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Robert Schuman Centre

Who is In, Who is Out?
Citizenship, Nationhood, Democracy,
and European Integration
in the Czech Republic and Slovakia

TIBOR PAPP

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Columbia University

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Introduction

On 5 December 1997, most daily newspapers in Slovakia reported the statement of European Parliament deputy A. Oostlander regarding Slovakia's dismal accession status to the European Union (EU): "You either have to change your opinion, or change the government".¹ According to Slovak Prime Minister Vladimir Meciar, the statement constituted an unprecedented interference in the internal affairs of Slovakia, and Oostlander's behavior was unprofessional, irresponsible, and unfit for a member of the European Parliament. Meciar said that the call for the dismissal of a democratically-elected government contravened all accepted international norms, and called the affair another example of the double standards applied to Slovakia. Deputy Prime Minister Marian Huska was quick to contend that Slovakia is treated as a second-class state because it refused to become the vassal of rich and powerful western countries. A promise of vigilant protection of the Slovak national interest concluded Huska's emotional statement.²

This exchange of opinions raises several questions. First, are the methods used by the EU to evaluate applicants arbitrary? Even though the evaluation of applicants usually corresponds to their economic and political status, some instances of arbitrariness would be difficult to dispute. Turkey, for instance, appears to be at least as well prepared for accession as Cyprus: yet while the former remains on the sidelines, the latter is a leading candidate for the next enlargement. Latvia and Lithuania could note that although Estonia's citizenship policies toward the Russian minority are more discriminatory than theirs, they have been told to wait Estonia was invited to begin negotiations.³

Second, can a change of government resolve a country's democratic deficit? While some of the literature on transition to democracy suggests that democratization takes place from the top down,⁴ it is hard to imagine that a change of government through means other than free and fair elections would lead to more democracy. In short, until now there were no viable alternatives who would be able to compete effectively with Meciar in elections. Moreover, attempts by external parties to replace a standing government are likely to backfire. Finally, given the strong correlation between democracy and economic growth, governments which promote growth can indirectly facilitate democratization in the long run.⁵

This leads to a third question: should accession criteria be applied equally to all applicants?⁶ The nature of external influence on democratization is important not only because some applicants are more stable and prosperous than others, but also because their institutions may be more or less compatible with the standards proposed by the EU.⁷ Ironically, countries that are the least

stable and prosperous, with institutions least compatible with those of the EU, are expected to make the most rapid and fundamental changes if they wish to be considered. The question is whether these countries are likely to achieve political stability and economic prosperity through such changes.

Contrary to the "democratization through incorporation and convergence" thesis,⁸ the vision of accession to the EU will lead to different results in different polities, because in some societies the perceived costs are greater than the expected benefits. The evaluation criteria therefore should be adapted to individual countries and applied with greater flexibility. The resulting "differentiated integration"⁹ could benefit all involved parties. Even if a temporary retreat from EU standards will not make countries more democratic in the short run, it is likely to increase the EU's influence over the nature of change and the eventual democratic consolidation in the long run, and it would reduce uncertainty and transaction costs involved in the process.¹⁰ This occurs because rapid and fundamental changes create institutions that do not correspond with the pre-existing, often deeply embedded rules of the game. Consequently, social, political and economic interaction takes place through a set of informal, rather than through the new, super-imposed formal institutions.¹¹

A comprehensive analysis of the EU's approach to the evaluation of new members would go beyond the scope of this paper. Therefore, I shall focus on the cases of the Czech Republic and Slovakia, more specifically on their approximation policies (and the evaluation thereof) in the sphere of citizenship policy. A comparison of the two countries is useful, because they have a common experience of communism, they shared the same state between 1918 and 1992, and because their chances for membership at the moment of the dissolution of Czechoslovakia in 1993 appeared roughly equal. Today, however, the Czech Republic is in, while Slovakia is out of the first round of accession negotiations.¹² A comparison of the post-1993 developments in the two countries, therefore, might reveal to what degree changes in their accession status result from inconsistencies in evaluation and accession strategies at the EU level, and to what degree from changes at the domestic level.

It also seems profitable to focus on the citizenship policy. First, the concepts of citizenship, nationhood and democracy are intimately connected. Consequently, while the focus on citizenship policy makes the analytical and empirical work more manageable, it also remains relevant for the democratization literature, and brings in the dimension of external influence on the process. The link between citizenship and the understanding of nationhood is related to the degree of tolerance toward the members of other nations. It is often argued that when the definition of nationhood is derived from primordial and ethnic concepts, citizenship policies are likely less tolerant toward non-

citizens and ethnic minorities.¹³ The nature of relations between the state and the citizens is reflected in the nature of consultations between the state and its citizens, and in the extent to which citizens are protected from arbitrary action.¹⁴

Second, a systematic analysis of citizenship policy on the domestic level can provide useful information for the evaluation of candidates. Contrary to Pridham and Pinder, who argue that candidates should fulfill the criteria of market economy and pluralist democracy before accession, Grabbe and Hughes favor flexibility of criteria and differentiated integration.¹⁵ Information on citizenship policy can be used to develop specific accession strategies for specific candidates. Both the evaluation and the accession strategies are important: while the former can account for the nature of societal attitudes toward foreigners, the latter can prevent EU policies with undesired outcomes and limit the uncertainty involved in EU expansion and domestic democratization.

Finally, while Article 8 of the Treaty of European Union¹⁶ revived the academic debate on changing understanding of citizenship in contemporary Western democracies, a surprisingly insignificant part of this debate focuses on post-communist countries.¹⁷ This deficiency is a disturbing mainly because Western paradigms may not always fit when applied in the countries of Central and Eastern Europe (CEE). Following a review of arguments on citizenship, I will define the relevant concepts, and outline a theoretical framework in which relations between nationhood, citizenship, democracy and the EU integration can be analyzed. I will then compare the evaluations of the Czech Republic and Slovakia in "Agenda 2000", and point out inconsistencies. I will argue that inconsistencies in evaluation are, at least in part, the result of two methodological problems: the absence of comprehensive definitions and analytical frameworks; and the EU's consequent ignorance of the domestic constraints of applicants. In part, however, inconsistencies can be traced directly to the lack of desire of EU leaders to sit down and negotiate with political figures such as Vladimir Meciar.¹⁸ I will conclude that the EU strategies of eastward enlargement hinge on a paradox where the EU demands the most substantial changes from the countries that are the least fit to carry them out; and thus that all involved parties could benefit from the reevaluation of these demands.

I. Citizenship, Nationhood, Democracy and European Integration: Concepts and Definitions

Two different currents of the scholarship on citizenship shall be considered in this essay. The first treats the relationships between EU member-states, their

citizens, and the Union.¹⁹ Its arguments could be divided into three categories, where citizenship is understood respectively (1) as rights and obligations that establish an individual's membership of a nation-state, (2) as membership in any space outside of the nation-state where individual and collective rights can be legitimated, or (3) as rights and obligations that place the individual somewhere between the first two possibilities.

The second broad current of scholarship treats the relationship between citizenship and democracy. Two distinct approaches can be identified here. In the first approach, developed by T. H. Marshall, the extension of equal political, civil, and social rights to citizens led gradually to the destruction of old status-based hierarchies and ultimately to democracy.²⁰ Charles Tilly, on the other hand, disputes the progressive, linear, and evolutionary character of citizenship. Tilly argues that the democratic component of citizenship is, first, the result of a bargaining process between rulers and ruled which began in eighteenth-century western Europe; and, second, the consequence of the emulation of the "Western model" nation-states which were founded at a later point.²¹ I will review these arguments below, and then propose a framework for a relational definition of citizenship that incorporates nationhood and democracy. Finally, I will suggest a method of evaluating the degree of democracy.

