

Poland's Minorities in the Transition from Soviet-Dominated Ethnic Nation-State to Democratic Civic Nation-State

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The twentieth century provided the stage for the clash between the two elements that constitute the modern concept of humanity, this is, dignity and history. This struggle proved history's bloody victory over human dignity (Finkelkraut, 1999: 64).^[1]

The despot takes a leave but with his departure no dictatorship ends completely (Kapuściński, 1999: 162).^[2]

In the words of Polish nationalists, "Poland was resurrected in 1918." I beg to disagree with this view and offer here an historically articulated argument to that effect, concentrating in particular on the situation of ethnic minorities. 1918 marked not the return of some renewed Commonwealth of the Kingdom of Poland and the Grand Duchy of Lithuania. Not at all. Poland was established as a nation-state. This occurred in accordance with US President Woodrow Wilson's espousal of the national principle as the basis for the political organization of Europe after the Great War.

The final shape of the interwar Republic of Poland obtained from the struggle of the proponents of the Jagiellonian and Piast concepts of Polish nationalism. The official founder of the Polish nation-state Marshal Józef Piłsudski opted for the former civic one, which, initially, he hoped to clothe with the form of a federation of the Poles, the Ukrainians, the Belarusians and the Lithuanians (Törnquist-Plewa, 2000: 198). But even in this federation the position of the *primus inter pares* would be reserved for the Polish nation. So nothing came out of this project, not unlike the fate of a similar one of a confederated *Mitteleuropa* (Central Europe) under the German guidance as Friedrich Naumann had proposed in 1915 (cf. Naumann, 1917).

Ethnic nationalism steeped in language became the paramount legitimization of the continued existence or break-up of states in Central Europe (cf. Kamusella, 2001). This factor had a decisive influence on the shape of Warsaw's domestic and international policies between the two World Wars. This is clearly understandable if one bears in mind that in 1918-21 Poland fought eight border wars with all its neighbors: four with Germany, and the remaining four with Czechoslovakia, Lithuania, Ukraine and the Soviet Union. All the wars were fought over the national issue of claiming either Polish populace or national territory. The Polish-Soviet War was an exception to this pattern, Moscow's aim being to rebuild the Russian empire and to spread the communist revolution to Western Europe.

Interwar Poland was a multiethnic state despite the official rhetoric promoting its image to be that of a monoethnic nation-state. According to the 1931 census, national minorities accounted for thirty-one per cent of Poland's population of thirty-two million (that is, almost ten million). However, a recent reassessment of this apparently massaged number sets the figure at 35.4 per cent (that is, over eleven million) (Chałupczak, 1998: 22; Tomaszewski, 1985: 31-51). In a nutshell, ethnic Poles constituted two-thirds of the population while the national minorities – the remaining one-third.

Articles 95, 96, 109 and 115 of the 1921 Polish Constitution guaranteed the equality of all citizens before the law and gave national minorities the right to preserve and cultivate their national cultures, customs, languages as well as specific churches and religious denominations (*Dziennik*, 1921). The new Constitution of 1935 scrapped article 95 that guaranteed protection of life, freedom and property without taking into consideration the citizen's origins, nationality, language, race or confession. Article 7 replaced it with more tentative protection stating that "nationality shall not constitute a basis for limiting civil rights" (*Dziennik*, 1931).

The initial democratic character of the Polish political system changed into a curious democratic-cum-authoritarian hybrid after the 1926 coup^[3] (Polonsky, 1975: 37-41). In the 1920s, Warsaw pursued a policy of acceptance regarding national minorities while requiring that their members and minority organizations remain loyal to the state. Change came in the 1930s when the Great Depression encouraged the rise of dictatorships and national tensions all over Central Europe. In this framework, the national minorities demanded more rights and intimate contacts with their "home" nation-states while Warsaw began to use various measures to Polonize minorities living in Poland (Łodziński, 1998: 26).

During the two interwar decades Warsaw's policies toward Poland's national minorities reflected the way the governing elites thought about the organization of the Polish nation-state. Piłsudski commenced this process by constructing the state with the civic Jagiellonian concept as his ultimate goal, but, eventually, the ethnic Piast concept gradually gained the upper hand.

THE NATIONAL MINORITIES IN COMMUNIST POLAND

German aggression against Poland obliterated this state at the close of 1939. Berlin set out to create a truly German ethnic nation-state that would comprise all the German-speakers residing in Central Europe.[4] To this end Joseph Stalin and Adolf Hitler divided Central Europe between the Soviet Union and Germany in the secret Ribbentrop-Molotov Pact (1939). Poland's western outskirts (most of which had belonged to Germany prior to 1918) were incorporated into the German nation-state. From the rest a General Gouvernement was established as a reservation for the Polish *Untermenschen*. This provided Germany with a pool of free labor and a place to dump Poles, Jews and other "undesirables" deported from other areas incorporated into the Reich (Matelski, 1996: 160-164).

While Germanization of the territories incorporated into the Reich was progressing swiftly, Moscow deported Poles from its section of Poland and annexed Lithuania to the hinterland, that is, eastern Russia, Siberia and Kazakhstan. After Berlin's seizure of the Soviet territorial gains in 1941, a thorough Holocaust of the Jews and the Roma was carried out on the territory of prewar Poland (Davies, 1991: Vol II 566-567).

TOWARD A MONOETHNIC NEW POLAND (1945-1947)

At the Yalta and Potsdam conferences the Allies decided that Moscow would retain its Polish and other gains in line with the decisions of the Ribbentrop-Molotov Pact.[5] In effect, out of 388 thousand square kilometers of its prewar territory Warsaw lost 180 thousand square kilometers to the Soviet Republics of Lithuania, Belarus and Ukraine. In a curious recompense, the Allies granted Poland the German territories east of the Oder-Neisse line with the exception of the northern half of East Prussia, which as the Kaliningrad Oblast' remains part of Russia. These German territories transferred to Poland amounted to 103 thousand sq km. The postwar Polish territory comprised 312 sq km, which meant the net loss of 76 thousand sq km,[6] if one can apply this bookkeeping approach to such an emotional issue as national territory (Chalupczak, 1998: 25).

