious damage to the state (the claim in compensation of Sudeten German organisations against the Czech Republic is 1,8 billion US\$); the Slovak Minister of Foreign Affairs Eduard Kukan (1999, Radio Free Europe) declared that Slovakia will not deal with the issue, unless initiated by Prague or the European Union.

Can the decrees be revoked? The general consensus is that they cannot for too many legal reasons. The arguments from the Slovak side are mainly:

- Since 1990 Czechoslovakia and her successor states have adopted their legislation to deal with the 1948-1989 period. The period prior to that was a part of post-war Czechoslovakia and the revision of that period could lead to unforeseen circumstances in view of the WWI and WWII settlements. There is also a question of war crimes and collaboration which cannot be morally revoked. In addition, the decrees were a result of complex international negotiations and their revocation would compromise all other agreements of that time.
- Many of these laws have become irrelevant or have been amended during the last few decades. There are precisely 4 that are still part of the legal system, all concerning property. This particular issue seems to have further-reaching consequences for the Czech Republic than for Slovakia, where restitution would not involve a very large number of people. The annulment in Slovakia is more of a legal and ethical nature than the practical one⁴⁴. However, there is not enough documentation that can be relied upon about property confiscated at that time by various regimes and the issue of ‘multi-layered’ ownership exacerbates the legality even further. The revocation of these decrees would compromise the current legal processes and discredit the ownership of properties.

⁴³ During my recent visit to Slovakia, all politicians I asked about the decrees confirmed that Slovakia and the Czech Republic would approach the issue in solidarity with each other. It is ironic that at least in this one incident in their past, both countries are in full agreement and rely on each other. The Czech Republic in particular, since the break up of the state, feels somewhat weakened against its mighty German neighbour without Slovakia.

⁴⁴ In conversation with Balász Jarábik, the legal advisor to the Centre for legal analysis in Bratislava.

It seems that the European Parliament, the Council of Europe and the OSCE will have to decide. On the other hand, the Slovak government officially apologised to its Jewish and Carpatho-German citizens for their mistreatment during the war. It must be argued that in the current climate the least the Hungarian minority is entitled to expect is an apology and an official renunciation of the notion of ‘collective guilt’ as unethical towards the co-citizens of one’s state⁴⁵. There is definitely room for a declarative resolution by which the decrees remain, but are not valid and by which there is a considerable effort made to offer apologies to people affected by them. The next step would be an intelligent and honest debate in Slovakia and Hungary about the events which paved the road to those decrees and their brutal implementation. This is the only method by which the past can be collectively revoked, in order to eliminate its resurgence.

In the Central European context nationalism operates on two levels: rejected on a pragmatic level, but invoked easily on the emotive one. This fact gives nationalism a political currency by which its value changes according to political currents. If the conflict can be moved to another level, independent of political exploitation and gain, the resolution can be easier to achieve⁴⁶. The EU appears to provide such a level and all evidence tends to a conclusion that stability will be best achieved within a larger regional context, away from the narrow inter-state squabbling.

Both ‘sensitive issues’ discussed here, the Status Law and the Beneš Decrees are waiting to be resolved in reference to the EU. In the words of Jaroslav Chlebo (the State Secretary, the Slovak Foreign Ministry at the meeting of the Council of Europe’s Parliamentary Assembly Committee, Paris, 2/9/02) who defended the Slovak insistence on the amendment of the ‘discriminatory and extra-territorial character’ of the Status Law: ‘it is not a Slovak – Hungarian conflict, but a conflict about how to understand the European standards on minority rights protection’⁴⁷. This may be true.

However, understanding of the European standards may be a necessary, but certainly not a sufficient measure by which to improve the inter-ethnic relations in Central Europe. Sufficient is only when the European Union does not need to police the coexistence of national groups within or between its new member states. Neither the EU’s external influence or the postponement of unresolved conflict is a solution. The dormant sense of historical injustices can be put to rest only if and when they cease to provide political capital. That is a long process of accepting that the past cannot be undone and therefore is better kept out of politics of the future.

EVOLVING IDENTITIES?

The ongoing transition from communism to democracy in nearly all postcommunist democracies has become synonymous with European integration. This leap – from postcommunist democracy to a fully-fledged European democracy – requires, particularly in newly independent democracies such as Slovakia, yet another national adaptation.