Citizenship, Nationhood, and European Integration

Scholars who understand citizenship as a membership of a nation state view European citizenship with skepticism.²² Raymond Aron believed that European citizenship is impossible for structural reasons, because it would have to involve the transfer of political and legal powers from the national level, and such a transfer would require a sustained popular demand for European Federation.²³ Rogers Brubaker argues that citizenship is likely to remain a bastion of national sovereignty, because its definitions continue to reflect a deeply rooted understanding of nationhood.²⁴ Both views are supported by Charles Tilly. Tilly sees citizenship as one of the underlying organizational features of modern nation-states, and concludes that it is unlikely to shed its close relationship to nationhood, because the construction of new organizational relations entails substantial transaction costs.²⁵

The second group of scholars dismisses the contemporary idea of citizenship as merely membership of a nation-state. Yasemin Soysal and David Jacobson point to the changing conventional characterization of citizenship. They argue that international migration, supranational associations, and the nearly universal acceptance of basic human rights constitute an alternative space for legitimization of individual and collective rights. From their point of view, Citizenship of the Union -- a formal extension of rights to free movement

of goods, services, capital and people -- cannot be considered a major obstacle to European integration.²⁶

The third strand of explanations agrees that the contemporary conception of citizenship in Europe has inched away from the conventional, national understanding. Yet these authors by no means share the optimism of Soysal and Jacobson concerning the irrelevance of the conventional conception of citizenship for European integration. Some of them point to the rising fortunes of European nationalist parties at the ballot box, and suggest that many individuals wish neither to abandon national citizenship as traditionally understood, nor share its benefits with foreigners.²⁷ Hence, integrative pressures from the EU, some argue, actually contributed to the racialization of citizenship policies, and even threaten the well established inclusive and non-ethnic principles of national citizenship laws.²⁸ This view is supported by empirical research that points to a correlation between cycles of economic decline in the member states, with instances of rising resentment toward foreigners, and a declining support for European integration.²⁹ Finally, Baldwin-Edwards, Baubock and Meehan argue that the Citizenship of the Union has had little impact on the legalization of migrant and guest workers of non-member states, it continues to limit the movement of unemployed and young people,³⁰ and has not yet provided the anticipated stimulus for the much desired harmonization of voting and naturalization laws of member states.³¹

At the same time, according to Meehan, the new citizenship is neither national nor cosmopolitan, but multiple in that "identities, rights and obligations associated with citizenship are expressed through an increasingly complex configuration of common Community institutions, states, national and transnational voluntary associations, regions and alliances of regions."³² Yet, the new rights and obligations in most cases predated the conception of European Citizenship, making it a post hoc construction with spurious legitimacy and credibility. Those who attribute the relaxation of naturalization laws in traditionally strict countries like Germany³³ or the trends toward a growing acceptance of dual citizenship by west European countries to the Citizenship of Europe are therefore missing the point.³⁴ Fortunately, the consensus remains that the conventional understanding of citizenship as a membership of a nation state endures, and thus the legitimization of European Citizenship remains problematic.

Citizenship, Democracy, and European Integration

Investigating the emergence of rights in England, Marshall traced the formative period of civil rights to the eighteenth century, and the protection of the individual's freedom and property from the state. Then, the political rights of the nineteenth century enabled citizens to participate in the political process

through elections. Finally, the social rights of a welfare state provided entitlements to social security. According to Marshall, citizenship "is a status bestowed by those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed".³⁵ Citizenship, in Marshall's view, is thus linked to democracy in that equality in the application of rights and duties first helped to destroy the class hierarchy of medieval England, and then challenged the inequalities of twentieth century capitalism.

Marshall's theory is criticized on several grounds. First, since the evolution of citizenship rights in England took place in relative isolation and in a culturally homogeneous society, his model requires modification when applied to states where these conditions do not obtain. Second, the teleological model according to which citizenship rights progressed from political, through civic, to social, assumes the culmination of this process in a full welfare state. Today, welfare states are under constant pressure from an increasing global competition. Third, citizenship rights in the former communist states of CEE (and elsewhere) seem to have taken a reversed evolutionary trend: first the social rights inherent in the socialist economic systems, then civil rights via the increasing challenge to authoritarian regimes from dissidents in the 1970s and 1980s, and finally the acquisition of political rights after the 1989 revolutions.³⁶ Finally, the relatively new states -- for instance states that became independent in the aftermath of Soviet empire³⁷ -- have neither the time, nor the need to go through a similar evolutionary process. They can emulate the Western model, and make adjustments that best fit their present demographic, cultural, social and economic conditions.

An alternative to Marshall's explanation was proposed by Tilly. According to Tilly, modern citizenship can be traced to the 1792 French Constitution, which granted voting rights to wage-earning males who took an oath to defend the nation and constitution. In Tilly's interpretation, the expanding military activity of the revolutionary state increased the need for conscription and revenue, and forced state agents to strike bargains with the reluctant subjects. Thus, citizenship, defined as a "tie entailing mutual rights and obligations between categorically defined persons and the state" was established through accords between the state and its subjects. The increasing demands of the state and the subsequent inclusion further groups in the bargaining process made democracy possible.

This does not mean that all new states fit the same paradigm, nor that the bargaining was finished with the establishment of a welfare state. On the contrary. On the one hand, the availability of the Western model makes emulation not only possible but relatively easy. On the other hand,

contemporary citizenship rights seem to hinge on the extent to which globalization undermines the capacity of states to fulfill their commitments.³⁸ The increasing momentum of European integration, therefore, might weaken the bond between the nation-state and the citizens, but only if it can offer a viable alternative to the rights and benefits provided by contemporary nation-states. Since the process of integration involves significant costs to the member states, and the eastward enlargement will require additional resources in aid and low interest loans, the bond established between the nation-state and its self-interested citizens will most likely remain a formidable obstacle to European integration.

Concepts and Definitions: Towards a New Theoretical Framework

In an effort to compromise between conventional and post-modern conceptions of citizenship, Baldwin-Edwards, Baubock, Heater and Meehan treat citizenship as a bundle of rights and obligations which link an individual with society.³⁹ Although the substitution of a "society" for the "nation-state" in this definition creates opportunities for unconventional conceptualizations of the link between citizenship and individuals, the definition fails to explain how and by whom rights are guaranteed. The rights anchored in the Citizenship of the Union, for example, are conferred on every person holding the nationality of a member state, and are guaranteed by the agents of participating states rather than EU enforcement mechanisms.⁴⁰

More importantly, such a conceptualization of citizenship does not help to establish a relationship between citizenship, nationhood and democracy. It does not incorporate all relevant components these concepts have in common, and it takes a procedural or substantial approach, rather than an appropriately relational one.⁴¹ Building on the work of Charles Tilly, I propose to begin with the following concepts:⁴²

State: an organization controlling the means of coercion within a delimited territory and exercising a priority in some respects over all other organizations within the same territory.⁴³

Polity: the set of relations among the agents of the state and all major political actors within the delimited territory.

Rights: enforceable claims, the reciprocal of obligations.

Citizenship: rights and mutual obligations binding state agents and a category of persons defined by their legal attachment to the state.

Along these lines:

Nationhood and citizenship are linked in that a state establishes a category of persons who by virtue of membership in a specific group acquire rights and obligations vis-à-vis the state.⁴⁴ Citizenship is considered broad insofar as it extends membership to persons living within the state's bounded territory, and equal insofar as its rights and mutual obligations apply to these persons.

Citizenship might vary along two dimensions: first, from exclusive to inclusive; and second, from primordial to learned.⁴⁵ Then the primordial and exclusive variety of citizenship could be egalitarian in that it is applied to all who fit the specific criteria of membership, yet by no means broad because it excludes all those who do not fit the criteria. Primordial and inclusive citizenship could then be considered broad but by no means egalitarian because of the underlying and enduring classification of citizens according to the established specific criteria. The learned and exclusive variety of citizenship could be considered as broad and egalitarian insofar as new candidates can assimilate to the existing culture. Finally, the learned and inclusive variety is broad and egalitarian in that the new candidates are willing to adhere to the existing norms and rules (see Figure I).⁴⁶

FIGURE I.

	EXCLUSIVE	INCLUSIVE
PRIMORDIAL	Folk or Ethnic Model: expression of an ethnically homogeneous society where citizenship is acquired by descent (Israel) I.	Imperial Model: facilitates integration of different people under the domination of one national group (the Ottoman or British Empire) II.
LEARNED	Republican Model: Citizenship is acquired by birthplace, and naturalization by cultural assimilation (France) III.	Multicultural Model: Citizenship by birth, and naturalization through adherence to norms and rules (Canada, Australia) IV.

Any polity should be considered democratic insofar as it establishes broad and equal citizenship; provides for binding and transparent consultation of citizens with respect to governmental personnel and policies; and guarantees the protection of citizens from arbitrary action of state agents.

Finally, we might want to think of states as falling somewhere along four continua on a scale from 0 to 1, where:

- a) citizenship can be: narrow (0) to broad (1)
- b) citizenship can be: unequal (0) to equal (1)
- c) consultation with citizens: none (0) to extensive (1)
- d) protection from arbitrary action: none (0) to extensive (1)

A state then is a complete democracy when rated (1, 1, 1, 1), while a state rated (0, 0, 0, 0) is a complete tyranny. A state with (1, 1, 0, 0) rating is a populist dictatorship, and so on. For a better orientation, contemporary western democracies are likely to be rated somewhere in the neighborhood of (.80, .90, .75, .85).⁴⁷

II. Citizenship in the West and the East

Differences between contemporary west European and CEE states, as well as among CEE states, should caution those who set EU accession standards. First, EU members are older states with well-established bureaucracies and accepted institutional rules.⁴⁸ Their conceptions of citizenship evolved gradually, and reflect a deeply rooted understanding of nationhood.⁴⁹ Second, the capacity of EU member states is relatively high, in that they are able to structure inter and intra-state relations,⁵⁰ extract revenue, and maintain low levels of violent crime.⁵¹ Consequently, western states are well positioned to make changes required by the approximation clauses in the Treaty of European Union. Finally, the citizenship policies of EU states are to a large extent governed by the mutually accepted policies of harmonization (convergence). Since harmonization implies mutual concessions one might encounter political opposition toward further relaxation of citizenship laws in Britain and France, where these laws are relatively inclusive and are extended, with some qualifications, to legal immigrants who demonstrate the required degree of cultural adaptation.⁵² On the other hand in Germany, where citizenship is relatively exclusive and derived from the principle of descent (primordial), political opposition toward the relaxation of these laws appears less salient.⁵³ All this makes the Western states are well positioned to make and implement changes required by the approximation clauses of the EU.