From the demographic point of view, six million citizens lost their lives during the war. A further five million were either Ukrainians, Belarussians and Lithuanians, who remained in “their” national Soviet republics or Poles, who were deported into the Soviet hinterland. In total, Poland’s population dropped by eleven million from thirty-five million in 1939 to twenty-four million in 1945 (Chałupczak, 1998: 25).

Additionally, a further round of ethnic cleansing was carried out on the basis of an agreement between Moscow and the Polish communists. In 1944-1945, 490,000 Ukrainians, 36,000 Belarussians and twenty to fifty thousand Lithuanians were transferred to the Soviet Union. In 1947, 160,000 Ukrainians were moved from their area of compact settlement in the southeastern corner of Poland, and dispersed into the ex-German territories. During the years 1945-1950, 4.4 million ethnic Poles moved within postwar Poland’s borders, mainly from the Soviet Union (2.1 million) and Germany (2.1 million) (Łodziński, 1998: 17).

In 1939 around eight million Germans lived in the German territories east of the Oder-Neisse line (Reichling, 1986: 62-64). Many a million fled as the frontline approached, while others, having witnessed brutality of the Soviet and Polish troops, decided to flee westward. The Red Army captured 165,000 Germans and hauled them off to Soviet forced labor camps in the hinterland while more than one million were illegally expelled or left on their own prior to the Potsdam Agreement (Magocsi, 1995: 164-168; Ociepka, 1994: 19-25). On the basis of this agreement, Warsaw expelled 3,190,000 Germans between 1946 and 1948 (Łodziński, 1998: 17).

STALINIZATION (1948-1955)

By 1950, for the first time in its history, Poland had been made into a largely monoethnic state in accordance with the Polish communists’ 1944 decision that the Polish state should not contain any national minorities (Mironowicz, 1998: 16). This development equally satisfied the wishes of Polish nationalists and Stalin’s dream. Besides hoping to spread communism all over the world, his policies closely reflected those of Hitler. The Führer strove to cloak the Great German nation-state with an overlaying pan-Germanic empire that would dominate Europe and, later, the world. Where Hitler failed, Stalin succeeded. The latter managed to realize his pet pan-Slavist project of building an empire that would encompass all the slavic peoples. From an ethnic point of view, the Soviet bloc was such an empire, with the odd exception of Josip Bros Tito’s Yugoslavia (Wilson, 1995: 106-113, 153-161).

Stalin's thinking on nationalism was influenced by the Austro-Hungarian social democrats.[7] There are striking parallels between his essay "Marxism and the National Question" (1973) and Otto Bauer's *Die Nationalfrage und die Sozialdemokratie* (1924). The idea was to provide ethnic groups, nations without states, and minorities with some form of a corporate-cum-territorial autonomy (Lemberg, 1996: 601; Smith, 1990: 2-3). In the Soviet Union this came down to establishing a primary level of ethnically construed union republics with titular nations. But the checks and balances needed for building an empire rested in the old rule of *divide et impera*.

These ethnic republics were liberally sprinkled with other ethnically defined territorial units in the form of autonomous republics, *oblasts* and *okrugs*, as well as with exclaves of neighboring union republics and other autonomous ethnic units. This *matrioshka* system pitted all these ethnic units against one another, with Moscow as the imperial arbiter to maintain peace and stability (Nodia, 1998: 20-21). In order to be effective, ethnicity had to be made operative so as to become the main instrument of political mobilization. This aim was met with the implementation of *korenizatsiya* policy or "nativization" that was pursued in the 1920s. The next step was to reconstruct society through industrialization and collectivization of the countryside in the 1930s. The cataclysmic feat of social engineering was to liquidate the traditional social institutions and to uproot the populace so that it would become atomized and, thus, malleable. From such a "social dough" Moscow hoped to mold the *edinstvo* (unity) of the communist Soviet nation/people (*Sovetski narod*)[8] through, first, the *sblizhenie narodov* (coming together of nations), and, later, through the eventual *sliyanie narodov* or "merger of nations"[9] (Herzig, 1990: 150-151; Lemberg, 1996: 601; Smith, 1990: 4-8).

The exigencies of the Great Patriotic War (as Soviet historiography christened World War II) made Stalin retract his policy of building a Soviet nation. Only ethnic nationalism and religion could provide him with enough indispensable mobilization pull to win this war against all odds. However, once *Pax Sovietica* had been successfully extended over Moscow's Central and Eastern European gains, the Kremlin set out on the path of stamping out "bourgeois nationalism." This period lasted until Stalin's death in 1953 (Herzig, 1990: 151).

In Poland, the pro-Soviet government tolerated non-communist nationalists as long as they did not oppose the new system, helped the government to ethnically cleanse the state and inculcate the populace with strong national feeling after it had flagged during the German

occupation.^[10] Additionally, this *korenizatsiya* redirected Polish nationalists' traditional hatred from Russia/the Soviet Union to Germany. The new western border as the only viable *raison d'être* of postwar Poland unified both the Polish communists and anti-communists. Only Moscow was ready to fight to maintain the new *status quo* without which there would have been no Poland. The West would not have come to Poland's succor, as it had not in 1939, at Yalta or Potsdam.

After the successful communist takeover in 1947 and the wrapping up of the expulsions of Germans in 1948, the period of *korenizatsiya* was over. Apart from collectivizing the countryside and industrialization and doing away with the capitalist economy and the Catholic Church, Stalinization of Poland also meant a clampdown on "bourgeois nationalism" or "rightist-nationalist deviation" as it was known in the language of the Polish propaganda of the time (cf. Zaremba, 2001: 68). The socialist nation of the Polish proletariat, in which the national cleavages would be of no significance, was in the making. At least officially. National minorities were recognized in 1952 on the common ground of Polish citizenship so as to offset Polish bourgeois nationalism. In 1951, Władysław Gomułka was imprisoned. Between 1945 and 1949 he had served as the minister responsible for expelling Germans and peopling the ex-German territories with Poles. He was freed in 1954 (cf. Madajczyk, 1998: 77-88; Sakson, 1998: 192).

