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**DEFINING THE NATION IN RUSSIA'S BUFFER ZONE:
THE POLITICS OF BIRTHRIGHT CITIZENSHIP IN AZERBAIJAN,
MOLDOVA AND GEORGIA**

A dissertation submitted in partial satisfaction
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

in

POLITICS

by

Maxim Tabachnik

December 2017

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ABSTRACT

DEFINING THE NATION IN RUSSIA'S BUFFER ZONE: THE POLITICS OF BIRTHRIGHT CITIZENSHIP IN AZERBAIJAN, MOLDOVA AND GEORGIA

Maxim Tabachnik

Civic, rather than ethnic, definition of the nation is typically associated with Western liberal democracies. Yet post-Soviet states Azerbaijan and Moldova have used laws bestowing citizenship on anyone born on their territories. Such policies, known as unconditional *jus soli*, are found mostly in the Americas. No such law exists in Georgia, the third "buffer zone" country between Russia and the West. Unresolved, or "frozen", separatist conflicts, perpetuated by Russia, prevent the buffer zone states from forging stronger links to the West and place them at the epicenter of a potentially explosive tension between Russia and the West.

A theoretical proposition separating "territorial" from "civic" nationalism and almost 100 interviews reveal that nationalism in these brand-new states was conditioned by centuries-old history, namely a historical context that had thwarted or exacerbated ethnic collective identity. The resulting territorial (but not civic) concept of national identity was used by both authoritarian (Azerbaijan) and liberal (Moldova) regimes to combat ethnic separatism and interethnic strife. The resulting ethnic concept of national identity (Georgia) negatively influenced integration of national minorities and refugees.

Moreover, when geopolitical fears of foreign interference via dual citizen “double agents” arose (Azerbaijan) in the post-Crimean panic, territorial nationalism was undermined breaking the sense of historical continuity and threatening to rekindle interethnic strife.

The tension between ethnic and territorial definitions of the nation in Russia’s “buffer zone” downplays the role of liberal development in defining the nation by placing it in a larger historical context. At the same time, it demonstrates the importance of geopolitics and thus provides another insight into Russia’s own struggle to define its nation, which may help explain its actions in Ukraine and its ideological differences with Western-style civic nationalism. Beyond the post-Soviet space, the ethnic/territorial tension is also behind many other political developments in the globalized world, where millennia-old, but little-noticed, struggle to define collective identity by blood or territory continues.

Keywords: ethnic-civic, territory, citizenship, nationalism, national identity, unconditional *jus soli*, frozen conflicts, post-Soviet

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To Grandpa Serguei who psychologically never came back from the War

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Introduction: Frozen Conflicts Under The Weight Of History



Figure 1. "Frozen" conflicts in the former USSR. Source: *The Economist*, 19 August, 2004.

The disintegration of the Soviet Union in 1991 unleashed ethnic nationalism of fervency not seen since the Nazi regime. Some identity-based separatist movements have since succeeded (Kosovo, East Timor, South Sudan) while others have not (Catalonia, the Basque Country, Scotland, Flanders, Aceh, Kurdistan). Ethnic nationalism has firmly entrenched itself in the West but is also threatening the Islamic world as well as post-colonial states of

North Africa and Southwest Asia (Murphy 2010:770). Ethnic identification and ethnic prejudice reinforce each other (Meeus et al. 2010:319) and are behind the rise of the far-right movement in the West and possibly even the election of Donald Trump in the US (Chait 2016).

Ethnic nationalism is battling against territorial nationalism, and not just the civic one as it commonly assumed. Based on secondary historical research, this dissertation argues for separating nationalism based on territory from liberal components of civic nationalism.

While civic nationalism is liberal and, therefore, modern, two versions of collective political identity, one based on blood and another, on territory, have been clashing since antiquity. This tension is an intrinsic attribute of land-based societies that had left the nomadic lifestyle behind. Collective political identity has been characterized by the tension between ethnic and territorial identity, therefore, since times immemorial. While nationalism and citizenship as we know them today are the product of modernity, their history has to incorporate this pre-modern aspect of collective identity development. The tension between ethnic and territorial identities goes on today, almost unnoticed, behind the widely recognized one, between ethnic nationalism and liberal-democracy.

This tension is evident in Western politics but also in Russia whose relationship with the West is at its worst. Its apparent efforts to elect President

Donald Trump and even sponsor separatism in the United States (Gonzalez 2017) are all too reminiscent of ruthless Cold War tactics. It is Russia's slow drift from territorial to ethnic nationalism, however, that helps explain its war with Georgia in 2008, the recent events in Crimea and East Ukraine.

The presumption that ethnic identification would disappear with continuous modernization and globalization explains the relative loss of academic interest in ethnicity and identity politics before the fall of the USSR in 1991 (Freni 2011:6; Suny 1989:504). This event shocked political scientists as did the brutal interethnic warfare in Yugoslavia that claimed thousands of lives right in the heart of Europe. Now there is no more doubt that a collective search for identity and belonging is at the forefront of global politics and is even behind such pressing developments as jihadism and terrorism (Attwood 2015). Yet Russia's assertive military actions in Georgia in 2008 and in Ukraine in 2014 came as another surprise to most academics.

As scholars return their attention to the politics of the post-Soviet space (PSS), which are driven largely by issues of collective identity, this study of politics of national identity and citizenship of the three "buffer zone" countries between Russia and the West is a major contribution to this scholarship. Three post-Soviet countries -- Moldova, Azerbaijan, and Georgia -- are mired in the "buffer" zone between Russia and the West due to Russia's support for the 25-

year old *de-facto* independent states on their territories – Transnistria, Nagorno-Karabakh, Abkhazia and South Ossetia (both in Georgia), respectively. Analysts commonly refer to these conflicts as “frozen” (see Figure 1) since they persist without a solution in sight as time goes by. There is a new such conflict forming in East Ukraine now.

Residents of these conflicts have been linked to Russia by its expansionist citizenship policies. The majority of the populations of Abkhazia, South Ossetia and Transnistria have Russian citizenship, and of Nagorno-Karabakh – Armenian one. As Armenia depends on Russian military support, such situation effectively puts the key to the resolution of the frozen conflicts into Russian hands.

It is in this unlikely setting described by extreme ethnic, cultural, historical and political diversity that I observed a renewed clash of ethnic and territorial nationalism against the backdrop of a larger tension between history (even in these brand-new countries) and the attempts to reverse it in the post-Crimean anxiety that overtook the buffer’s ruling elites. Philosophical implications go even further if we connect the ethnic/territorial tension to the overarching political and existentialist duality of individualism-libertarianism v. collectivism-authoritarianism (Bereketeab 2012:314). From this perspective, this study is another commentary on the tension between modernity and tradition.

This setting calls for more empirical scholarship to understand the

concepts of collective belonging torn between ethnicity and territory as well as their interaction with domestic and foreign politics, from policies of citizenship to geopolitics. Why do new states choose more ethnic or more territorial policies of national identity? Why do they change course? What are the effects of these policies on national identity and inter-ethnic tensions?

As for the actual research puzzle, it seeks to explain why Azerbaijan and Moldova adopted the most territorial concept of national membership in all of Europe, unconditional *jus soli*, a legal principle blindly bestowing citizenship on anyone born in the country. While this practice is common in the New World, it is extinct in Europe and PSS where ethnic nationalism is robust. Furthermore, if this practice is connected to frozen conflicts, why doesn't Georgia use it despite humanitarian pressures? The puzzle is a clear opportunity to learn about today's nation-building from the ethnic/territorial nationalism perspective. Even more, it is set in a geopolitical seismic zone between Russia and the West at a time when ethnic nationalism is on the offensive globally.

The findings, based on archival and secondary sources and almost 100 in-depth interviews with politicians, academics, constitutional lawyers, policy analysts and journalists, confirm the link between frozen conflicts and unconditional *jus soli* although from a new perspective that also incorporates modern and pre-modern history, dual citizenship and geopolitics. As a result,

the dissertation makes another breach in the prevalent modernist social sciences paradigm that sees nations as modern and both nation and ethnicity as largely mythological, constructed and, therefore, less and less relevant in the modern world. Its critics, largely an overlooked minority, on the other hand, predicted an escalation of ethnonationalism, especially around Russia. They saw Russia as a “torn state” (in the words of Russian nationalist writer Alexander Solzhenitsyn) caught between its remaining imperial ambitions and the desire to reconnect to the 25 million ethnic Russians cut off in 1991 by the dissolution of the USSR (Zevelev 2001:52–53).

Recasting the almost-discarded theory (Brubaker 1990), the dissertation reveals that even these brand-new states build their citizenship policies upon (often premodern) history. Be it in Moldova, where a legal mistake sets territorial citizenship in motion appealing to both those who believe Moldovans to be Romanians or those who don't; or in Azerbaijan where a strong-handed former KGB official decides to eradicate ethnic nationalism and its call on Azeris to “rebecome” Turkish; or in Georgia where ethnic Georgians believed to have been chosen by God in ancient times into the sacred nation – the weight of history on both the concepts of national identity and citizenship policies is simply overwhelming.

Within this historical context, territorial nation-building can be used by both liberal and authoritarian regimes to combat separatism and interethnic strife. Moreover, when geopolitical fears of foreign interference via dual citizen “double agents” arise, territorial nationalism is undermined breaking the sense of historical continuity and rekindling interethnic strife (as it happened in Azerbaijan, which canceled unconditional *jus soli* in 2014 out of fears of Russian interference). Only time will show if the weight of history prevails, but odds are that it will.

Additionally, such vacillation between ethnic and territorial nationalism (and, therefore, between individualistic-libertarian and collectivistic-authoritarian paradigms) offers a lens to explain not only the geopolitics of the “buffer zone” but also the conflict between Russia and the West as well as many other political developments in the globalized world, where an ages-old but little-noticed struggle to define collective identity by blood or territory, continues. Even more importantly, the dissertation describes the fascinating ups and downs of territorial nation-building in this region where unresolved identity conflicts may explode any moment (the last clash in the Nagorno-Karabakh conflict was in late 2016) potentially pulling Russia and the West (as well as Turkey, Iran and even Romania, and hence, the EU) into a new war.

From a normative perspective, the dissertation demonstrates the

detriments of ethnic and the benefits of territorial nationalism and citizenship policies on interethnic peace, territorial integrity and protection of individual and collective human rights. It suggests that territorial nationalism is the only way forward continuing unlinking ethnic identification from the state. This will require the nation-state to reinvent itself in order to meet the intrinsic human need for collective and historical belonging but would arm it well for current global political, economic and environmental challenges in an interdependent world.

PART I. The Battle between Blood and Territory: Unanswered Questions

Part I describes the dissertation's academic context demonstrating the continuous scholarly disagreements on the nature, typology and history of the nation and nationalism. It also relates the current debates to the research puzzle, which seeks to understand reasons for territorial citizenship policies in Russia's buffer zone in order to illustrate the global standoff between ethnic and territorial nationalism.

Chapter 1. Blood, Territory and the Nation: Ethnic/Civic Confusion

Chapter 1 lists main theoretical debates in the field of nationalism, on the one hand, split between modernists and their critics, and on the other, divided over the nature, typology and history of nation and nationalism. At the end, it proposes its own theoretical approach to ethnic/civic dichotomy, taking into the account the critiques of civic nationalism, in order to apply the dichotomy to the research puzzle.

1. Modernists and Their Critics

Since its beginnings in the works of Hans Kohn in the middle of the 20th century, academic literature on nationalism has been characterized by an intense conceptual debate and ambiguity (Brubaker 1999:55). The lack of conceptual consensus may be, in fact, the main hurdle in this subfield of political science (Hutchinson and Smith 1994:3–4) at the intersection of comparative politics and international relations. Some scholars have even suggested that no definition of the central concept of nationalism studies, the nation, may be devised whatsoever (Seton-Watson 1977:5). This debate has been the most divisive in the case of “ethnic/civic nationalism”, where the differences between the

dominant modernist school of nationalism thought collides with its critics the most. I suggest that a deeper reflection on ethnic/civic nationalism may hold the key to the very difference between modernists and their critics.

A. The Origins of the Nation: Modern or Pre-Modern?

While nationalism as a way of organizing political space is taken for granted today (Calhoun 2005:520), its origins and nature are still widely debated. Some believe the nation satisfies a natural need for collective identity usually build upon blood relations but also religion and language. Others point out that nation has been present throughout human history and its, even if often mythical, symbols are passed through generations (Smith 1988; Smith 1999). The prevalent modernist school of nationalism thought, however, believes that nation is not real but an invention of modernity and pre-modern history is irrelevant (Cărauş 2001:18, 21, 46).

Modernity is understood as a complex socio-political, economic and ontological change that originated in Europe sometime in the middle of the second millennium A.D. when "something happened" in collective consciousness of such proportions that we still do not fully understand it despite

the attempts by such bright minds of sociological thought as Karl Marx, Max Weber and Emile Durkheim (Lachmann 2000:1). This "something" has since spread globally bringing with it the demise of monarchy politically; industrialization and globalized capitalism economically; secularism, rationalism and individualism ontologically. The impact of this social change is not fully understood until now. In the words of Karl Marx, "All fixed, fast-frozen relations, with their train of ancient and venerable prejudices and opinions, are swept away, all new-formed ones become antiquated before they can ossify. All that is solid melts into air, all that is holy is profaned, and man is at last compelled to face with sober senses his real conditions of life, and his relations with his kind" (Marx 1848).

Nationalism, in modernist view, is part of the overall transition to the age of modernity. It is propelled by the change of economic relations from feudal agricultural economies to industrial capitalism on the one hand, and an ontological onset of the socio-political ideology of liberalism based on individual rights, on the other. Nationalist ideology, therefore, prioritized education, social mobility, egalitarianism, anonymity and communication to satisfy the needs of this social transformation (Cărauş 2001:18–19, 21, 61). The nations are constructed and reconstructed using mostly mythological discourses and

narratives, in order to provide a functional collective identity for individuals plucked out of collective living.

Critics respond that modernists are victims of the modernist worldview themselves failing to recognize the power of irrational attachment and emotion that provides the foundation for nationalism because of their “excessive” modernism rationally (Cărăuș 2001:42–43). Ethnic nationalism, for example, widely appeals to this power.

The role of history is central to the debate between modernists and its critics. On the one hand, it is hard to dispute that history is crucial for understanding nationalism since each concept of national identity is rooted in a particular historical setting (Hechter 2000:4). On the other hand, modernists see historical setting as less relevant since they believe all nationalisms to have been “constructed” in the course of the 18-19th centuries and only made “feel” old with little actual history behind it (Gellner 1983:6).

The history of nationalism is commonly seen as the history of what we call today “nation-states” – admittedly geographic territories ruled by a single government over the people or “the nation” who have a certain culture and collective identity. Their existence is commonly tracked back to the 1648 Peace of Westphalia that ended the “long sixteenth century” of wars in Europe and with it the prevalent model of city-states a pattern of political organization

(Taylor 1994:153). Gellner famously argued that the very idea of nationalism is joining culture and the politically-centralized territorial state (Gellner 1983:4). Modernists believe that particular borders are haphazard and results from the demands of capitalist development such as the need for economies of scale in printing books (Anderson 1983). Charles Tilly, for example, demonstrated how feudal war-making produced territorial states in early medieval Europe with haphazard borders drawn by military abilities of particular leaders (Tilly 1985).

Modernists (such as Ernest Gellner, Elie Kedourie, John Breuilly, Benedict Anderson, Tom Nairn, Eric Hobsbaum, Eugen Weber, and, to a lesser extent, Liah Greenfeld) dominate nationalism studies and social sciences overall (Calhoun 2005:523). They see the American (1776) and French (1789) revolutions as well as the parliamentary republic in Britain in the 17th century as the catalysts for the era of nationalism that followed (Hutchinson and Smith 1994:5).

Critics of modernism argue that liberal political developments such as the French Revolution, invented the political concept of the nation but not the nation per se (Coleman 1995:49–50). In the modern times, nation just adjusted to capitalism (Hastings 1997:29–30). Historical continuity to pre-modern and ancient history is, therefore, crucial for nationalism. Similarly, political theorist Charles Taylor suggested that Reformation and its emphasis on individualism merely put to practice major Christian beliefs, which before were more

theoretical. In pre-Christian societies individuals in “modern” sense did not exist, one could simply not imagine oneself as not part of society (2007:150). Religion was codified as laws and defined group identity while in modern times laws organize individual wills as opposed to defining people as a group (2007:163–165). Kohn also saw nationalism as a particular stage of evolution of territorial state units, a stage linked to the rise of Western civilization based on Christianity and rational thinking (1994:163).

B. The Un-Modernist History of Nationalism: Blood v. Territory

The most important blow to the modernist paradigm comes from the historical analysis of ethnic identification or collective identity based on blood ties. Such identity has been omnipresent since times immemorial. Historians critical of modernism view ethnicity as the foundation of the pre-modern nation and define it as an “intermarrying society” of a “shared genetic origin” (Hastings 1997:168–169, 172). In fact, the history of nationalism can be completely recast if we consider it as a gradual departure (with plenty of back and forth movements) from a collective identity based on blood relations to the one

based simply on the territory of the state. This can certainly be done with the history of Western civilization.

Kohn argued that the “national idea” of ancient Jews and Greeks (an impossible suggestion for modernists) was based “exclusively upon common descent” (Kohn 1944:36). Recent historic research describes the tension between ethnic and territorial collective identities that flared up during the Babylonian period of the Jewish history (6th c. BC). A debate aimed to clarify whether those who had left for Babylon (and, therefore, Jewish ethnically but not territorially) could be still considered Jewish. The ethnic concept prevailed in order to prevent intermixing with foreigners, which was seen as displeasing to God, followed by an imposition of strict endogamy. Conversions to Judaism ended and Jews became “a strictly ancestral group” (Myhill 2006:30–31). They have preserved this quintessentially ethnic concept of the nation to this day.

Romans used the concept of the “nation” widely in both its ethnic and territorial connotations. They contrasted its descent-based character (divided into *gens*, *natio* and *populus*) to the higher form of collective identity based on Roman citizenship. One could simultaneously be a Roman citizen and belong to a tribal blood line or *gens* (Calhoun 2005:521; Mathisen 2006:1021). Such bloodline is similar to the concept of ethnic group (*ethnos* or *ethne* in plural) that

ancient Greeks called all people (including Greeks) who lived in tribal rural communities as opposed to civilized city-states (Williams and Lee 2009:55).

Romans, again, however, thought that territorial identity was superior and gave no importance to ethnicity, while Greeks had a “developed sense of ethnicity” based on ancestry, language and rituals. The Roman definition of collective identity through an individual legal tie to the state unlinked from the ancestral connection had “no equivalent in Greek thinking” (Myhill 37).

The Greek attachment to ethnic identification merged perfectly with the Jewish concept of ethnic nation transmitted to the West through the Bible (Myhill 2006:29). Christianity broke down the Biblical combination of religious and political collective political identity (Coleman 1995:4). While Christianity defied ethnic identification ideologically, the church was administrated through territorial units carved according to existing political or linguistic (and therefore, ethnic) borders. The linguistic division was aimed at maximizing the size of populations that local clergy could appeal to (Coleman 1995:11). This is reminiscent of the modernist account of the rise of nationalism a millennium later where print capitalism used linguistic groupings to capture markets for book sales (Anderson 1983).

The church was thus more open to local languages in the East of the Roman Empire dominated by the Greek culture and, therefore, receptive to

collective identity based on ethnicity. In the West, the mass was in Latin only while in the East both liturgy and the Bible were often translated into local languages to make them more accessible. This led to the development of collective identities based on linguistic distinctions. The differences between the East and the West solidified after the fall of Rome and came to the forefront in the 9th c. during the Photian Schism between Roman and Byzantine Churches over whether to authorize liturgy in Bulgarian (Myhill 2006:44–45). During the Great Schism between Roman Catholic and Eastern Orthodox churches in 1054 that completely split Western and Eastern churches the question of establishing “national churches” based on local languages was one of the main points of contention (Myhill 2006:180).

Catholics inherited the Roman tradition of ethnic blindness while Orthodoxy transmitted to new adherents the Greek sense of ethnicity: the Slavs, who adopted Christianity from the Greeks, became even more ethnic in their worldview than the Greeks themselves (Myhill 2006:39). While Catholicism insisted on universality, Orthodoxy lacked a universal organization and thus adopted easily to “existing ethnographic and historical divisions” (Kohn 1944:81).

Western Christianity had to wait till the Reformation for such linguistic diversity. The Reformation led to a rise of ethnic consciousness, already

experienced by Eastern Christians centuries before. This point is completely missed by the prevalent modernist accounts of the rise of nationalism (Gellner 1983; Anderson 1983). They consider first Western nationalisms (English, American and French), as well as Latin American ones that followed, territorial in character. Linguistic identity was not important (Anderson 1983:66). Yet those questioning this paradigm have demonstrated that even American and French nationalisms had an important ethnic components (Kaufmann 1999; Weber 1976).

Modernists are certainly correct in stressing the liberal ideology of the first nationalisms. It advanced modernity by liberating the individual from the perceived oppression of monarchy politically, feudalism economically and Catholicism religiously. The Dutch, the first fully protestant and capitalist nation quickly prospered (Carruthers 1996:23, 171; Greenfeld 2001:59, 70). Their economic supremacy was then challenged by England, which shook off the last vestiges of moral barriers to profit seeking placing religion "to the dustbin of history" (Greenfeld 2001:99).

The challenge to rampant individualism of capitalism came from ethnic nationalism, which flourished in the 19th c. by resurrecting the pre-modern collective identity, precisely as predicted by the very ideologues of liberalism themselves. Thomas Hobbes, for example, recognized the need for subjugating

individual rights to collective interests (Calhoun 1997:73–4), a perspective that was lost by English and American nationalisms. French nationalism, however, incorporated Jean-Jacque Rousseau’s concept of the collective personality of the nation that took precedence over the individual (Kohn 1965:20; Rousseau 2012).

The French case of collective but still territorial nationalism was transformed to ethnic nationalism in Germany and Russia (Greenfeld 1993:167–168) inspired by Johann Herder’s theory of folk-soul (*Volkgeist*) (Kohn 1965:31). Ethnic nationalisms culminated in the 1848 “Spring of Peoples”, which changed the face of the Old World by the appearance of new states created on the basis of ethnic identities in a drastic departure from first nationalisms. Ethnic nationalism thus firmly established itself as an alternative to territorial nationalism (Smith 1995:11). Kohn used this moment in history to formulate his theory of Western and Eastern nationalisms: if Western nationalism was based on individualism, Eastern one was on ancestry (Kohn 1965:73).

Ethnic nationalism initially legitimized itself as the ideology of freedom and anti-colonialism as in the example of the Greek uprising against the Ottoman domination. It even inspired Leninist Communism (Taylor 2007:207). Only the Second World War made obvious the ultimate destructiveness of ethnic nationalist ideology (Connor 1994:41).

As ethnic nationalism threatened the territorial integrity of existing empires, they reacted by both attempts to ethnic assimilation and territorial nationalism, even if often based on a dominant culture. Some empires failed in this task and disintegrated (the Ottomans and Austro-Hungary) while others had relatively more success (the Romanovs' Russia) (Anderson 1983:45).

The post-colonial nationalisms of Africa and Asia were territorial with their geographic borders created by colonizers and then "filled" by nations (Habermas 1998:105–6). The final wave of nationalisms, which followed the collapse of the Soviet Union, was clearly ethnic forming new states along pre-existing ethnic borders. The atrocities caused by ethnic nationalism in Yugoslavia were of brutality unseen since the Second World War.

From this excursion into history, it is evident that to reconcile modernism and its critics, it is important to reconceptualize pre-modern national identity as collective identity based on ethnicity. While the political nation is modern indeed, collective political identity based on ethnicity is not. Accepting this will effectively bridge the theoretical divide between modernists and their opponents (Cărauş 2001:19). In a previous work, I have applied such synthesized approach to Spanish history demonstrating Spanish nationalism's continuity with pre-modern history (Tabachnik 2016).

2. Theoretical and Conceptual Hurdles

A. The Embattled Ethnic/Civic Dichotomy

The previous discussion demonstrates that understanding the differences between ethnic and territorial nationalisms requires a major reinterpretation of modern history. It comes, therefore, as no surprise that the acceptance of this typology has been advancing with enormous difficulties given the dominance of the modernist paradigm in social sciences.

Most scholars do accept that there are two ideal types of nationalism (Brown 1999:281) even if they disagree about their precise definitions. This scholarship goes back to Karl Marx who saw the root of this duality in the inherent conflict between individual and collective interests (Brown 1999:284). Max Weber explained both modernity and the consequent Anglo-American (and also Dutch) “destruction of the spontaneity” by Protestant ideology prone to asceticism (Weber 2003:126–127). Emile Durkheim elaborated further by arguing that individualism reached its apogee in the US populated by puritans, the most individualistic Protestants (Durkheim 1951:163). Reformation produced a loss of faith in the habitual system of beliefs leaving each individual prioritize

one's goals and identity over the collective resulting in a new type of national identity contrasted with the Catholic version (Durkheim 1951:209, 374–375). In the 20th century, Friedrich Meinecke labeled these two types of national identity as *Staatsnation* and *Kulturnation* (Larin 2012:34).

Kohn then reconceptualized this distinction into the theory of Western/Eastern nationalisms influential till today (Kohn 1965:165; Larin 2010:452). Similarly connecting Western nationalism with Reformation, he formulated the foundation of modernism by suggesting that the origins of Western civilization and nationalisms were not Judeo-Christian or Greco-Roman but in the individualism of the 17-18th century England and the Netherlands, which erased ethnic and class distinctions (Kohn 1944:331; Kohn 1962:31).

Later scholarship did away with the “Western/Eastern” labels and instead based the typology on the tension between blood relations on one side and common values and simply territory on the other. The first type of nationalism has been called American-French, political, territorial or individualistic, the second -- romantic, tribal, cultural or collectivist (Franck 1997; Brown 1999; Greenfeld 1993; Guibernau 1996). The typology, usually known as “ethnic/civic dichotomy” (Calhoun 1997:88), was rediscovered in the aftermath of the collapse of the USSR and the subsequent resurgence of ethnic nationalism (Janmaat 2006:50).