By contrast, CEE states are relatively new and institutionally unstable, and their conceptions of citizenship are being made to fit the contemporary demographic, political, cultural, social and international environment. In CEE states, the idea of citizenship is therefore seldom rooted in a fully-developed understanding of nationhood. Moreover, the capacity of CEE states is usually low in that they are rarely able to design and implement strategies that structure inter and intra-state relations,⁵⁴ extract revenue, and maintain low levels of violent crime.⁵⁵

There are of course significant differences among CEE states. A comparison between the Czech Republic and Slovakia suggests that the Czech state enjoys a more soundly established governmental and economic infrastructure and greater institutional stability than Slovakia. The Czech state inherited the infrastructure of the Czechoslovak state, and the Czech lands were the more industrially developed region of the federation. In addition, many of the perhaps 100,000 Slovaks who decided to stay in the Czech Republic after the 1993 breakup had been employed in the state bureaucracy. This benefits the Czech state, but deprives Slovakia of qualified bureaucratic personnel. Finally, the understanding of Czech nationhood evolved gradually throughout the nineteenth century, and was institutionalized during the inter-war Czechoslovak Republic; while Slovakia is currently engaged in the processes of state and nation-building.⁵⁶

In short, the comparisons of CEE states with their Western counterparts, and of the Czech Republic and Slovakia reveal a paradox. Well-established and institutionally-stable states are expected to make only gradual, incremental, and in the case of the EU members mutually-convergent changes in their citizenship policies; while new, often-nationalizing, poorly-established, and institutionally-unstable states are required to make rapid and fundamental changes that converge towards artificially-developed standards. Such changes could actually destabilize domestic institutions; and even if formally accepted by CEE countries, might not create conditions for politically sustainable changes. Therefore, if the aim of EU accession strategies is to develop stable institutions that guarantee democracy, the rule of law and the protection of human and minority rights, West European standards should serve as a point of orientation rather than as absolute requirements.

Citizenship in the Czech Republic and Slovakia

The evaluation of the two countries in Agenda 2000 clearly distinguishes their accession status. The Czech Republic, according to the report, has stable and properly functioning political institutions, carried out free and fair elections, allows the opposition to play a normal part in the operation of institutions, and therefore "presents the characteristics of a democracy, with stable institutions guaranteeing the rule of law, human rights, and respect for and protection of minorities".⁵⁷ At the same time, the report adds that the judiciary does not operate properly, and that the Czech citizenship law discriminates against the Roma.⁵⁸

Slovakia was the only country among the ten CEE applicant that failed to fulfil the political criteria for accession. In the Commission's view, the institutional framework defined in the Slovak Constitution corresponds to that of a parliamentary democracy, but the degree of institutional stability is



unsatisfactory.⁵⁹ In addition, the report expresses concerns about the independence of the judiciary, the government's use of the secret service, and the treatment of the Hungarian and Roma minorities. Agenda 2000 calls the elections held in Slovakia free and fair, but does not mention the citizenship law.

I will argue below that the reports are correct with respect to institutional stability, but should have been more critical regarding the treatment of the Roma in the Czech Republic. Changes in the Czech Citizenship Law are not only long over due, but they also appear to be politically sustainable in that their implementation is unlikely to cause institutional instability. In Slovakia, however, changes made in citizenship and minority policy have already reached the politically sustainable limit, in that neither the present government nor its alternatives could make concessions to the Hungarian parties without risking the support of their constituencies. The EU's insistence on more profound changes could therefore increase institutional instability, and even adversely affect democratization. Once again, this suggests the advantages of country-specific, "differentiated integration" and "flexible standards", as opposed to the "democratization through incorporation" and "set criteria for admission" approach to eastward enlargement. I am not suggesting that Slovakia is more democratic, nor that Slovakia rather than the Czech Republic should have been considered for the first round of accession negotiations by the EU. What I hope will emerge from this inquiry is that a country-specific approach in which each applicant is evaluated in the context of pre-existing social, political and economic conditions (rather than being compared to a set of specific criteria) is beneficial for all parties concerned.

The following comparison of the Czech Republic and Slovakia will reveal differences in the definition of nationhood, the nature of citizenship, and the degree of institutional stability in the two countries. First, the Czech state is relatively old and institutionally stable; while the Slovak state is in the making, and each major political and societal actor is struggling to design of institutional arrangements which grant it immediate benefits. Consequently, the institutional system of the Czech Republic facilitates bargaining and consensus, while politics in Slovakia resembles a zero-sum game where the gain of one party is automatically the loss of the other. Second, nationhood in the Czech Republic has developed in response to state-seeking nationalism, while in Slovakia this development has a state-led character.⁶⁰ During the process of state-seeking nationalism, the Czechs developed a deeply-rooted ethnic understanding of nationhood and a moderately (if occasionally more than moderately) ethnocentric conception of citizenship. Since in Slovakia both nationhood and citizenship are evolving, both will be shaped by the bargaining process between domestic political actors and external third parties (the EU). Consequently, whether the Slovak conception of citizenship will acquire an

exclusionary/ethnic, or inclusionary/civic character will depend upon the outcome of a bargaining process in which the EU could play a decisive role.

The Czech Republic

The Czech state is relatively old, and the definition of Czech nationhood is well established. The tradition of Czech statehood extends to the Czech Kingdom (Zeme Koruny Ceske), while its institutional foundations can be traced in part to the inter-war Czechoslovakia, and in part to the Czechoslovak Federation.⁶¹ The rules of the political game are well defined, anchored in the Czech Constitution, and respected by the involved parties. At the same time, however, state capacity to collect revenue and control violent crime and corruption is relatively low.⁶²

The contemporary understanding of Czech nationhood evolved in response to the continuous presence of its strong and often assertive German neighbor. The Czech national revival had a state-seeking character, and its definition of Czech nationhood was ethnic, defined against the "hereditary enemies of the Czechs", the Germans.⁶³ The primary work that framed the developing understanding of Czech nationhood was Frantisek Palacky's interpretation of Czech history, in which a systematic distinction was drawn between "us", the Czechs and "them", the Germans, and the historical misfortunes of the Czechs linked to the presence of the Germans.⁶⁴ Palacky's had a profound influence on late nineteenth-century Czech national revivalists, artists and writers, who helped to authenticate it.⁶⁵ The popular anti-German attitudes were exacerbated during the First World War, and peaked during the Protektorat and the subsequent expulsion of the Sudeten Germans in 1945.⁶⁶

While the dominant understanding of Czech nationhood in 1918 was firmly ethnocentric, Czechoslovak President Tomas G. Masaryk and his associates envisioned the new, multi-ethnic state built on liberal democratic principles. Hence, the citizenship and language laws of 1921 were relatively moderate, assimilationist and inclusive.⁶⁷ During the discussion of the Language Law in 1921, parliamentary deputies argued that it would be intelligent to exceed the minimal requirements for protection of minorities stipulated by the Treaty of St. Germain, in order to protect the Czech liberal-democratic image from complaints by German and Hungarian minorities.⁶⁸

Twentieth-century Czech history supports Brubaker's argument that an ethnocentric understanding of nationhood, once developed, tends to endure. Despite the interwar language and citizenship laws, there was no comprehensive strategy to include or assimilate the German and Hungarian minorities. On the contrary, ethnic claims in regions with high concentration of Germans were routinely suppressed by force.⁶⁹ After the Second World War,

democratic Czechoslovakia expelled nearly three million ethnic Germans, of whom (according to the Czech-German Historical Commission) some 18,000-30,000 died in the process. Those Germans and Hungarians who remained in Czechoslovakia (communist after 1948) had no citizenship rights until 1952. In today's Czech Republic, human rights organizations note ongoing discrimination of the Roma minority, racially motivated attacks on Asians and Africans, the pattern of government inaction against these trends, and the maintenance of a discriminatory citizenship law. While some scholars and politicians argue that the sizable Slovak minority living in the Czech Republic does not suffer from discrimination and therefore the Czech understanding of nationhood is actually civic, it has to be pointed out that Slovaks who opted for the Czech citizenship in 1993 are culturally and linguistically assimilated, and make no claims that would bear on the interests of the Czech majority. Treating their situation as an example of Czech tolerance is thus misleading.⁷⁰

Although problems with the Roma are by no means unique to the Czech Republic, the increasing number of racially-motivated physical attacks is disturbing. Human rights organizations attribute this trend to the lenient treatment of perpetrators. According to the International Helsinki Federation (IHF), in 1994 there were 62 attacks on the Roma, in 1995 90, in 1996 157, and 233 in the first eleven months of 1997.⁷¹ Between 1990 and 1996, seventeen Roma were killed in such attacks, and several hundred more were injured. But, of more than two hundred persons accused of these acts, fewer than one hundred were convicted.⁷² Racially-motivated violence in the Czech Republic does not exclude foreigners from Asia, Africa, or the Middle East. The murder of a Sudanese student in Prague in November 1997 attracted attention to the problem of racial intolerance in Czech Republic, and a number of politicians took part in a public demonstration against racism and xenophobia.⁷³ A few months later the son of the Libyan Ambassador was severely beaten by skinheads in the city of Brno.⁷⁴