DE-STALINIZATION AND "NORMALIZATION"^[11] (1956-1967)

In his 1956 "secret speech" Nikita Khrushchev denounced Stalinism and the forced mass expulsions of various nations and ethnic groups^[12] perpetrated by the Kremlin. Not only did this lead to de-Stalinization but also to Moscow's accepting the various national ways the Soviet satellites taking in order to reach the ultimate goal of communism (cf. Dixon, 1990: 25; Smith, 1990: 7). In Poland this meant the renewed official acceptance of the Catholic Church and the end of forced collectivization. Gomułka became the first secretary of the Polish communist party and remained the state's leader until 1970. This liberalization of the official attitude toward Polish nationalism also extended to the national minorities. They were allowed to establish associations and to broaden the use of their languages as the medium of instruction in schools (Łodziński, 1998: 27; Sakson, 1998: 233). Altogether in 1956/1957 six national minorities were allowed to found organizations: Belarussians, Czechs and Slovaks together, Lithuanians, "indubitable Germans" and Ukrainians. Jews and Russians had obtained organizations already in 1950. The Roma – treated as not a national but a social minority – were nevertheless permitted to form a non-state-wide organization in 1963. The Kashubs were the only large ethnic group allowed to

establish an organization in 1956, but it was styled as a regional rather than an ethnic pursuit (Berdychowska, 1994: 7 and *passim*; Obracht-Prondzyński, 2001: 154; Olejnik, 1997: 83).

The partial exception to this recognition of at least some national minorities in Poland were the Germans. In the postwar censuses the category of nationality was not included so that the size of the national minorities could be better “adjusted” to official wishes. The first academic estimates of the size of postwar Poland’s national minorities are available beginning in the 1960s. For instance, Byczkowski (1976: 164) assessed the number of Germans at mere 3,000. Strangely enough, on the basis of various agreements between Bonn and Warsaw 1.23 million ethnic Germans left Poland for West Germany in the period from 1950 to 1989 (Dallinger, 1997: 23).

On the basis of Article 116 in the *Grundgesetz* (Basic Law), Bonn was ready to accept all those who had obtained German citizenship prior to May 9, 1945, but remained outside the two Germanys, as well as their children. This applied to over one million German citizens from Germany’s prewar territories, whom Warsaw had made into Polish citizens on the grounds that they were “Slavic/Polish Autochthons” (Misztal, 1990: 308). This provision also covered prewar Polish and Free City of Danzig citizens who had acquired German citizenship in the years 1939-1945. Those eligible for German citizenship who had remained in Poland numbered over two million (Bahlcke, 1996: 159; Jastrzębski, 1995; Osękowski, 1994: 99-101). Due to economic, political and national interests, Warsaw continued to claim all of them as ethnic Poles until the fall of communism in 1989 (Matelski, 1995: 115).

Other national minorities in Poland were more readily accepted than Germans but, on the other hand, their respective nation-states (either communist neighbors of Poland or Soviet republics) were not as attractive as democratic West Germany with its burgeoning capitalist economy. According to Byczkowski (1976: 164), Poland’s largest minorities were Ukrainians (180,000) and Belarussians (165,000). Other minorities did not surpass ten to twenty thousand. All the minorities together comprised 450,000 persons, that is, 1.4 per cent of the Polish population of thirty-two million in 1970.

The relaxation of political and social life characteristic of de-Stalinization and known as “the Thaw” in historiography was followed by Gomułka’s consolidation of power in the 1960s. At first, the rights of the national minorities to education in their national languages and to organized socio-cultural life were respected. However, the officially recognized small German minority (and also the much larger unrecognized group of Germans residing in

Poland) felt the brunt of the Cold War soon enough. The construction of the Berlin Wall in 1961 dramatically reduced emigration to West Germany. The tension between the two blocs grew to a new height during the Cuban missile crisis (1962) and was sealed by the US and Soviet involvement in the Vietnam War. Warsaw tuned in with Moscow's anti-Western propaganda.

With the worsening international climate, Warsaw once again became more dependent on the Kremlin because it was only the Soviet Union that guaranteed Poland's western border and, thus, its continued existence as a state. Understandably, the Polish communists, having failed at collectivization and suppression of religion, decided to follow at least some of the policies that Moscow encouraged. The anti-Jewish actions pursued in the Soviet Union beginning in 1948, and in Bulgaria, Czechoslovakia, East Germany, Hungary and Romania in the 1950s, prompted Warsaw to take a similar course at the beginning of the 1960s. At that time the Ministry of Domestic Affairs (MSW, responsible for secret security forces) was purged of Jews (Cała, 1998: 269-270, 281).

In the conflict in the Middle East, the Kremlin supported the Arabs against Israel helped by the United States. The Six Days' War (1967) allowed Warsaw to accuse Polish Jews of supporting Israel. Infighting in the Polish communist party resulted in their being used as scapegoats the following year. Gomulka decided to sacrifice the Polish Jews to placate the society's displeasure with the regime and economic slowdown. This allowed him to consolidate the ethnic Poles on a platform of traditional anti-Semitism, against the pro-reformist intelligentsia and his in-party enemies. Between 1968 and 1971, over twenty thousand Jews had to leave Poland and the community that remained shrank to about ten thousand (Datner, 1997: 75; Kersten, 1992).