There is no precise consensus on definitions but most scholars agree that “ethnic” and “civic” are ideal theoretical types. Ethnic nationalism is commonly defined by a genetic link through common ancestry (Breton 1988:86–87; Meeus et al. 2010:307). One has to be born into the ethnic nation but may voluntarily join a civic one (Keating 1996:3). But what precisely is civic nationalism?

Definitions abound and center on a wide variety of liberal-democratic values such as respect for individual rights, equality, tolerance of ethnic and religious diversity. In a way, civic nationalism is seen as anything that is not ethnic nationalism. I posit, however, that precisely this confliction of civic and liberal nationalisms is why there is so much conceptual confusion about the ethnic/civic dichotomy, to the point that it has been even called an ultimate “epistemological obstacle” (Máiz 2004:29) to advances in nationalism studies. Intense debate describes the recent history of this heuristic tool.

After the rejection of Kohn’s “Eastern/Western” labels (Shulman 2002; Bjorklund 2006), the conceptual debate tried to prove the whole typology as useless by arguing that all nationalisms have ethnic origins (Máiz 2004:16) as well as other ethnic components such as a language (Kymlicka 2001:244)

The majority of criticism has been centered on the dichotomy’s relationship to liberalism, which, naturally comes with a normative flavor to it (Brubaker 1999:63). The ethnic/civic dichotomy has been firmly linked to liberal

democracy (Bereketeab 2012:314), civic nationalism often named as liberal and progressive for its voluntaristic and rational character (Ignatieff 1994) and ethnic nationalism as illiberal and reactive because of its emotional, irrational and ascriptive qualities (Brown 1999; Guibernau 1996; Nairn 1997). This leads to the assumption that civic nationalism is the desirable alternative to the exclusion and intolerance of ethnic nationalism (Smith 1995:97). Conceptualizing ethnic nationalism as ancient and natural is seen equally undesirable (Habermas 1998:115–6), which has led to the dominance of the modernist paradigm. Civic nationalism has been also popularized by such books as Michael Ignatieff's *Blood and Belonging* (1994), which the BBC used to create a documentary.

Once normative prescriptions and objective measurement of empirical reality start mixing, it is indeed difficult to have credible typology. No wonder that many influential academics complain that this typology "obscures as much as it reveals" (Kymlicka 1999:132). Others call its very existence in empirical reality into question (Kuzio 2002; Yack 1999). Both ethnic and civic nationalisms have actually been proven to potentially be liberal or illiberal (Brown 1999). This led to many scholars discarding the whole ethnic/civic dichotomy while a conceptual adjustment had to be made instead.

B. An Ethnic/Territorial Solution

The modernist paradigm posits that modernity's ideology based on such liberal values as universalism and individualism led to the era of nationalism (Kohn 1962; Hobsbawm 1990). Liberal nationalisms are, therefore, seen as a product of modernity.

Political theory does, indeed, link the ethnic/civic dichotomy to the overarching dichotomous paradigm of modernity -- individualist/collectivist, or individualist-libertarian/collectivist-authoritarian (Bereketeab 2012:314). This duality, however, just as modernity itself, has important roots in European antiquity and Christianity.

As will be elaborated later, Roman universalism culminated in the 212 AD admission of practically all inhabitants of the empire to its citizenship. Christianity was also universal: its gospel was available to anyone independently of ethnic background. This was a sharp departure from the Old Testament nation based on blood relations, so during the Middle Ages both visions of collective identity coexisted. Reformation, however, put universalism, as well as individualism, into practice (Taylor 2007:150). Individualism does have some roots in Greek antiquity but it became a mass phenomenon only with Christianity (Siedentop 2014), especially Protestantism.

As a result, modernity brought forward the political nation endowed with universalism, linked closely to the republican principle of government (everyone was deemed entitled to political membership in the nation), and individualism (especially in Anglo-Saxon Common Law countries, where individual rights outweighed those of the collective ones). These two qualities of the political nation were just added to the collective political identities based on existing territorial states (as in the case of first nationalisms). Today all three varieties coexist and are routinely bundled into “civic nationalism” leading to conceptual misunderstandings. This can be depicted as a threefold anatomy of civic nationalism (see in Figure 2):

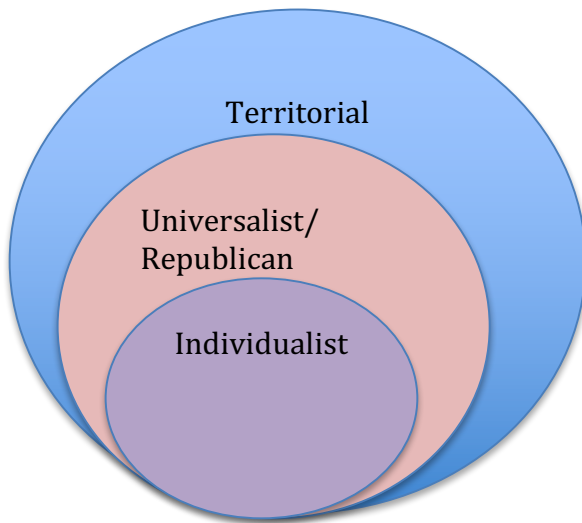


Figure 2. Proposed Anatomy of Civic Nationalism.

Nationalisms can be juxtaposed to the individualist-libertarian/collectivist-authoritarian duality as well, producing a variety of empirical results: these concepts are also ideal types, points of arrival and departure, just as “ethnic” and “civic”. Individualist and collective identities coexist in today’s world. While individualism is firmly connected to the innovating and productivity-driven spirit of modern capitalism, collective cultures have found a place in modern economy by specializing in mass production (Gorodnichenko and Roland 2010). There is also a body of empirical literature showing that individualism is has a genetic component becoming more complex with globalization (MacDonald 2010). As for the nationalisms described in this dissertation, they are also an illustration of this diversity. Azerbaijani nationalism is civic but collectivistic and authoritarian; the Georgian one is ethnic and libertarian but also collectivistic; Moldovan is civic and libertarian but also collectivistic.

This discussion, together with the previous reinterpretation of history of nationalism, leads to the conclusion that from the conceptual point of view, the ethnic/civic dichotomy pre-dates modernity. While universalism (and to a lesser degree, individualism) also has pre-modern origins, the ethnic/civic dichotomy is still older. Modernity’s interaction with it has produced a variety of nationalisms types. For the purposes of this research, however, which is concerned with the disentanglement from ethnic nationalism, such complication is not necessary.

What is necessary is the isolation of the territorial component of civic nationalism from its aspects brought up by modernity such as universalism/republicanism and individualism.

Territorial nationalism is the quintessential opposite of ethnic nationalism. Civic nationalism is not precisely, it represents an evolutionary development of territorial nationalism under the conditions of modernity. While it's still non-ethnic, it is also liberal and modern. Many nationalisms are not civic because they are not very liberal or modern but they are still territorial and non-ethnic (such as Azerbaijani nationalism in this work).

I, therefore, suggest replacing "civic" for "territorial" for the purposes of research concerned with the evolution of ethnic identification. This effectively avoids the liberal theory debate that raises multiple theoretical issues with the concept of civic nationalism (Larin 2012) and reinvigorates the usage of ethnic/civic dichotomy, or, in this case, ethnic/territorial dichotomy, in empirical research on nationalism.

It has been indeed recognized that the current definition of civic nationalism is too wide. Trying to narrow it by widening the definition of ethnic nationalism -- ethnic nationalism doesn't exist in empirical reality due to constant genetic mixing (Connor 1994:37) -- with additional criteria such as language and

culture removes the mutual exclusivity of the two types of nationalism¹ (Brubaker 1999:61–63). It also hits theoretical blocks such as the de-ethicized character some major languages have acquired (Breton 1988:90–1); as well as the continuous belief in common ancestry among ethnic group members: in that sense, modern ethnic nation remains a “self-aware ethnic group” (Connor 1994:45). The “imagined” character of the nation that modernists stress (Anderson 1983; Gellner 1983:6) doesn’t make nationalism less real for nationals themselves. Blood ties, perceived or real, continue to remain the most reliable criterion of ethnic nation membership.

On the opposite side of the spectrum, collective identity based on the state’s territory remains the most common criterion of civic national membership (Brown 1999:283). Such identity predates modernity as does collective identity based on ethnicity or blood relations. Even modernists, who argue that nationalism could only appear under the political and social conditions of modernity, admit that civic nationalism is a “secularized version of Western Stoic-Judeo-Christian tradition” (Larin 2010:62–63). While major political theorists see civic nationalism as ethnic collective identity acquiring liberal

¹ While the dichotomous nature of the ethnic/civic dichotomy has been called into question (Brubaker 2004; Serrano 2008), it has been later reconciled as a continuum (Smith 1971:281) and then proven as dichotomy empirically (Reeskens and Hooghe 2010).

political values such as democracy and republicanism (Larin 2012:73), my own excursion into pre-modern history of Spain proved that territorial collective identity is also pre-modern (Tabachnik 2016).

Even fervent opponents of the ethnic/civic dichotomy admit that their objections are not due to the lack of empirical proof but to the absence of a satisfactory theoretical explanation (Máiz 2004:23–4). Despite multiple criticism, the ethnic/civic relationship has been widely used and defended as a crucial tool for both theoretical and empirical research (Hobsbawm 1990; Pfaff 1993; Miller 2000; Máiz 2004). This heuristic tool, therefore, has to be further perfected and not discarded due to its theoretical challenges.

The suggested isolation of territorial nationalism from civic one has important implication for the historical narrative of the rise of nationalism currently dominated by modernists. The modernist approach associates ethnic nationalism with the importance of collective belonging (starting with French and German nationalisms) and civic one with individual rights and freedoms (the United States, the UK), as per Figure 3, with most nationalisms falling somewhere between the two ideal types.

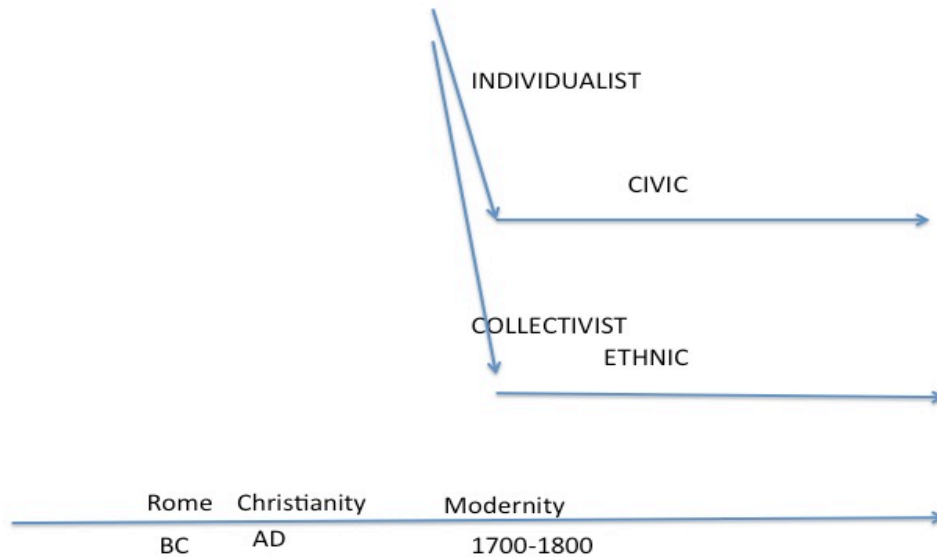


Figure 3. Prevalent Modernist Paradigm of Evolution of Nationalism.

I argue that ethnic, territorial and universalist, but not individualist, nationalisms have pre-modern historical precedents. As mentioned previously, individualism could have been born in antiquity but only became a mass ideology with Christianity. The ethnic concept of collective identity is the oldest and was transmitted to the Western civilization through ancient Greeks and the Jewish Bible then incorporated into liberal nationalisms by the French Revolution. The civic nation, therefore, has a complex history that may be traced from the original territorial idea of universalist collective identity promoted first

by Romans, then by Christianity, and finally to the nation of individuals born out of the American revolution and English liberal thought (See Figure 4).

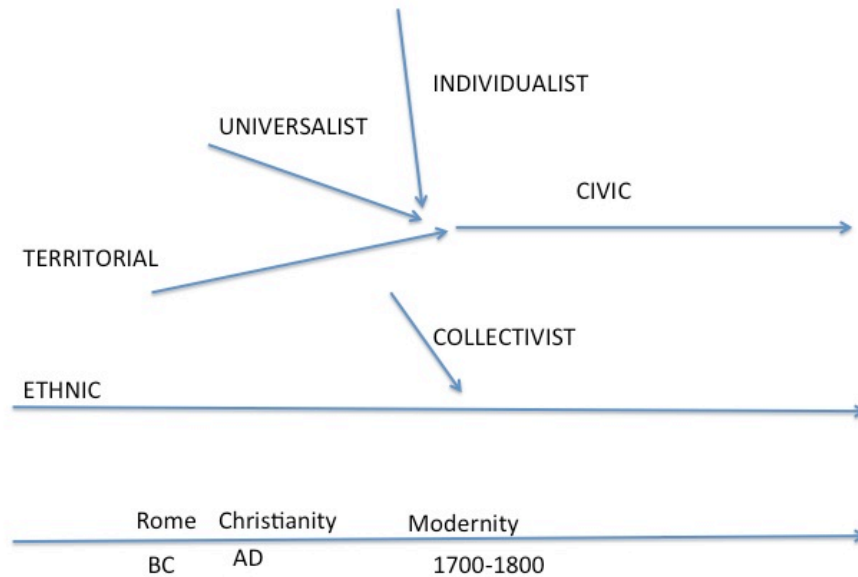


Figure 4. Proposed Reconceptualization of Ethnic/Civic Nationalism.

Ethnic/civic dichotomy is already an empirically useful concept (Breton 1988:87). The revised perspective will allow academics to go beyond theory and history and focus on immediate empirical implications this tool has to offer, such as comparative ethnic/territorial citizenship policies. It will allow nationalism scholars to tackle the largest unanswered question of their field: to what extent

do people populating today's nation-states understand themselves as nations based on ancestry or as nations of individual citizens (Habermas 1998:131).

Chapter 2. Defining the Task at Hand

Chapter 2 narrows the academic context to the one directly relevant to the task at hand translating the theoretical debates on nation and nationalism described in Chapter 1 into parallel debates in the field of comparative citizenship studies, identifying relevant gaps in knowledge. The scope is then further narrowed to the post-Soviet space and unconditional jus soli as a marker of a highly territorial, as opposed to ethnic, concept of the nation. The research puzzle is described, research strategy, methodology and a hypothesis proposed, and the significance of the effort elaborated.

1. Unanswered Questions

While social sciences have treated citizenship (a system of membership in a polity) and nationalism (both a system of polities based on nations and a popular sentiment behind it) as two different concepts, the modern state has used citizenship in nation-building to the extent that they have “become as one” in today’s world (McCrone and Kiely 2000:24–25). The following chapter

demonstrates that, similarly to nationalism, the foundation for citizenship has also vacillated between ethnicity and territory throughout history.

By extension from civic nationalism, “civic citizenship” has come to mean a citizenship regime that stands for inclusiveness and human rights, both terms linked to the liberal-democratic development (Geddes and Niessen 2005:4). As described previously, to uncouple this link, I will speak of ethnic and territorial citizenship just as I speak of ethnic and territorial, but not civic, nationalism. This chapter mentions some milestone studies that have focused on classifying citizenship laws, and, by extension, the nations they describe, into ethnic and territorial (Wright, Citrin, and Wand 2012:470–471).

At the beginning of my research, in 2012, a survey of citizenship laws in Europe and the post-Soviet space (PSS) revealed that while no unconditional *jus soli* remained on books in Western and Central/Eastern Europe, two post-Soviet countries, Azerbaijan and Moldova, practiced it. Moreover, in Azerbaijan it was enshrined in the constitution. This was puzzling given this extreme indicator of territorial nationalism was associated primarily with the American continent and liberal-democratic development. If Moldova had some weak version of the latter, Azerbaijan had even less. Georgia, the third “buffer” country between Russia and the West burdened by the frozen conflicts, had no unconditional *jus soli*. The results of the comparison of the three cases became the basis for this

dissertation.

A. Citizenship in History: Between Blood and Territory

Later it appears that the state, conscious of its existence as a state, caused individuals beyond the blood relationship to enter into the family, and to possess the rights that members of the blood had alone previously enjoyed (Scott 1930:60).

From a historical perspective, the institution of citizenship is not as entangled in controversy as the concept of nation. Its origins are tied to those of the territorial state itself. Such states arose when nomadic humans started to settle down due to the advent of agriculture (Soysal 1998:15). Membership in these largely tribal societies was ascriptive: defined primarily through blood relations and reinforced by religion (Safran 1997:314). Rulers relied on extended kin and their authority was usually limited to the village (Doyle 1986:89). The first extension of state membership beyond the blood link in Western history took place in Ancient Greece (Heater 2004:4).

While military leaders and their kin controlled the political life in Greek city-states, prominent warriors were recognized by participation in political decisions and spoils of war (Riesenberg 1992:6,9; Román 2010:16). Solon's reforms of the 6th c. B.C. took power away from military clans and organized it by wealth giving greater power to the rich but some also to the poor (Riesenberg 1992:16). Citizenship as a political institution was born, still inherited and, therefore, transmitted by blood, but now independent of military honors.

Around 500 BC, Cleisthenes separated citizenship from ethnicity. He reorganized all males, including foreigners, into territorially-organized citizenship districts not based on blood (Klusmeyer 1996:9–10). The tension between ethnic and territorial concepts of citizenship arose and citizenship through ancestry returned. Ethnicity dominated collective identity throughout the Hellenistic period despite Greek-led globalization (Riesenberg 1992:54). Territorial citizenship had to wait till Rome.

With its rise, Rome first expanded citizenship away from the patricians, (about 10% of the population) to plebs who served in the army (Riesenberg 1992:57). Then the limitation of citizenship to ethnic Latins was lifted: local tribal leaders in colonized areas were rewarded making territorial citizenship a foreign policy tool. The territorial concept of collective political identity culminated in the Edict of Caracalla (or *Constitutio Antoniana*) declaring practically all

residents of the empire citizens in 212 (Doyle 1986:96–97; Keresztes 1970:449; Mathisen 2006:1018). While the reasons for this reform ranged from financial to superstitious, they included an important influence from the Stoic philosophy of universal equality and expanded persecution for Christian practices to all Roman citizens, whose number tripled or quadrupled overnight (Honoré 2008:1–3; Keresztes 1970:450), which could have led to Christianity's eventual legalization.

The Roman Empire of the time was struggling with similar social phenomena we do today: globalization and cosmopolitanism and their influence on ethnic identity and citizenship. The Stoic idea of “world citizen” was, therefore, appealing (Mathisen 2006:1012) to Romans, who were educated in the Greek tradition, as were the Stoic appeals to humanism in the meaning of not only the appreciation of human merits but also the oneness of humanity (Kohn 1944:64–65). The Stoic philosophy of universal brotherhood was rejected in its native Athens but became reflected in the way that Rome reinvented citizenship as an institution of universal political membership. In today's terminology, Rome saw itself as the ultimate ideal nation-state, and “the ideal nation-state was a universal nation-state” (Román 2010:24). The universal reach of political membership in the aftermath of the Edit of Caracalla was unprecedented and quintessentially “egalitarian”: all citizens enjoyed access to

the Roman judicial system often superior to traditional local systems (Riesenberg 1992:57).

The legal philosophy of the Edict is an intellectual antecedent of liberalism that arose during modernity (and which recovered the concept of universal access to political membership of the state). Ulpian of Tyre, an imperial lawyer, instrumental in the adoption and administration of the Edict, believed in a “universal natural law extending even to animals” and rigorously applied it in such cases as protecting public beaches against privatization or extending official legal status to Gaul’s and Syria’s languages alongside Latin and Greek (Honoré 2008:3–4). Once the Edict was fully implemented, it spread citizenship to practically everyone in the Empire including slaves and all other legal class categories (Mathisen 2006:1015–1016).

The Edict strengthened territorial collective identity. Roman custom had accounted for one’s collective identity first by legal status (*civitas*) and then by one’s ethnic affiliation or *gentilis* (namely, as a member of *gens*, *natio* or *populus*). After the fall of Rome, the dual system became even more territorial. While one remained a Roman citizen, the ethnic identity became associated with the citizenship of a barbarian kingdom, largely by residency or self-identification (Mathisen 2006:1016, 1021, 1035–1036, 1039; Varga 2012:203–204).

The Edict extended the lifespan of the empire: the invention of the institution of citizenship based on territory and not on ancestry gave Rome a strategic advantage over Carthage and other competitors (Mann 2004:10–11). The renewed durability of the Roman state and its continued global dominance produced a new wave of globalization with Latin as the leading global language (Carsaniga 2012:22).

The system of universal citizenship suffered from the adoption of Christianity as the state religion of the empire in 330 AD as everyone who was not Christian (and the citizen of the “City of God”) was demoted in legal status (Mathisen 2006:1017). The introduction of *civis Christianus* reinvented the concept of citizenship. Moral character associated with being Christian merged with the legal concept of citizen excluding non-Christians such as Jews, pagans and heretics from positions of trust and, by extension, from the ability to hold public office (Nero 2001:147, 164).

Christianity, however, rejected blood as the basis for collective identity (Scott 1930:60). As it emerged as a major world religion on the back of the Roman-led globalization, Christianity promoted ideas of universal equality and the eventual oneness of humanity. Its dominant ideological position produced the Western civilization and some of the most globalizing social phenomena in human history such as democracy, capitalism, communism, imperialism and

colonialism. It has been argued that the West was the first human civilization not based on ethnicity, and as such, it expanded globally starting with the 8th century (Yamazaki 1996:107–109). The process of de-ethnicization of collective identity has continued ever since, with various degrees of success.

With the collapse of the Western Roman Empire, the institution of citizenship initially survived primarily in single Italian towns. Territorial collective identity came back full force with feudalism, which “fixed” individuals to territories divided between feudal lords (Soysal 1998:15). Overtime, the tribal civilizations that overran the Roman Empire adopted its territorial membership logic and transitioned from ethnicity-based to territory-based collective identity by the late Middle Ages: Clovis the Merovingian was the “King of the Franks” but the Capetians became the “Kings of France” (Claesen 1986), Rex Anglorum (the King of the English), became Rex Anglie (the King of England) just as the Law of Burgundians became that of Burgundie (Spruyt 2002:130).

While universal citizenship disappeared with the fall of Rome (Mathisen 2006:1040), Christianity carried through feudalism its intellectual tradition, which later translated into the spectacular resurrection of citizenship during the Renaissance and the Age of Enlightenment. By the 15th century, the concept of individual member of the state, a national-citizen, became prominent: the roots

of modern nation became visible, “ultimately linked to modern individualism” (Schnapper 1998:73).

By the 18th century, the direct relationship between the individual and the nation-state replaced the feudal bond to the territory as people were redefined from “subjects of monarchs to citizens of states” (Soysal 1998:16). Rousseau’s ideas of destroying any intermediaries between the “citizen-individual” and the state found their full-fledged expression in the French Revolution, which proclaimed the “new reign of the *citizen*” (Schnapper 1998:72). If previously in history, political membership was limited to the free and the propertied (the so-called *Aristotelian* principle), the French Revolution opened citizenship to all in the Universal Declaration of Human Rights irrespective of their social and economic status (Halfmann 1998:515–516, 523) in a development reminiscent of the Edict of Caracalla.

“Citizen” became a synonym of “person”: everyone was included into the nation of citizens (Lefebvre 2003:19), a tradition recovered later by the Russian Revolution. The individual became at the same time an equal member of the nation and a member of the state. Citizenship and nation merged. France was seen as a nucleus for a future universal state (Safran 1997:315), in another similarity with the Edict of Caracalla.

While France was not able to extend universally, citizenship was adopted by other emerging nation-states. They retained the idea of universal access to political membership, “inclusionary universalism”, inside the nation-state (Halfmann 1998:521), but had to exclude those from the outside. For this purpose, an ascriptive practice of birthright citizenship assigning nation-state affiliation either based on the territory of birth (*jus soli*) or the citizenship of parents (*jus sanguinis*) or a combination of both, was devised (Halfmann 1998:521–522).

Ethnicity, as a criterion for citizenship, survived and competed with territory. Ernest Renan, one of the first theorists of nationalism, recognized the two concepts of the nation (Renan 1882:26). The territorial principle, associated with *jus soli*, was periodically challenged even in France, as during the Dreyfus Affair in the 1890s when access to French citizenship by Jews was questioned but then accepted (Safran 1997:316–317).

The territorial principle prevailed in France and remained dominant in the United States where it went along with the ideal of equality of everyone before the law, rich or poor (White 2004:127). In a crucial distinction from most European countries where nation-states were formed around titular ethnic groups, the US has remained committed to a nation that is blind to ethnicity

(Khan 1996:107; Safran 1997:319) despite some important exceptions, such as slavery and exclusion of Asians in war times.

Ever since the nation-state became the dominant form of political organization of the world in the 19th century, it has been in control of citizenship policy and treated citizenship as the rules of national membership. With the fall of the Soviet Union, capitalism became truly global and propelled a new era of globalization facilitating mass migration from Global South to Global North. This globalization has a liberal flavor and favors territorial nationalism as better fitted for migration.

As a result, the nation-state is under supranational pressures in its choice of citizenship policy, which has led to an extensive literature on its “denationalization”, usually away from ethnic citizenship and toward territorial one, such pressures ranging from international and supranational institutions to commitment to liberal democratic norms and human rights (Checkel 2001a; Faist 2000; Freeman 1995; Jacobson 1997; Hansen and Weil 2001; Joppke 2004; Khan 1996:153; Koopmans, Michalowski, and Waibel 2012:1204; Sassen 1998; Sikkink 1998:517; Soysal 1998:42; Vink 2001; Odmalm 2007). Human rights have become a particularly important factor. After the US Supreme court called the right to citizenship “man’s basic right for it is nothing less than the right to have rights” in 1968, citizenship became firmly associated with the human rights

agenda, seen as a vehicle for its implementation (Weissbrodt and Collins 2006:248–249).