Another example of ethnic exclusion was occasioned by a July 1997 television program that depicted Gypsy immigrants living a prosperous life in Canada. The documentary sparked a massive exodus of Roma from the Czech Republic. Certain Czech politicians suggested that the documentary was the best thing the TV station has done this far, and the program should be aired more often. The Major of Ostrava, Jana Lickova, even offered to pay \$600 toward the air ticket of every Roma who decided to leave her city.⁷⁵

Czech authorities began to deal with the problem conceptually in 1995, in response to increasing criticism from the UNHCR, OSCE and the EU. In 1996 the parliament passed a resolution denouncing racism and xenophobia in the Czech Republic, and 120 new positions were created for specialists in the fight against racism and extremism.⁷⁶ Yet there was no significant improvement

in the work of the judiciary. Cases of racially motivated acts were often characterized as "personal fights", and light sentences sent the message that such crimes were not considered serious.⁷⁷ According to the director of Nadace Nova Skola, "there is bias in the treatment of Roma in every sphere of life in the Czech Republic, from the top government officials all the way down to the owner of the village pub".⁷⁸ In sum, while most anti-Roma activities are attributed to a small group of extremists and the far-right Czech Republican Party (CSR), Czech governments have done little, and the Czech public by its silence implicitly approves the present state of affairs.

The Citizenship Law of 1 January 1993 seems to fit the ethnocentric and exclusionary definition of Czech nationhood, and is criticized by international organizations such as the UNHCR, OSCE and the Council of Europe.⁷⁹ The law temporarily excluded from Czech citizenship all Slovaks who had permanent residence in the Czech Republic, it created a number of stateless people, and lends itself to discrimination against the Roma.⁸⁰ Article 18 granted Slovak citizens the opportunity to apply for Czech citizenship provided that the applicant had resided for at least two years in the Czech Republic, had a certificate of exemption from Slovak citizenship, and had no criminal record for the past five years. Thus arose a class of people who were ineligible for Slovak citizenship, failed to meet Czech requirements, and became stateless. Moreover, even individuals who were arrested but not persecuted were automatically disqualified from Czech citizenship.⁸¹ Only on April 1996 was the law amended, and the Ministry of Interior empowered to waive the five-year clean-record requirement. Yet Roma were often given no information or were given misleading guidance regarding citizenship issues. Out of 255 surveyed Roma who were not granted Czech citizenship, 80% were long-term residents, 50% had clean criminal records, only 19 had been convicted of serious crimes and 26 of petty offenses.⁸²

The ethnocentric conception of Czech nationhood continues to shape the understanding of Czech citizenship. At the same time, the Czech state continues to maintain its liberal democratic character, and certain outstanding political figures have moderated the exclusionary character of Czech citizenship.⁸³ Given the liberal democratic tradition of Czech statehood, the relative stability of Czech institutions, and the general desire of Czechs to join the West, moderation of citizenship policy is the most viable option at this time. The EU, for instance, should insist on implementation and enforcement of laws that facilitate the exercise of inclusionary and equal citizenship rights for the Roma. Such laws have to be implemented now, in order to provide a sufficient time for the society that has to adjust to the new, formal rules of interaction. A failure to moderate the Czech conception of citizenship today might lead to an increase in the resentment of Czechs against certain kinds of foreigners once the Czech Republic joins the EU.

Slovakia

Compared to the Czech Republic, Slovakia is a newer and less stable state, inhabited by an ethnically more heterogeneous population, and engaged in a much more thorough-going process of state and nation-building.⁸⁴ Activities aimed at the construction of Slovak nationhood are primarily state-led,⁸⁵ though the process of nation-building includes competing conceptions of Slovak nationhood. The understanding of Slovak nationhood remains ambiguous, and the conception of Slovak citizenship is malleable and often inconsistent with governmental policies. Under these conditions, the EU's role in shaping the understanding of Slovak nationhood and the conception of citizenship could be significant, and the EU's influence is likely to increase with the flexibility of accession criteria. This does not mean that the Meciar government should be rewarded for its democratic deficit, but that an explicit recognition of its achievements in the sector of citizenship policy could be advantageous for both Slovakia and the EU.

The contemporary Slovak state is being built on the ruins of the former federation, even though the Czech state inherited most of federal state's infrastructure. Slovakia lacks the option of building a new state on a pre-existing paradigm of liberal democracy, and lacks political figures such as Masaryk or Havel who could shape the democratic character of the new state. The contemporary Slovak state is also relatively weak in its capacity to extract revenue, control violent crime and corruption, and structure internal relations.⁸⁶ All of this creates favorable conditions for institutional instability, which is reflected in incoherent decisions in domestic and foreign policies in general, and in citizenship policy in particular.

Contemporary efforts to construct and authenticate a credible conception of Slovak nationhood represent a range of interests. Both the contemporary understanding of Slovak nationhood, and the conception of citizenship therefore lack coherence. While the initial phase of the nineteenth-century Slovak national revival was similar to the Czech experience, the Slovak revivalists lacked a "hereditary enemy" against whom to identify. The Slovak national revival was stifled after the 1848 revolution, and the Slovaks lacked scholars of Palacky's stature to frame Slovak nationhood. Moreover, whereas in the Czech lands professional associations, artists and writers helped to disseminate and authenticate the sources of Czech nationhood in the nineteenth century, until the 1930s Slovakia lacked such groups of intellectuals.⁸⁷ Most urban centers in nineteenth-century Slovakia (Felvidek) were inhabited by Hungarians and Germans. After the 1866 Ausgleich, the Slovak-speaking population of the monarchy was subjected to Magyarization.⁸⁸ In 1918 the Slovaks were effectively incorporated into a so-called Czechoslovak nation,

and until the late 1930s the Slovak National Party (SNS) was unable to gain a significant electoral support.⁸⁹

Efforts to create and authenticate new sources of identification are controversial and vulnerable. In spring 1996, for instance, Milan Durica, a history professor at the University of Bologna, published a controversial book financed by PHARE. Durica's book, *Dejiny slovenska a slovakov* (The History of Slovakia and the Slovak People), which depicted the 1939 Slovak Republic as liberal, and the treatment of Jews during the war as lenient, was intended to serve as a supplementary high school history textbook. After criticisms from the Slovak Academy of Sciences, teachers' associations, Jewish organizations, and the EU, Meciar was forced to make a publically announce regarding the removal of the work from schools.⁹⁰

The revived Slovak National Party proposed projects of law that would allocate state funds for a traveling exhibition of "Slovakia's Written Heritage", or would shift competencies over history, language and literature curricula from the Ministry of Education to Matica Slovenska.⁹¹ Both initiatives were rejected under pressure from the media and teachers associations. Inflammatory speeches of Slovak nationalists about the role of Hungary in Slovak history are immediately publicly analyzed and refuted.⁹² In short, the construction and authentication of a consistent and uncontested conception of Slovak nationhood -- whether ethnocentric or civic -- appears unlikely in the near future.⁹³

The contradictions of Slovak politics are further exacerbated by institutional instability. The rules of the game structuring the interaction of political actors are outlined in the constitution, but have not taken hold in the Slovak political life. The Meciar government's program after the 1994 elections, for instance, declared that "party diversity is an attribute of democracy which the party [his Movement for a Democratic Slovakia (HZDS)] supports", yet the same program pointed out that "diversity will not be allowed to lead to a permanent political crisis whether in open or hidden form".⁹⁴ The latter conception of "diversity" prevails in contemporary Slovak politics. It is reflected in the confrontation between the prime minister and the president, in the exclusion of opposition parties from parliamentary committees (including the controlling organ of the secret service), and the illegal expulsion of unruly members of the governing coalition from parliament.⁹⁵ In 1995 and 1996 the Constitutional Court ruled on eleven measures, of which it found nine to be unconstitutional. In 1997, the Constitutional Court ruled unconstitutional the actions of the Interior Minister Gustav Krajci during the May 1997 Referendum, and the impeachment of a former HZDS MP Gaulieder.⁹⁶ Yet, the legal case against Minister Krajci was dismissed by a Bratislava district procurator, and the parliament refused to reinstate Gaulieder's mandate. All

this took place after the government memorandum accompanying the application of the Slovak Republic to the EU proclaimed: "Developments in the Slovak Republic show that democratic institutions are firmly anchored and that despite various political changes the constitutional system is stabilized".⁹⁷

Inconsistencies in the construction of Slovak nationhood coupled with institutional instability are also noticeable in the domestic and foreign policies of the Slovak government. The 1993 Constitution was written in the "name of the Slovak nation", which provoked an outcry from the Hungarian and other minorities.⁹⁸ At the same time, the 1993 Citizenship Law has an inclusionary and civic character. The law permits any person who by 31 December 1992 was a citizen of the Czechoslovak Federation to claim Slovak citizenship, and permits dual citizenship.⁹⁹ In another instance, the governmental coalition passed a discriminatory Language Law -- parts of which were ruled unconstitutional -- at the same time Slovakia signed the Citizenship of the Union agreement.¹⁰⁰

Efforts to establish favorable conditions for broad and equal citizenship are likely to face obstacles in new, multi-ethnic, and institutionally unstable states such as Slovakia. First, the state's inability to structure internal relations opens opportunities for political entrepreneurs to forward ambitious claims. Second, in such circumstances political entrepreneurs are likely to make claims on behalf of the respective ethnic constituencies.¹⁰¹ Third, such claims, more often than not, will bear on the interests of other ethnic groups, and can lead to ethnic discord and polarization. Since neither the understanding of nationhood nor the conception of citizenship has yet attained clear contours, the EU strategies could play an important role. Therefore, if the EU desires to maintain its influence over Slovakia in the future, it should not try to isolate Slovakia, should avoid statements and policies that can be exploited by Slovak nationalists who oppose integration,¹⁰² and should set criteria that take into account the limits of change.