AGAIN TOWARD A MONOETHNIC NATION-STATE (1968-1989)

In 1958-1959, after having acknowledged the vitality of the various nations and national minorities within the Soviet Union, Khrushchev set out on the steady *sblizhenie* course. The Russian language became dominant in the educational and social life of the non-Russian republics (Dzhyuba, 1998: 204-226). The Kremlin criticized the republics' localism (*mestnichestvo*) as "national narrow-mindedness" and, in 1961, Khrushchev announced that separate national cultures were to flourish but only by drawing together so that the eventual *sliyanie* into the homogenous communist *Sovetskii narod* could be achieved. A decade later, Leonid Brezhnev stated that a new communist nation had already emerged and that it unanimously shared the goal of building communism and a common language (that is, Soviet Russian). In 1981, he

reiterated his words emphasizing that the *Sovetski narod* was more united than ever (Smith, 1990: 7-10).

In a 1968 speech, Gomułka said that the national origin of a citizen was secondary to her obligation to be loyal to her People's Republic of Poland (Bielak, 1990: 35). The message was clear. On the basis of the Soviet experience of *sblizhenie* and *sliyanie*, the Polish socialist nation was to be ironed out on a civic basis. The official espousal of this method translated into the marginalization of national minorities. Gradually, Warsaw aimed at assimilating them into the fold of the Polish nation. To this end the secret police (SB) even more tightly controlled the activities of minorities' organizations. This policy made minorities invisible in the eye of the predominantly Catholic and anti-communist Pole, and, thus, turned Poland into a "truly" monoethnic nation-state (Łodziński, 1998: 27-28; Madajczyk, 1998: 95).

The 1970s détente between the two blocs did nothing to change this policy. But the Roman Catholic Church decided not to accept the necessity of Poland's being held captive to Soviet-inspired Polish-German national hatred. In 1965, without consulting Warsaw, the Polish bishops sent a famous reconciliation letter to their German counterparts. It can be summed up by its most significant line: "we forgive and ask for forgiveness"^[13] (Madajczyk, 1994). This act was a warning to the authorities that civil society had not been completely suppressed in Poland as elsewhere in the Soviet bloc.

After the Moscow Treaty a similar one was concluded between Warsaw and Bonn in 1970. West Germany and Poland mutually recognized each other and, additionally, Bonn confirmed Poland's western border (Blumenwitz, 1989: 47). After its ratification, the emigration of Germans from Poland to West Germany was widened again. In 1975, after signing the Helsinki Accord, German Chancellor Helmut Schmidt and Polish First Secretary Edward Gierek agreed on further emigration on the condition that Bonn granted Poland a "jumbo loan" of DM 2.3 billion, which Warsaw never paid back (Matelski, 1995: 114; Urban, 1994: 92).

In 1980-1981, the Solidarity movement drew the support of ten million Poles (that is, almost all the adult Poles of working age). A deep dent was made in the monolith of the Soviet bloc, whose fate would be soon sealed by its defeat in the Soviet-US economic struggle played out as the "star wars" armament race. The national minorities, so invisible to the average Pole, considered Solidarity a "Polish affair," into which they would not meddle. This was also due to the fact that most Solidarity members chose to express their anti-communist yearning for Poland's independence through Polish nationalism centered on the

Roman Catholic Church (cf. Mironowicz, 1998: 58).^[14] Prior to the imposition of martial law (1981-1983), however, Solidarity issued a statement, in which it obliged itself to guarantee “full civil rights for all Poles in spite of their national origin” (Sakson, 1998: 318).

This stance reiterated the model of Gomułka’s civic nation minus socialism. Hence, Poland’s national minorities, steeped in the ethnic tradition of Central European nationalisms and weary of the prospect of Polonization, did not espouse this statement as significant for them. Solidarity intellectuals, however, went further in dissecting the dark side of Polish nationalism and the Poles’ phobias directed at their neighboring nations and national minorities. Let me mention only Jan Józef Lipski’s seminal 1981 essay “Two Fatherlands – Two Patriotisms: Notes on the Megalomania and Xenophobia of the Poles” (1996: 36-73). It jump-started the process of Polish-German reconciliation that, after the fall of communism, became the main Polish policy of the 1990s.

After the wrapping up of martial law, Warsaw’s main preoccupation was Poland’s international isolation and the continuously worsening acute economic crisis. In this situation, hurdles in the way of emigrating Germans were largely removed. More people out of the country meant more scarce goods for those who remained, and an even more ethnically pure Poland. But in this time of need people become more cynical about ideologies, an attitude also inculcated in the authorities, who allowed grassroots initiatives leading to establishment of informal organizations among the national minorities without the pale of the usual control exerted by the Ministry of Domestic Affairs (MSW). Hence, not only did the underground Solidarity movement broaden the sphere of civil society, these minorities did as well (cf. Łodziński, 1998: 28; Urban, 1994: 94-100).

IN DEMOCRATIC INDEPENDENT POLAND (1989-1999)

The fall of communism and the break-up of the Soviet bloc completely changed Poland’s geopolitical situation. The state regained independence but, most significantly, it also lost all of its neighbors. East Germany, Czechoslovakia and the Soviet Union were replaced by the reunited Germany, the Czech Republic, Slovakia, Ukraine, Belarus, Lithuania and Russia. Previously, such a tremendous overhaul would have followed or entailed a war. But the Cold War was warfare of a new type, played out mainly with economic weapons. So its end did not have to be destructive. What is more, the experience of the two world wars that ravaged Europe was an example not to be emulated in the age of a MAD (Mutually Assured Destruction) military policy.

The 1990s began a period of transition in the post-communist states. Samuel P. Huntington (1991) and Adam Przeworski (1991) were two key researchers who set out a framework for transition studies, drawing on the Latin American process of democratization that had unfolded a decade earlier. Soon numerous scholars, dubbed “transitologists,”^[15] took over this paradigm in order to explain democratization and economic changes in other parts of the world. For instance, see Breytenbach (1997) in regard of Africa or Tismanau (1999) in the context of East Central Europe.