At the same time, ethnicity has made a spectacular come back as ethnic nationalism that brought down the Soviet Union became unleashed resulting in many bloody conflicts, the biggest of which in Yugoslavia, in the very heart of Europe. Ethnic nationalism argues for the preservation of historically-developed collective identities against globalization and mass immigration, a sentiment that is often popularly supported (Hollifield 1992). As pro- and anti-globalization forces clash, the politics of identity have come to the forefront everywhere in the West but especially in Europe (Koopmans 2005:3–4) where the nation-state bases its collective identity historically on a titular ethnicity. Gaining control of citizenship policy is priority for ethnic nationalists, often aligned with other far-right forces (Cable 1995:23). Limiting immigrant access to citizenship and its re-ethnicization is aimed at curbing immigration and preservation of traditional national identities.

As the nation-state, and citizenship policy by extension, wobble between globalizing economic, organizational and human rights pressures advocating a territorial concept of the nation on one side, and ethnic nationalist and far-right resistance promoting the ethnic concept of the nation on the other, ethnic minorities have also become restless as never before leading to increase in

separatist sentiment. The ethnic-territorial tension has been shaking up the very foundation of the nation-self as an institution (Jones and Smith 2001:104; Soysal 1998:7–8).

B. Ethnic/Territorial Dichotomy and Comparative Citizenship Studies

The renewal of academic interest in nationalism in the aftermath of the spectacular victory of ethnic consciousness in bringing down the Soviet Union has led to reexamination of our understanding of nationalism and its origins (Hobsbawm 1990; Greenfeld 1993; Calhoun 1997) as well as its impact on current citizenship policy (Brubaker 1990). Overall progress in nationalism studies has not been conclusive and mired in debates such as on ethnic-civic dichotomy or between opponents and proponents of modernism, as described previously.

In contrast, the newly-emerged field of comparative citizenship has accumulated plenty empirically but has offered limited theoretical reflection. In the view of the pressures on the nation-state described above, scholars are divided between predicting cross-national convergence toward international citizenship norms (Joppke 2007) and the inevitable return to historical continuity

(Brubaker 1990; Howard 2009; Janoski 2010), or a convergence of these two forces (Heckmann and Schnapper 2003:253). Academic interest peaked when international organizations forced nation-states to modify citizenship policy to provide human rights as in the case of ethnic Russians in the Baltics (Barrington 1995:732).

Methodologically, the preferred approach in this field has been large-*n* cross-country comparison of citizenship laws (Koopmans 2005). Citizenship policy is the nation-state's main tool of nation-building and regulation of national membership (Koopmans, Michalowski, and Waibel 2012:1203) and as such a meaningful basis for comparative analysis. Civic integration policy (such as language and values tests) often compliment citizenship laws and have been another fruitful research direction (Goodman 2010:754).

The debate over ethnic/territorial nationalism has somewhat replicated itself in comparative citizenship but on a much smaller scale given the empirical character of the field. Even so, it still dominates scholarship on citizenship (Reeskens and Hooghe 2010:583) where territorial citizenship is widely seen as the only alternative to the persistence of ethnic identity (Barrington 1995:742).

First ethnic/territorial citizenship research came out of the ethnic/territorial nationalism debate. Rogers Brubaker famously broke the ground readdressing the 1980s analysis of France and Germany whose national

identity was seen as typically “political” and “cultural” (O’Brien 1988:2). He argued that citizenship policies are the result of historically-developed ethnic or “civic” national identities (1990). His argument was weakened when, in 1999, German citizenship laws opened up to non-ethnic Germans (Cahn 2012:312–313; Vink and DeGroot 2010:20). Further, I argue for an important modification of Brubaker’s thesis.

Brubaker’s qualitative work led to a plethora of larger-*n* comparative studies of citizenship requirements. Patrick Weil’s comparison of 25 Western countries argued that citizenship policies are largely converging (Weil 2001). Weil rejected Brubaker’s thesis a causal link between national identity and citizenship laws (2001:18). Instead, he explained policy variation by the existing legal traditions, differences in migratory flows, international influence and the presence of ethnic minorities.

Joining others (Waldrauch and Hofinger 1997), Weil made birthright citizenship an important measurement of the ethnic/civic, (or ethnic/territorial, as I suggest) tension. The prevalence of *jus sanguinis* (citizenship assigned by birth to parents) over *jus soli* (by birth on the country’s territory) has become proof of ethnic bias in citizenship policy. Measuring the relative weight of these principles allowed to classify citizenship policy, and by extensions, corresponding concepts of national identity, into ethnic/territorial (Wright, Citrin, and Wand 2012:470–

471; Bereketeab 2012:316) even if some object against such an approach (Peters 2002:6).

Harald Waldrauch and Christoph Hofinger went further by offering a way of quantifying citizenship criteria (1997) leading to a variety of statistical comparisons, some attempting to provide overarching historical explanations of citizenship policy evolution. The work of Graziella Bertocchi and Chiara Strozzi sought to fill this gap by covering changes in citizenship laws from 1870 till 1999 (2004). It found that territorial citizenship is correlated with the common law legal tradition as well as migration, border stability, the level of democratic development and "cultural factors". The latter, however, are ambiguous enough to suggest that more needed to be explained, that there is more to the story than liberal-democratic development and population migration.

In an influential book, Marc Howard (Howard 2009), saw the difference in citizenship types largely as a consequence of liberal-democratic development. Particularities of this development determined the current policy. He supported Brubaker's thesis of the weight of history concluding that territorial ("civic" or "inclusive" in his terms) citizenship regimes in Europe were the results of the differences in the experience of colonialism and the onset of democratization. He saw ethnic citizenship as failure of citizenship policy "liberalization". Howard set a precedent interpreting the evolution of citizenship policy as mere

relaxation of membership restrictions (Dumbravă 2007:454) but did not provide a larger historical setting, which would explain the logic of liberalization itself or why ethnic mindset prevails in certain cases of failed liberalization. While he continued Brubaker's quest on whether historical national identity drives current citizenship policy, Howard limited the overall vision of historical processes to liberalization leaving the complexity and degrees of ethnic identification out of his narrative. As a result, his findings left the evolution of citizenship rules interpreted through liberalization only still "puzzling" (Dumbravă 2007:454–455).

Ruud Koopmans et al. offered another ethnic/civic index, which went beyond liberalization and focused on inclusiveness v. restrictiveness of citizenship policy. He concluded that ethnicity had to be brought back as a major factor in citizenship politics including those of *jus soli* (Koopmans, Michalowski, and Waibel 2012:1239–1240). Others, similarly, associated restrictive citizenship with ethnic citizenship: Sara Goodman proposed measuring restrictiveness by the balance of *jus sanguinis/jus soli* (Goodman 2010:758).

The ethnic/territorial dichotomy was then empirically verified on the level of public opinion. Following some similar efforts (Jones and Smith 2001; Kunovich 2009), Tim Reeskens and Marc Hooge used public opinion data to prove the existence of mutually-exclusive "ethnic" and "civic" national identities

and confirm its empirical validity. This breakthrough work found ancestry the most statistically-significant criterion to the ethnic identity and respect for laws and institutions for the civic one (Reeskens and Hooghe 2010:588).

Edward Koning offered another convincing defense of the validity of the ethnic/civic dichotomy in citizenship studies. He also assigned *jus sanguinis* and *jus soli* as a primary role in determining the “ethnic/civic” content of citizenship policy. His approach grouped it with other aspects of naturalization policy such as language and citizenship tests, residency and dual citizenship requirements. As a result, his index gave an excellent overview of the degree of “exclusive/inclusive” citizenship policy (2011:1976) but took emphasis away from the core tension of blood v. territory, which, as I argued in the previous chapter, is at the very basis of the ethnic/civic dichotomy. To strengthen this aspect of analysis, other naturalization policies could be omitted to give preference to other aspects of ethnic bias of citizenship policy such as the ease of citizenship for family members and citizenship provisions for co-ethnics.

Despite all these numerous attempts to measure and explain ethnic/civic citizenship (and nationalism), there is still no agreement in recent literature on the precise nature and direction of the ethnic/civic movement over time. Some have written about movements in general (Kuzio 2002; Meinecke 1970) while others described the moves toward the territorial concept of the nation

(Kaufmann 1999) and vice versa (Makaryan 2006). It is still not sufficiently clear what precisely makes nations move in either direction, both on the level of citizenship policy and on that of public opinion. My research brings more light to this phenomenon.

As I argued in the previous chapter, the separation of the historical narrative that describes citizenship as a liberal institution propelled by modernity from that of citizenship between ethnicity and territory would potentially clear disagreements about the evolution of citizenship. While most recognize the importance of the liberalism narrative, others point out that there is also a tension between the efforts to ensure “severing the link between citizenship and ethnicity” and preferential treatment in citizenship allocation for ethnic kin (Cahn 2012:313–314), in other words, the conflict between ethnicity and territory.

In summary, comparative citizenship studies have delivered the proof of the validity of the ethnic/civic dichotomy questioned by nationalism studies as well as a variety of qualitative and quantitative indices measuring citizenship and naturalization policies by degrees of ethnic/civic aspects. However, most of their attempts have moved in the direction of the historical connection between citizenship and liberalism but not in the older tension between ethnicity and territory in the history of collective political identity. In the post-Soviet Space

(PSS), however, due to its weaker historical link to liberalism, this tension has come to the fore of comparative citizenship studies.

C. Ethnic/Territorial Identity in Russian, Soviet, and the Post-Soviet Space

a. Ethnic/Territorial Tension in Russian Imperial and Soviet Identity Policy

Scholars agree that the revival of ethnic identity was the main impetus behind the breakdown of the USSR, be it due to keeping ethnic groups together by force or/and to the failures of the Soviet nationalities policy, which perpetuated ethnic identification despite the outward commitment to cosmopolitanism (Tishkov 1996). The Soviet Union inherited the unresolved tension between ethnic and territorial collective identities from the Russian Empire.

The Russian Empire, the “prison of nations” in the words of the 18th century writer Marquis de Custine (Amirejibi-Mullen 2011:73), vacillated between the denial and acceptance of ethnic identification of its subjects. Imperial nationalities policy sought to be territorial and ethnic at the same time. On one hand, the empire treated its subjects in an egalitarian or universal

manner, administration carried out through territorially-blind *guberniya* system. The subjects were called Rossians and not Russians to include non-ethnic Russians. On the other hand, the Russian language and culture were used in administration and education to homogenize and “russify” its population (Anderson 2006:83; Dragunskii 1994:66). Conversion into Orthodoxy was highly encouraged and even forced in an attempt to build a more homogenous “meta-ethnic Christianized Russian-language imperial space” (Dragunskii 1994:66). Ukrainians and Byelorussians as well as people who converted into Russian Orthodoxy were included into the Russian ethnos (Тишков 2009), but so were such “culturally similar” or long-term groups as Tatars and Baltic people, which resulted in the count of only 6.6% *inorodtsy*, or ethnic aliens, in the imperial census of 1897 (Dragunskii 1994:67) in a striking contrast to the Bolshevik government, which recognized 172 nationalities just 20 years later (Amirejibi-Mullen 2011:172).

Marxism was rather modernist in its understanding of nationalism but saw it as a stage in historical development to be supported and accelerated in the transition from capitalism to socialism/communism (Amirejibi-Mullen 2011:60,65). As a result, Marxist theory encouraged nations but also considered them “irrational” (Amirejibi-Mullen 2011:60) and soon to be extinct – a contradiction that the Soviet ideology was never able to resolve.

The USSR inherited a hotchpotch of ethnic and cultural groups in different stages of national consciousness but most still living in a pre-modern civilization (Dragunskii 1994:68). Joseph Stalin, who acted as Soviet Russia's People's Commissary on Nationalities from 1917 till 1923, set the course for the Soviet Nationalities Policy. It "temporarily" admitted national aspirations to gain support of the "backward peoples" and accelerate their transition through the stages of social development (Amirejibi-Mullen 2011:73). The Bolsheviks deliberately reversed the imperial policy of suppression of ethnic identification (Tishkov 1996) and as such, went as far as "no other state" to systematize, revive, and "even invent" ethnic identities of various "nationalities" (Brubaker 1996:29), most of which had regional and local but not ethnic collective consciousness by the time of the 1917 October Revolution (Suny 1989:506). As mentioned previously, a total of 172 nationalities were recognized (Amirejibi-Mullen 2011:172).

The Soviet nationality theory taught that collective identity passed consecutively through the stages of tribe (*plemena*), nationality (*narodnosti*), bourgeois nation and socialist nation (*natsii*) ((Meurs 1997:113) cited in (Cărăuș 2001:29)). The nation was conceptualized ethnically, as transmitted by blood. "National" and "ethnic" were used as synonyms (Roșca 2005:61), which resulted, as Brubaker observed, in an institutional "codification of ethnic

heterogeneity as national heterogeneity" (1996:26). Soviet citizenship law was characterized by an "extreme concept of *jus sanguinis*" (Ginsburgs 1970:72–73).

In Stalin's view, nations could only be viable if they were connected to their own territories. In the spirit of national self-determination (Waldrauch and Hofinger 1997), he personally oversaw a geographic demarcation process, which culminated with the cumbersome system of 15 "union" republics and numerous "autonomous" regional units, each with a set of political institutions such as the parliament and the constitution. The Soviet Union, therefore, became the first state in the world that based its administrative division on ethnic belonging (Suny 1989:505–506).

Stalin soon realized that nations were only getting stronger and competed with socialism, against the Marxist theory. In 1928, he adopted a new strategy: to strengthen socialist internationalism and substitute national cultural expression for the political one: "national in form, socialist in content" (Amirejibi-Mullen 2011:74–76). The Soviet nationalities policy thus conceded a temporary victory to ethnic identity as it became obvious that replacing it with territorial identity was not easy and, possibly, not feasible at all in near future. The tension between ethnicity and territory that haunted Russian imperial project, came back into play and had to be dealt by the Soviets.

In 1932, Soviet citizens were given internal passports that stated their ethnicity, a biological category that determined the person's fate given different treatment and ethnic groups – ethnicity was thus effectively institutionalized (Reisner 2010:164). Each person was given a “nationality” inscribed in the infamous “5th paragraph” of the Soviet passport. Citizens could not choose their nationality, except for the cases of mixed marriages.

The overall scientific understanding, however, was that eventually smaller nations will be assimilated into larger ones and those into the Soviet whole (Гумба 2002:6), the truly territorial collective identity unlike the one attempted by the imperial Russia, with Russian language merely as *lingua franca* (Brubaker 1996:28–9). The legal system was also torn between territory and ethnicity: legal systems of union republics based on titular ethnicities were ethnically-blind in legal treatment of their residents. The tension between institutionalized elements of ethnic and territorial collective identity resulted in a major conflict (Brubaker 1996:33–34) that eventually broke down the USSR.

During the Second World War, Stalin revived and used ethnic nationalist rhetoric appealing to the glorious past and the mysterious soul of ethnic Russians in order to mobilize the most dominant ethnic group in the country. He famously pronounced a toast “To the Russian people!” (ТиШКОВ 2009). Overall, however, Stalin was committed to continuous russification of the Soviet

population (Tishkov 1996) and weakening its ethnic consciousness.

The post-Stalin decentralization of the 1960s led to a revival of ethnic identities, which the Soviet leadership attempted to thwart in the 1970s. The new Constitution, adopted in 1977, signaled the nationality policy's turn away from preservation of ethnic identities and toward the solidification of the "Soviet" territorial nation whose existence was declared in the Constitution. Despite this effort to produce *homo sovieticus* (Schatz 2000:491), institutionalized ethnicity proved too powerful to eradicate. The promotion of territorial identity and the suppression of ethnicity resulted a sharp rise in ethnic nationalism and anti-center sentiment in the 1980s, which ultimately caused the collapse of the Soviet state (Shiriyev and Kakachia 2013:76). In other words, the Soviet Union collapsed precisely due to the failure to resolve the ethnic/territorial tension in its national identity policy.

On the regional level, there were important differences in the ethnic/territorial national identity balance. For example, in Transcaucasia, the compact concentration of ethnic populations allowed for successful resistance to russification. Under Eduard Shevardnadze as the First Secretary of the Georgian Communist Party (1972-1985), ethnic nationalism made major inroads manifesting in such events as the 1978 successful demonstrations to retain Georgian as the official language in the text of the new constitution of the

republic and the restrictions on economic and cultural developments in Abkhazia enacted the same year, which led to renewed Abkhaz demands to be included into the Russian union republic (Suny 1989:516–517).

Meanwhile, in the Western Soviet republics of Belorussia, Moldavia and Ukraine, massive immigration of ethnic Russians and the promotion of the Russian language seriously undermined local cultures and languages, especially in urbanized areas (Suny 1989:507) by weakening ethnic identities of local populations (Berg and Van Meurs 2002:64–65). As a result, people there felt more Soviet than belonging to the respective ethnic groups (Poppe and Hagendoorn 2001:62).

Despite such developments, the persistence of ethnic nationalism was spectacular, both on the level of union republics and autonomies. All these political units were “frozen” quasi-nation states with a defined territory, name, constitution, legislature, administration and scientific institutions: when it collapsed, the Soviet Union counted 53 such nation-state formations (Căărăuș 2001:32). Bestowed with all institutions of a sovereign state, these administrative-territorial entities had developed powerful and corrupt ethnic elites in the aftermath of the Khrushchev’s post-Stalinist decentralization reforms (Suny 1989:511–512). Yet it was Stalin’s nationalities policy’s “time bombs” of mixing and matching ethnic groups between union and sub-union republics,

deliberately mismatching political and ethnic borders, that eventually exploded and took down the whole country with them.

In 1988, violence erupted in Nagorno-Karabakh, an Armenian-populated autonomous unit in the union republic of Azerbaijan. In a parallel development, the Georgian-Abkhaz conflict erupted full-force after the Abkhaz, another ethnic group, which contested its administrative status as an ethnic autonomy within a union republic (in this case, Georgia) started mass demonstrations demanding separation from Georgia. The Georgian ethnic nationalist mobilization in response to the Abkhaz demands was brutally suppressed by the Soviet army on April 9 resulting in the death of at least 21 people, a tragedy that only served to further escalate Georgian ethnic nationalism.

Ethnic nationalism was also on the rise in the republics where it was previously declining or repressed and again, violence was a common response as in the case of demonstrations in Moldavia with demands to make Moldovan the state language and switch it to Latin script (Suny 1989:517–518). Russia itself saw a rise of ethnic Russian nationalism in the face of the “Pamyat” organization in the 1980s – Orthodox, monarchic and anti-Semitic in character (Tishkov 1996) seeking to reestablish ethnic Russian identity at the expense of the Soviet one.

To exacerbate the situation, Gorbachev’s response to the rise in ethnic nationalism on the regional and union level was ambivalent. In fact, it was a

perfect reflection of the ambivalence of Russian and Soviet nationality policies of the past: he admitted that non-Russian ethnic groups needed more recognition but at the same time saw ethnic nationalism as a major threat to *perestroika* (Suny 1989:520).

As the territorial "Soviet" identity collapsed, administrative-territorial units of all levels (union and autonomous) fell back onto identifying their residents by their Soviet-style ethnicities or "nationalities". At the same, newly independent states (former union republics) felt the pressure to institutionalize a more territorial version of national membership better fitted to the reality of ethnic heterogeneity inherited from the Soviet architects of nationality policy. Be it because of the initial border crafting that didn't respect ethnocultural geography or due to the "state-sponsored and state-imposed migrations", over a quarter of the population of the Soviet Union lived outside of their titular national borders (Brubaker 1996:36) judging by their ethnic identity. Union republics were, therefore, ethnically-mixed territorial units requiring the new regimes to exercise at least a certain degree of territorial national identity construction.

The 15 new states that emerged out of the Soviet Union inherited the ethnic/territorial national identity dilemma. Ethnic nationalism was behind these independence movements, so it clearly dominated practically everywhere in the PSS. Scholars, however, argued that supporting both ethnic and territorial

identities simultaneously was the only way forward in national identity construction. Some new states attempted to embrace this balance, like Kazakhstan, but some went the ethnic route, like Latvia (Tishkov 1996; Тишков 2009). They continue struggling with this tension to this day, with various degrees of success.

b. Ethnic/Territorial Citizenship Scholarship in Post-Soviet Space (PSS)

It comes as no surprise that the “large subject” of PSS scholarship on national identity is dominated by the issues surrounding “politicized ethnicity” (Brubaker 1992:273; Dragunskii 1994:65) as well as its contrast to civic nationalism. While institutionalized ethnicity has a long history in the PSS, civic nationalism is not well understood and its progress in some post-Soviet states has been puzzling and remains, maybe, the largest puzzle of identity politics in the region. Moreover, it has been suggested that civic nationalism cannot define a historical national identity in the PSS (Shevel 2009). My theoretical contribution delinks territorial collective identity from civic nationalism inherently connected to liberal-democratic development. Once liberalism is out of the picture, territorial collective identity comes to the forefront and can be analyzed as a

component of historical national identity in places with a history of limited liberal-democratic development, such as the PSS.

While Europe has been harmonizing its human rights standards under the auspices of the Council of Europe and European Union, the collapse of the supra-national communist states of the USSR, Yugoslavia and Czechoslovakia led to the process of ethnicization of the collective identities in the former Soviet bloc and the adoption of citizenship laws that openly or covertly discriminated their populations by ethnic origin (Cahn 2012).

Little has been written about the ethnic/territorial tension in the PSS. A major exception was the overtly ethnic citizenship policies in the Baltic states, which did receive a plethora of scholarly attention due to what was perceived as discrimination against non-titular ethnic groups, especially Russians, who had moved there during the Soviet period. This population had no access to citizenship of any country justified by their label as “occupants” (Aasland 2002; Brubaker 1992; Feldman 2005; Uibopuu 1992), the situation especially detrimental in Latvia and Estonia. These two countries were the only post-Soviet states that didn’t include all their permanent residents into citizenship (Shevel 2009:273). These states’ eventual entrance into the European Union also explains the elevated attention their citizenship policies received.

The case of Latvia received the most interest due to its peculiar situation – non-titular ethnic groups, mostly Russians, were more numerous there than ethnic Latvians by the dissolution of the Soviet Union. However, it was the continuous pressure from international organizations and especially the European Union, which forced Latvia to de-ethnicize its citizenship law under the threat of the denial of membership of first in the Council of Europe and then the European Union itself (Morris 2003:5). In 2009, the European Court of Justice found Latvia in violation of multiple provisions of the European Convention on Human Rights (Cahn 2012:302). Even now, the 2016 Census data still shows that over 250,000 people are in “non-citizen” status compared to 1.8 million of Latvian citizens. This equals to 13% of the population as a whole (Statistical Data on Latvian Population by Citizenship Status 2016).

This dynamic has let the Council of Europe to adopt the Convention on the Avoidance of Statelessness in Relation to State Succession in 2006 in addition to its 1997 European Convention on Nationality. This document placed a particular emphasis on territory as a citizenship criterion during state succession promoting citizenship rights based on “habitual residence” and birth on the country’s territory (Cahn 2012:302–303) in the tradition of connecting citizenship to the human rights agenda.

The main dilemma of ethnic/territorial scholarship in PSS remains the lack of the exploration of reasons behind the initial ethnic/territorial content of citizenship laws as well as consequent changes in either direction. Much of this remains a puzzle given that the explanations offered for Western Europe, described previously, such as Howard's explanation based on liberal-democratic development, do not work for PSS. Another puzzling development is the preferential treatment of coethnics in many PSS states despite their overall commitment to the "zero option" (admitting all residents of the state to the initial body of citizens), which bestowed citizenship on all residents – the cases of Armenia, Belarus, Kazakhstan, Kyrgyzstan, Turkmenistan and Lithuania (Shevel 2009:273).

Russia's case stands out due to its size, impact and the peculiar asymmetric ethno-federalism administrative-territorial division it inherited from the Soviet Union. Research championed by Oxana Shevel on ethnic/territorial identity in today's Russia demonstrated that its conceptualization of collective belonging falls prey to the same ethnic/territorial dilemma that presented itself to its predecessors, the Soviet Union and the Russian Empire. She found that initial citizenship policy reflected prevalent public opinion while later policy amendments were a result of more complex interaction with a variety of instrumental factors (2012:141). Such conclusion contradicts the previous theory

elaborated by Shushanik Makaryan, which had suggested that the initial policy in PSS countries was reflective of international standards and later adjusted to states' peculiar needs.

Shvel's research describes vacillating between ethnic and territorial collective identities in independent Russia. While Shevel uses the term "civic" in her research, it is easy to track that she often means "territorial" by not linking civic nationalism to liberal democratic development.

By the fall of the USSR, many ethnic Russians had assumed the territorial "Soviet" identity at the expense of ethnic identification -- in 1989, at least 30%, and in major cities 38% (Kolossoff 1999:74). President Boris Yeltsin, who led the country to its independence, was "consistent and insistent" in implementing a territorial, non-ethnic, national identity. He was careful to continuously promote the multi-ethnic character of the *rossiyane* (Russians, residents of Russia) as opposed to *russkiye* (Russians).

And yet, at the same time, Yeltsin campaigned for the well-being of ethnic Russian and Russian-speaking populations of the rest of the PSS, which speaks to the ethnic interpretation of Russian nationhood. He preferred these populations to continue living outside of Russia to facilitate negotiations and bargaining with newly independent neighbors (Breslauer and Dale 1997:315–319). A similar dynamic will be uncovered later in the dissertation in the chapters

on Azerbaijan and Georgian Azeris.

With this goal in mind, Yeltsin's Russia led an aggressive foreign policy, under a threat of open armed hostilities, in its efforts to defend what it saw as the rights of the Russian-speaking population in newly-independent states (Breslauer and Dale 1997:320). The Russian Military Doctrine deemed "the suppression of the rights, freedoms and legitimate interests of Russian-speaking citizens in foreign states" one of the "sources of external threat that Russia will act upon" including the use of Russia's troops "across its borders" (Hill and Jewett 1994:7). The 2014 Military Doctrine of the Russian Federation softened this language but still refers to the use of force to combat the "inter-ethnic and inter-confessional tensions ... in areas adjacent to the state border of the Russian Federation and the borders of its allies, as well as territorial contradictions and upsurge in separatism and extremism in some regions of the world".