In short, while the EU is in a position to set relatively high standards for integration in the Czech case, Slovakia, at least for the time being, should be held to less demanding standards. The relative stability of the Czech state makes high standards of accession attainable without threatening the destabilization of institutions, while the EU's insistence on high standards in Slovakia might empower the nationalists. Flexible criteria and country-specific strategies of eastward enlargement seems therefore more appropriate.

Conclusion: Citizenship, Democracy, and European Integration in the Czech Republic and Slovakia

Using the scheme for the evaluation democracy proposed above, the Czech Republic and Slovakia could be evaluated as follows:

The Czech Republic:

Citizenship: Narrow to broad	0.5
Citizenship: Unequal to equal	0.3
Consultation with citizens	0.8
Protection from arbitrary action	0.7

Slovakia:

Citizenship: Narrow to broad	0.8
Citizenship: Unequal to equal	0.5
Consultation with citizens	0.7
Protection from arbitrary action	0.3

The Roma are the only significant and problematic minority group in the Czech Republic. If one agrees with Ralf Dahrendorf that "the true test of the strength of citizenship rights is heterogeneity",¹⁰³ the Roma minority is the true test of Czech citizenship. Thus far the Czechs barely manage to get a passing grade.

The high marks for consultation with the citizens and for protection of citizens from arbitrary action suggest a relatively high degree of institutional stability in the Czech Republic. Therefore a change toward more inclusive and egalitarian citizenship policy is likely to be politically and socially sustainable.¹⁰⁴ Thus there is no reason for the Czech government to further postpone the signing and ratification of more than thirty UN and EU documents concerning human rights.¹⁰⁵ Neither should Canada or Britain hesitate about the reinstatement of visa requirements for Czech citizens in case of another exodus of the Roma. The EU should push for a more inclusive and equal conception of citizenship in the Czech Republic now, since once the Czech Republic becomes a full member state, it might be too late to moderate the Czechs' ethnocentric understanding of nationhood.

Slovakia's citizenship laws are broad, yet there are problems concerning equality. Since the proportion of minorities in Slovakia is more than twice as great as in the Czech Republic, a higher grade for the degree of equality seems justified. In the area of consultation with citizens, the two elections were ruled free and fair, and one should not blame Meciar for the opposition's lackluster performance. It is true, however, that privatization in

Slovakia lacks transparency, and state property rewards powerful individuals for party loyalty. Finally, cases like the abduction of the president's son, the removal of Gaulieder from the parliament, the sabotage of the May 1997 referendum, and the dismissal of Minister Krajci's case by a district procurator suggest that the protection of citizens from arbitrary action in Slovakia is inadequate.

Since Slovakia rather than the Czech Republic is the true test of alternatives to the EU strategy of eastward enlargement, it seems reasonable to ask what should be done regarding its alleged democratic deficit. I propose to take as the point of departure Tilly's argument that citizenship is related to democracy in that it engenders an ongoing bargaining process between state agents and societal actors over rights and obligations.¹⁰⁶ If so, the assumption that a simple government change will repair Slovakia's democratic deficit is wishful thinking. It can be improved only through incremental changes that decentralize political power, decrease uncertainties in the interaction of political and societal actors, and lead them to accept the rules of the game as the best possible option for all parties.¹⁰⁷ Only an electorate that is actively engaged in the bargaining process with state agents can accomplish such a systemic change. International isolation of Slovakia is also not desirable at this point, because external actors could play a decisive role in shaping Slovakia's institutional transformation.¹⁰⁸ Harsh words like those of Mr. Oostlander might strengthen popular support for the extreme right, nationalist faction of the ruling coalition.¹⁰⁹ Since the democratic deficit of Slovakia is not a simple result lack of protection from the state's arbitrary actions, but rather of the lack of public awareness of this fact. A viable EU strategy would provide time for and facilitate the internal shake-up of the Slovak electorate that would activate the bargaining process described by Tilly.

The first part of such an EU strategy -- buying time for the reduction of the democratic deficit -- could be accomplished by including Slovakia in the enlargement process subject to periodic evaluation of progress made in the correction of specified problem areas. In order to facilitate an internal shake-up in Slovakia, EU strategies should exert pressure on the new industrial elites. Therefore, the EU should be more selective in areas such as 1) steel export quotas, because Slovak steel comes from a plant owned by Meciar's supporters; 2) monitoring of PHARE, so no new fascism-promoting history textbooks can be printed using EU money, and 3) the stabilization package, where distribution should be extended over time and installments tied to changes made in the development of civil society.¹¹⁰

In short, if the aim of EU accession strategies is to develop stable institutions that guarantee democracy, the rule of law and the protection of human and minority rights, west European standards should serve as a point of

orientation rather than a template for impossibly demanding accession criteria. A little more should be demanded from the Czech Republic, and somewhat less from Slovakia.

Endnotes

- ¹ *Sme, Pravda, Narodna Obroda, Slovenska Republika, or Novy Cas* of 5 December 1997.
- ² "Slova Oostlandera su pre HZDS vyjadreniamy choreho, tutorskeho politikarenia", *Sme*, 6 December 1997.
- ³ Jan Zielonka, "Politics without Strategies: The EU Policies toward Central and Eastern Europe", paper presented at the EUI seminar in Florence, October 1997. The Slovak government often complains about double standards regarding the state of democracy and their treatment of minorities in the country. Vice-Premier Tothova argued that the Hungarian minority of Slovakia is not treated worse than the Russians of Estonia, yet Estonia is among the five Central and Eastern European countries that are likely to take part in the first round of accession talks to the EU. How to account for the acceptability of Cyprus remains a mystery. See also Zdenek Lukas and Sona Szomolanyi, "Slovakia" in Werner Weidenfeld (ed.) (1996) *Central and Eastern Europe on the Way into the EU*, Bertelsman Foundation Publishers, 201-24. The authors claim that the simple replacement of the current political elite in Slovakia would greatly improve the political performance of the Slovak Republic. They fail to explain what led them to this belief.
- ⁴ Dankwart A. Rustow (1970) "Transition to Democracy: Toward a Dynamic Model", *Comparative Politics*, 2, 357; Guillermo O'Donnell and Philippe Schmitter (1996) *Transition from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*, Baltimore, Johns Hopkins University Press; Michael Burton, Richard Gunther and John Higley, "Elite Transformations and Democratic Regimes" in Burton and Gunther (eds) (1992) *Elites and Democratic Consolidation in Latin America and Southern Europe*, Cambridge, Cambridge University Press, 20-4; Giuseppe Di Palma (1990) *To Craft Democracies: An Essay on Democratic Transitions*, Berkeley, University of California Press, 56-78.
- ⁵ Samuel Huntington (1968) *Political Order in Changing Societies*, New Haven, Yale University Press; S. M. Lipset, Kyoung-R Seong, and John Torres (1993) "A Comparative Analysis of the Social Requisites of Democracy", *International Social Science Journal*, No. 136, 155-75; Guillermo O'Donnell (1973) *Modernization and Bureaucratic Authoritarianism: Studies in South American Politics*, Berkeley, Institute of International Studies, University of California.
- ⁶ J. M. Wiersma, the spokesperson of the European Parliament who visited Slovakia in October 1997, gave Slovakia 6-7 weeks to fulfill of criteria required for the country's inclusion in the accession talks. "Slovensko ma 6-7 tyzdnov na to, aby splnilo kriteria na zacatie rozhovorov o vstupe do EU", *Sme*, 15 October 1997, 1. The components of the democratic deficit that turned Slovakia into a single CEE country that failed to fulfil the political criteria are: 1) lack of respect for the constitution; 2) disrespect for the rights of the opposition; 3) inappropriate use of the secret police by the government; and 4) mistreatment of minorities. "Slovakia", *Agenda 2000*, Doc/97/8, Strasbourg/Brussels, 15th July 1997.
- ⁷ Adam Przeworski (1991) *Democracy and the Market*, Cambridge, Cambridge University Press, 20-8; Charles Tilly, "The Emergence of Citizenship in France and Elsewhere" in Tilly (ed.) (1996) *Citizenship, Identity and Social History*, Cambridge, Cambridge University Press, 223-36.