Although the role of nationalist pressure in the collapse of the Soviet bloc, the Soviet Union, Yugoslavia and Czechoslovakia was duly acknowledged, transition was perceived mainly as a dual process. Economically, the centrally planned economy was the starting point, while the free market economy – the goal to be reached. From the viewpoint of politics, transition meant replacing totalitarian/dictatorial regimes with democracy. This approach worked fine in the case of Poland or Hungary, but it did not allow one to make heads or tails of the Czechoslovak “velvet divorce,” let alone the ethnic conflicts in the post-Soviet and post-Yugoslav republics, which, in many cases, prevented any successful economic and political transition.

After the amazingly peaceful disappearance of the last empire (that is, the Soviet Union) (Lieven, 2000/2001), nationalism has become the global ideology and the world wholly covered with a latticework of nation-states (either civic or ethnic) (cf. Kohn, 1962). Hence, I agree with Claus Offe (1994, 1996) that to this transitional dyad the third element of nation- and nation-state-building must be added. This national transition is from a non-national or multi-ethnic polity to a civic/ethnic nation-state.

THE INTERNATIONAL DIMENSION

In the case of Poland, the finishing touch to the construction of this nation-state came with the Polish-German Border Treaty in 1990. After the Two plus Four Treaty that *de jure* finished World War II in lieu of the postwar peace conference that never was, the only thorn in the new political organization of Central and Eastern Europe was the question of Poland’s western border. In light of international law, Poland seemed to be still just a temporary administrator of its section of the German territories east of the Oder-Neisse line (Bluemnitz, 1989: 65). This unresolved issue made Warsaw delay the pullout of Soviet/Russian troops from Poland until 1993.

In 1991 the Polish-German Treaty on Cooperation and Good Neighborliness followed the border treaty. In the post-1945 history of the world,

it was the very first bilateral document that guaranteed minority rights. In it, Warsaw recognized Poland's German minority (that is, "persons with Polish citizenship, who are of German origin or recognize as theirs the German language, culture and tradition") and agreed to protect its cultural rights with the treaty's Articles 20 and 21, which set European standards in this field as *the guideline* (*Traktaty*, 1991). This treaty provided a model for bilateral protection of national minorities in the post-communist states of Central and Eastern Europe. Poland concluded similar treaties with all its neighbors, and most of the above-mentioned states signed similar documents with one another (Barcz, 1996).

This development and Warsaw's decision to apply for membership in the European Union and NATO obliged Poland to sign and ratify basic documents ensuring a certain level of protection for human and minority rights obtaining in the European regime of human and minority rights protection (Łodziński, 1998: 44-45; Watzal, 1995: 219-457). Of all these documents, the most significant include those of the Council of Europe, namely: the European Convention on Human Rights and the Framework Convention for the Protection of National Minorities. On the basis of the former, Polish citizens and those who happen to reside in Poland have been able since 1995 to file cases against the state with the European Court of Human Rights in Strasbourg. Warsaw ratified the Framework Convention in 2000 and, thus, participates with other signatories in working out the manner in which national minorities should be protected in Europe. But it still remains to be seen what the effects of this legal instrument will be.

DOMESTIC POLICIES

The 1952 Constitution of the People's Republic of Poland did not refer to national minorities in any clause. Article 67 guaranteed equality before the law and Article 81 espoused the principle of non-discrimination on any grounds, including nationality. This Constitution did not include any provisions for the use of international legal instruments in Polish law, which effectively excluded Polish citizens from any international protection of their rights (Łodziński, 1998: 30). The 1950 Citizenship Act extended Polish citizenship to all permanent residents regardless of nationality. It was a sea change from the 1946 Citizenship Act, which had demanded proof of (ethnic) Polish nationality as the indispensable prerequisite for receiving Polish citizenship. But the authorities did not fail to use even this new act for the task of assimilation. Just by reaching such a decision made one a citizen even contrary to one's wishes. The next Citizenship Act, issued in 1962, opened the way for naturalization in agreement

with UN resolutions aiming at doing away with the phenomenon of statelessness (Ociepka, 1994: 50, 56-58, 68; Sakson, 1998: 203-204).

This *de jure* civic approach to the issue of the Polish nation and its nation-state, in practice, was quite ethnic, as illustrated above. The new approach to Poland's national minorities began with two momentous events in 1989. The partly freely elected Sejm^[16] (the lower chamber of the Polish parliament) established a Commission of National and Ethnic Minorities. Still in the same year, while delivering his exposé, the first non-communist Polish Prime Minister Tadeusz Mazowiecki said that Poland was the common home of national minorities as well (Łodziński, 1998: 13).

At the practical level, the 1989 Associations Act guaranteed freedom of association also to organizations established by national minorities. The Ministry of Domestic Affairs (MSW) rescinded its surveillance and control of minorities and their organizations. In 1990 the coordination of financial and other aid for national minorities was moved to the Ministry of Culture and Art (MKiS), where an Office of National Minorities was set up (Berdychowska, 1994: 89; Sakson, 1998: 319).

When the new Electoral Act of 1993 set a threshold of five per cent of votes cast nationwide for parties to be allowed into the parliament, organizations of national minorities were excluded from this limitation. Despite this preferential treatment, only the German minority has managed to maintain continual parliamentary representation since 1991. In 1990 self-government was reintroduced at the commune level (*gmina*). About 550 representatives of national minorities were elected to the communal councils: 380 German representatives, seventy-three Belarussians, seventy Ukrainians and nineteen Lithuanians (Łodziński, 1998: 63).

Warsaw reintroduced two further levels of self-government in 1999. In 1998 representatives of national minorities were elected to county (*powiat*) and regional (voivodeship) councils. The German minority again won the largest number of seats. It entered the governing coalition of the Opole Region. No other Polish regions have any national minority parties in their governing coalitions.

In the first half of the 1990s the state administration and minorities learned how to live together in the context of legal and political decisions that recognized the minorities' existence and guaranteed their rights. The first Polish post-communist Constitution (1997), however, helped the formation of a working *modus vivendi* for Poland's national minorities.