The efforts to promote a territorial national identity but at the same time protect ethnic Russians abroad is just another indication of the ever-present tension between territorial and ethnic understanding of the nation. With over 35 million ethnic Russian and Russian-speakers outside of the Russia's borders, there is still no agreement in the society over how to reconcile this tension and even where to draw the border of the nation: at its current territory or by

ethnicity, which in itself ranges from including all ethnic Russians to all Russian speakers or even to all Eastern Slavs (Shevel 2012:112–113, 115). The territorial definition of the nation is also problematic as to which kind of territory to take as the basis for the definition – current or former (therefore, potentially irredentist, and very disturbing to Russia’s neighbors) (Shevel 2012:116).

A major factor that complicates the territorial definition of the nation is the asymmetric federalism system of territorial organization that Russia inherited from the Soviet times. Territorial units of the Russian Federation (many based on a titular ethnic group) thus enjoy different degrees of sovereignty. Such ethno-federalism, scholars noted, is an “obstacle to civic nation-building”, and Russia’s government has attempted to restructure or weaken it by structural reforms such as eliminating certain ethnicity-based territorial units and naming governors (Shevel 2011:184), which has been met with both tacit and open resistance from Russia’s major ethnic groups. Their representatives have openly condemned the very concept of the territorial Russian nation calling it an obstacle to democracy and true federalism and the return to the idea of building a Soviet nation, which had led to the dissolution of the Soviet Union, in their opinion. They call for the elimination of the term “civic nation” all together in favor of “multinational people” (Совместное Заявление Всемирного Курултая Башкир И Всемирного Конгресса Татар 2009).

The concept of the territorial Russian nation has been under attack not only by non-Russian ethnic nationalists but also ethnic Russian ones. Despite leading academic voices envisioning the Russian nation territorially, as “a nation of nations”, there are strong ethnic nationalist voices calling for an ethnic Russian state instead of the multi-ethnic Russian Federation, even if it means letting go of territories (Тишков 2009). Such voices go against the efforts of the Russian state to recognize Russia’s multi-ethnic character and the consequent obligation to a territorial collective identity (Tishkov 1996). During the primaries for the United Russia, the party of President Vladimir Putin, there have been calls to designate ethnic Russians a dominant group in the country (Дрогаева 2016).

Russia’s vacillation on including former Soviet citizens into the body of its nation demonstrates widespread support for the idea of the nation that goes beyond Russia’s current borders (Shevel 2012:137, 141), a support that cannot be ignored by the state. Furthermore, Shevel argues, that the designation of nationals beyond borders as “compatriots” is the attempt of the Russian state to resolve or institutionalize the ambiguity between the ethnic and the territorial definitions of the Russian nation (2011:179).

If originally Russia refused to grant citizenship to frozen conflict residents in the former USSR, 2002 saw a major turn-around as Russian citizenship became accessible to former USSR citizens in a complete policy reversal (Gugushvili

2012:8). Namely, Article 14.1.6² opened up citizenship to former USSR citizens residing in its successor states who had not become citizens of those states.

This article led to the swift passportization of the absolute majority of the residents of the *de-facto* states on the territory of Moldova and Georgia (Nagorno-Karabakh residents had already had access to Armenian citizenship). The fact that the retirees from these areas were granted Russian state pensions despite the absence of such treatment elsewhere indicated that the 2002 legislative change was a deliberate attempt at what analysts called “a new form of imperialism” – one based on an expansive citizenship policy (Mühlfried 2010:13). Scholars have written about Russia’s use of citizenship policy (its own and also applying pressure on citizenship policy of other PSS countries) as a tool of aggressive foreign policy (Artman 2011; Khashig 2002; Littlefield 2009; Mühlfried 2010; Natoli 2010).

It helps to add, however, that Russia is not unique in using citizenship policy for geopolitical goals. Romania has been notorious in its citizenship policy assault on Moldova in the hopes of the eventual unification (Sinziana 2009). Estonia, in another twist, used geopolitics to justify its ethnic citizenship policies before European oversight bodies claiming it as a matter of international

² Federal Law “On Citizenship of the Russian Federation” N 62-Φ3 from 31 May, 2002.

security with an aim of preventing a Russian criminal subnation in Europe (Feldman 2005:685–686)

In 2008, these policies were translated into military action: the Russian citizenship of South Ossetia residents was used as a justification for Russia's war with Georgia (Natoli 2010:416). The passportization of frozen territories, especially the ones in Georgia, gave Russia the opportunity to exert control there not possible with other arrangements alone such as peacekeeping missions (Artman 2011:101). After Russia's take-over of Crimea in 2014, the fear of passportization translated geopolitical calculations into the cancelation of unconditional *jus soli* in Azerbaijan, as will be described later. As for Crimea itself, passportization was a large piece of Russia's strategy there since the early 2000s, which led to calls by Ukrainian politicians to harden punishment against dual citizenship, illegal there (Grigas 2016). A reported intensification of passportization in Transnistria alarm analysts who fear that it may become the new Crimea, especially given its strategic proximity to Eastern Ukraine (Secrieru 2015).

The 2002 policy liberalization overshadowed by an astonishing expansion of Russian citizenship in 2014 when it was opened to anyone able to demonstrate the knowledge of Russian and at least one ancestor who lived on the territory of the former USSR or the Russian Empire (within the current

borders of Russian Federation) on the condition of giving up other citizenships (Слободян 2014). While this law³ is another major turn away for the ethnic concept of the nation and toward the territorial one, be it out of imperial or geopolitical ambitions or otherwise, its adoption just days after the incorporation of Crimea signals Russia's full commitment to the use of citizenship policy as an instrument of geopolitical pressure.

In a further turn toward the territorial vision of the nation, a new policy adjustment has been in the works in 2017 known as "The Law of *Jus Soli*" expanding the 2014 changes to those born on the territory of Russia, the former USSR or the Russian Empire signaling another major turn toward conceptualizing the nation territorially (Зубов 2017).

Territorial citizenship took a loss, however, in 2016, when passport renewal was denied to those who live abroad and emigrated before 1992. The opponents demand their birthright to citizenship due to the fact of birth on Russia's territory (Masis 2016). An amendment has also been in the works that would allow the extension of citizenship to "all ethnic Russians" given situation in Ukraine where live "more than 10 million ethnic Russians" (Предлагается Упростить Процедуру Принятия Гражданства Для Носителей Русского Языка И Русской Культуры 2017). Ethnicity, of course, is understood by blood. These

³ Article 33 of Federal Law "On Changed to the Federal Law on Citizenship of the Russian Federation" N 71-ФЗ from April, 20, 2014.

changes and proposals reveal the continuous tension between ethnic and territorial concepts of citizenship in Russia.

As for a comparison of post-Soviet citizenship laws, both Oxana Shevel and Shushanik Makaryan have sought to measure and explore variations in their degree of ethnic v. territorial content (Shevel 2002; Shevel 2009; Shevel 2011; Makaryan 2006). These scholars have offered possible explanations and set up a research agenda, much of which remains unexplored to this day.

Shevel found that popular concepts of national identity have mattered in citizenship policies of other PSS countries to various degrees (Shevel 2009:274). While she admits that multiple such concepts may be competing, she argues that they have to be ethnic if they are based on history given the prevalence of the ethnic understanding of the nation in the PSS (Shevel 2009:277–279). She admits that many citizenship laws have been surprisingly territorial even in the states with ethnically homogenous populations (Shevel 2009:288). My research answers this gap in knowledge proving that historical concepts of the nation can be territorial even in states with no history to speak of.

Makaryan addressed temporal changes in naturalization laws in the post-Soviet space between 1991 and 2005. She concluded that the new states in the post-Soviet space adopted the “normative” citizenship laws to conform to the world culture and then, in line with Brubaker’s theory, change them according to

particular contextual needs such as diasporas, migration rates and ethnic composition among other factors (2006:7). However, her work still leaves some big puzzles such as why Christian Georgia with a history of independent statehood had an ethnic citizenship law and Muslim Azerbaijan with no such history, territorial. My research answers these questions.

Shevel's study of Ukraine stands out as an in-depth case study uncovering the reasons for the country's territorial citizenship law. The main driver is the political compromise between competing concepts of national identity in order to preserve territorial integrity and not the historical national identity as suggested by Brubaker (Shevel 2009).

Despite these efforts and despite the absence of historical connection to liberalism that complicates such research in the West, the politics of ethnic/territorial citizenship in the PSS remain largely unexplored. It remains puzzling why countries with no prior history of ethnic nationalism, such as Kazakhstan, Kyrgyzstan and Belarus, adopted ethnic citizenship laws (Shevel 2009:274). The politics of citizenship in Transcaucasia is another mystery (Brubaker 1992:275), the main puzzle of which is the unconditional *jus soli* in authoritarian Azerbaijan (until it was canceled in 2014). Moldova, which has gone through a series of unexplained territorial reforms (Gasca 2012), which culminated in unconditional *jus soli* not present in its neighbors (Dumbravă

2007:458) or elsewhere in Europe or PSS. Georgia's ethnic citizenship is another puzzle given its liberal-democratic progress. The last three cases provided the basis for this dissertation.

D. Unconditional *Jus Soli*: From the New World to the Human Rights Agenda

The overwhelming 97% of the world population acquire citizenship by birth, either to parents or on the nation-state's territory. Naturalization accounts for 3% only (Shachar 2009:7). Birthright citizenship also remains the main mechanism to ensure the completion of the clause of the Universal Declaration of Human Rights that entitles everyone to be a citizen of at least one state (Vink and DeGroot 2010:3).

At the same time, birthright citizenship has been in the center of academic and political debates. Labeled "birthright lottery", from the point of view of an unborn person, the institution does allow one's parents and their place of residence determine the child's life chances (Bauböck 2011:7-8; Shachar 2009). Called obsolete (Heckmann and Schnapper 2003:253), both *jus soli* and *jus sanguinis* have been criticized: "pure *jus sanguinis* keeps immigrants

forever out of the country, pure *jus soli* has the reverse defect of bestowing citizenship on mere transients" (Joppke 2008:7).

Comparative citizenship literature has been using birthright citizenship to categorize citizenship policies into ethnic and civic. *Jus soli* has been viewed as welcoming to immigrants and *jus sanguinis* tends to "embed an ethnic character" (Bertocchi and Strozzi 2004:4). Given the conceptual problem with civic citizenship described previously, it is not surprising that scholars have criticized this approach given the ascriptive character of *jus sanguinis* and *jus soli* but a voluntary character of civic nationalism (Shachar 2009:125–128). Using the ethnic/civic dichotomy instead effectively rectifies this issue since it is not limited by the liberal value of personal choice.

The scholarship on birthright citizenship can be tracked as far back as Adam Smith. He suggested that small republics, in which citizenship meant participation in government, were reluctant to give out rights and restricted them by requiring descent. He explained *jus soli*, usually seen as more liberal than its counterpart, in monarchies and larger states by the fact that such states could be much more generous with citizenship rights since ruling was limited to the elite. The more meaningful citizenship was, the more blood-related it was (Klusmeyer 1996:36).

a. A Historical Overview

Just as ethnicity has a much longer history than territory in collective identity, *jus sanguinis* is much older than *jus soli* due to its link to tribalism (Flournoy, Jr. 1921:546; Safran 1997:314). While little has been published on the history of *jus soli* per se, the modern usage of it in legal practice comes from the principle of *ligeance* in English common law, which indicated a relationship based on fidelity, usually between a feudal lord and his subject.

The origins of *ligeance* are closely connected to the early Christian conceptualization of the world and collective identity. Kingdoms were conceptualized as groups of people united into a “mystic body” ruled by a king by the grace of God, each such unit part of the “mystic body of the Church”. The members of such “quasi-spiritual union of people” enjoyed a homogenized legal status and were “miraculously bound together by the bond of faith and alliance”, the bond of *ligeance* (Kim 2011:5,137-138, 142). Originally abstract in terms of geographic extent, in the late 13th century *ligeance* started to be associated with territorial boundaries of the king’s power, in other words with the territory of England, “out of *ligeance*” meaning “out of England” (Kim 2011:138). The older meaning also continued to be used.

This ambivalence allowed lawyers to use *ligeance* in its original meaning of mystical and divinely inspired “faith and allegiance” and extend it to the geographic precision of the birthplace (Kim 2011:150) using the new meaning of “geographic boundaries of the King of England’s domains”. *Ligeance*, therefore, became “the two-faced Janus” bringing in “faith into the law of the personal status” to the complete amazement of later legal scholars who wondered how “an accidentally and external thing” of birthplace could replace blood in common law (Kim 2011:174) in deciding a person’s legal status. *Jus soli* was an “anomaly which was unthinkable in the ancient laws of personal status” and could be understood only through the “double meaning of *ligeance*” (Kim 2011:210).

In 1351, the concept of *ligeance* was further expanded, this time to children born outside of the King’s lands but from parents “in faith and *ligeance*” in the legal statute *De Natis Ultra Mare* (Kim 2011:121). This reinforced the term’s mystical and abstract notion denoting a community of loyalty.

A 1368 legal case returned to the second meaning of *ligeance* not only making birthright loyalty explicit but also extending it to the King’s overseas territories outside of the Kingdom of England proper continuing the spirit of *De*

Natis Ultra Mare. The case decided inheritance rights of those born in Calais and other overseas possessions (Kettner 2014:13–14).

The landmark 1608 legal case of Robert Calvin is the most significant in the history of *jus soli*. Calvin, born in Scotland, tried to succeed a landed estate in London and had to prove that he was not “alien born”. Since Scotland at the time of his birth was already part of the realm of England, his case was upheld. Calvin’s loyalty to the British monarch was considered *ligeantia naturalis*, a natural obligation corresponding to the one a “child owed his parents” in the spirit of “divinely ordained” bond between the subject and the ruler (Kettner 2014:18–19). The notion of a life-long political relationship automatically stemming from the simple fact of the birth on a territory was comprehensively formalized. The place of birth henceforth started its common law dominance as the foundation of the relationship between the ruler and the ruled (Shachar 2009:114). The mere fact of the lack of choice of one’s place of birth reinforced the notion of natural and divine providence in deciding the person’s legal status already encompassed in *ligeance*.

France, which pioneered the modern concept of citizenship, also inherited *jus soli* from the feudal times; the notion of *jus sanguinis* was known but had no normative value (Lefebvre 2003:16). The French Revolution broke with the feudal tradition of *jus soli* by the adoption of *jus sanguinis* in 1804 in the

new *code civil*. While this was a reintroduction of the Roman legal practice, its institutionalization established the modern version of birthright citizenship by blood. At the time, it was not done due to ethnic nationalism but *because jus sanguinis* was heralded as a break with feudal inequalities. *Jus sanguinis* spread throughout French colonies, other civil law countries throughout Europe and even as far as Japan. However, the use of *jus soli* was also retained from the *ancien regime*. British common law and the countries that practiced it, on the contrary, preserved *jus soli*'s preeminent position (Bertocchi and Strozzi 2004:5; Henriques and Schuster 1917:128; Weil 2002:3).

Newly-independent Latin American countries embraced *jus soli* in the 19th century in order to break the identity link with the former colonial powers (Bertocchi and Strozzi 2004:7–8; Safran 1997:314; Scott 1930:61–62). At the same time, countries in the Old World reintroduced or expanded *jus soli* when they needed to increase a number of their citizens, such as in the times of war: examples range from France itself as early as 1851 to British and Ottoman Empires (Henriques and Schuster 1917:120–121; Weil 2002:3, 15). Germany remained loyal to *jus sanguinis* since in inception in Prussia in 1842. Similarly to the French case, it didn't have an ethnic connotation at the beginning, and did so only under the Nazis (Weil 2002:17–18).

Thomas Jefferson, who wrote the Declaration of Independence, advocated for *jus soli* (Scott 1930:62–63). The US law adopted the term “natural born citizens” from the English common law and the US Supreme Court upheld the principle of *jus soli* as early as 1804 in *Murray v. The Charming Betsy* (disputing a ship ownership) confirming that all born in the US are its citizens and further confirmed it in *Lynch v. Clarke* (real estate inheritance) in 1844. In the latter, the judge argued against relying exclusively on *jus sanguinis* in order in order to avoid “the perpetuation of a race of aliens” (cited in (Flournoy, Jr. 1921:551)). The principle thus became associated with immigrant integration.

Finally, *jus soli*'s dominant position in deciding a person's membership in the US nation was formalized with the Fourteenth Amendment of 1868. While it arose out of the post-Civil War civil rights movement, the Supreme Court effectively abolished any conditions in recognizing one's US citizenship including the membership status of the parents (Shachar 2009:115). Taken to test in 1898 when it was used to confirm a citizenship of the child of Chinese parents in the case of *Wong Kim Ark*, *jus soli* detached from its feudal origins to become the legal basis and the foundation of the US citizenship law (Flournoy, Jr. 1921:553).

Post-World-War-II decolonization saw many former British colonies abandon *jus soli* for *jus sanguinis* in an onset of an ethnic understanding of the nation often based on tribal links, which often led to “chronic manipulation of

citizenship rules in favor of one ethnic group over others” (Bertocchi and Strozzi 2004:10). If in 1948, 42% of nation-states practiced *jus soli* (v. 58% *jus sanguinis*), in 1974, this number went down to 31% (v. 55% and 6% in a mixed regime) (Bertocchi and Strozzi 2004:15). In France, *jus soli* came under assault because it allowed people born in Algeria to claim French citizenship (Lefebvre 2003:33). The tension between the two legal regimes has been acute since the creation of the “Jewish state” of Israel in 1947. Legal battles have been fought from how to define being Jewish (and thus has the right to citizenship) to citizenship status of Israeli Arabs, the former done primarily by *jus sanguinis* and the latter by *jus soli* (Safran 1997:325–326). Germany and later Estonia and Latvia went through similar struggles trying to incorporate large ethnic minorities (Smootha 2008:10–11; Weil 2002:17–20).

As early as in the beginning of the 20th century scholars have warned of irregularities that stem from the fact that some nation-states use one regime and some the other, and sought an international convention, which was never devised (Henriques and Schuster 1917:130). As of 2001, only 23% of countries used predominantly *jus soli*, 62% *jus sanguinis* and 22% a mixed legal regime (Bertocchi and Strozzi 2004:15) denoting a trend toward ethnicization of citizenship, especially in former British colonial possessions.

Since it is easier for foreigners to naturalize under *jus soli*, throughout the century, European countries have vacillated between accentuating *jus soli* when they needed immigrants and *jus sanguinis* when they sought to curb immigration (Perina 2006:126–127). New World countries remained loyal to immigrant-friendly *jus soli* but usually recognizing some degree of *jus sanguinis* (Safran 1997:314).

Increased immigration and the rise of the far-right have applied pressure on politicians to restrict or abolish *jus soli* in the West. In the 1980s, Australia, Portugal and Britain limited their *jus soli* provisions. In 2004, Ireland abolished its unconditional *jus soli* enshrined in the constitution as a result of the popular referendum in the aftermath of the ruling by the European Court of Justice affirming immigrant rights on the basis of *jus soli* (Joppke 2008:8–9, 23).

Three more independent states have been created since the time of the fall of the Soviet Union. All three, East Timor, South Soudan and Kosovo, seek to balance *jus sanguinis* and *jus soli*. South Soudan is generous with both provisions but falls short of unconditional *jus soli* while allowing any members of the “indigenous ethnic communities” to claim citizenship⁴. East Timor and Kosovo rely on *jus sanguinis* but include a *jus soli* provision for children whose

⁴ The Nationality Act of the Republic of South Soudan, 2011.

one parent is not a citizen as well as other applications for the territorial principle in the case of East Timor (Jerónimo 2011:32–33)⁵.

As for the *de-facto* states on the territory of the three countries analyzed in this work, their concepts of citizenship are more territorial in the case of Transnistria and Nagorno-Karabakh and more ethnic in the cases of Abkhazia and South Ossetia, even if in the case of Nagorno-Karabakh it is hard to say so because it is ethnically homogenous. Nagorno-Karabakh allows residents of 3 years or more to become its citizens (Айрумян 2008). Transnistria has unconditional *jus soli*⁶. Abkhazia and South Ossetia have a *jus soli* provision for the cases of birth on their territory when one of the parents is not a citizen⁷. While this work does not investigate this variation, it is a fruitful direction for further research.

⁵ Law Nr. 03/L-034 “On Citizenship of Kosova”, 2008.

⁶ Закон СЗМР 92-3 «О гражданстве в Приднестровской Молдавской Республике», 1992.

⁷ Конституционный закон Республики Южная Осетия «О гражданстве Республики Южная Осетия», 2006.

⁸ Закон Республики Абхазия № 1168-с-XIV «О гражданстве Республики Абхазия», 2005.

Countries that Recognize Automatic Birthright Citizenship



Figure 5. Unconditional *jus soli* in 2010 (Feere 2010).

b. *Jus Soli* as a Human Right

Since its adoption by the United States' legal system, *jus soli* has become a symbol of equality, integration and human rights on a global scale. The 1961 Convention on the Reduction of Statelessness established a clear link between *jus soli* and statelessness reduction confirming the legal principle's position on the human rights agenda. The Office of the UNHCR officially listed *jus sanguinis*

as one of the reasons for statelessness because in many countries it works only paternally, does not transmit citizenship to stateless parents among other legal avenues of producing and even perpetuating *de jure* statelessness. The nearly universal ratification of the 1989 Convention on the Rights of the Child (ratified by all countries of the world except for the United States and Somalia as of 2016) has solidified the position of *jus soli* as “the overriding international norm governing the nationality of children born to noncitizen parents” (Weissbrodt and Collins 2006:247, 253–256).

Jus soli comes in two variations: unconditional, prevalent in the migrant societies of the New World, and conditional, common in the rest of the world (see Figure 5). The conditions range from the need to be a legal permanent resident for the child or the parents to the need to claim one’s citizenship before a certain age to being a foundling or otherwise stateless (the provision for the latter two groups has become routine in international citizenship laws in order to prevent statelessness (Vink and DeGroot 2010:29)).

Unconditional or less restrictive *jus soli* is rare in today’s world. Only the New World countries (the United States, Canada, most of Latin America and the Caribbean) abide by it. A 2010 study found that only 30 of the world’s 194 countries practiced unconditional *jus soli* (Feere 2010). In Europe, it fell victim to the anti-immigrant sentiment. The 1981 British Nationality Act modified the

application of the legal principle by requiring at least one parent of the child born on British soil to be a citizen or a permanent resident. In Ireland it was abolished by a popular referendum in 2004. Similar changes have been made in other common-law countries such as Australia, Ireland and New Zealand (Shachar 2009:116). In Europe struggling with accepting the inflows of mass migration, the mere fact of birth on a territory is no longer considered a “genuine link” needed for citizenship per the landmark 1955 decision of the European Court of Justice in the *Nottebohm* case (Joppke 2008:7).

At the same time, *jus soli* has been reintroduced in many European countries, such as Belgium, Germany and Greece, for the purposes of incorporating and integrating immigration in the “context of a global human rights culture” in opposition to ethnically-biased citizenship laws (Joppke 2003:436). In 2006, Portugal expanded its *jus soli* (Joppke 2008:28) restricted in the 1980s and the pressure has been building to do so in Italy.

Policy experts have argued for the adoption of unconditional *jus soli* by EU countries and as a EU-wide standard in the efforts to promote non-discriminatory and inclusive civic citizenship policy (Niessen, Peiro, and Schibel 2005:15, 32). As a result, conditional *jus soli* became a point of convergence of citizenship regimes in the West (Joppke 2008:4).

As a consequence, *jus soli* has continuously remained at the very heart of political debates in Western Europe (Vink and DeGroot 2010:4). For example, in France even mainstream Republican Party has come to consider the abolition of *jus soli*, despite its admitted role as “one of the foundations of the republican order” under the pressure from the far-right anti-immigrant National Front (Lemarié 2015). On the other hand, Italian politics is under pressure from left-wing political forces to expand its conditional *jus soli* law in order to facilitate immigrant integration (Rossi 2011).

Modern-day citizenship scholars similarly explain the politics of birthright citizenship by perpetuating global inequalities with people born in wealthy countries having secure lives while others remain “trapped’ by the lottery of their birth” (Shachar 2009:2-3). Yet if an immigrant is able to enter the country and have a child there, it is *jus soli* that gives the child the possibility to become a citizen (and, in many cases, allow for the eventual citizenship of the parents) while *jus sanguinis* prevents both the child and the parent from acquiring the new country’s citizenship, for generations, as was the case with Turkish immigrants to Germany until 2000.

So while in principle *jus sanguinis* is not particularly linked to the ethnic understanding of the nation since the nation may include people of various origins, in reality if the access to citizenship is restricted to newcomers, it does

favor the bloodline of the existing members of the nation. Moreover, it prioritizes kinship ties by permitting membership to people who may have had no relationship with the polity except for the blood link (they could have been born and lived all their life somewhere else), as is the case with preferential treatment of ethnic diasporas by some citizenship laws. *Jus soli*, therefore, is a criterion of the territorial concept of the nation *par excellence* even if, admittedly, it can be a problematic criterion for the umbrella “civic” concept of the nation (see Chapter 1) because it can bestow citizenship on individuals with no relation to the polity except for the fact of being born there, which some analysts consider even “over-inclusive” due to its potential to include people that are there randomly. The principle is seen as democratic and inclusive because children automatically get citizenship irrespective of the citizenship status of parents (Shachar 2009:115–116).

On a larger scale, if we admit that modernization and globalization lead the world away from traditional collective identity based on ethnicity and toward the one based on territory, diverse ethnic populations are, therefore, undergoing a process of being agglomerated into equal “citizens” (Khan 1996:106–107) who are not related to each other by blood link (and, therefore, not necessarily related by common culture and history). *Jus soli* is the most apparent visible aspect of this sociological change, which interests also

historians who see the evolution of birthright citizenship as the key to understanding nationalism as a historical phenomenon (Hastings 1997:13). As previously mentioned, scholars have long associated *jus soli* with the term “liberal” due to its inclusive character when describing citizenship access regimes (Honohan 2010:1).

Moreover, if *jus soli* is the indicator of the process of de-ethnization of the world’s collective identities, it is evident that it is unconditional *jus soli*, which is the most drastic departure from the concept of ethnic nation. *Jus soli* with no conditions attached whatsoever except for the fact of being born on a territory represents the ultimate degree of randomness or absence of selectivity in the limitation of the borders of a nation. Unconditional *jus soli* goes even further in questioning the “genuine link” definition of citizenship established in a famous decision by International Court of Justice in 1955 (Vink and DeGroot 2010:2). This phenomenon may stand for a radical reconceptualization of the notion of citizenship and the nation as the globalization with many legal trends proceeding from the United States continues.