⁴⁵ In conversation with the Deputy Prime Minister for minorities in Slovakia, Mr. P. Csáky, 11 March 2002.

⁴⁶ This point discussed with prof. Peter Zajac, Bratislava, March 2002. See also his article ‘Precitnutie’ *Domino Forum* 11:2002.

⁴⁷ *TASR* 3/9/02

Similar to ‘triple transition’⁴⁸ – in the political, social and economic sphere – which characterised the postcommunist transitions, this later ‘Europeanising’ stage in postcommunist democratisation involves the same spheres. A more elemental change is that a part of the newly reclaimed national independence has to be relinquished in favour of political integration. The fragile new identity must forsake its ethnic boundaries in favour of larger, somewhat blurred, political horizons inhabited by many cultures united in the same project, but divided by a multitude of historical and developmental barriers. Viewed from this perspective, the challenges faced by the EU, its member states and the new invitees are all encompassing.

The major themes running throughout this paper were democratisation, national identity, Europeanisation and the link between them. The aim was to determine the potential of ‘Europeanisation’ as an external democratising force, with special emphasis on the integration of national groups within and between states. Implicit is that direct impact on democratic forms and practices has an indirect affect on political culture and the interpretation of national identity. The interpretation of national identity is crucial: the ‘story of the nation’ changes with the aspirations of the nation and the conclusions that are drawn from the attainment or failure of national goals. European integration has become the national goal of all Central and Eastern European states, including the previously ambivalent and unsuccessful Slovakia.

The Slovak national identity has historically been defined against Hungary (and the Czech Republic). In that sense the Hungarian minority in Slovakia has always been viewed as an extension of Hungary and consequently, the main target of Slovakia’s nationalist mobilisation. The tense relationship between the Slovak majority and the Hungarian minority has been compounded by Hungary who has consciously pursued the role of ‘external homeland’, often to the detriment of Slovak-Hungarian relations between the states, but mostly within Slovakia. If the accusation of overzealous kin policies can be levied at Hungary, then Slovakia can be accused of overreaction and the projection of historical events onto the contemporary politics. The third actor – the Hungarian minority, also vacillates between emotive ethnic identity attached to Hungary and the past and political identity rooted in Slovak citizenship.

The main characteristic of Slovakia is that it is a new multiethnic democracy. This requires practical and normative adjustments reflected in constitutionally guaranteed rights of minorities to share in the ‘ownership’ of the state. The extension of Slovak democracy and ‘Europeanisation’ are mutually interdependent. All evidence suggests that the EU’s political conditionality has improved the institutional framework within which the majority-minority relationship is being played out. The presence of the representatives of the Hungarian minority in the government directly increased the commitment to political accommodation between both national groups; the increased commitment inevitably increases the trust among political actors and indirectly, affects the national narrative. The identity is not written in stone; it evolves within and according to political and institutional framework within which its story is (re)constructed.

As I argued elsewhere⁴⁹, there were historical and ideological reasons for the presence of nationalism during the initial stages of the postcommunist state-creation and

⁴⁸ C.Offe ‘Capitalism by Democratic Design’ *Social Research* 58:4, Winter 1991, pp. 865-892.

⁴⁹ Harris (2002)

democratisation. 'Europeanisation', on the other hand, is less compatible with nationalism of the ethno-territorial character. If, indeed, European integration is Slovakia's new national goal, then the next challenge is to move from a position of a changing country to a truly 'different country', a European multinational democracy. There is enough evidence to believe that the EU is playing an active and positive role in this transformation of Slovakia and in the status of its Hungarian minority.