⁸ John Pinder, "The EC and Democracy in Central and Eastern Europe" in Geoffrey Pridham, Eric Herring and George Sandorf (eds) (1994) *Building Democracy? The International Dimension of Democratization in Eastern Europe*, London, Leicester University Press, 119-44. See also the "Introduction" by the authors of the edited volume, 7-32.

⁹ Heather Grabbe and Kristy Hughes (1997) "Eastward Enlargement of the European Union", London, The Royal Institute on International Affairs, 46-51. Differentiated integration would allow each country to be treated separately and would reward its efforts to approximate EU standards in proportion to difficulties arising from economic and institutional constraints. This approach is different from the multi-speed incorporation, according to which each country should approximate the developed standards although the approximation might not happen at the same pace.

¹⁰ See the literature on new institutional economics. For instance, Douglass North (1991) *Institutions, Institutional Change and Economic Performance*, Cambridge, Cambridge University Press; Jack Knight (1992) *Institutions and Social Conflict*, Cambridge, Cambridge University Press; Thrainn Eggertsson (1990) *Economic Behavior and Institutions*, Cambridge, Cambridge University Press. All three authors agree that institutions -- understood here as the formal and informal rules of the game-- reduce uncertainty in day to day individual and group interaction.

¹¹ Douglass North (1991) *Institutions, Institutional Change and Economic Performance*, Cambridge, Cambridge University Press. See Chapter 5 on informal institutions.

¹² See for instance, Delia Meth-Cohn, "The New Wall", *Business Central Europe*, September 1997, 19-22. Slovakia is the single applicant which failed to fulfill political criteria for accession. This conclusion surprises many who are familiar with political conditions in Romania, Bulgaria, and Cyprus.

¹³ Rogers Brubaker (1992) *Citizenship and Nationhood in France and Germany*, Cambridge, MA, Harvard University Press.

¹⁴ For the classical study of citizenship and democratization see T.H. Marshall (1973) *Class, Citizenship and Social Development*, Westport, CT, Greenwood Press. See also Tilly, "The Emergence of Citizenship", 224-36.

¹⁵ John Pinder in Pridham (ed.) *Building Democracy?*, 126-27, and Grabbe and Hughes, 46-9.

¹⁶ Article 8, The Treaty of European Union. For an extensive summary see Paul Close (1995) *Citizenship, Europe and Change*, London, Macmillan, 241-53.

¹⁷ A few of the rare exceptions are Zdenek Kavan, "Democracy and Nationalism in Czechoslovakia" in Einhorn, Kaldor and Kavan (eds) *Citizenship and Democratic Control*, 24-39; Piotr Korcelli, "Current Issues Related to Migration and Citizenship. The Case of Poland" in Baubock (ed.) *From Aliens to Citizens*, Chapter 8.

¹⁸ Adam Burges (1997) "Writing Off Slovakia to the East? Examining Charges of Bias in British Press Reporting on Slovakia, 1993-1994", *Nationalities Papers*, Vol. 25, No. 4, 659-83.

¹⁹ Martin Baldwin-Edwards, "Citizenship of the Union: Rhetoric or Reality, Inclusion or Exclusion?" in Kososren, Pekka and Madsen (eds) (1995) *Convergence or Divergence? Welfare States Facing European Integration*, Brussels, Commission of the EC; Martin Baldwin-Edwards, "Third Country Nationals and Welfare Systems in the EU", Florence, European University Institute, 1997; Brubaker, *Citizenship and Nationhood*, Conclusion; David Cesarani and May Fulbrook (eds) (1996) *Citizenship, Nationality and Migration in Europe*, (London, Routledge; Barbara Einhorn, Mary Kaldor and Zdenek Kavan (eds) (1996) *Citizenship and Democratic Control in Contemporary Europe*, Cheltenham, Edward Elgar; Christian Joppke (ed.) (1998) *Challenge to the Nation-State: Immigration in Western Europe and the United States*, Oxford, Oxford University Press; Yasemin Soysal (1994) *Limits of Citizenship. Migrants and Post-National Membership in Europe*, Chicago, University of Chicago Press; Bart van Steenberghe (ed.) (1994) *The Condition of Citizenship*, London, SAGE Publications, Chapters 2 and 3; Alexander Wendt, "Collective Identity Formation and the International State", *American Political Science Review*, 88 (1994), 384-98.

²⁰ T.H. Marshall (1950) *Citizenship and Social Class*, Cambridge.

²¹ Tilly, "The Emergence of Citizenship".

²² Rogers Brubaker, "Introduction" in Rogers Brubaker (ed.) (1989) *Immigration and the Politics of Citizenship in Europe and North America*, Lanham, University Press of America, 3.

²³ Raymond Aron (1974) "Is Multinational Citizenship Possible?", *Social Research*, Vol. 41, No. 4, 638-56.

²⁴ Brubaker, *Citizenship and Nationhood*, 3.

²⁵ Tilly, "The Emergence of Citizenship", 1-17.

²⁶ Yasemin Soysal, "Changing Citizenship in Europe" in Cesarani and Fulbrook (eds.) *Citizenship, Nationality*, 17-29. This view is supported by David Jacobson (1996) *Rights Across Borders*, Baltimore, Johns Hopkins University Press.

²⁷ Several British politicians expressed a desire to maintain the sovereign right to regulate immigration. *Guardian*, 14 March 1995, and 24 March 1995. Jean-Marie Le Pen and Philippe Villiers both ran on an anti-immigrant platform in the French presidential elections. Jorg Haider's *Freiheit Partei Oesterreichs* won over 22% in the Austrian general elections. Richard Mitten (1994), "Jorg Haider. The Anti-immigrant Petition and Immigration Policy in Austria", *Patterns of Prejudice*, Vol. 28, No. 2, 27-47; Cas Muddle (1995) "One Against All, All Against One! A Portrait of the Vlaams Block", *Patterns of Prejudice*, Vol. 29, No. 1, 5-28.

²⁸ David Cesarani, "The Changing Character of Citizenship and Nationality in Britain" Tony Kushner, "The Spice of Life? Ethnic Difference, Politics and Culture in Modern Britain", and Patrick Weil, *Nationalities and Citizenships: The Lessons of the French Experience for Germany and Europe* in Cesarani and Fulbrook (eds.) Chapters 4, 5 and 8. See also A. Geddes (1996) "Immigrants and Ethnic Minorities and the EU's Democratic Deficit", *Journal of Common Market Studies*, Vol. 33, No. 2, 197-217. Geddes argues that EU policies are one

sided because they emphasize control of immigrants and asylum seekers, but do little in terms of immigrant rights or combating racism and xenophobia.

²⁹ Stefania Panebianco, "European Citizenship and European Identity: from the Treaty of Maastricht to Public Opinion Attitudes", (University of Catania: December 1996), or <http://www.fscpo.unict.it/vademec/jmwpo3.ht>.

³⁰ Baldwin-Edwards, "Citizenship of the Union", 6. Baubock, "Changing the Boundaries" in Baubock (ed.), 209-10.

³¹ Martin Baldwin-Edwards, "Citizenship of the Union", 6-7.

³² Martin Baldwin-Edwards (1998) "The Emerging European Immigration Regime: Some Reflections on Implications for Southern Europe", *Journal of Common Market Studies*, Vol. 35, No. 4, 495-519. Baldwin-Edwards argues that the resolutions of JHA governing migration are particularly incoherent because they allow substantial national variations.

³³ In France, for instance, a draft law was proposed that would grant asylum not only to refugees who fear oppression from a state, but also to those whose life is threatened by non-state groups (Islamic fundamentalists in Algeria). Moreover, under the proposed law, citizenship is to be granted to children born on French territory to non-French parents. Robert Graham, "Delicate Balancing Acts", *Financial Times*, 17 November 1997, 2.

³⁴ Dilek Cinar, "From Aliens to Citizens. A Comparative Analysis of Rules of Transition" in R. Baubock (ed.) *From Aliens to Citizens*, Chapter 3.

³⁵ Marshall, *Class, Citizenship and Social Development*, 18.

³⁶ These developments fit the countries of CEE, yet in China, one can speculate, civil rights might follow after the expansion of political rights. In either case, Marshall's model does not seem to fit.

³⁷ The dissolution of the Soviet Union, Yugoslavia and Czechoslovakia created 21 new states.

³⁸ Tilly, "The Emergence of Citizenship", 224-36.

³⁹ For Derek Heater [(1990) *Citizenship. The Civic Ideal in World History, Politics and Education*, London, Longman] citizenship could be associated with any territorial unit from a small town to the entire universe. For the purposes of my argument is sufficient to limit this association as either being directed toward the nation-state or the EU. For Marshall, on the other hand, citizenship was attached not so much to territory, as to a variety of rights some possessed while others did not.