The new explicitly civic definition of the Polish nation opens with the Preamble: “We, the Polish Nation, all the citizens of the Republic of Poland.” Then Article 35 guarantees:

- citizens belonging to national and ethnic minorities the right to preserve and cultivate their language, customs, tradition and culture;
- national and ethnic minorities the right to establishing educational, cultural and religious institutions as well as the right to participate in making decisions that influence their cultural identity.

Other provisions pertaining to minority rights:

- prohibit the existence of political organizations that spread racial and national hatred (Art. 13);
- guarantee the equality of churches and religious associations (Art. 23);
- state that Polish is the official language in Poland but that it shall not infringe on the linguistic rights of national minorities as stipulated by ratified international treaties (Art. 27);
- guarantee equality before the law and prohibit, on any grounds, discrimination in the political, social or economic spheres of life (Art. 32);
- guarantee freedom of conscience and religion (Art. 51);
- guarantee freedom of opinion, expression, and access to and distribution of information (Art. 52);
- guarantee freedom of peaceful assembly (Art. 55);
- guarantee freedom of association (Art. 56);
- guarantee all Polish citizens equal access into the civil service (Art. 58).

The new Constitution also provides for direct applicability of international provisions in domestic law (Art. 9 and 87). Among others, Article 87 also affirms that one of the sources of Polish law is ratified international agreements (*Konstytucja*, 1997).

PROBLEMS

Despite these achievements in protecting the rights of minorities and in integrating rather than assimilating them, there are several problems that beset the current legal and institutional framework of minority rights protection in Poland. Almost all the post-communist Central European states decided to pass National Minorities Acts as the summing up of minorities’ rights and obligations. While the Polish parliament began working on such a bill back in 1993, no act of this kind has thus far been passed (Łodziński, 1998: 37-40).

What is more, the existing Polish framework of minority rights protection complies with the dubious Europe-wide standard, which does not recognize non-indigenous, immigrant and recent minorities. Thus, the Polish immigrant minority that arrived in Germany's Ruhr industrial basin in the mid-19th century is not accorded the status of a minority, and recent immigrant minorities of Vietnamese and Nigerians are treated in the same manner in Poland (cf. Łodziński, 1999a). Curiously, such restrictions do not apply to Greeks, Macedonians and Kutzo-Vlachs, who, after the civil war (1946-1949), fled Greece as communist refugees and arrived at Poland in 1948-1951 (Pudło, 1997). [17]

Another difficulty is the unequal treatment of national and ethnic minorities. The Constitution protects both but with a definite preference for the national minorities. Actually, in Polish law no distinction obtains between national and ethnic minorities. In a commonsensical manner, it is argued that national minorities are those who enjoy their own nation-states. But the Roma, who, according to this definition, are an ethnic minority, nevertheless, are treated as a national minority. This may have to do with the development of Roma nationalism (Mirga, 1997) and efforts on the part of the Council of Europe and other international institutions to improve the Roma's social, economic and political status all over Europe but, especially, in the Central and Eastern European post-communist states, where the majority of them reside (Łodziński, 1999). Warsaw applies the same "national treatment" to the ethnic group of the Lemkos. But in Poland, Slovakia and Canada, the leaders of this East Slavic group began the process of creating a separate Carpatho-Rusyn nation already in the 1970s and 1980s. This also plays into the hands of Polish nationalists, who see the rise of the Lemkos as a method of limiting the demographic size of the Ukrainian minority in Poland (Berdychowska, 1995: 28 and 108; Michna, 1995).

In the 1990s the Polish Office of Statistics (GUS) estimated the demographic size of Poland's national minorities at 450,000, that is, 1.2 per cent of the population. The Ministry of National Education (MEN), responsible for providing education in minority languages, beefed up this estimate to the range of 838-940,000 (2.1-2.4 per cent). The Sejm's Commission of the National and Ethnic Minorities was more generous, deeming that national minorities to amount to 903,000-1.095 million (2.3-2.9 per cent). Organizations of the national minorities went for even higher numbers: 1.17-1.78 million (3-4.6 per cent)[18] (Żołędowski, 1997: 33).

Official institutions do not produce any estimates of the demographic size of ethnic minorities (with the exception of the borderline cases of the Roma and

Lemkos) because there is no legal definition of an ethnic minority in Polish law. On the other hand, one suspects that bringing such numbers to light would work to dispel the myth of an “almost monoethnic” Poland. From scanty academic monographs, it seems that Poland’s largest ethnic group is the Szlonzoks (500,000 to one million), who live in the historical region of Upper Silesia, which, at present, is divided between the Opole and Silesian regions in the south of Poland (Kamusella, 1999). They are followed by the Kashubs (250-500,000), who live in northern Poland around the city of Gdańsk (Synak, 1998: 183). There are no reliable estimates of the population of the Gorals (Highlanders), who live in the westernmost ranges of the Carpathians, from Zakopane in the east to Bielsko-Biała in the west. They may number 100-200,000. Smaller ethnic groups include the Lemkos (50-80,000) (Żurko, 1997: 53) and the Mazurs (10,000) (Sakson, 1991: 8).

From this brief overview, it is clear that the demographic size of Poland’s ethnic minorities ranges from 860,000 to 1.71 million, which accounts for 2.2-4.4 per cent of the Polish population. This actually doubles the official and unofficial estimates of the size of the minorities in Poland. Should the ethnic minorities reassert their distinctiveness more firmly, the share of the minorities in Poland’s population could rise from 2 to 4 per cent in a conservative estimate or even from 4 to 8 per cent when one considers the highest estimates. [19] Probably this consideration motivated authorities to refuse to register the Union of the People of the Szlonzokian Nationality (ZLNŚ) in 1998 (Jakimczyk, 1998). ZLNŚ leaders have filed their case with the Council of Europe on the grounds that the court ruling breached the constitutional freedom of association.