ANNEX 1

Interviews Slovakia November 2001 and March 2002

Miroslav Adamiš	Director-General of Section for European Integration, Ministry of Foreign Affairs of the Slovak Republic.
Judr.Peter Briák	MP, Committee for Legislation; (HzDS Movement for Democratic Slovakia).
Doc. PhDr. Ján Bunčák	Institute of Sociology, Slovak Academy of Sciences. Bratislava.
Pál Csáky	Deputy Prime Minister for Human and Minority Rights and Regional Development.
Doc. Judr.Ján Cuper, Cs.	MP, Committee for Legislation; (HzDS).
Arpád Duka-Zólyomi	MP, Vice-chairman Committee for European Integration; (SMK - Slovak Hungarian Coalition).
Robert Fico	MP, Committee for legislation; (Independent, previously SDL, founder and the chairman of SMER, the largest non-parliamentary party).
Ivan Gašparovič	MP, Committee for Legislation; (HzDS, Chairman of the Parliament 1994-89).
František Halmeš	MP, Committee for European Integration; (SDK – Slovak Democratic Coalition).
Balász Jarábik	Centre for Legal Analysis.
Michal Kováč	The former President of the Slovak Republic (1993-1998).
Professor Miroslav Kusý	Political scientist, Human rights activist
Dr. Grigorij Mesežnikov Csc.	Director of Institute for Public Questions.
Professor František Novosád	Academy of Sciences, Institute of Philosophy, Bratislava.
Ladislav Orosz	MP, Chairman Committee for Legislation (SDL, Party of Democratic Left).
Ivan Samson	Analyst, Slovak Foreign Policy Association
PhDr.František Šebej	MP, Chair Committee for European Integration;(Independent, the Vice-chairman of the new OKS/Civic Conservative Party).
Doc.Judr. Vojtech Tkáč	Member of the Parliament of the Slovak Republic (HzDS) and the shadow Minister for European Integration.
Jaroslav Volf	MP, Chairman of the Committee for Economy, Privatisation and Business (SDK).
Peter Weiss	Member of the Parliament (Party of Democratic Left) Chairman of the government Committee for Foreign Affairs and the Chairman of a new SDA – Social Democratic Alternative.
Professor Peter Zajac	Publicist.

BIBLIOGRAPHY

- Balibar, Etienne and Wallerstein, Immanuel. 1991. *Race, Nation, Class Ambiguous Identities*, London:Verso.
- Bardi Luciano, Rhodes Martin, and Senior Nello Susan. 2002. 'Enlarging the European union: Challenges to and from Central and Eastern Europe', Special Issue *International Political Science Review*, Vol.23:3.
- Beiner, Ronald. (ed.) 1999. *Theorizing Nationalism*, Albany, NY: State University of New York Press.
- Bilčík Vladimír a Martin Bruncko 2001. *Európska Únia dnes*, Bratislava: Slovenská Spoločnosť pre zahraničnú politiku a IVO.
- Brubaker, Rogers.1996. *Nationalism Reframed*, Cambridge: Cambridge University Press.
- Cederman Laer-Erik. 2001. 'Nationalism and Bounded Integration: What it Would Take to Construct a European Demos in *European Journal of International Relations*, Vol.7, No.2.pp.139-174.
- Centre for Legal analysis documents. Bratislava 2002 'Comparative analysis on the so-called status laws in Hungary and Slovakia'; 'Právna analýza legislatívneho rámca používania jazyka národnostných menšín v úradnom styku'; 'Report on the preferential treatment of national minorities by their ethnic kin', adopted by the Venice Commission; Act LXII of 2001 by the Hungarian Parliament.
- Favell Adrian. 1998. *Philosophies of Integration*. London: Macmillan Press Ltd.
- Green Cowles Maria, James Caporaso and Thomas Risse.2001. *Transforming Europe*. Ithaca: Cornell University Press.
- Habermas, Jürgen. 1992. 'Citizenship and National Identity: Some Reflections on the Future of Europe' *Praxis International*12, 1:1-18.
- Hall, John. 1998. *The State of the Nation*, Cambridge: Cambridge University Press.
- Harris, Erika. 2002. *Nationalism and Democratisation Politics of Slovakia and Slovenia*, Aldershot: Ashgate Publishing.
- Harris, Erika. 2003. 'Europeanisation of Slovakia', Working Paper, Budapest: CEU, forthcoming.
- Harris, Erika. 2003.'New Forms of Identity in Contemporary Europe' *Perspectives on European Politics and Society*, Vol. 4:1, forthcoming (April).
- Howard Marc M. 2000.'Can populism be suppressed in a Democracy? Austria, Germany and the European Union' in *East European Politics and Societies*, Vol.14, No.2, pp.18-32.
- Hroch, Miroslav.1993. 'From National Movements to the Fully-Formed Nation', *New Left Review* 198:3-20.
- Hughes James, Sasse Gwendolyn and Gordon Claire. 'Saying Maybe to the Return to Europe', *European Union Politics* Volume 3:3, pp.327-355.
- Ishiyama John. 2001. 'Ethnopolitical Parties and Democratic Consolidation in Post-Communist Eastern Europe' in *Nationalism and Ethnic Politics*, Vol.7, No.3, pp.25-45.
- Kollár Miroslav a Grigorij Mesežnikov. 2000. *Slovensko 2000*, Bratislava: IVO.
- Kollár Miroslav a Grigorij Mesežnikov ed. 2001. *Slovensko 2001*, Bratislava: IVO.
- Kopecký Peter and Mudde Cas. 2002. 'The Two Sides of Euroscepticism', *European Union Politics*, Vol.3:3, pp.297-326.
- Krasner Stephan.2001. 'Rethinking the sovereign state model', *Review of International Studies*, Special issue, Vo.27, pp.17-42.