⁴⁰ Seven rights are listed in the Citizenship of the Union. These are the rights 1) to free movement, 2) of residence, 3) to vote and stand in local elections, 4) to vote and stand in EP elections, 5) to consular assistance in countries where one's member state is not represented, 6) to petition the EP, 7) to appeal to the Ombudsman. Yet, there is clearly no viable enforcement mechanism in place at the EU level that could compete with those of member states.

⁴¹ A substantive definition of democracy, for instance, describes outcomes such as equality or liberty. Its procedural definition examines processes such as free and fair elections, participation, and the like.

⁴² Charles Tilly, "The State of Nationalism", *Critical Review*, Vol. 10, No. 3, 299-306. See also Tilly, "The Emergence of Citizenship", 224-36.

⁴³ With some modifications this is the definition originally developed by Max Weber and then reformulated by a number of contemporary social scientists. S.N. Eisenstadt (1969) *The Political System of Empires*, New York, The Free Press, 5; M. Mann (1984) "The Autonomous Power of The State", *Archives Européennes de Sociologie*, 25, 187-88; G. Poggi (1990) *The State: Its Nature, Development and Prospects*, Stanford, Stanford University Press, 19-24; T. Skocpol (1979) *State and Social Revolutions*, Cambridge, Cambridge University Press, 26; Max Weber (1968) *Economy and Society*, New York, Bedminster Press, 64.

⁴⁴ Tilly, "The Emergence of Citizenship", 231-32.

⁴⁵ Martin Baldwin-Edwards, "Citizenship of the Union: Rhetoric or Reality, Inclusion or Exclusion?" in Kosonen, Pekka and Madsen (eds.) *Convergence or Divergence?*; Brubaker, *Citizenship and Nationhood*; Tilly, "Citizenship, Identity and Social History" in Tilly (ed.) *Citizenship*, 9-10.

⁴⁶ Similar arguments were made by Brubaker, *Citizenship, Nationhood*, and Leah Greenfeld (1992) *Nationalism, Five Roads to Modernity*, Cambridge, MA, Harvard University Press. Brubaker came up with the civic and ethnic ideal types of nationhood, while Greenfeld distinguished between individualistic and collectivist varieties.

⁴⁷ Tilly, "The Emergence of Citizenship", 233-34.

⁴⁸ From the literature which understands institutions in this sense, see Douglas North (1990) *Institutions, Institutional Change and Economic Performance*, Cambridge, Cambridge University Press, 3-5; Jack Knight (1992) *Institutions and Social Conflict*, Cambridge, Cambridge University Press, 4.

⁴⁹ Brubaker, *Citizenship and Nationhood*, 3.

⁵⁰ For state capacity see Barkey and Parikh (1991) "Comparative Perspectives on State", *Annual Review of Sociology*, 17, 1991, 510-28.

⁵¹ There are several indicators commonly used to measure state capacity. I argue that the state's capacity is high to the extent its agents are able to collect revenue from their citizens and protect them from violent crime. John M. Hobson (1997) *The Wealth of States: A Comparative Sociology of International and Political Change*, Cambridge, Cambridge University Press.

⁵² Kushner, "The Spice of Life?" and Weil, "Nationality and Citizenship".

⁵³ The German Aliens Act of 1990 for the first time recognized the right of young foreigners who returned to their parents' country to re-immigrate to Germany.

⁵⁴ This is particularly true about new multi-ethnic states such as Slovakia, where internal ethnic relations often spill over into the international realm and vice versa. Moreover, due to the fragility of political configuration in the Slovak party system, attempts to manipulate the ethnic relations could destabilize the domestic political scene.

⁵⁵ Both the Czech Republic and Slovakia have dismal records in revenue extraction and crime prevention. According to the Czech Ministry of Finances, Czech firms and entrepreneurs owe to the state 63 billion CK from the year 1996. As far as crime prevention is concerned, only 45% of all criminal cases committed in Slovakia in 1996 was solved and successfully prosecuted. *Pravda*, 15 October 1997.

⁵⁶ The nationalization efforts of Slovakia are too numerous to list. The most recent examples include diversion of large funds from Pro Slovakia, a government sponsored foundation on promotion of the Slovak culture, for projects like a traveling exhibition of allegedly Slovak ancient manuscripts that are enshrined in a wooden reconstruction of a church building from the times of the Great Moravian Empire; numerous publications that attempt to reconstruct some 1,000 years of Slovak history (some written by historians, but most by story-tellers) and the effort by *Matica Slovenska* to take over the job of curriculum development for lower middle schools from the Ministry of Education.

⁵⁷ In *Agenda 2000* institutions are understood as political actors (individuals or organizations) rather than the rules of the game based on sanctions and rewards. *Agenda 2000*, DOC 97/17, 15-6.

⁵⁸ The report does not mention other forms of discrimination against the Roma.

⁵⁹ In this passage it appears that the commission is using the term "institutions" in both senses. On one hand the reference to an "institutional framework", seems to imply the "rules of the game" understanding, on the other hand, however, passages in the text suggesting "integration" of institutions into political life, mean that the authors have in mind actors rather than rules. This, I believe, creates inconsistencies and ambiguities in the report. *Agenda 2000*, DOC 97/20, A/1.3.

⁶⁰ Brubaker distinguished between French and German understandings of nationhood, where in France the state-led efforts resulted in an inclusionary and universalistic understanding of nationhood that in turn shaped the nature of French citizenship, while in Germany the state-seeking effort contributed to the evolution of a folk-centered, ethnic, and differentialist conception of citizenship. Tilly generalizes the same argument in that while state-seeking nationalism is more likely to result in an ethnic understanding of citizenship as opposed to the state led variety, it is by no means rare to encounter the ethnic version of citizenship in the later case..

⁶¹ Here I not only mean the organizational structures, but also the objects and skilled administrative personnel that was employed in the state administration. Slovakia, in 1993, had to designate, renovate or even build, the objects in which the state agencies could perform their functions. The best known example is the residence of the President, that was moved on several occasions from the Bratislava Castle, to the Old Town hall, and finally to the Grasalkowitch Palace.

⁶² The Czech Finance Minister, Ivan Pilip, reported that in 1996 the state failed to collect 63 billion (\$20 million) CK in taxes. According to Hobson, the collection of revenue in CEE states is between 50 and 60%, in Russia only about 25-30%, while in the EU countries it is 80-90%. "Danove Uniky v CR", Pravda, 1 October 1997, p. 13. Crime rates, kept at relatively low levels under the communist regime, went up some 300% between 1990 and 1992. Although in decline, the relative crime rate in the Czech Republic is still high. The Klaus government was forced to resign in November 1997, in the aftermath of a corruption scandal concerning the Civic Democratic Party (ODS).

⁶³ Jiri Rak (1994) *Byvali Cechove*, Praha, Nakladatelstvi H&H, 99-109.

⁶⁴ The accuracy of Palacky's historiography is often challenged. Josef Pekar, for instance, argued that the Husites were first and foremost fighting to reform the Catholicism, and that the nobility who fought at Bila Hora was actually mostly German and, more than anything else, Catholic. Josef Pekar (1977) *O Smyslu Ceskych Dejin*, Rotterdam, Accord Publishing.

⁶⁵ The works of Alois Jirasek that were inspired by Palacky's interpretation of Czech history became, and continue to be, assigned readings in Czech (formerly also in Czechoslovak) elementary and middle schools, and they provided popular themes for dramatization and movies.

⁶⁶ The idea of expulsion is attributed mostly to President Eduard Benes, who lobbied the Allies for support during his exile in London. Nevertheless, the works of T. G. Masaryk, the 1922 Constitution, the Czechoslovak Doctrine and the institutional foundations of the interwar republic were motivated to a considerable degree by the desire to maintain the state *vis-à-vis* the vividly present German threat. Tomas G. Masaryk (1973) *The Meaning of Czech History*, Chapel Hill, University of North Carolina Press; Ferdinand, Peroutka, *Budovani Statu, III*, Praha, Lidove Noviny, 1285-90; Jaroslava Peskova et. All (1992) *Dejini Zemi Koruny Ceske, II*, Praha, Paseka, 168-170; L. Stehule (1919) *Ceskoslovensky Stat v Mezinarodnim Pravu a Styku*, Praha, Laichter.

⁶⁷ According to Peskova, the ethnic composition of the interwar republic was: Czech 51%; German 23.4%; Slovak 14.5%; Magyar 6.2%; Ruthenian, Ukrainian and Russian 3.8%, and Polish and Jewish 1.1%. Peskova, *Dejiny Zemi*, 168.

⁶⁸ Peroutka, *Budovani Statu*, 991.

⁶⁹ Peroutka, *Budovani Statu*, 1283-90; Peskova, *Dejiny Zemi*, 186-91.

⁷⁰ Peter Huncik pointed out that during a 1996 meeting of Czech government officials and representatives of minorities living in the Czech Republic, the representative of the Slovak minority, Fedor Gal, was asked whether they need financial support for Slovak schools and culture. Gall replied that Slovaks have no problem with the Czech schools and if they want to have Slovak culture they simply watch television or go to Slovakia for the weekend. He suggested that the actually disadvantaged minorities like the Roma, could use the governmental support and the finances intended for Slovaks. Personal interview with the director of Sandor Marai Foundation, Peter Huncik, Bratislava, July 1997.