In the 1990s the Kashubs standardized their language, established an educational system with Kashubian as the medium of instruction, and started an ambitious program of translating masterpieces of world literature into this language. For these reasons, they are a nation, but Kashubian politicians emphasize their status as an ethnic group so as not to run afoul of the still strong streak of Polish ethnic nationalism present in all the fields of life in Poland (cf. Kowalski, 1997).

The official rhetoric of multiculturalism adopted from the West is not readily implemented, though the legal bases for such solutions exist. The monolith of the ethnic Polish nation still remains a Holy Grail, revered equally by many politicians and society at large (Mac, 1997). Consequently, eight-one per cent of Poles seriously underestimate the demographic size of Poland’s minorities (Łodziński, 1998: 24-25). What is more, Warsaw decided not to sign the Council’s of Europe European Charter for Regional or Minority Languages.

This would be a significant international obligation that would prod the Polish legal system toward the *de facto* recognition of ethnic minorities and their languages.

CONCLUSION

In 1945 the reconstruction of the Polish nation-state proceeded along purely ethnic lines. At the international level minorities were accused of having triggered World War II. In Poland they were perceived as guilty of the tremendous tragedy that this state and the Polish nation suffered during wartime. On top of that, Moscow's seizing Poland translated into the introduction of the Stalinist model for dealing with the national question. The obvious goal was to attain communism. Nationalism was a potent instrument that could be used to this end. The totalitarian character of the previous National Socialist occupation made it easier for the Kremlin to continue using similar methods (cf. Arendt, 1951). The aim justified the means and "social engineering" was a euphemism for glossing over the human disaster brought about by such policies. Officially espoused communitarianism meant disregard for the individual and for groups smaller than the nation or those that tried to operate outside the state's control.

Not unlike Moscow, Warsaw granted some lukewarm concessions to minorities in the time of need, such as when the political system was in danger during the period of de-Stalinization, when the socialist economy started to falter in the second half of the 1970s, and when both political and economic instability coupled in the 1980s. The ideal to be striven for was the nation of the Polish proletariat, emulating the model of *Sovetski narod*. The elements of civic nationalism introduced from time to time served only to temper the divisive and anticommunist potential of the predominant model of the ethnic nation-state.^[20]

Correlation between Soviet and Polish national policies waned in the 1980s as the Soviet bloc and the Soviet Union slid steadily down into the abyss of unmaking. After the fall of communism, the break-ups of the Soviet bloc, the Soviet Union, Yugoslavia and Czechoslovakia, it became clear that nationalism was the real global force that communism merely wished to be. The reality of nationalism's ideological dominance could no longer be swept under the carpet as it was during the Cold War when the struggle of the two blocs had taken precedence over minor squabbles played out at the level of nation-states.

The altogether new situation required novel answers that would realistically address the social, political and economic situation of the post-

communist world. The European structures that made the integration of Western Europe possible after World War II relied on individualism as the ideological premise. But the challenge of nationalism was undeniably communitarian. Canada and Australia offered models of multiculturalism as a way of satisfying the urge for cultural diversity and political unity. This solution did not seem right for Europe because the continent is not composed of settler states (cf. Żukowski, 1999).

Liberal thinkers have sought to overcome this dilemma by marrying multiculturalism with individualism (cf. Kymylicka, 1989; 1995). During the fall of communism the process of European integration also sped up, propelled by the 1985 Single European Act that scheduled setting up the Common Market for January 1, 1993. Then, in quick succession, the 1992 Maastricht Treaty established the European Union on November 1, 1993.

This Union resulted from an elaborate compromise spearheaded by the then ruling Christian Democrats. Having reflected on extremism and the inefficiency of communitarianism and individualism, they fell back on the doctrine of Catholic social teaching. It is based on a personalism that sees “man” as a multidimensional person that simultaneously functions as an individual but within the context of other persons. In the sphere of institution-building this concept was translated into the principle of subsidiarity. This allowed for the creation of the tripartite European Union, where member nation-states would remain as strong as usual, but with space enough to accommodate the interests of the supra-state Union and of the regions (cf. Kinsky, 1995; Milczarek, 1996; Vallely, 1998).

This ideological impetus was not lost on the Council of Europe either. With the eastward enlargement of European structures, the Council’s of Europe human rights protection regime was developed to espouse the concept of minority rights protection as an inalienable part of its regime (Thornberry, 1994). This was one of the main influences on the development of the Polish minority policy. Warsaw, like all the other Central and East European states up to the limes of Russia, Belarus and Ukraine, applied for membership in the European Union. After initial confusion Brussels emerged with the three Copenhagen criteria.^[21] To be eligible for accession negotiations, candidate states are required to have achieved:

- stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- the existence of a functioning market economy as well as the capacity to cope with the competitive pressure and market forces within the Union;

- the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union (European, 2000: 9).

The first, so-called political criterion also provides for the protection of minorities. While at its inception the European Communities were to bring about only the economic integration of Western Europe, nowadays human and minority rights have been turned into an ideological basis of the European Union. In the Maastricht Treaty, Art. F (2) provides that “The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights [...] and as they result from the constitutional traditions common to the Member States, as general principles of Community law” (Louis, 1995: 130). There are no straightforward provisions for the protection of minorities in Community law as such, but the European Parliament issued several resolutions to this end and the political Copenhagen criterion makes protection of minorities into a legal precondition of accession. Moreover, Brussels tacitly accepts the level of minority rights protection as stipulated by the international obligations acquired by the member states in other international fora (Martín Estébanez, 1995).

The clearest expression of progress in the ongoing marriage of individualism and communitarianism reformulated as personalism is Union citizenship. It allows inhabitants of the European Union to enjoy civil rights not only in their respective nation-states but also throughout the Union as well as in the sub-state entity of the region they choose as their domicile. Obviously, this instrument for democratizing the Union introduced very recently by the Maastrich Treaty, is still in the process of making.