Jus soli advances are met with serious resistance both from the ethnic concept of the nation and the attempts to curb immigration by limiting *jus soli*, even in the United States, calls for abolition of the natural born citizenship have gained momentum. With this in mind, this work proposes a study focusing on

unconditional *jus soli* as a phenomenon in itself. While common in the Americas and other New World societies, it is, indeed, puzzling, why two new PSS, Azerbaijan and Moldova, would end up with such a drastic concept of territorial nationalism in defining the body of their nations given that no history of civic or territorial nationalism in PSS (Shevel 2009:274).

2. Defining the Task at Hand

A. Puzzle: Unlimited *Jus Soli* in Post-Soviet States with Frozen Territorial

Conflicts

While all post-Soviet space have some degree of conditional *jus soli*, such as for findings and the children of stateless people, unconditional *jus soli* in Moldova and Azerbaijan, as of 2012, when this research was started, existed only in Moldova and Azerbaijan. This was puzzling for many reasons. First, territorial nationalism in PSS is surprising to begin with: there was no precedent of territorial or civic nationalism in the PSS territory (Shevel 2009:274). On the contrary, the newly emerged PSS countries inherited a highly ethnic understanding of the nation from the Soviet Union where the concepts of

“nation” and “ethnicity” were practically seen as equivalent (Brubaker 1996:26). Post-Soviet citizenship had been dominated by *jus sanguinis* to such degree that the legal principle was labeled *jus puri sanguinis* (the law of pure blood) (Dragunskii 1994:65). Second, international precedents of unconditional *jus soli* came from the New World and not from Europe where unconditional *jus soli* had disappeared. Third, *jus soli* in general, and especially *jus soli* with few or no conditions, had been firmly linked to the human rights agenda (Weissbrodt and Collins 2006:247, 253–256). While Freedom House ranked Moldova as “partly free” in 2013 (overall score 3 with 1 the best and 5 the worst), Azerbaijan was ranked at 5.5 and labeled “not free”. Its political rights received the score of 6. So the advance of human rights didn’t explain these cases.

B. Hypothesis: Citizenship Link to Separatist Territories

A closer look revealed that Azerbaijan and Moldova were two of the three PSS countries (together with Georgia) with frozen separatist conflicts on their territories controlled by *de facto* independent states directly or indirectly backed by Russia. The three countries are, therefore, in the “buffer zone” between Russian and Western interests, unable to link more with the West due to Russia’s

holding the key to frozen conflict resolution and, therefore, obliged to maintain a good relationship with Russia. At the same time, these countries have shown multiple signs of interest in further Western integration in the hopes of Western pressure on Russia to get bring the conflicts to resolution.

Was *jus soli* a way to attempt to maintain the citizenship link with people born in the *de facto* independent states, Nagorno-Karabakh in Azerbaijan and Transnistria in Moldova? This certainly seemed plausible, especially since the only published in-depth case study of a PSS country with territorial citizenship law (Ukraine) found that at the core of its adoption were precisely the concerns to balance the interests of different ethnic groups and, ultimately, to preserve the country's territorial integrity (Shevel 2009). Additionally, academic literature had suggested that the *jus soli* regime favors territorial integrity and border stability (Bertocchi and Strozzi 2004:17).

However, if that was the case, how was one to explain the absence of *jus soli* legislation in the third country with frozen conflicts, Georgia? Was it because of Georgia's multi-century history of an independent state with a well-established historically developed collective identity, highly ethnic in nature, along the lines of the theory suggested by Brubaker (Brubaker 1990)?

The final hypothesis was, therefore, conceptualized as follows:

Countries with frozen separatist conflicts on their territories adopt a territorial concept of citizenship (the extreme case being unconditional jus soli) in order to maintain a citizenship link with the populations of the separatist territories, unless prevented by a highly ethnic historical concept of national identity.

Since there may be various factors at work, it was also important to consider the rest of the ones mentioned in academic research:

- Ethnic heterogeneity
- History of independent statehood
- Political compromise between competing national identities
- Territorial integrity
- Foreign state's pressure
- Religious, especially Christian, heritage
- Democratization level
- Concern for human rights
- Low migration rates
- Extensive diasporas.

C. Research Methodology

A preliminary literature review revealed no existing academic research on *jus soli* in the three countries under analysis. The only possible research strategy under these circumstances was to find people that either participated in the adoption of citizenship legislation such as constitutional lawyers, academics, MPs and politicians and civil society actors or those that may shed some light on the process such as academics and political analysts, reporters, government and international organization officials.

The task presented multiple hurdles. Given that the USSR broke up in 1991, more than 20 years had passed since the independence of Azerbaijan, Moldova and Georgia so identifying and finding people who actually prepared and passed initial citizenship legislation may have proven extremely difficult but it was the best way forward. Since establishing a “rapport of trust” with a scholar from the United States who spoke Russian as a native language in a political environment characterized by a tense geopolitical situation between Russia and the West, especially relevant in this “buffer” region and a complicated internal situation lacking transparency and democratic practices, these interviews had to be “face-to-face” to be successful (Mosley 2013:7–8).

I also had to review the minutes of parliamentary discussions that took place during the adoption of the citizenship laws and compare them with the minutes of pre-Soviet citizenship laws adopted by Azerbaijan and Georgia during their brief periods of independence before becoming part of the USSR. A thorough secondary literature review needed to be conducted, not just in Russian or English, but also in the local languages of the three countries.

D. Research Significance

This research effort contributes to a number of ongoing academic debates and research agendas, from large overarching ones -- between modernists and their rivals and between opponents and supporters of ethnic/territorial dichotomy -- to more specific ones related to determinants of citizenship policy, more general (Bertocchi and Strozzi 2004) or more specific such as the debate on the relationship between citizenship and the concept of the nation (McCrone and Kiely 2000), on the importance of historically-constructed concept of the nation as a determinant of citizenship policy (Brubaker 1990), on the relationship between citizenship policy and human rights agenda (Klusmeyer 1996; Spiro 2011), geopolitical pressures and

international security (Weldes et al. 1999). This effort promised to be a major advance in the field of post-Soviet identity and citizenship studies, both theoretical and empirical ones (Makaryan 2006; Shevel 2009; Shevel 2012). From the theoretical point of view, the proposed conceptual approach decoupling territorial nationalism from the civic one based on the understanding of the historical development of these concepts had the potential to resolve the current impasse in ethnic/civic nationalism/citizenship scholarship by reconciling many points of contention and thus opening new avenues for an academic exploration of nationalism. Another important contribution was the link between territorial citizenship and dual citizenship liberalization.

Methodologically, the project was innovative using mixed research methods by bringing together in-depth interviews, archival research and secondary sources in a cross-disciplinary approach uniting political science, law, history and sociology. Despite the heightened public interest in the *jus soli* principle, it was a first study that is focused entirely on unconditional *jus soli* as a political and legal phenomenon in itself. The choice of Moldova, Azerbaijan and Georgia, the three PSS countries with frozen conflicts, was another methodological distinction of this research effort.

Beside the academic merit, this research was to have direct policy implications. Determining reasons and consequences in relation to

ethnic/territorial citizenship policies in specific countries would allow for an identification of pitfalls and merits of such policies elsewhere. While policy experts had proposed adopting unconditional *jus soli* in the European Union with (Niessen, Peiro, and Schibel 2005:15, 32), some *jus soli* laws have indeed expanded there (Cahn 2012) but little had been done to extend it to non-EU PSS countries. Successful policies in Azerbaijan and Moldova may have served as a best practice to follow by other PSS and world's countries seeking to eliminate discrimination on ethnic origin and establishing inter-ethnic peace.

Policy implications were not limited to citizenship laws, however, but extended to international peace and security due the exploration of regional geopolitics determined by the larger context of the relationship between Russia, post-Soviet space and the West. Elaborating the determinants for the identity and citizenship policies in the "buffer zone" countries would also clarify Russia's geopolitical strategy, which could help establish mutual understanding between it and the West in a critical phase of this relationship in the aftermath of the events in Ukraine, let alone the explosive situation in Nagorno-Karabakh and a tense situation in the rest of the frozen conflicts under consideration. These conflicts had the potential to bring Russia into military confrontation with the West as the 2008 Georgian-Russian war demonstrated.

As a new frozen conflict is born in Eastern Ukraine, this work would also contribute to the scholarship on frozen conflicts and unrecognized states in the PSS (King 2001:525). Understanding the politics of identity in the states with frozen conflicts (which are at the core of the conflicts themselves) may open new avenues for their resolution the eventual pacification of these pockets of regional and global geopolitical instability in an international order already burdened by a string of dismemberment of such nation-states such as in the cases of East Timor, South Soudan, Kosovo and now Ukraine as well as Britain's exit from the European Union. Scholars had lamented the "critical gap in our understanding of the security developments in the former Soviet Union". The resolution of the frozen conflicts is necessary, urgent and possible but has stalled due to the lack of comparative research (Dov 2002:832).

Finally, the exploration of the politics behind unconditional *jus soli*, a unique policy development in itself both academically and politically, would have a large positive effect on the global human rights agenda, which calls for de-ethnicization of citizenship laws, elimination of statelessness and liberalization of dual citizenship.

Territorial citizenship was also the centerpiece of the human rights agenda surrounding the right to nationality and abolition of statelessness, which remained a major problem in post-Soviet Europe. Statelessness was endemic in

today's world, especially if we expanded the definition of statelessness to include the *de facto* and not just *de jure* stateless (Weissbrodt and Collins 2006:251). Moreover, the absence of territorial citizenship had led to massive exclusion of people "from the polities of the places where they live" – in today's Europe, for example, hundreds of thousands were thus excluded or completely stateless (Cahn 2012:316). Proliferation of unconditional *jus soli* was the most powerful legal instrument in existence in weakening ethnic citizenship and ultimately promoting a human rights agenda at the expense of the logic of the ethnic nation.

Dual citizenship had been rapidly expanding (Brøndsted Sejersen 2008) as it had firmly entered the human rights agenda (Spiro 2010) greatly aided by the recommendation by the 1997 European Nationality Convention of the Council of Europe (Checkel 2001b; Joppke 2008:4). This work would empirically demonstrate what had been mentioned in theory (Flournoy, Jr. 1921:545; Spiro 2010:113): liberalization of dual citizenship was a piece that's inseparable from the proliferation of *jus soli*. It was impossible to accept *jus soli* without at the same time accepting dual citizenship. And it was impossible to be truly committed to the territorial citizenship without a *jus soli* provision with few or no conditions.

Part II. The Politics of Unlimited *Jus Soli* in Post-Soviet States with Jeopardized Territorial Integrity

Part II presents empirical research breaking it into four parts: establishing the legislative timeline with basic causal mechanisms, and then analyzing the impact of historically-constructed concepts of national identity, frozen conflicts and geopolitics grouped with the politics of dual citizenship on territorial citizenship policies and/or their absence or contraction. The case studies of Georgian Azeris and Abkhazia add depth and illustrate how the causal mechanisms affect the most vulnerable population, national minorities.

Chapter 3. Citizenship Policy Legislative Timeline

Chapter 3 presents major citizenship-related legislation in Moldova, Azerbaijan and Georgia and highlights its aspects related to the usage of the legal principle of unconditional jus soli (in Moldova and Azerbaijan) or its apparent absence (in Georgia). The time period concerned stretches from the breakdown of the Soviet Union in 1991 until 2014, which saw a major policy reversal in Azerbaijan and a replacement of the initial citizenship law by a new

one in Georgia⁹. The chapter pays particular attention to the evolution of citizenship policy related to unconditional *jus soli* in Moldova and Azerbaijan. If the former progressed from conditional to unconditional *jus soli*, the latter moved in the opposite direction. Under a closer look, the Georgian case reveals a minor presence of unconditional *jus soli* in the initial legislation and its complete removal in 2014. In that sense, it replicates the direction of the legislative changes in Azerbaijan. Currently, Moldova is the only state on the Eurasian continent that practices unconditional *jus soli* (see Figure 6 below).

case	initial legislation, 1990s	as of 2016
Moldova	unconditional <i>jus soli</i> only for initial body of citizens, dual citizenship prohibited	unconditional <i>jus soli</i> , dual citizenship completely liberalized
Azerbaijan	unconditional <i>jus soli</i> , dual citizenship generally prohibited	unconditional <i>jus soli</i> amended, dual citizenship explicitly

⁹ In 2015, Georgia adopted a new citizenship law but the aspects related to *jus soli* remained the same.

		prohibited
Georgia	no explicit unconditional <i>jus soli</i> , dual citizenship prohibited	no unconditional <i>jus soli</i> , limited dual citizenship by presidential decree

Figure 6. Evolution of unconditional *jus soli* and dual citizenship legislation in post-Soviet states with frozen territorial conflicts.

The chapter is written on the basis of both archival/secondary source research and in-person interviews and, therefore, incorporates some causal analysis in establishing the legislative timeline but falls short of fully relating it to the research questions (although some preliminary causal mechanisms become evident) as this is done in depth in the following chapters. The politics of dual citizenship in the three countries is described in depth in Chapter 6.

1. Moldova: From Conditional to Unconditional *Jus Soli*

Moldova has evolved from the usage of conditional *jus soli* for the purposes of defining the initial body of its national membership at the moment

of its independence in 1991 through its eventual place as a birthright citizenship criterion with no conditions attached. While the original 1996 *jus soli* for children of foreigners clause was only intended to accommodate the children whose parents' citizenship was inaccessible to them and who would, otherwise, remain stateless (a practice common in international law), the spectacular liberalization of Moldova's legislation on dual citizenship in 2003 led to an unintended, but just as spectacular, ascent of unconditional *jus soli* to its present position defining membership in the Moldovan nation at birth, now viewed as an intrinsic part of what it means to be Moldovan. Currently, Moldova remains the only state in Europe and Eurasia committed to unconditional *jus soli*. The principle is widely supported by the political elite and, as it seems, by the population at large.

A. Conditional *Jus Soli* in the 1991 Citizenship Law

In 1991, Moldova was the first out of today's post-Soviet states to adopt a citizenship law, even before the Baltic countries¹⁰ and before the actual dissolution of the USSR. The new law led to widespread anxiety over the

¹⁰ "The Law of the Republic of Moldova on Citizenship of the Republic of Moldova" from 5 June 1991.

meaning of citizenship and especially the requirement to choose between the Moldovan and the Soviet citizenship – an impossible choice for many (Федосеев 1991). As other post-Soviet countries adopted their own citizenship laws, Moldova's remained one of the most inclusive (Iordachi 2004:248).

Article 1.2.2 of the 1991 Citizenship Law proclaimed anyone born on the country's territory (or whose parent or ancestor was born there) the country's citizen, on the condition of not possessing another citizenship. This usage of *jus soli* was, therefore, conditional upon not having access to another citizenship, as Moldova did not permit dual citizenship at the time. This conditional *jus soli* was crucial for Moldovan citizenship legislature from the very beginning.

Originally, this principle alone was to define the initial body of Moldovan citizens. However, the key figure in the legislative process, the Chair of the Presidential Commission on Citizenship Gheorghe Amihalachioaie was born in the Hertza district of the Ukraine that used to belong to Romania and, therefore, was not covered by the law. He brought his concerns to President Mircea Snegur. To accommodate this case and to make the law even more inclusive, the draft of the law spread *jus soli* on to the territory of the "historical Moldova" and also covered all residents at the time of the declaration of independence independently of their place of birth (Amihalachioaie 2015; Snegur 2015), a remarkable example of an individual influence on the legislative process. Such

an inclusive law, a so-called “zero” option admitting all residents at the time to citizenship, set an important precedent later followed in other post-Soviet states, most of which also admitted all their residents at the time of independence to citizenship, with the important exception of Estonia and Latvia. Those who were not born but resided in Moldova in 1991, needed to file a petition to obtain citizenship but it was a pure formality: *de facto*, every legal resident of Moldova who wished to become its citizen was able to do so (Solonari 2007:322). About 4,000 people successfully petitioned during the 2 years (Arseni 2015).

The resulting law thus combined ethnic and territorial elements: lawmakers were aware of both the need to include ethnic Moldovans and Romanians wherever they lived but also decided to delineate citizenship to the territory of the “historic” Moldova (Amihalachioaie 2015) thus curbing the logic of ethnic diaspora by the idea of a concrete territory, in stark contrast to some other post-Soviet states, such as Kyrgyzstan or Lithuania, which offered citizenship to members of the titular ethnic group irrespective of the territory they resided on or had been born on.

The territorial nation, therefore, took precedence over the ethnic one in Moldova. Combined with the absence of conditions (such as ethnicity, residency, language skills) in the *jus soli* that defined the initial body of citizens,

the prevalence of the territorial nation set an important precedent. Interviews with government officials in charge of the interpretation and implementation of Moldova's citizenship policy revealed that this notion is now firmly ingrained in the way they imagine the Moldovan nation. Moreover, they also perceive unconditional *jus soli* as having been intentional from the inception of Moldovan independence and are not necessarily aware of its actual origin dating only to 2003 (Creangă 2015; Donia 2014; Ohotnicov 2015; Tacu 2014). This testifies to the degree of the principle's stronghold on the idea of the Moldovan nation.

The equally-weighted combination of conditional *jus soli* and *propiska* (residence registration), which became a mechanism to define the initial body of citizens of Moldova, allowed additional advantages in minimizing cases of statelessness. The exclusive use of *propiska* and its requirement led to significant exclusion in the definition of the initial body of Georgian and Azerbaijani citizens, respectively, resulting in statelessness. This legal solution also alleviated the fears of the Russian-speaking population who voiced its concerns over the six months before the adoption of the law as members of the parliamentary commission on citizenship met with people all over the country. The voices demanding a solution that gave preference to the titular nation over "the occupants" were in minority. The overall sentiment among policy makers was to adopt a fair law that respected individual human rights independent of

ethnic affiliation as well as the duration or reason of people's residence in Moldova (Arseni 2015).

The only other *jus soli* contained in the law was only intended for the children of the stateless and the foundlings as per Articles 10.2 and 10.3 of the law respectively. Its authors did not envision any other *jus soli* in Moldovan law except for the definition of the initial body of citizens and the protection of children from statelessness (Arseni 2015).

B. Conditional Birthright Citizenship for Children of Foreigners In the 1996

Amendment

If in 1991 PSS laws were adopted "from the soul" on the euphoria of independence from the Soviet Union, from 1995 on a process of normalization and Europeanization of legislature took place (Burian 2014) as on July 13, 1995 Moldova became a member of the Council of Europe. Moldova was the most densely populated republic in the USSR so it admitted few refugees (Burian 2014). Yet, some were admitted and there was a mounting pressure from the United Nations High Commission for Refugees (UNHCR) to guarantee refugees' human rights, including their right to citizenship, according to the 1997 European Convention on Nationality (Article III.6.2). Moldova signed it in 1998,

but even before then, there was an overall understanding of the need to harmonize legislation with the European and international law (Amihalachioaie 2015; Burian 2014; Ciobanu 2015; Solonari 2014). At the same time, there might have been cases of children born in Moldova to foreigners who were unable to leave the country with their parents because there was no embassy in Moldova to issue them a passport (Bordeianu 2016).

As a result, in 1996 the parliament adopted an amendment to the citizenship law allowing the children of foreigners born in Moldova to get citizenship if they otherwise remained stateless¹¹. No political controversy arose, especially due to the fact that policy makers sought the support of Russian speakers who generally favored a more inclusive citizenship law (Solonari 2014). Article II.10 of the 1991 Citizenship Law was thus amended bestowing *jus soli* citizenship on children born to stateless parents (II.10.3) and to children of foreigners if their countries of citizenship did not recognize them as their citizens (II.10.4).

In practice, just as in the case of the Georgian 1993 Citizenship Law that referred to *jus soli* provisions in other states (see the chapter on Georgia below), migration officials had little to no way of verifying or keeping up with other

¹¹ Law № 961 “On Changes and Additions to the Law on Citizenship of the Republic of Moldova” from 24 July 1996.

countries' legislation. The requirement of other states not giving children of foreigners citizenship became a "bureaucratic burden impossible to verify" (Donia 2014).

C. The 2000 Citizenship Law

The 2000 Citizenship Law¹² did not change any essential details related to *jus soli* elements. As the country left the post-Soviet need to define the initial body of its citizens by recognition, immigration officials and legal scholars pondered whether to preserve this part of the law and decided to continue to grant citizenship by recognition to anyone who could claim it under the 1991 law (Donia 2015). Recognition was even further strengthened – it was moved from the beginning of the law in Article I.2, where it had already served its extraordinary purpose, to take its "normalized" place in Article II.12 after Article II.10 (listing recognition as second-possible way of getting citizenship after citizenship by birth) and Article II.11 (describing citizenship by birth).

Article II.12.2 set two conditions for citizenship by recognition: the need to express the desire to become citizen and the need to possess no other citizenship. This was a restrictive change of course from unconditional

¹² Law № 1024 "On Citizenship of the Republic of Moldova" from 2 June 2000.

recognition introduced by the 1991 Law but one put Moldovan citizenship by recognition in line with other post-Soviet ones such as the one in Georgia since Moldova's original version had been, once again, more inclusive than others (Solonari 2007:322). Even in this more limited form, *jus soli* continued its territorial influence on citizenship policy (Article II.12.2.a).

D. The 2003 Dual Citizenship Amendment: The Birth of Unconditional *Jus Soli*

Until 2002, the Constitution prohibited Moldovans from holding other citizenships (Gasca 2012:6). Despite this ban, more and more Moldovans were acquiring Romanian citizenship made available by waves of passportization facilitated by Romanian government. Following intense debates and the defeat of those in favor of reinforcing the ban on dual citizenship, the Constitution was amended in 2002 to exclude the ban on holding multiple citizenships (ibid). On 8 July 2003, President Voronin signed the "Law on Dual Citizenship" allowing Moldovans to hold other passports.

The 2000 Citizenship Law was then amended accordingly to account for

the permission of dual citizenship¹³. The change affected 8 articles⁵. The change affected 8 articles¹⁴, including Article 11.1.c. Without the reference to other citizenships, this article now read as follows: *“Citizen of the Republic of Moldova shall be the child born in the territory of the Republic of Moldova, whose parents possess the citizenship of another state, or one of them is stateless and the other one is a foreign citizen”*. This effectively, even if unintentionally (Arseni 2015), produced unconditional *jus soli* in Moldova. Article 11.1.a had already extended citizenship to a child whose parent (or both) was a Moldovan citizen, Article 11.2.b -- to the child of stateless people. Article 11.1.c thus completed the rest of possible cases of birth: from foreigners or from a couple of a foreigner and a stateless person. In its entirety, therefore, Article 11.1 grants citizenship to anyone born on Moldovan soil, which was not the intention of the original authors of the article who only sought to protect children born in Moldova from statelessness (Arseni 2015).

This major legal change was not authorized by the author of the original citizenship law and Moldova’s chief constitutional law expert Prof. Alexandru Arseni of State University of Moldova or accounted for by the European Union’s Democracy Observatory on Citizenship (EUDO) (Gasca 2012), which testifies to

¹³ Law № 232 “On Changes and Additions to the Law on Citizenship of the Republic of Moldova № 1024 from 2 June 2000” from 5 June 2003.

¹⁴ Law № 232 “On Changes and Additions to the Law on Citizenship of the Republic of Moldova № 1024 from 2 June 2000” from 5 June 2003.

its lack of intentionality. Both Prof. Alexandru Arseni and Prof. Rainer Baubock of EUDO have since validated these findings and greatly assisted with my fieldwork.

The legal change was also not noticed by the media or public in general (I was not able to find any media coverage of it). Since then, however, it has been duly exercised by immigration authorities truthful to the letter of the law giving out citizenship to children born in Moldova since 2003. Since then, birth certificate (confirming birth on the Moldovan soil) became the most common document establishing one's Moldovan citizenship (Donia 2015).

When asked to assess the resulting *de-facto* unconditional *jus soli*, interviewees unanimously, from public in general to civil servants, politicians and academics, saw it as in line and in the spirit of the concept of Moldovan national identity. The original author of the 1991 Law on Citizenship (and the Declaration of Independence) was the only one who was alarmed at the development after confronted with the research findings (Arseni 2015). Media search shows no apparent public or private objections. Most interviewees do not foresee an issue unless there is massive immigration to Moldova in the future (Creangă 2015; Ohotnicov 2015) once the country develops economically and becomes attractive (Postoiko 2015). For now, Moldovan citizenship is mostly wanted for going to having access to other countries (Barbarosiei 2015; Ohotnicov 2015).

Refugees have started arriving though and Moldovan authorities do not have a clear policy on their acceptance – a group from Bangladesh was eventually sent back after spending time at the airport buffer zone. Some expressed a fear that the EU could cancel its open border agreement if the refugee situation worsens (Lungu 2015).

I explain the tacit acceptance of unconditional *jus soli* in the society by the policy's alignment with how both the political elite and the society at large envision national membership in Moldova, which gives precedents to territory over ethnic and cultural ties.

Unconditional *jus soli* has not led to any immigration or legal complications, so far, except for the parents of other citizenships whose children were born in Moldova and whose countries of citizenships do not allow dual citizenship, such as Germany. In these cases, procedures of exit from Moldovan citizenship have been elaborated. It also helps that Moldovan citizenship doesn't automatically grant the right to residence, until 14 years of age and the right to petition to for legal residents of parents till until 18, although a court may change this in particular situations (Donia 2015).

As a result of this 2003 legal development, Moldova joined Azerbaijan as the only two states in Eurasia using unconditional *jus soli* to define the body of their nation until Azerbaijan rescinded the practice in 2014. While Moldova's

unconditional *jus soli* remained unnoticed by Moldovan citizenship experts working for the EU (Gasca 2012), possibly because of its lack of direct intentionality, comparative research did notice its appearance (Dumbravă 2007:458).