⁷¹ International Helsinki Foundation (1997) *Annual Report, 1997: Human Right Developments in 1996*, Vienna, REMA-Print, 83-94.

- ⁷² "Tisíce ludi demonstrovali v Praze proti rasizmu", *Pravda*, 11 November 1997.
- ⁷³ "Smrt vyburcovala verejnosť", *Pravda*, 11 November 1997. The article reported 10-15,000 protesters at the event.
- ⁷⁴ *Reuters Electronic News Service*, February 4, 1998.
- ⁷⁵ Jane Perlez (1997) "Boxed in Bias: Czech Gypsies Look to Canada", *The New York Times*, October 31, 3.
- ⁷⁶ International Helsinki Foundation, *Annual Report, 1997*, 90.
- ⁷⁷ "Czech Republic: Roma in the Czech Republic", *Human Rights Watch/Helsinki Newsletter*, Vol. 8, No. 11.
- ⁷⁸ *Nadace Nova Skola* is a Prague human-rights NGO that has worked with Roma since 1992. Personal interview with director Laubeova, Prague, 18 July 1997.
- ⁷⁹ UNHCR, Regional Bureau for Europe, Division of International Protection, *The Czech and Slovak Citizenship Laws and the Problem of Statelessness*, February 1996; Council of Europe, *Report of the Experts of the Council of Europe on the Citizenship Laws of the Czech Republic and Slovakia*, April 1996.
- ⁸⁰ *Nadace Nova Skola*, for instance, reported that immigration officials routinely dismissed citizenship applications of Roma, even if they were long-term residents and had no criminal record. According to Baobock, on 30 June 1994 70,000 Roma were turned into stateless people in the Czech Republic, because they had not applied in time for citizenship of the new state. Rainer Baobock, *From Aliens*, 229.
- ⁸¹ UNHCR, Regional Bureau for Europe, Division of International Protection, *The Czech and Slovak Citizenship Laws and the Problem of Statelessness*, February 1996.
- ⁸² Tolerance Foundation, *From Exclusion to Expulsion: The Czech Republic's New Foreigners*, Section on Judicial Expulsion, Prague, November 1996.
- ⁸³ Havel spoke out on against the inaction of Czech leaders concerning the ongoing violence against Roma.
- ⁸⁴ The statistics of Slovakia's ethnic composition are contested. According to the 1991 census the Slovaks constitute 85.69%, Hungarians 10.76%, Roma 1.44%, Czechs 1.00%, and the Moravian, Rusin, Ukrainians, German, Polish and others constitute the remaining 1.11%. Other estimates put the Hungarians at 12% and the Roma at 7% of the population. See the *Materials of the Slovak Statistical Office*, Bratislava, 1993.
- ⁸⁵ In the case of Slovakia one has to agree with Gellner who argues that it is the modern state that created the nation and not the other way around. Ernest Gellner (1983) *Nations and Nationalism*, Ithaca, Cornell University Press.
- ⁸⁶ On crime in Slovakia see Ivan Pivarci and Ernest Klotton, "Statistiky Kriminalnej Cinnosti na Slovensku", *Pravda*, 15 October 1997. The statistics show that only 29% of 97,684

criminal acts committed in 1996, were solved. 69% of crime was identified as property crime and 11% as violent crime. Moreover, some publicists suggested that there seems to be a close connection between state agencies (namely the secret service) and organized crime in Slovakia. Ladislav Pittner, "Predstavitelia podsvetia sa dostavaju do povedomia prislusnikov Policajneho zboru ako spojency moci", *Sme*, 20 October 1997, 4-5.

⁸⁷ Professional associations in the Czech lands became important centers for the dissemination of nationalist ideology.

⁸⁸ Samuel Cambel et al (1992) *Dejiny Slovenska, III*, Bratislava, Veda, 244-53.

⁸⁹ The electoral support for the SNS never exceeded 6.9 percent, and most Slovak voted for a variety of Czechoslovak parties.

⁹⁰ "Duricova prirucka dejin nebude v skolach", *Sme*, 2 July, 1997; Dusan Caplovic, "Politika a nase dejiny", *Pravda*, 13 June 1997, 7; Dusan Kovac, "Dnes by tato kniha nebola financovana", *Forum*, 12 June 1997, 2.

⁹¹ The exhibition *Napisane Zostave: Najstarsie Klenoty Slovenskeho Pisomnictva* displays texts in German, Latin, Russian, or Greek from the 8th through the 15th century.

⁹² During the visit of Jean-Marie Le Pen in Slovakia, Jan Slota, the chairman of SNS made a speech in which he depicted the Huns, allegedly the ancestors of contemporary Hungarians, as the "misfortune of Europe". He claimed that they pillaged, burned and killed during their conquest, and since the Slovaks survived the ordeal then, they will not be pushed around by the descendants of such barbarians today. Even Le Pen publicly distanced him self from Slota's opinions the following day, and all news papers (with the exception of the pro-SNS, *Slovenska Repulika*) launched an attack at the speech.

⁹³ Naturally, there are numerous examples like these, and my intention here is to present only an illustration of a two-way process in which various attempts to interpret and authenticate historical events are successfully challenged.

⁹⁴ Grigorij Meseznikov (1997) "Domestic Political Developments and the Political Scene in the Slovak Republic" in Martin Butora and Peter Huncik (eds) *Global Report on Slovakia: Comprehensive Analyses from 1995, and Trends for 1996*, Bratislava, Sandor Marai Foundation, 11-31.

⁹⁵ Meseznikov, "Vnutropoliticky vyvoj a politicka scena" in Martin Butora (ed.) (1997) *Slovensko v Pohybe: Slovensko 1996*, Bratislava, Institute pre Verejne Otazky, 15-36.

⁹⁶ "Tema: Gustav Krajci", *Sme*, 13 July 1997, 5; Jan Drgonec, "Ako Uplatnuju priamu demokraciu vo svete", *Pravda*, 13 June 1997, 14.

⁹⁷ Cited in Meseznikov, "Domestic Political Developments", 14.

⁹⁸ Ustava Slovenskej Republiky, (Bratislava, Danubia Print, 1993). For a reaction, Peter Huncik (1993) *Slovensko pre Slovakov*, Bratislava, Nadacia Sandora Maraiho.

⁹⁹ "Zakon Narodnej Rady Slovenskej Republiky o Statnom Obcianstve", Part 1/§3/sec.1.

¹⁰⁰ "Ochrana obcana", *Pravda*, 11 November 1997, 3.

¹⁰¹ On the relationship between the state's internal capacity and group formation see Hobson, *The Wealth of States*; Joel Migdal, "Strong States, Weak States: Power and Accommodation" in Wiener and Huntington (eds) (1987) *Understanding Political Development*, Prospect Heights, Waveland Press.

¹⁰² Jan Slota of the SNS is against EU integration because, he argues, the single aim of the Western countries is to rob Slovakia of its wealth.

¹⁰³ Ralf Dahrendorf (1994) "The Changing Quality of Citizenship" in Bart van Steenberger (ed.) *The Conditions of Citizenship*, London, SAGE Publications, 17.

¹⁰⁴ The marks in the last two areas are lower because of the undemocratic Press Law, inadequate legal framework for the economic transition, the prime minister's arrogance, and the lack of transparency in the privatization process.

¹⁰⁵ Miroslav Kusy, "Stav ludskych prav" in Butora (ed.) *Slovensko 1996*, 51.

¹⁰⁶ Tilly, "The Evolution of Citizenship". New institutional economists tend to conceptualize democracy in a similar manner. See Adam Przeworski (1991) *Democracy and the Market*, Cambridge, MA, Cambridge University Press.

¹⁰⁷ Przeworski, *Democracy and the Market*, Introduction.

¹⁰⁸ Some scholars argue that only the total economic isolation of Slovakia from the EU states could develop sufficient pressure on the contemporary ruling coalition. It could be objected that the isolation of Slovakia could lead to an even greater institutional instability and eventually to an authoritarian regime. Ivo Samson (1996) "Proclamations, declarations and Realpolitik in Current Slovak Integration Policy", *Perspectives*, Nos. 6-7, 51-9.

¹⁰⁹ This occurs because statements like this indirectly support criticisms made by the anti-integrationist SNS, namely that the powerful Western countries want to enrich themselves at Slovakia's expense.

¹¹⁰ This is important if one agrees that the stimulus for change has to come from below. Even though the EU report on Slovakia states that the degree of development in the third sector (NGOs) corresponds to that of Western democracies, the high number of NGOs is not indicative of broad based popular involvement in these organizations. Moreover, the government created its own third sector that runs parallel with the actual civic associations, putting constraints on finances as well as on the availability of social space outside the state. Tibor Papp (1997) "A Progress Report on the Development of NGOs in the Czech Republic, Hungary and Slovakia", New York, Columbia University, Dept. of Political Science.



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