The wish of the Polish government and Polish society to join the European Union understandably influences the course of Warsaw’s policy toward Poland’s minorities. To a certain extent, this wavering at full recognition of ethnic minorities reflects the inter-Union indecision on the question of whether the European Union should be a structure steeped more in culture-specific or in civic values. The danger of the first path is that it could pit some united Christian Europe against the “Islamic-cum-Asiatic” Other (cf. Huntington, 1996), while the latter may deprive the Union of its ideological-cum-populist core that secures the indispensable momentum of enthusiasm for further integration (cf. Martín Estébanez, 1995: 137).

I believe that Brussels’s answer to this dilemma will be necessarily vague but, hopefully, it will meander more toward civic values.^[22] This would open the Union to badly needed immigration. Poland’s course as a nation-state is

bound to follow the same course unless it is prevented from joining the European Union. But such a scenario does not seem likely under current circumstances. Hence, the model of the civic nation-state will be Poland's probable future with all the discontents an increase in cultural and ethnic difference may entail before the Polish ethnic core of Poland's citizenry espouses and adapts to this prospect.

NOTES

[1] My translation.

[2] My translation.

[3] Piłsudski's official title of the *Naczelnik (Państwa)* (Supreme Leader [of the State]) was not dissimilar from the Italian *Duce*, Spanish *Caudillo*, German *Führer*, or Russian *Vozhd*. All synonyms for a strongman equal to a mythical male hero, who was to secure stability and prosperity for his nation.

[4] Due to the mountainous location that made Switzerland into a natural fortress as well as to its useful function of the Third Reich's link to the global economy, the Swiss German-speakers could remain Swiss.

[5] Obviously, this pact was not mentioned in the proceedings. But the border as drawn made it clear though the Allies sanitized this boundary as the Curzon line because Poland's new eastern border largely overlapped with the one British Foreign Secretary George Curzon had proposed in 1920. At that time of the Polish-Soviet War Warsaw and Moscow had flatly rejected it as a compromise solution to their territorial ambitions (Davies, 1991: Vol II 396-397).

[6] From the German viewpoint this net territorial loss translated into Poland's net civilizational gain as 'the Pripiet marshes were swapped for well industrialized and urbanized areas'.

[7] In literature also known as 'austro-marxists'.

[8] This was to be the *par excellence* non-national nation of the Soviet Union, the only polity whose name, in line with the Enlightenment ideal of universalism, did not indicate any geographic location, ethnic origins, and cultural or confessional association (Derrida, 1995: 17-18).

[9] The policy of *sliyanie narodov* reminds Hitler's *Gleichschaltung* or 'homogenization' that was to unify the Great German nation-state and the German nation so much strewn with regional differences. And it was not much different from the Polish communists' postwar policy that aimed at homogenizing the new Polish nation-state after 1945.

[10] These nationalists used the tragedy of World War II to consolidate the ethnic Poles into such a unified and homogenized Polish nation as it had never been (cf. Osmańczyk, 1946: 14).

- [11] This term was originally applied to the period of Czechoslovak history that followed the failure of the Prague Spring (1968). `Normalization' was a communist newspeak shorthand for the end of liberalization and for the re-establishment of the rigid communist regime in that country (cf. Bělina, 1993: Vol II: 287-293).
- [12] In Soviet literature nations, ethnic groups and minorities tend to be lumped together as `nationalities' (cf. Smith, 1990).
- [13] Already in the first half of the 1960s the (West) German Evangelical Church (EKD) put forward several proposals of reconciliation with postwar Poland. They were not readily taken up in Poland because of Warsaw's official line and due to the overwhelmingly Catholic character of the anti-communist intellectuals (Hild, 1994).
- [14] This stance alienated especially Belarusians and Ukrainians who predominantly belong to the Orthodox and Uniate Churches, respectively.
- [15] Many of them came from the overstaffed field of Sovietology, which had just lost its subject of research, namely, the Soviet Union and the Soviet bloc.
- [16] Only thirty percent of seats were open for free competition during these elections.
- [17] But in agreement with the Western European tradition that prohibits providing recent immigrant minorities with the status of `national minorities', Poland's Greeks, Macedonians and Kutzio-Vlachs lost their position of national minorities in the first half of the 1990s. However, in Hungary these Greek and Macedonian refugees are still treated as national minorities (Łodziński, 2000: 372).
- [18] According to these data, Germans numbering 260 thousand to one million, are the largest national minority in Poland. They are followed by Ukrainians (70-400 thousand), Belarusians (76-300 thousand), Roma (25-30 thousand), Lithuanians (9-25 thousand), Slovaks (5-20 thousand) and Jews (3-10 thousand) (Żołędowski, 1997: 33).
- [19] In the case of the highest estimates, one must realize that the numbers may apply to overlapping groups. For instance, the highest estimates of Germans in Poland include almost all Szlonzoks and a substantive number of Kashubs, and, *vice versa*, when it comes to the highest estimates of the numbers of the Szlonzoks and the Kashubs, which infringe on the German minority group.
- [20] Some term the political system of the Soviet Union and the Soviet bloc as `national communism' or `national socialism'. This concept does not clearly reflect the dominance of communism over nationalism in this dyad but correctly reveals its character as akin to national socialism of the Third Reich.
- [21] These criteria's name alludes to the fact that they were formulated at the summit of the European Council that took place at the Danish capital in 1993.
- [22] I base my hope in this respect on the fact that human rights seem to be made into the underlying values of the European Union-in-making. I believe human rights (and, to a certain extent, minority rights)

to be universal as they are the products of modernization and globalization that are replicable anywhere, even if they have not occurred everywhere at once. To put it simply, industrialization, urbanization and the development of the means of transportation and communication make human beings live in ever-growing concentrations that necessitate intensifying interaction among them. Without observing certain commonsensical agreed upon rules the rise and maintenance of such concentrations is implausible. These rules seem to be translated into human rights and, as such, coterminous with civic values (Franck, 2001: 198).

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