Similarly, *jus soli* in citizenship by recognition also underwent a change: the need to prove absence of other citizenship was canceled. Applicants now only need to petition to become a Moldovan citizen if they were born there. The triumph of dual citizenship liberalization led to the 2014 disappearance of the last vestige of limitation, Article 17.1.g requiring the absence of another citizenship for naturalization¹⁵. This benefitted many people who had lived many years in Moldova but had had difficulties obtaining the proof of or exiting other citizenships such as people from Armenia or Turkmenistan and made Moldovan law even more liberal than the European Convention on Citizenship, and is seen favorably in Europe – one can have “10-15 citizenships” according to the presidential administration legal department (Ohotnicov 2015).

2. Azerbaijan: From Unconditional to Conditional *Jus Soli*

¹⁵ Law № 24 “On Changes and Additions to the Law on Citizenship of the Republic of Moldova № 1024 from 2 June 2000” from 13 March 2014.

If Moldova moved from conditional to unconditional *jus soli*, Azerbaijan moved in the opposite direction. In 1995, Azerbaijan became the only state in Eurasia that used unconditional *jus soli* to delineate legal membership in its nation. The legal principle was even enshrined in the country's constitution adopted by a popular referendum. The 1998 Citizenship Law duly reflected unconditional *jus soli* explicitly guaranteeing Azerbaijani citizenship to any child born on its soil. From 2003 to 2014, therefore, both Azerbaijan and Moldova were, at least *ex lege*, committed to unconditional *jus soli*. However, a drastic amendment enacted by the Azerbaijani parliament in 2014 abolished unconditional *jus soli* in a set of measures combined with hardening the country's line on the ability of Azerbaijanis to hold other passports. As the amendment contradicts the country's constitution, its destiny is not clear: either it has to be annulled or the country's constitution changed.

A. Unconditional *Jus Soli* in the 1995 Constitution and the 1998 Citizenship Law

Just as Moldova, Azerbaijan opted for the "zero" option in defining its initial body of citizens in the aftermath of its independence from the Soviet Union. The country granted citizenship to all its permanent residents. However,

unlike Moldova where *jus soli* was used as an alternative to *propiska* (residency registration), Article 5.1 of the citizenship law required *propiska* reflecting residence in Azerbaijan as of January 1, 1992 as the only legal basis for recognition as citizens, which later led to many cases of statelessness for those who fell through the cracks.

President Heydar Aliyev was personally involved in the preparation of the draft of the Constitution of the independent Azerbaijan. The Constitutional Commission made of 33 lawyers and members of the executive, legislative and juridical branches of the government assisted him. Safa Mirzoyev, the Chief of Parliamentary Apparatus, and Shahin Aliyev, the Chief of the Department of Questions of the Legislation and Legal Expertise of the Presidential Administration, led the process of drafting of the Constitution (Anonymous Interview 2014a; Mirzoyev 2014). Another instrumental person in developing the constitution was Namig Aliyev who was the Chief of the Constitutional Law Department of the Parliament at the time. All three agreed to be interviewed and their testimonies shed light on the reasons for the adoption of unconditional *jus soli*, in itself quite an outstanding event – Azerbaijan was the only former Soviet republic at the time that defined its national membership by birth on its territory explicitly and unconditionally.

It is also remarkable that Azerbaijan chose to enshrine the principle of

unconditional *jus soli* in its constitution as opposed to the citizenship law only: the latter could be amended easier. The Constitution was adopted on a national referendum on November 12, 1995 where the majority of the population was reported to have voted (86%) approving it almost unanimously (94.8%) (Алиев 2000:4). Any changes to the text of the Basic Law require another referendum and are, therefore, not so easy to pass. The force of Azerbaijan's initial commitment to unconditional *jus soli* is in stark contrast with the legal principle's quick, unexplained, and not very public, demise in 2014. The reasons for the change of policy will be explored in later chapters.

As for the precise wording of the constitutional norm, Article 1.2 serves as an introduction. It defines the people of Azerbaijan in a purely territorial manner: the people are its citizens living on its territory. The constitution's authors were determined to define the nation excluding ethnicity as a defining factor (Алиев 2000:15). Article 52 aligns with the territorial definition of the Azerbaijani people proclaimed in Article 1 and defines a citizen as a "person born on the territory of the Azerbaijan Republic or by citizens of the Azerbaijan Republic" thus giving equal weight to *jus soli* and *jus sanguinis*.

The latter remains the base of the international law on citizenship and is guaranteed by international conventions such as the 1997 European Convention on Nationality (Article III.6.1) while *jus soli* is only required in cases of

statelessness (Article III.6.2 of the same document). In other words, a citizen is guaranteed the right to transmit citizenship to his or her descendants and only on rare occasions this right is complimented by the state itself transmitting its membership through the fact of birth on its territory. Azerbaijan used the experience of other countries, both Western and non-Western (Aliyev 2015): US was the main example but Latin American and Asian examples were considered (Mirzoyev 2014). Azerbaijani law went above and beyond general international law practices on citizenship. This step was intentional as the authors of the constitution recognized that the equal weight given to *jus soli* and *jus sanguinis* in the definition of an Azerbaijani citizen is an unusual practice compared to the legislation of other states (Алиев 2000:212).

Article 1 of the 1998 Law on Citizenship replicates Article 52 of the Constitution. Article 11.1 of the law widens the constitutional formula of *jus sanguinis* by accepting a birth by one citizen v. both but still equally balances *jus soli* and *jus sanguinis* principles. Interestingly, the Constitution doesn't give right to citizenship but simply recognizes one as citizen if any of the above criteria are satisfied (Makili-Aliyev 2014). Consequently, Article 6.1 of the Law lists birth certificate as one of the three documents proving Azerbaijani citizenship along

with a state-issued ID and a passport¹⁶.

There is no special mention of children of foreign citizens born on the territory of Azerbaijan in the legislation and one would, therefore, count them within the body of citizens defined by these legal norms. If they are born on Azerbaijani soil, they are Azerbaijani citizens. In his commentaries to the Constitution, Shahin Aliyev wrote that a child born on the territory of Azerbaijan from the citizens of other states is recognized as citizen if other states do not grant him or her citizenship (Алиев 2000:213), which would make this norm identical to the conditional *jus soli* practiced adopted for children of foreigners in Moldova in 1996. In an interview, however, he explained that in the case when foreign citizenship may be granted but the parents still prefer the child to hold Azerbaijani citizenship, they will have to request it by petition as opposed to obtaining it automatically (Aliyev 2014b).

Reviewing the debates of the law in the parliament reveal the same line of reasoning: when asked whether the child of a Russian or American diplomat or a businessman who came to be temporarily on the territory of the state can get citizenship, the answer was a clear affirmative, if they so desire (Minutes of Parliamentary Debates 1998:659–664), just as in the case of the child of a tourist (Minutes of Parliamentary Debates 1998:671). Article 52 of the Constitution

¹⁶ Amended in 2014.

testifies to the commitment made by Azerbaijan to grant citizenship to every child born on its territory, with the important distinction of it being done automatically or by petition (Aliyev 2014b).

All in all, the 1995-1998 *jus soli* legislation is now seen by many as “euphoric” and “emotional” given the first years of independence and the desire to look for the most progressive ideas in statehood (Ismailov 2014; Mirzoyev 2014; Nasirov 2014). Admittedly, it was one of the most liberal citizenship legislations in existence (Makili-Aliyev 2014). From that perspective, the 2014 amendments described below are seen as adjustments necessary to the current internal and external political situation (Aliyev 2014a; Nasirov 2014).

B. Implementation of Unconditional *Jus Soli* (1995-2014)

In practice, unconditional *jus soli* didn't work as well as intended by the Constitution and the Citizenship Law (Alibeyli 2014): the Migration Service routinely denied citizenship applications based on unconditional *jus soli* (Huseynli 2014), especially after 2008, when it became the agency's unwritten policy. Until that time, even if they had to turn to bribing, most immigrants were able to get their children's applications granted based on unconditional *jus soli*

(Anonymous Interview 2014a). Corruption remains a considerable problem for Azerbaijan although a presidential initiative was started in 2007 to combat corruption (Abbasov 2014). The process of granting citizenship did not escape the overall situation with corruption.

In 2007-2008, the newly-formed Migration Service encountered that the Presidential Citizenship Commission, which had the final word on the decisions to grant citizenship, rejected many applications based on unconditional *jus soli* so in 2008, it made the decision to restrict such applications (Gahramanov 2014). The agency generally lacks autonomy and is dependent on the executive power for its decision-making (Makili-Aliyev 2014) so its desire to follow the executive policy lead is understandable. In general, the unwritten directive from the presidential administration was biased against people whose parents were Azeris from Georgia and Iran (Anonymous Interview 2014a; Anonymous Interview 2014b). After the breakdown of the USSR, Azerbaijan's largest influx of refugees was from Armenia and then Georgia (Huseynli 2014). Azeris from Armenia and Nagorno-Karabakh had no difficulty accessing citizenship. The reasons for targeting Azeris from Georgia and Iran will be explained in later chapters.

The unwritten policy was also directed against immigrants who came from countries known for Islamic fundamentalism such as Pakistan and Afghanistan

(Anonymous Interview 2014a; Anonymous Interview 2014b). The Migration Service supported this wholeheartedly after having realized that many people had entered Azerbaijan illegally, especially before 2000, when the borders were very porous and when such foreigners were abusing unconditional *jus soli* to remain in the country by having children on its territory. According to the agency, many of these people were criminals that were running from the law. Since many of them were from countries where terrorism is common, the Migration Service insisted on the need for legal reforms of the *jus soli* provision to the Presidential Administration emphasizing security concerns (Gahramanov 2014). The agency started proposing limitations on dual citizenship in 2011 but they were not adopted until 2014 together with the annulment of the unconditional *jus soli* falling into the overall concern for national security by the Azerbaijani government in the current geopolitical situation (Gahramanov 2014).

These unwritten restrictions resulted in a large number of alleged human right violations: citizenship of many people got revoked when they came to renew their state-issued IDs. Most of these cases concerned the children of parents from Georgia or Iran (Anonymous Interview 2014a; Anonymous Interview 2014b). There were stories circulating of people serving in the military for 20 years and once out, being told they were not citizens of Azerbaijan because they were born in Georgia (Makili-Aliyev 2014). This resulted in the rise

in the cases of statelessness and being undocumented. At the same time, the Migration Service is aware that many Georgian Azeris lost their right to Georgian citizenship because of the failure to register with the Georgian consulate in 1991-1992 (Gahramanov 2014).

Even then, there were cases that made it through the pipeline – probably through bribes, which went up to between 500 and 2,000 manat (500-2,000 euros). The initial decisions to grant or deny petitions were not made by the presidential administration but by the Migration Service or the police. The bribing took place on the police level for the most part (Anonymous Interview 2014a). At the same time, the Migration Service was granting *jus soli* petitions to families coming from Russia or even China and Thailand. Similarly, reversing denied *jus soli* petitions by courts was virtually impossible, again, if the applicants were Georgian or Irani Azeris or refugees from “undesirable countries” such as Afghanistan or Pakistan (Nasirli 2014b).

As a result of the 2008 decision to restrict unconditional *jus soli* applications, many parents complained and some went to court. The judges, while usually complying with the Migration Service opinions, were caught between the need to uphold the Constitution and the restrictive policies of the Migration Service (Gahramanov 2014).

In 2011, reversing its previous track record of siding with the defendant in

jus soli cases, Baku Administrative Economic Court No. 1 upheld the claim to citizenship for M.I. and M.J., the two sons of Afghani refugee M.D. who were denied state ID cards by a local police office. The decision cited Article 52 of Constitution and stated that a birth certificate is a sufficient ground for issuing state IDs and confirming one's citizenship of Azerbaijan¹⁷. The judge explained the lack of sufficient justification on the part of the Migration Service, which had supported the police, and his subsequent use of the Constitution in this case (Mammadov 2015).

In 2013, the tension between discriminatory *jus soli* practices on the part of the police and the Migration Service and the country's legislation culminated in the agreement by the Supreme Court of Azerbaijan to review one of such cases¹⁸. It was the case of R.N., a child born to Azeris who were citizens of Georgia. The Ministry of Internal Affairs and the State Migration Service had denied R.N.'s application for a state ID card when he reached 16 years of age in 2010. The Baku Administrative-Economical Court no.1 and the Baku Appeal Court upheld this decision in 2012 on the basis that unconditional *jus soli* only applies to foundlings and children of stateless people. The Supreme Court reversed the decision of lower courts in the absence of legal representatives of

¹⁷ Case № 2inz (81)- 1154/2014 from September 14, 2011.

¹⁸ Case № 2-2 (102)-88/13 from February 13, 2013.

the State Migration Service citing Article 52 of the Constitution and Article 11 of the 1998 Law on Citizenship and the fact of the applicant's birth on the territory of Azerbaijan is sufficient to determine his or her citizenship of the country. Interestingly, the High Court seemed compelled to mention the fact that the claimant's parents were "ethnic Azerbaijanis". The need for the parents to be stateless was found to be irrelevant. The Court of Appeals then announced that the applicant withdrew his application, apparently after meeting with the Head of the Migration Service. His application was finally granted in December of 2013 but not by recognition due to his birth on the territory of Azerbaijan but as a naturalized citizen (Nasirli 2014b).

This decision set an important precedent, which pushed the executive (represented by Migration Service overseen by the Presidential Administration) and the judiciary branches of the government into a collision, a conflict that could no longer be ignored. Other successful cases followed: A.M.N. by Baku Administrative Economic Court No. 2 in 2013 and Q.I., the daughter of Afghan refugees and Y. and A. G. by Baku Administrative Economic Court No. 1 in 2014 (Nasirli 2014a). These precedents resulted in an unsustainable situation between the unwritten policies of the Migration Service and the workings of the court system. Other complications arose: Azerbaijan values its membership in the Council of Europe and wanted to avoid being taken to court before the

European Court of Justice at all costs (Anonymous Interview 2014b). People would also come in and ask why they were denied when other people in similar situations were granted their petitions or they would contact the presidential administration, whose official would call for explanations (Anonymous Interview 2014a).

As for the situation with refugees, Azerbaijan had only about 1,500 officially recognized refugees in 2014, equally split between Chechens and Afghans. While the country signed both international conventions on the reduction of statelessness from 1954 and 1961, as of 2014, there still was no official status determination procedure to establish citizenship status of displaced people and give them out identification documents. The state is reluctant to give out stateless IDs. If the United Nations High Commission on Refugees is aware of only a hundred couple of stateless people, the actual number may be as high as 10,000 (Anonymous Interview 2014b; Nasirli 2014a). If both parents were stateless, then the child had no issues. A problem arose when a parent could not transmit citizenship because of the other country's laws, such as the Iranian women. Many countries also make access to citizenship very difficult if the child was born in a foreign country. This is where unconditional *jus soli* came in very helpful. However, in reality, it was difficult to take advantage of it and the 2014 amendments formalized this situation (Anonymous Interview

2014b).

Another *jus soli* legal battle has been fought over the issue of statelessness of people whom the state refuses to recognize as its citizens because they didn't have registration (*propiska*) at the time of the citizenship law's coming into effect in 1998. If they were not registered, they were not recognized as Azerbaijan citizens. This made many people into stateless, be they Azeri, or other ethnicity, born in Azerbaijan or not.

For example, V.I. was born in Azerbaijan but the registration was canceled in 1991 because the family moved. In 2013, V.I. applied for an ID card but was told she/he was not a citizen because she/he wasn't registered in 1998 despite having been born in Azerbaijan (from 2008 on such people were considered to have forgone their Azerbaijani birthright citizenship). She/he was registered as stateless with UNHCR, which filed a lawsuit on her behalf in 2013. The Baku Administrative Economic Court No. 1 rejected her/his claim twice, once after an Appeals' Court direction to reconsider. Finally, in 2015 the Supreme Court agreed with UNHCR's arguments that Azerbaijan had signed the international convention to prevent statelessness and is, therefore, obliged to recognize this person as citizen (Nasirli 2015).

C. The 2014 Amendment Annulling Unconditional *Jus Soli*

a. General Overview

On May 30, 2014 the Parliament of Azerbaijan amended the 1998 Citizenship Law. It widened the list of cases when citizenship can be lost by such items as voluntary acquisition of other country's citizenship, voluntary service in state bodies and armed forces of a foreign country and behaving in a manner damaging state security. Additionally, those who obtain foreign citizenship and do not inform the authorities within a month bear criminal responsibility (Aslanov 2014). The Parliamentary Committee on Legal Policy and State Building was responsible for drafting the amendment. Its Chief and MP, Ali Huseynli, explained that these amendments aimed at prevention of cases of dual citizenship as reflected in the Constitution, in order to protect "national security of the state" (Междид 2014).

Consequently, Article 12 of the 1998 Citizenship Law was amended to proclaim that a "child born on the territory of Azerbaijan and whose parents are foreigners is not a citizen of the Azerbaijan Republic". Article 6 was similarly amended removing the certificate of birth from the list of documents confirming

citizenship (Aslanov 2014). The legal practice of unconditional *jus soli* existing in Azerbaijan since 1995 was herewith effectively abolished.

b. Legality Concerns

The legal and political community sees the amendments as changing the value attached to Azerbaijani citizenship. If previously citizenship was rather easy to obtain, now it is viewed as a valuable good given only to those closely connected to the state (Nasirov 2014). The 1995 Constitution is now seen as too liberal as the state can no longer realistically provide the liberties it had declared to provide (Nasirov 2014). There is a wide understanding that these changes are an adjustment of the liberal excess of the 1995-1998 legislation and even the “zero option” of the 1991 (Musabayov 2014).

Critics of the amendments abound, especially of the part facilitating the loss of citizenship, which received the most attention in the media. Ali Huseynli rebuffed the preoccupations that the amendments can be used as a legal basis for taking away citizenship from people deemed unworthy by the state: according to him, Constitution guarantees one’s right to citizenship (Междид 2014).

Yet experts such as the Chief of the “State Based on Rights” Foundation Muzaffar Bahyshov, have decried these amendments as contrary to the Constitution. He pointed out that when an Azerbaijani citizen loses his or her citizenship because of a volunteer acquisition of another citizenship, it means an involuntary loss of Azerbaijani citizenship, which goes against Article 53 of the Constitution proclaiming that under no circumstances can a citizen of Azerbaijan be deprived of the country’s citizenship. Additionally, the abolition of unconditional *jus soli* goes against Article 52 of the Constitution proclaiming any child born on the territory of Azerbaijan its citizen. Article 149 of the Constitution proclaims that law cannot contradict the Constitution, reminds Bahyshov (Bahyshov 2014; Междид 2014). Similarly, the Chief of NGO “Azerbaijani Migration Center” Alovzat Aliyev thinks that the state granting the new citizenship should be responsible for the regulations concerning the previous citizenship. The amendment, in his mind, will negatively affect the Azerbaijani diaspora precluding its integration in their countries of residency. Moreover, the clause depriving one of citizenship of the basis of damaging state security can be interpreted in many ways ultimately opening the way for political persecution¹⁹. The representative of a diaspora organization “Azerbaijan

¹⁹ Mr. Aliyev was unavailable for an interview for this study as he took refuge in Europe by the time of the fieldwork. Many other NGOs were forced to close in

Democratic Movement” also decried these amendments as seriously damaging the relationship with the diaspora (Междид 2014).

Even during the parliamentary debates, voices were heard to include a court order as the criterion to determine whether someone had behaved in the manner damaging state security but no such amendment was made (Minutes of Parliamentary Debates 2014:50, 56–60). A deputy actually proposed giving children of foreigners citizenship as it is practiced in some other countries in the belief, as she later explained in an interview, that a person always could have a special link to the motherland, to the place of birth (Minutes of Parliamentary Debates 2014:64–65; Bakhshaliyeva 2014). Others pointed out that the proposed abolition of unconditional *jus soli* is both contrary to the Constitution and the Law on Citizenship (Minutes of Parliamentary Debates 2014:56–60).

There is little doubt that these changes are indeed contrary to unconditional *jus soli*'s place in the country's constitution adopted by an overwhelming popular vote. A judge of the Constitutional Court did agree that the legal changes effectuated in 2014 limiting *jus soli* may require an eventual harmonization with Article 52 of the Constitution. The Constitution takes precedent over parliamentary legislation and can only be changed by a referendum (Ismailov 2014).

Azerbaijan since that time.

c. Humanitarian Concerns

The authors of the amendment are aware that children and mixed marriages had been the main beneficiaries of unconditional *jus soli* (Huseynli 2014). As mentioned previously, the amendment is likely to worsen the statelessness situation in Azerbaijan as some children are born stateless due to legal restrictions in the countries of origin and the parents are unable to transmit their citizenship to the child (Anonymous Interview 2014b). The same concern was voiced during the discussion of the abolition of unconditional *jus soli* in the parliament (Minutes of Parliamentary Debates 2014:56–60).

The amendments will also worsen the situation of possible future refugees in Azerbaijan. European Council countries all extend protection to people fleeing military conflict zones. So in the current geopolitical situation in the region, the flow of refugees is likely to continue to Azerbaijan. The country also doesn't have a quota on the number of refugees admitted, like some others. Currently, many of refugees entering the country are from Afghanistan and Pakistan. They usually enter the country legally (some may receive their entry visas by paying bribes) and then apply for asylum. Many of these people

are indeed fleeing for their lives and cannot go back to their countries. By the 1954 Convention on the Reduction of Statelessness, refugees should receive priorities in access to citizenship. This happened with great difficulties even before the 2014 changes and now will become more of a problem since unconditional *jus soli* was helpful to refugees (Anonymous Interview 2014b). The denial of citizenship to people who have their lives in the country will both make their lives impossible and at the same prevent them from leaving the country because many of them remain stateless or cannot return to their countries of origin (Bahyshov 2014).

3. Georgia: *Jus Soli* Aversion

Georgia is a negative case in this research design. Despite its firm commitment to liberal democracy and sweeping waves of liberal legislation, it never had unconditional *jus soli*. Its citizenship policy has been firmly rooted in *jus sanguinis* and ethnicity as the main criterion for deciding one's national belonging (Gugushvili 2012:1). As later chapters will reveal, the absence of unconditional *jus soli* in Georgia testifies to the power of historical national identity rooted in ethnicity that spans centuries. Similar to Azerbaijan, in 2014

Georgia changed its citizenship legislation originally adopted in the early 1990s. The 2014 law replaced the one from 1993 and erased the timid trace of *jus soli* present in the old law.

A. The 1993 Citizenship Law

Ethnic nationalism dominated Georgian citizenship debates in the 1990s (Gugushvili 2012:1). In 1991, the Supreme Soviet of Georgia passed a draft law on Citizenship of the Republic of Georgia. While it failed to become law, the draft set an important precedent inclined toward the “zero” option of admitting the majority of the state’s residents into the initial body of citizens (there was no years of residency required but instead a legal source of income) although it didn’t go as far as the full “zero” option adopted in Moldova and Azerbaijan. It did not address dual citizenship at all (Gugushvili 2012:3) but the latter came to the forefront of the debate as the parliament took up the law again in 1993 after the ethnic nationalist president Zviad Gamsakhurdia lost office as a result of a *coup d’état*.

The 1993 Citizenship Law needed to define the initial body of Georgian nationals in the aftermath of independence from the USSR. Its approach to this

task was inclusive but, just as the 1991 draft adopted by the Supreme Soviet of Georgia, short of the full “zero option” adopted in Moldova and Azerbaijan: Article 3.a required a proof of continuous residence in Georgia for 5 years before 1993. This effectively denied Georgian citizenship to people who could not prove continuous residence, mostly people in rural areas of Georgia (many of them ethnic Azeris) who did not happen to have residency stamps in their Soviet passports before 1993 or the loss of their information by the government (Bigashvili 2014; Gugushvili 2012:18). Naturalization for ethnic minorities was and remains problematic due to their lack of knowledge of Georgian.

A heated debate preceded the adoption of the law. Three projects were competing: one from the faction of Traditionalists, one from the Popular Front (both of these more ethnically minded and focused on the preservation of the Georgian *ethnos* and language) and one from the Judicial Committee of the Parliament, which was prepared by a wide group of legal experts, and was also more liberal and balanced (Minutes of Parliamentary Debates I 1993:11, 16). The result was a combination of the three projects into one (Minutes of Parliamentary Debates I 1993:49).

Even more heated was the debate on the possibility of dual citizenship, which was seen as favorable to Russian interests (Gugushvili 2012:4). The parliament decided against it. Article 32.d stated that the acceptance of another

citizenship leads to the loss of the Georgian one. Dual citizenship was, therefore, effectively prohibited until its return in 2004 as described later.

Even if unconditional *jus soli* was not used as a general principle of defining a Georgian citizen in this law and *jus sanguinis* reigned supreme, a closer look discerns two important *jus soli* elements. One used the legal principle for children of stateless people in Article 13, in line with international law practices. As observed earlier, in Moldova this legal norm appeared only in 1996, which testifies to the closer attention to the international law by Georgian legislators.

The second element is more peculiar and deserves attention. Article 14 described the birth of children from the parents who were citizens of other states and stipulated that the question of these children's citizenship "is decided by the legislation of the relevant state", quite a puzzling statement in itself. The analysis of the parliamentary debates clarifies the underlying logic. It was conceived that if the foreign country used (one presumes, unconditional) *jus soli*, the baby received Georgian citizenship since the parents' country would not recognize it as its citizen (the speaker used a hypothetical example of a child born of Brazilian parents). If the foreign country used *jus sanguinis*, then the baby became citizen of the other country (the example described a hypothetical child of "English" parents) (Minutes of Parliamentary Debates II 1993:56). This

article will be addressed further in Chapter 5.

B. The 2004 Dual Citizenship Amendment

In the 2000s, ethnic nationalism gave way to demographic, socioeconomic and, finally, political concerns to determine citizenship policy (Gugushvili 2012:1). By then, most ethnic minorities had left Georgia (except for the compactly populated Azeri and Armenian areas) or were residing in disputed territories and many Georgians emigrated. Mikheil Saakashvili proposed to reverse the brain drain by offering the projected one million of Georgian émigrés dual citizenship as one of his electoral campaign goals in the presidential elections of 2004 (Gugushvili 2012:9; Gularidze 2003).