- Krivý Vladimír, Gyárfášová Olga and Velšic Marián et al. 2001. *Krajina v pohybe*, Bratislava: IVO.
- Kusý Miroslav. 2001. *Na vlnách Slobodnej Európy*, Bratislava: Kalligram
- Kymlicka, Will. 1995. *Multicultural Citizenship*, Oxford: Oxford University Press.
- Markell Patchen. 2000. 'Making Affect Safe For Democracy? On Constitutional Patriotism' in *Political Theory*, Vol.28, No.1, pp.38-63.
- Mason, Andrew. 1999. 'Political Community, Liberal-Nationalism, and the Ethics of Assimilation', *Ethics* 109:261-286.
- Miller, David. 2000. *Citizenship and National Identity*, Cambridge: Polity Press.
- Mudde, Cas. 2002. 'Slovak elections: Go West! Forthcoming in RFE/RL.
- Parekh, Bhikhu. 2000. *Rethinking Multiculturalism*, London: Macmillan Press.
- Poole, Ross. 1999. *Nation and Identity*, London: Routledge.
- Pridham Geoffrey. 2001. 'Uneasy Democratisations – Pariah Regimes, Political Conditionality and Reborn Transitions in Central and Eastern Europe', *Democratisation*, Vol.8, No.4, pp.65-94.
- Shachar Ayelet. 2000. 'On Citizenship and Multicultural Vulnerability' in *Political Theory*, Vol.28, No.1, pp.64-89.
- Sme*, 2001-2002, Bratislava.
- Smith, David. 2002. 'Framing the National Question in Central and Eastern Europe: A Quadratic nexus? *The Global Review of Ethnopolitics* (www.ethnopolitics.org) Vol.2:1, pp.3-16.
- Study Paper on the Beneš Decrees*, 2001, submitted by the Human rights for minorities in Central Europe, Komárno.
- Sýkora Peter ed. 2000. *Európska Integrácia* Pezinok: Formát.
- Tamás Pál. and Becker Ulrike eds. 2001. *Social Science in Eastern Europe*. Bonn: Social Science Information Centre.
- TASR, 2002, Bratislava.
- Thaa Winfried. 2001. 'Lean citizenship': The Fading Away of the Political in Transnational Democracy' *European Journal of International Relations* Vol.7, No.4, pp.503-523.
- Tismaneanu Vladimir. 2000. 'Hypotheses on Populism: The politics of Charismatic Protest' in *East European Politics and Societies*, Vol.14, No.2, pp.10-17.
- Ustava Slovenskej Republiky. 2001. Žilina: Poradca Podnikatela spol.s.r.o.
- Werner Wouter and Jaap De Wilde. 2001. 'The Endurance of Sovereignty' *European Journal of International Relations* Vol.7, No.3, pp.283-313.
- Yiftachel, Oren. 1998. 'Nation-building and the Social Division of Space: Ashkenazi Dominance in the Israeli Ethnocracy', *Ethnic Politics* 4,3:33-58.
- Zehfuss Maja. 2001. 'Constructivism and Identity: A Dangerous Liaison', *European Journal of International Relations*, Vol.3, No.3, pp.315-348.
- Zielonka Jan and Alex Pravda. 2001. *Democratic Consolidation*. Oxford: Oxford University Press.
- Žatkuliak, Ján. 2000. *K dekrétom prezidenta Beneša a k nariadeniam Slovenskej Národnej Rady vo vzťahu k súčasnosti*, Bratislava: Parlamentný Inštitút.