After his election, the Constitution was amended to add Article 12.2, which allowed the president exclusive authority to grant Georgian citizenship to a citizen of a foreign country possessing “a special merit before Georgia” or out of “state interest”. A French-born, Salome Zurbishvili, became the first dual citizen of Georgia and served as the Minister for Foreign Affairs under Saakashvili. By 2012, about 36,000 dual citizenship applications were granted. About one third of them were by ethnically non-Georgians (Gugushvili 2012:10).

Yet during the last few days in office, Saakashvili announced granting 3,000 citizenships to “our flesh and blood” in Turkey creating media attention (Saakashvili Gives Citizenship to 3000 Georgians in Turkey 2013) and displaying an evident ethnic line in defining the Georgian nation.

At the same time, the Saakashvili government was committed to minority integration and combatting xenophobia. It focused on Georgian language teaching in minority schools and facilitating minority access to higher education. Saakashvili also liberalized the country’s immigration and visa regime giving most countries’ citizens the right to stay in Georgia for 365 days at a time, visa-free. 2004 also saw the creation of the Civil Registry Agency (CRA) under the Ministry of Justice. Its staff, selected on merit, took charge of citizenship matters in the spirit of fairness and transparency.

C. The 2014 Citizenship Law

The 1993 citizenship legislation had a number of flaws, some of which, such as vagueness and ambiguity in the *jus soli* principle, have been already mentioned. Another major flaw was its ultimate failure to drastically reduce or eliminate statelessness in the country. Many of such cases were among ethnic

minorities who could not prove continuous residency in the country before 1993 to be recognized as citizens or for 10 years to become naturalized (Gugushvili 2012:11) let alone their difficulty of passing the Georgian language requirement.

The Saakashvili administration enacted some helpful measures including shortening of the residency requirement for naturalization from 10 to 5 years in 2008. Still by the 2012 when the 1954 Convention on Statelessness entered into force in Georgia about 1600 people were stateless and about 4000 were at risk (ibid).

Due to this situation, UNHCR, UNICEF and CRA had been collaborating with the CRA to further reduce the number of cases of stateless (Gugushvili 2012:26; Minutes of Parliamentary Debates III 2014). As a result, a new law was drafted with the recommendations from this collaborative effort along with those of the Ministry of Foreign Affairs, the Presidential Administration, Ministries of Internal Affairs and agencies responsible for the occupied territories and refugees (Gugushvili 2012:27).

The refusal of Germany and France to recognize 3 babies born in Georgia to surrogate mothers in 2011-2013 as their citizens was another impetus for the adoption of the new Law on Citizenship in 2014 containing many more possible situations. In these cases, Article 14 had been duly used to “assign” citizenship by Georgian civil servants registering the baby’s birth. After this controversy,

Georgian authorities stopped indicating newborn's citizenship on their birth certificates leaving the entry blank (Bigashvili 2014). The result was the introduction in 2014 of unconditional *jus soli* for surrogates born in Georgia if the country of adoptive parents does not grant them citizenship (Article 10.b), which is close in the letter to Article 13 of the 1993 Law describing the birth to stateless people in Georgia. There were, however, other cases where cases of surrogacy have fallen into legal grey zones and more thought should be given to such children who can be easy victims of manipulations and wrongdoing, according to the Office of Ombudsman (Gedevanishvili 2014).

Article 14 of the 1993 Law described above was completely scrapped. The birth from foreigners on the territory of Georgia is no longer mentioned. From this perspective, 2014 saw the elimination of the last trace of unconditional *jus soli* from Georgian citizenship legislation (for the exception of the stateless and surrogates), a similar process that took place in Azerbaijan although for other reasons explored further.

As Georgia went through a change away from the presidential and toward a parliamentary political system, the power of the President to grant citizenship by exception was questioned and co-signing by the Prime Minister was suggested but, however, these powers of the President were left intact (Baramidze 2014). A major change also allowed to keep Georgian citizenship if

one acquired the citizenship of another state if the Georgian citizenship was obtained by presidential exception (Article 21.3). Age restrictions have been removed from birthright citizenship, it can be claimed at any age (Minutes of Parliamentary Debates IV 2014).

As the empirical work was being completed, Georgia replaced its citizenship law on April 30, 2015 fixing many shortcomings of the 2014 law. However, the use of *jus soli* did not change from the 2014 version.

Chapter 4. Frozen Conflicts and Politics of Territorial Citizenship

Chapter 4 addresses the impact of the frozen conflicts on citizenship and national identity politics of the three countries paying special attention to the politics of jus soli and territorial citizenship in general. Such impact was substantial but more indirect than originally theorized. It is better characterized as territorial integrity concerns than the attempt to reconnect to the population of the separatist conflicts, as the original hypothesis suggested.

In Moldova, it was the most direct: policy-makers attempted to use citizenship to recover the connection with the residents of Transnistria and prevent further separatism. In Azerbaijan, the focus was more on preventing new separatism on the borders with Russia and Iran rekindled by Turkization and not to reconnect with current residents of Nagorno-Karabakh. Academic debates have continued to search for the solution of the frozen conflicts in the ancient past, by establishing which ethnic group arrived to the territories in dispute first. The eventual resolution of the conflict, however, is bound to test the commitment to territorial nationalism. In Georgia, existing frozen conflicts in Abkhazia and South Ossetia only exacerbated ethnic nationalism leading to the widespread preoccupation with the extinction of the Georgian ethnos.

<i>country (year)</i>	<i>ethnic groups</i>
Moldova (2014)	Moldovan 75.1%, Romanian 7%, Ukrainian 6.6%, Gagauz 4.6%, Russian 4.1%, Bulgarian 1.9%
Transnistria (2014)	Moldovan 31.9%, Russian 30.4%, Ukrainian 28.8%,
Azerbaijan (2009)	Azerbaijani 91.6%, Lezghin 2%, Russian 1.3%, Armenian 1.3%, Talysh 1.3%
Nagorno-Karabakh (2009)	Armenian close to 100%
Georgia (2014)	Georgian 86.8%, Azeri 6.3%, Armenian 4.5%, other 2.3% (includes Russian, Ossetian, Yazidi, Ukrainian, Kist, Greek)
Abkhazia (2011)	Abkhaz 50.71%, Armenian 17.39%, Georgian 17.93%, Russian 9.17%
S. Ossetia (2007)	Ossetians 67.1%, Georgians 25%, Russians 3%, Armenians 1.3%, Jews .9%

Figure 7. Ethnic composition of post-Soviet countries with frozen conflicts.

Source: CIA Worldbook, except for Transnistria (*Encyclopædia Britannica.com*),

Abkhazia (UNPO.org) and S. Ossetia (Gutenberg.org).

Some scholars see the current territorial conflicts in the post-Soviet space, namely Transnistria in Moldova, Nagorno-Karabakh in Azerbaijan, Abkhazia and South Ossetia in Georgia as set up by Moscow in order to reverse the dissolution of the Soviet Union (Nassibli 1999:54), an opinion shared with many, if not most, of my interviewees. Russian imperialism is widely recognized in the three countries under study as the successor to the Bolshevik imperialism, which had set up autonomies within union republics as “mines of delayed action” (Gachechiladze 1997:57). While scholars still debate whether drawing borderlines without respect for ethnic populations was deliberate or circumstantial, it is clear that it led to numerous interethnic conflicts that rekindled as the Soviet Union disintegrated (Artman 2011:25) (see the ethnic composition of the cases under examination in Figure 7).

There is also growing awareness that what Charles King popularized as “frozen” (2001:525) conflicts may soon reignite and become wars as countries that benefit from them geopolitically shift strategies (Russia’s strategy may shift quickly if its conflict with the West gets worse) in the face of international organizations’ inefficiency. Pressure for the normalization of the situation may also rise from the generation of people who have come of age inside the conflict areas. The *status quo* may no longer be sustainable. The very existence of these

pockets of instability has been destabilizing the region and the whole world (Курдиани 2009:16–18). Transnistria, the frozen conflict in Moldova, has been singled out as some analysts suggest that Russia has changed its goals there aiming for its eventual annexation (Secrieru 2015).

Russia's liberal citizenship regime leading to mass passportization of residents of Transnistria, Abkhazia and South Ossetia and Nagorno-Karabakh's residents' access to Armenian citizenship have led to a new political reality: territories belonging *de facto* to one state and *de jure* to another (Kakachia 2000). Russia's citizenship policy has been an effective foreign policy and geopolitical tool. Access to Russian and Armenian citizenship thus perpetuates the conflicts putting the keys to their resolution into Russian hands (Armenia depends on Russia militarily).

While on the surface these conflicts are symmetrical, the relations of the territories to their former countries (Moldova, Azerbaijan and Georgia) and to those that militarily support them (Russia and Armenia) are not the same. Transnistria remains connected to Moldova economically, geographically and through links of citizenship. It has a considerable population of ethnic Russians (and ethnic Moldovans) but is not territorially connected to Russia and has little influence on affairs in Russia itself (although this could change if the issue of its annexation arises).

Nagorno-Karabakh is populated by ethnic Armenians and is now *de facto* connected to Armenia proper. It remains completely cut off from Azerbaijan. In fact, the war in Karabakh can be classified as the fight for statehood following the classic model of ethnic nationalism (in this case, Armenian) seeking to align ethnicity and the political unit (Gellner 1983). It is not unlike what Azeris would be facing had they tried to reunite with Azeri-populated areas of Iran. The “Karabakh faction” remains influential, if not dominant, in internal politics of Armenia itself. In January of 1998, for example, most of Armenian leadership resigned due to its pressures (De Waal 2013:271).

Abkhazia is populated by an ethnic group contained there while South Ossetia shares the ethnic group with Russia’s North Ossetia. Abkhazia maintains a border crossing with Georgia although its connection to Georgia is nothing like that of Transnistria to Moldova where population and goods flow almost freely in both directions. Despite these differences, the rebels were victorious militarily in all these conflicts, remain in control of their territories, have set up effective governments making a return to the initial situation hard to imagine (King 2001:526).

There is no doubt that Russia has played a key role in the origin and *status quo* of the frozen conflicts (Dov 2002:845). Russia’s relentless pressure on the three countries used the promise of the eventual restoration of territorial

integrity to bring Moldova, Azerbaijan and Georgia into its orbit as members of the Commonwealth of Independent States (CIS) (Hill and Jewett 1994:65). The West, on the other side, has promoted the rights of minorities specifically in the desire to minimize the potential for Russia's interference by the use of minority grievances (Hill and Jewett 1994:88–89). In other words, both human rights and minority rights come second after geopolitical interests.

Russia's military and diplomatic pressure as well as its expansive citizenship policy toward the residents of frozen conflicts (and now to the three countries themselves) has kept Moldova, Azerbaijan and Georgia firmly mired in the "buffer" between the West and Russia.

1. Moldova: Transnistria's Territorial Impact on Citizenship Policy



Figure 8. Moldova with Transnistria. Source: *The Economist*, June 30, 2005.

Most (with some exceptions including Transnistria) of Moldova's territory was part of Romania between world wars. Moldovan nationalism during the Soviet times saw reunification as one of its potential goals. Many of ethnic Russians and Ukrainians living in Transnistria (see Figure 8) were alarmed at the pan-Romanian activities of the Popular Front in the late 1980s. This anxiety culminated in Transnistria's refusal to abide by the Language Law of the 1989. The Law named Romanian as the sole official language of the country and transferred it to the Latin script (Ciscel 2010:20) widely alarming those who spoke only Russian (Burian 2011:107), the majority of them in Transnistria. In response to the legislation, Transnistrian regional government declared the

Transnistrian Soviet Socialist Republic in 1990 and demanded a confederate government in Moldova as the latter declared its interdependence from the USSR in 1991 (Roper 2005:502).

At first, Transnistria reacted to the new language laws and the threat of unification with Romania but later the separatist movement acquired an anti-democratic political culture (King 1994:360). The 1989 language laws were reversed in Transnistria where the “only other language reform to Soviet-era policy” has been the recognition of Ukrainian as an official language alongside Moldovan and Russian (Ciscel 2010:20). However, the language issue may have been used by Gorbachev’s government in Moscow to prevent Moldova from joining Romania with the help of two “anchors”: independent Transnistria and independent Gagauzia, the latter proclaimed at the same time (Burian 2011:110) but soon reunited with the rest of Moldova.

As Romanianism (an ideology based on the belief that Moldovans and Romanians are the same people, and, therefore, need to be politically united) gained ground in Moldova in 1992 with the transition to the Latin script, Transnistria declared its succession from Moldova with Russian diplomatic and military support (Iordachi 2004:250) after a few military clashes between Moldovan and Transnistrian forces. With a significant 40% of the population of ethnic Moldovans in Transnistria and with only 10-12% of the population of

Moldova desiring the unification with Romania, this was seen as an artificial conflict by Moldovan politicians (Burian 2014). They saw the region as an integral part of Moldova both due to its ethnic composition and Moldova's proclaimed desire to remain independent (and thus, not to antagonize the population of Transnistria).

Since then, Transnistria has cultivated a separate Transnistrian identity through an educational system politically oriented toward Russia (Roper 2005:503). Interestingly, even the nationalist Popular Front of Moldova promulgating the unification with Romania, recognized Transnistria's distinct culture and history: the region had indeed been part of the Russian Empire for a long time as opposed to the rest of Moldova. Popular Front's project of the "Great Romania" included Moldova, parts of Ukraine that were included previously in the Moldovan Principality but not Transnistria (Burian 2011:107).

Ever since its independence, Moldova has been under constant pressure from Russia, which pursued its strategic goals of keeping the country in its sphere of influence and away from the union with Romania by the maintenance of military presence in Transnistria (Hill and Jewett 1994:61). While originally, it presented its goals as the protection of Russian-speakers, it became increasingly clear that Russia is pursuing its own goals such as the federalization of Moldova as means of maintaining its influence in the region. Just like Georgia, Moldova's

eventual decision to join the CIS was a “clear capitulation” to Russia in the goal of regaining the country’s territorial integrity that Russia offered as a “carrot” (Hill and Jewett 1994:63–64).

As the parliament of Moldova debated citizenship legislation in 1991, the brewing conflict in Transnistria was clearly on the minds of policy-makers and contributed to a more territorial concept of citizenship (Burian 2014; Petrache 2015; Snegur 2015). The Soviet authorities also used the threat of separatism to pressure Moldova. As Moldova was pushing for the signature of the new Union Treaty, the Speaker of the Supreme Soviet of USSR Anatoly Lukyanov warned it not to push too hard if it wanted to retain its territorial integrity alluding to Transnistria (Petrache 2015). Former communists, who led Moldova to independence, also sought the votes of Russian speakers who favored a more inclusive citizenship law (Solonari 2014).

As Transnistria declared independence, a key policy-maker of the time presented the argument to the MPs that the *jus soli* legislation declaring anyone born on the territory of Moldova its citizen was the only tangible legal link between Moldova and Transnistria (Sidorov 2014). Moldovan politicians, therefore, were already aware of unconditional *jus soli*’s potential to reconnect to the residents of the separatist territories, even if it did not become law at the time (it was used only to delineate the initial body of Moldovan nation).

While unconditional *jus soli* only appeared in 2003 by an unintentional oversight, when asked today, top immigration officials perceive it as a deliberate policy to reconnect to the residents of Transnistria because it has accomplished this perceived goal (Donia 2014; Tacu 2014). As the usefulness of unconditional *jus soli*'s for that purpose became apparent, Moldovan authorities capitalized on it by offering first-time Moldovan citizenship applications free of charge to Transnistrian residents in 2005. A surge in citizenship applications among Transnistrians followed: most of the 250,000 Moldovan citizens residing in Transnistria (as of 2014) claimed their citizenship in 2005 (Donia 2014). Figure 9 makes illustrates the dramatic impact of this development as citizenship by recognition²⁰ appeared after 2003.

²⁰ "Citizenship by recognition" refers to access to citizenship without any special conditions (such as language requirements and etc.) as in citizenship by naturalization.

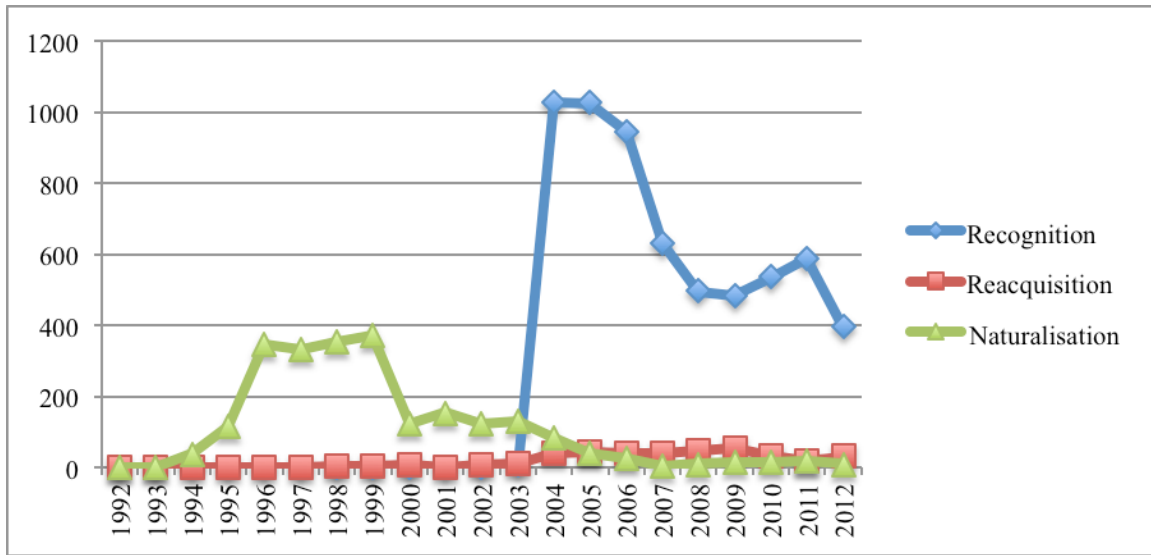


Figure 9. Acquisition of Moldovan citizenship (1992-2012). Source: The ministry of Information Technology and Communications of the Republic of Moldova (Gasca 2012).

Georgian officials responsible for the policy toward separatist regions admire Moldova's efforts to promote its citizenship among residents of separatist territories and its use of *jus soli* (Tangiashvili 2014). As of 2015, given the attractiveness of Moldovan passport with visa-free travel in Europe, that started in April of 2014, most of Transnistrian residents are also citizens of Moldova (Ohotnicov 2015).

It has been also argued that Moldova used territorial nationalism policies to balance out the "pan-Romanianist zeal", which had spurred Gagauz and

Transnistrian separatism. In this case, an important parallel can be drawn to the territorial nationalism policies of Heydar Aliyev in Azerbaijan. Underlining the “multi-ethnic nature” of the nation was one element of this strategy together with an inclusive citizenship law of 1991. Yet the territorial concept of Moldovanness has also had to fight with the ethnic one (King 1994:362–363, 365). The lasting widespread confusion about the nature of the Moldovan ethnic and, by extension, national identity is the topic of the next chapter.

Observers warn that Transnistria could become the next Crimea given its Russian orientation and multiple pro-Russian referendums – the one in 2006 revealed that 97% of the people polled wished to join Russia (Wentworth 2014:2). Russian passportization after the Crimean events reportedly intensified with currently about 200,000 of the 500,000 Transnistrian residents holding Russian passports versus 300,000 Moldovan and 70,000 Ukrainian (Secieru 2015).

In summary, the frozen conflict has contributed directly and indirectly to Moldova’s territorial concept of the nation, primarily by the desire to connect to its residents through a link of citizenship. Moldova’s unconditional *jus soli* was unintentional but the government was able to capitalize on it and passportize the majority of Transnistria’s residents.

2. Azerbaijan: Nagorno-Karabakh's Territorial Impact on Citizenship Policy



Figure 10. Azerbaijan with Nagorno-Karabakh. Source: *The Economist*, Septmeber 6, 2014.

Azerbaijani scholars point out that originally, the Karabakh Khanate entered the Russian Empire populated mostly by the Azeris – an 1823 census showed them to be 78% of the population and Armenians 22%. Armenian-Azeri

tensions flared by the beginning of the 20th century when the oil boom in Azerbaijan attracted massive Armenian immigration and finally resulted in an all-out "Tatar(Azeri)-Armenian War" of 1905 (Swietochowski 2002:105).

By 1916, the Armenian share of the population went up to 41%, by 1920 to 94 %. While the Russian Empire had attached the khanate to the Baku province in 1846, there were attempts to transfer it to Armenian control as early as 1905 and 1920 (Brown 2004:580; Nassibli 1999:52).

After the Bolshevik Revolution of 1917, the Transcaucasian Federation (encompassing Azerbaijan, Georgia and Armenia with some border areas in today's Turkey and Russia) was declared only to become a battlefield between the Bolshevik and foreign (mostly British) troops. As it disintegrated, the British supported the inclusion of Nagorno-Karabakh into the independent Azerbaijan. The Bolsheviks, however, initially allocated it to Armenia in 1920 together with Azeri-populated Nakhichevan but in 1921, Stalin ensured its transfer to Azerbaijan possibly as a concession to Turkey or following his policy of dividing ethnic groups into separate polities. Armenian authorities worked tirelessly on what they saw as the return of the province throughout the Soviet history (Cornell 1998:53).

Starting with a clash in 1987 when the Armenian villagers in Nagorno-Karabakh refused to accept the appointment an Azeri collective farm director, a

sequence of events led to the unilateral decision of the Armenian Supreme Soviet to annex the territory soon to be followed by partisan support and an outright military conflict in 1991. On September 2, Nagorno-Karabakh declared independence and occupied the territory of the Azeri-populated Shaumianovsk district.

As the Soviet Union dissolved and an outright war erupted, Azerbaijan lost its control of the region (see Figure 10) and had to accept over 1.2 million Azeri refugees including 300,000 from Armenia proper (Cornell 1998:56). Azerbaijan admitted the refugees to citizenship, causing the loss of their refugee status and the opportunity to stay registered with (and, therefore, receive aid from) the UNHCR. Armenia didn't automatically admit the refugees from Azerbaijan to citizenship, which, Azerbaijani analysts point out, gives it more weight in conflict negotiations: Armenia can thus claim to have a bigger refugee problem (Nasirli 2015) The review of the parliamentary debates reveals that Azerbaijani lawmakers understood the implications of this move but were successfully persuaded by the UNHCR to admit refugees to citizenship (Minutes of Parliamentary Debates 1998:659–664). Given this development, it is striking that such generosity didn't spread to Azeri Georgians. The details and reasons for this will be explored later in the dissertation.

The United Nations delegated its authority in this conflict to OSCE

(previously called CSCE), which did little to assert the pro-Azerbaijani position it adopted during the Lisbon Summit of 1996 (Cornell 1998:57). The United States supported Armenia due to its influential Armenian lobby. It passed the Freedom Supports Act in 1992 against Azerbaijan. Russia also pursued a pro-Armenian policy. It saw Armenia as the only ally in its goal to keep Russian influence in the Caucasus in the face of nationalistic policies of Gamsakhurdia in Georgia and Elcibey in Azerbaijan, both refusing to join the Russian-led Commonwealth of Independent states. Russia's strategic goals in the region included maintaining Azerbaijan and its oil fields in the Caspian Sea in its sphere of influence as well as limiting that of Turkey and Iran (Hill and Jewett 1994:10). Iran supported Armenia fearing for its territorial integrity due to potential Azerbaijan irredentist claims to Iranian Azerbaijan (Shaffer 2002:155; Cornell 1998:57–59). In this situation, Turkey was the only major ally of Azerbaijan in this conflict, which led to important consequences to the concept of Azerbaijani national identity in the works.

A. The Rise and Fall of Pan-Turkism

Azerbaijan's President Abulfaz Elcibey called Nagorno-Karabakh an

“eternal Turkish territory” when meeting with the Prime Minister of Turkey, calling on Turkey to provide support in the war against Armenia (Brown 2004:582). And indeed, Turkey was the only country that consistently supported Azerbaijan in this conflict joining it in its embargo of Armenia but falling short of military assistance. Turkey was dragging its feet in getting more involved in Nagorno-Karabakh for a variety of reasons: it still faced repercussions for its involvement on the side of the Turks in Northern Cyprus in 1974; it was hesitant to further antagonize Armenia, which was open about its claims to Turkish territory; it received a considerable pressure from NATO, EU and Russia to stay neutral in the conflict. Armenia was also making attempts at the normalization of bilateral relations and pleaded for help on humanitarian grounds, which resulted in a deal signed in November 1992 to provide Turkish electricity to Armenia. This deal raised indignation in Baku and reignited the already very critical domestic public opinion in Turkey impatient at the government’s hesitation to help Azerbaijan. The deal was quickly canceled and Ankara was getting close to making a more decisive entrance into the conflict (Cornell 1998:51, 62–66).

More importantly, Turkish support came at the price of a major cultural influence on Azerbaijan. Turkey was able to yield a considerable pressure to bring Azerbaijani national identity toward Turkization (Cornell 1998:51) in the spirit of Pan-Turkism, or the unification of Turkic peoples. This culminated in

renaming the Azerbaijani language into Turkish in 1992. In this period, Turkey broadcasted its state and private television channels in Azerbaijan and made available Turkish-language newspapers. It also assisted Azerbaijani transition to the Latin script (used in Turkey) and sent books and typewriters. President Elcibey even reportedly was going to accept a federation with Turkey (Cornell 1998:60). It also proposed an alphabet modification such as eliminating certain vowels from the Azeri script to make it identical to the Turkish one (Nasirli 2014).

As a military coup ousted Elcibey from power in June 1993 and brought Brezhnev-era leader Aliyev back to power, Azerbaijan's pro-Turkish stand soured. Aliyev canceled many agreements signed with Turkey by Elcibey, required Turkish nationals to seek visas to enter the country and returned home 1,600 military experts from Turkey (Cornell 1998:62–66). Pan-Turkist policies under Elcibey also stirred ethnic separatism of non-Azeri ethnicities, so the backlash against it under Heydar Aliyev led to deliberate de-ethnization of state policies and the emergence of the territorial concept of the Azerbaijani nation (Aliyev 2014).

From the angle of Turkization, the conflict in Karabakh and Turkey's key role as Azerbaijan's only major international ally led to the rise of ethnic nationalism but also contributed to its quick demise as new separatist threats jeopardized the country's territorial integrity further. The territorial concept of

the nation made a spectacular victory, as will be elaborated later in the dissertation.

B. Academic Battles over Karabakh: Seeking the Nation's Origins

The armed conflict with Armenia and the loss of Nagorno-Karabakh led to soul-searching on the origins and the meaning of the Azerbaijani nation. The conflict accelerated the formation of national consciousness in Azerbaijan (Aliyev 2014) resulting in the crystallization of the Azerbaijani nationalism as we know it today (Landau and Kellner-Heinkele 2011:22). Additionally, since it was seen as a national and not merely an Azeri conflict, it added to the non-ethnic understanding of national belonging (Aliyev 2014) and solidified the perception of the Azerbaijani nation as one based on territorial boundaries (Tokluoglu 2005:726). This adds an additional implication to the loss of Nagorno-Karabakh – that of defining and redefining the nation (Landau and Kellner-Heinkele 2011:22).

This search for identity centered on Karabakh has a long history that long pre-dated Azerbaijani independence. During the Soviet times, issue of Nagorno-Karabakh could not be raised openly but resurfaced on the level of academic

debates. The argumentation sought to establish which ethnic group, Azeri or Armenian, was a more direct descendant of the Caucasian Albanians, the presumed original inhabitants of Transcaucasia, and, therefore, the rightful owner of Nagorno-Karabakh (Dudwick 1990:378; Shaffer 2002:158).

The Armenian version claimed that the Persian Sassanid rulers added the territory of Armenian-populated Utik and Artsakh (somewhat corresponding to today's Nagorno-Karabakh) to Albania only in 428 AD. It then became the platform for the eventual Armenianization of Albania as the state and literary languages became Armenian and the population intermixed. The Azerbaijani version admitted that the territory was briefly part of the "Greater Armenia" but stressed that Armenians were latecomers to Transcaucasia long before populated by Albanians linked to Azeris by blood link. It argued that by 66 BC, the territory was already returned to Albania, whose collective identity was later destroyed by the Armenian clergy, which imposed the Armenian language in liturgy and literature (Dudwick 1990:379–380).

This debate is an excellent illustration of the weight that ancient history bears upon the search for legitimacy in territorial disputes in PSS. In ethnic nationalist mindset, history is the ultimate judge. It also reveals how much today's national consciousness depends on the interpretation of history (Dudwick 1990:380).

In 1997, a discovery of ecclesiastical manuscripts in the Albanian language at the Monastery of St. Catherine on Mt. Sinai (Aleksidze 1999; Aleksidze and Blair 2003) confirmed the existence of Albanian literature before the Armenian domination. This helped the Azerbaijani version. Soon, thereafter, however, genetic studies revealed that Armenians and Azeris group together with the rest of the population of the Caucasus and not with their respective linguistic groups, Indo-European and Altaic – the languages were imposed on the existing population by the process of “elite dominance” (Nasidze and Stoneking 2001:1197, 1203–1204). In other words, these studies, seen nothing less than shocking and scandalous in both countries at war with each other, suggested that there was little genetic difference between Armenians and Azeris, and, hence, both ethnicities relate to Albanians and their history in the same way.

The history of Caucasian Albanians, and especially of the Albanian autocephalous church, is an important part of the historical discourse in Azerbaijan today (Aliyev 2014). It laments Russia’s decision to abolish the Albanian church absorbing its property into the Armenian one and the Armenianization of remaining Christian Albanians.

There is an additional complication that Nagorno-Karabakh presents to

the territorial concept of the nation in Azerbaijan. If *jus soli* is the cornerstone of this concept, it is not clear how to resolve the eventual citizenship status of Armenians who were born on the territory of Azerbaijan (including Nagorno-Karabakh) and, therefore, have a claim to the country's citizenship and real estate properties. Such cases have been already brought up in European courts. Any possible settlement of the frozen conflict will lay on the table the return of refugees and *jus soli* will then become the main tool to distinguish between ethnic Armenians connected to Azerbaijan and those who are not (Gadirli 2014).

In summary, the frozen conflict initially sparked ethnic nationalism and reignited academic debates about national origins, but later, as the need to prevent further separatism prevailed, the search for national identity culminated in the territorial nationalism that Azerbaijan has remained committed to this day. Unconditional *jus soli* was an integral part of this strategy until 2014.

3. Georgia: The Fear for Ethnic Survival



Figure 11. Georgia with Abkhazia and South Ossetia. Source: *The Economist*, May 24, 2011.

The 1991-2 military conflict in South Ossetia and the 1992-3 one in Abkhazia resulted in Georgia's loss of control over these territories and an exodus of ethnic Georgian population (Gugushvili 2012:5) despite of a long history of ethnic co-habitation (Abashidze 2014).

Abkhazia's history stands out among other frozen conflicts. In 1921, Abkhazia was given a "union republic" status just like Georgia but was later included into Georgia by the "Georgian Stalin" (Cornell 2005:136) in 1931 (see the chapter on Abkhazia). The origins of Abkhazia, both ancient and recent, and especially the numerous campaigns to Georgianize Abkhazia in the 1930s-

1950s became a matter of scholarly and public debate at the end of the Soviet times. In 1989, an open letter published by a British academic called on Georgia to respect ethnic minorities and earned its author a life-long ban on entering Georgia (Hewitt 1989:3–4).

South Ossetia, the second frozen conflict in Georgia, is seen by Georgian nationalists as an artificial Soviet creation, another “ethnic mine” (Adamia 2015; Chheidze 2015). There is no doubt that Russia “seized the opportunity to manipulate” these conflicts to support its strategic objectives of maintaining access to the Black Sea and military bases in Abkhazia. While Russia probably didn’t initiate the current frozen conflicts in Georgia, it certainly took full advantage of the explosive situations (Hill and Jewett 1994:46, 48–49).

The desire to regain the lost territories of Abkhazia and South Ossetia was the reason for Georgia’s eventual membership in the Russian-led Commonwealth of the Independent States: Georgia was the last of the 12 non-Baltic members to join (Gachechiladze 1997:58). While current Russian policy of integration with Abkhazia is obvious – some analysts have called it a “Russian province in every way but its name” (Cooley and Mitchell 2010:74) in the aftermath of the 2014 Agreement on Alliance and Integration between the two, it is important to note that for the majority of the 1990s Russia did not support Abkhazia’s secession (Frear 2015). At the same time, the United States has

sought to spread its political influence to the Russian borders by attempting to align with governments of post-Soviet states. Abkhazian political leadership points to such US policy as an important factor preventing the resolution of the Georgian-Abkhazian conflict (Tania 2016).

The 1993 Citizenship Law was to aid the country's main political goals: preventing further loss of territory and the preservation of ethnic Georgians as a nation (Gugushvili 2012:28). The desire to maintain the legal link to the residents of frozen conflicts was done not through *jus soli* legislation, as in Moldova, but by automatically counting them as *de jure* Georgian citizens (based on their place of continuous residence on the territory of Georgia at the time of independence) in the vain hopes that they would eventually obtain Georgian identification documents (Gugushvili 2012:6; Mühlfried 2010:9). As described in more detail in the next chapter, *jus soli* was seen as beneficial to Russian interests, and, therefore, threatening the survival of the nation and the state.

The law established the initial body of Georgian citizens not by a "zero option", as say, in Moldova, where all residents at the time were admitted, but requiring 5 years of continuous residency. Residents of separatist territories were counted as citizens (and, therefore, subjects to obligatory conscription) unless they renounced within 6 month in writing (Article 3.a of the 1993 Law). The original rule requiring one to obtain a document proving citizenship was

scrapped in order to include the residents of separatist territories since they had no means of potentially obtaining such proof (Artman 2011:117–118; Gugushvili 2012:5–6). As a result, the final version of the law gave the residents of the two territories no possibility to formally refuse Georgian citizenship even if they wanted to (Artman 2011:118).

Reviewing the debates of the 2003 Citizenship Law demonstrates that this policy making was not so linear: there was a repeated concern about freely giving out citizenship to inhabitants of frozen conflict who, most likely, would not even want it (Minutes of Parliamentary Debates I 1993:42). Ethnic nationalist MPs were overwhelmed with the concern for the survival of the Georgian ethnos and its nation-state in the aftermath of the *de facto* loss of Abkhazia and South Ossetia, which they perceived as caused by Russia. They deemed Javakheti, populated by ethnic Armenians, and Kakheti, populated by ethnic Azeris, to be next in line of the Russian plan to dismember and control Georgia (Kupreishvili 2014). No concessions to provide minority rights to Azeris and Armenians in Georgia were made during the early 1990s, compared to, say, Azerbaijan where the territorial concept of the nation targeted precisely separatist-minded national minorities.

By then, Javakheti was effectively outside of the Georgian government control and the Azeri-populated areas experienced episodes of interethnic

violence in 1989 in the aftermath of the demands presented by the administration of Marneuli, Bolnisi and Dmanisi districts for the creation of the Borcali autonomous area. Georgian public opinion saw these and other demands for the federalization of Georgia as “time bombs” planted by Moscow and the populations of these areas as “hostages to function as the fifth column” (Кухианидзе 1997). Policy makers were wary that KGB could press buttons and detonate these mines (Kupreishvili 2014). Azeri minority leaders interviewed, however, think that the Borcali autonomy was a possible provocation from KGB and say they never questioned their loyalty to Georgia (Bayramov 2014).

At the same time, ethnic nationalists argue that the conflict in Abkhazia was the main reason for Georgia not going the Baltic way and limiting its initial body of post-Soviet citizens by ethnicity (Ninidze 2014). Even if the law didn't use *jus soli*, it did cover the residents of separatist territories as described above in a tilt toward territorial and away from the ethnic interpretation of the nation. The latter, however, has remained overwhelmingly strong to this day, as will later be demonstrated.

Since then, Russia has played a crucial role in citizenship politics between Georgia and its separatist regions. In 1992, South Ossetia filed a petition asking Russia to grant its residents Russian citizenship. Russia declined in respect for the territorial integrity of Georgia. After 2002, however, as mentioned

previously, Russian citizenship became accessible to former citizens of the USSR (Gugushvili 2012:8). The laws of the two *de-facto* states were adjusted to allow for dual citizenship with Russia. South Ossetian Citizenship Law²¹ allows dual citizenship and specifies the right to obtain Russian citizenship. The Abkhazian Citizenship Law²² also specifically allows dual citizenship with Russia. Pensioners from these territories were granted Russian state pensions in a move that singled them out from similar cases elsewhere (Mühlfried 2010:9).

As a result, by 2005, 80% of the Abkhazia's population obtained Russian passports (Abkhaz Leader Speaks of Relations with Moscow, Tbilisi 2005). Similarly, up to 90% of South Ossetians currently have Russian passports (Natoli 2010:392; Tangiashvili 2014). Georgia has continuously criticized Russia's citizenship policy calling it "hidden annexation" (Gugushvili 2012:8). Yet it has done little to make its citizenship more attractive to the residents of frozen conflicts as it was done in Moldova.

Georgia continues to issue passports to residents of these territories even if there is little demand. Some 40,000 Georgians remain in Abkhazia (Tangiashvili 2014). Just like in Moldova, the government's goal is to distribute as many Georgian passports as possible to the residents of occupied territories.

²¹ The Constitutional Law of the Republic of South Ossetia "On the Citizenship of the Republic of South Ossetia" from August 29, 2006.

²² The Law of the Republic of Abkhazia № 1168-c-XIV "On the Citizenship of the Republic of Abkhazia" from November 8, 2005.

The Georgian agency responsible for separatist territories admires Moldovan citizenship policy, which uses unconditional *jus soli* in the hopes to secure links of the residents of the separatist territories to the country and even sets up passport agencies at border crossings.

The agency officials are preoccupied, however, that if Georgia were to follow such practice, it would need to sort out who was the original resident of separatist territories and who came later, as many Armenians have reportedly moved to Abkhazia. Abkhazia has now as many as 60,000 Armenians, most of which moved there after the conflict, around the same number as ethnic Abkhaz. Currently, residents of Abkhazia and South Ossetia have to prove in courts their residence in Georgia before the conflict in order to obtain Georgian citizenship, as opposed to proving the fact of birth within the borders of newly-independent Georgia, as *jus soli* would have allowed them to. About 600 Abkhaz residents have thus become Georgian citizens, mostly business people who frequently travel to Turkey (Tangiashvili 2014).

Georgian politics, and especially its foreign policy, are driven by frozen territorial conflicts to a much larger extent than in Azerbaijan and Moldova: Georgia had multiple military engagements in Abkhazia and South Ossetia (the separatist tensions in the region of Ajar have been suppressed), including the aforementioned war with Russia in 2008. Ethnic tensions remain high in the

areas compactly populated by Armenians and Azeris. It is no surprise that Georgian foreign policy is largely driven by relying on West against Russian encroachment in its frozen conflicts (Kakachia 2012:4). Territorial integrity is listed as number one in the list of national values of Georgia in the officially adopted National Security Concept (National Security Concept of Georgia 2015).

The possible return of ethnic Georgians to Abkhazia remains an important controversy – about 250,000 of them took refuge in Georgia during the war of Abkhazian independence. If they are allowed to come back, it will signal the end of Abkhaz independence as they will be more numerous than the Abkhaz, if not – it means an Abkhaz state “based on ethnic cleansing” (Cooley and Mitchell 2010:78).

To summarize, the impact of frozen conflicts on Georgian citizenship policy was largely ethnic. The loss of Abkhazia and South Ossetia shocked the country and created panic about the possible disappearance of Georgia as a state together with its ethnos. In such circumstances, ethnic nationalist mindset prevailed. Residents of Abkhazia and South Ossetia were counted as Georgia’s citizens without making Georgian citizenship attractive to them. Little concession was made to Azeri and Armenian national minorities in the fears of further

separatism. Continuous residency became a condition of obtaining citizenship and *jus soli* was rejected.

Chapter 5. The Weight of History

Chapter 5 describes the significant impact of historically-constructed concepts of national identity on the politics of jus soli and territorial citizenship in general in Moldova, Azerbaijan and Georgia. These concepts stretch often into premodern times and testify to the degree that history matters greatly for the politics of both national identity and citizenship, even in such new states with practically no history of independent statehood, such as Moldova and Azerbaijan. In all three cases, historical concepts of national identity weigh heavily on today's politics of national identity and citizenship: centuries of ethnic consciousness in Georgia led to the rejection of territorial nationalism and jus soli while the lack of differentiated ethnic consciousness in Moldova and Azerbaijan have led, directly or indirectly, to the opposite results – widely-accepted territorial concept of the nation and unconditional jus soli.

Culture and ideology, especially in the PSS where national identity is so important, largely impact state behavior (Kakachia 2013:41). Ethnic nationalism in this region and historical national identities are often steeped in the history of common ancestry. In the case of Georgia, its national identity goes back to the collective memory of the survival as Christians surrounded by Muslim invaders,

which bore the myth of the messianic role of Georgia in history continued to this day. But even in the cases of Moldova and Azerbaijan, we can speak of impactful historical factors that weigh onto today's concepts of national identity. In these two cases, historical factors prevented fully-fledged development of ethnic consciousness and thus facilitated territorial nation-building once these countries became independent. Georgia, on the contrary, was able to develop a strong ethnic consciousness whose roots go back as far as antiquity when the "myth of election" was born later to be reinforced during the Russian and Soviet periods. This chapter goes beyond the importance of historical national identity for citizenship laws suggested by Brubaker (1990) by arguing that systemic historical factors are influential even in new states with no history to speak of, such as Moldova. Moreover, they are often rooted in premodern history.

1. Moldova: An Ambiguous Nation

A long history of changing borders, switching empires, population relocations and, finally, a long period of Russification and decades of Sovietization have led to a sense of transiency and vagueness in Moldovan collective identity, especially in its relation to that of the Romanians. These

historical factors explain the relative weakness of ethnic consciousness among Moldovans and the attractiveness of the territorial concept of the nation from the very beginning of Moldovan statehood (Burian 2014). It is peculiar that, in contrast to Georgia, where the Orthodox Church reinforces the ethnic concept of the Georgian nation, in Moldova, Orthodoxy has been a pacifying element contributing to a more territorial concept of the nation due to its commonality to most ethnic groups on Moldova's territory (Sidorov 2014).

A. Shifting Borders and Populations

Scholars have qualified Moldovan national identity as contentious and not well-established compared to other post-Soviet ones (Cisnel 2010:14), which is explained by particular historical circumstances.

The Moldovan Principality, whose name refers to, most likely, a river (Deletant 1986:190) – already a territorial element – was founded in 1359 when Prince Bogdan I revolted against a Hungarian king (Burian 2011:104; Deletant 1986:190–191). The Moldovan collective consciousness can be tracked back to the 15th century -- when Moldova became a major Eastern European power -- but from the very beginning its development was complicated by the

geographic location at the fault line between Slav, Latin and Turkic peoples and their states, and Orthodox, Catholic and Muslim religions (ibid).

By 1538, the country became a vassal of the Ottoman Empire. In 1775, Austria annexed the Northern part of Moldova known as Bukovina, in 1791 – Russians annexed the territory of today's Transnistria, largely populated by Moldovans but never a part of the Principality. The separate history is a major factor in Transnistria's claim to a separate collective identity from the rest of Moldova. In 1812, the Ottomans yielded to Russia the area between the Prut and Dneestr rivers, from then on known as "Bessarabia". The region then experienced a series of resettlement waves by ethnic Russians, Ukrainians, Jews, Germans as well as the Turkish-speaking but Orthodox Gagauz leaving Turkish-occupied territories (Crowther 1991:185). In 1859, the remaining Moldovan Principality joined the neighboring Wallachian one to form what became known as "Romania", an invented name glorifying the historical connection to Ancient Rome.

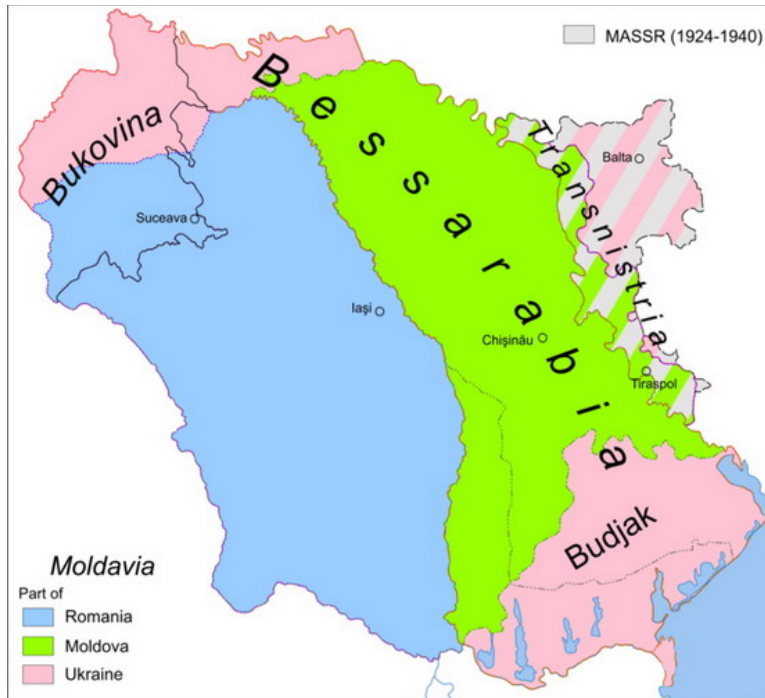


Figure 12. Historical Moldova (with Transnistria) and current state borders.

Source: Axatravel.ro.

In 1918, the Moldovan Republic of Bessarabia became independent but was soon was occupied by Romania (Burian 2011:106; King 1994:346–347). Bucharest did not treat Bessarabia well (King 1993:136) and a separate, non-Western, collective identity persisted in the region (King 1994:348). The population consisted of Jews and Russians in urban areas and Moldovan peasants who identified strongly as “Moldovans” and their language as

“Moldovan” as opposed to their counterparts in Bukovina, by then also part of Romania, who did develop a Romanian identity (Livezeanu 2000:90–92).

Transnistria remained part of the Soviet Union renamed as Moldavian Autonomous republic (MASSR), with an eye on the eventual reunification with Romanian-held Bessarabia, under the Soviet control (King 1998:60).

Transnistrians, like the residents of Eastern Ukraine, identified massively as belonging to the “Soviet” national identity as opposed to Moldovan or Ukrainian by the time of the dissolution of USSR in the 1990s (Kolossoff 1999:73).

In 1940, the USSR annexed Bessarabia, united it with MASSR and elevated the republic’s status to union republic to underline that Moldovans were ethnically different from Romanians (King 1994:347–348; Патрашко 2010). The Soviet nationality theory explained that history split the Volochi into Southern and Northern. The former interacted with the South Slavs and are now Romanians; the latter became Moldovans through the interaction with the East Slavs ((Meurs 1997:113) cited in (Cărauş 2001:29)). As Romania aligned itself with Nazi Germany, the Romanian national identity was further contrasted to the Moldovan one and seen as bourgeois and prone to collaboration with the Nazis while the Moldovan one as proletariat and Soviet (Casu 2015; Coada 2015).

The ethnic diversity of the territory increased even further immediately after Hitler’s defeat in 1945 and subsequent Sovietization of Moldova (Cărauş

2005:87). Still, as of 2005, 78% of the population identify themselves as belonging to the Moldovan ethnicity (Catană 2005:135).

The constant shifting of borders and populations resulted in the blurriness of ethnic identity boundaries in Moldova. Collective identity shifted after each such change producing fluidity in identity formation, thwarting the emergence of national consciousness (Kolstø 2002:251; Serebrian 2010:218–222 (cited in Angelescu 2011:131)). Moreover, through the inclusion into the Russian Empire, Bessarabia became isolated from the wave of ethnic national consciousness that arose in Eastern Europe (Casu 2015; Livezeanu 2000:92). Moreover, the bulk of today's Moldova, the geographic area between Prut and Nistru rivers, had never experienced territorial or national autonomy before 1991 (Catană 2005:112).

These historical factors are the reasons why the Moldovan ethnic consciousness is latent and still forming. This process completed in Romania long time ago, even if some of its regions, like Transylvania, were also late to call themselves Romanian (Casu 2015). The nature of the "anomaly" (Berg and Van Meurs 2002:52) of Moldovan national identity is still in "confusion" (Angelescu 2011:131). Its conflicting versions made Moldovans ambiguous, "fragile and subject to a seemingly endless debate on identity and ethno-historical belonging" (Berg and Van Meurs 2002:64–65).

Ethnic minorities present on Moldova's territory in the aftermath of

border changes have also resented the establishment of ethnic nationalism in Moldova. The Gagauz are resentful of the pro-Romanian attitudes of the Moldovan ethnic elite, itself split between Chisinau and Transnistria, where it had been favored by the Soviet regime as more loyal (Cărăuș 2001:40–41). Russian-speakers from the beginning became identified with opposition to independence of Moldova and democracy. Being treated as second-class and disloyal citizens, they turned to Moscow for support (Putina 2014:113). While some Moldovans view Russians as colonizers (Catană 2005:129), this doesn't serve as a sufficient platform to unite ethnic Moldovans.

Moreover, ethnic identity in Moldova does not coincide with people's cultures and languages (Putina 2014:110). The Soviet policy-makers routinely "boxed" people into ethnic categories with little to no relation to the real family history, especially when needed to boost numbers of titular nationality (Tacu 2014).

When asked, survey respondents display similar ambiguity easily swayed into a different ethnic category by the angle of the question (Narcisa Arambasa 2008:368). A survey published in 2002 revealed that fewer people identified as Moldovans than the number of people with Moldovan ethnicity in their former Soviet passports: only 88.8% of passport Moldovans identified as such v. 97.5% of Estonians, for example. The authors concluded that Moldovan ethnic identity

was “just barely holding” (Kolstø and Melberg 2002:34). Against the prevalent Western idea that the Moldovans are “really” Romanians, 80% of ethnic Moldovans affirmed their difference from ethnic Romanians. However, only 26% thought of them as “very different” and 55% as “somewhat different” (ibid). Only 53.5% of the self-proclaimed Moldovans said that Romanian and Moldovan languages were the same (ibid). This speaks to the ongoing confusion to the degree of ethnic differentiation between ethnic Romanians and Moldovans described in depth later, and, as the results attest, even between Moldovans and Russians. Moldova is, indeed, in “identity confusion” (Cărauş 2001:28).

As mentioned earlier, Orthodoxy is another ethnic identity neutralizer since it is shared by both Russians and Moldovans (Creangă 2015) as well as Romanians. Some policy makers even believe it to be the most important factor that impacts ethnic identity evolution (or lack thereof) in Moldova (Burian 2014). The 2003 Concept of National Politics quotes it as an important aspect of Moldovan national identity. The Gagauz identify firmly with Moldova and not with Turkey because of their Orthodox religion (Cărauş 2005:88). Orthodoxy also helped the relatively-successful tsarist policy of Russification in Moldova contrary to other parts of the empire where it did not go so well (Kolstø 2002:251). The Moscow Patriarchy is still strong in the country (Creangă 2015) and Old Church Slavonic is still used in many services while it was completely replaced by

Romanian in Romania as early as in the 19th century (Casu 2015) as Romania built its national identity around the idea of Latinness erasing its connections to the Slav culture. Few remember that Romanians used Old Church Slavonic and the Cyrillic alphabet since the 10th century in church, the court and places of high culture (Livezeanu 2000:96).

The proliferation of interethnic marriages in Moldova is another factor that weakened ethnic nationalism. They impacted not only the titular ethnic group but also the Russians in the country. The survey of ethnic Russians in Belarus, Ukraine, Moldova, Georgia and Moldova revealed that ethnic Russians from Moldova felt the most Soviet and the least ethnic Russian (Poppe and Hagendoorn 2001:62). Interethnic marriages were accepted to a wide degree and were seen as a way to climb the career ladder for Moldovans who otherwise could wait for years if not decades for promotions and perks (Creangă 2015).

These diverse historical circumstances, summarized as the “geographic factor”, created a historical context that has led to an inclusive citizenship policy (Arseni 2015). The 1991 Citizenship Law set an important precedent defining the initial body of Moldovan citizens by birth on the country’s territory. PMs rejected the ethnic citizenship logic used by the Baltic states (Arseni 2015; Burian 2014) not wishing to create the “fifth column” who did not support the new state (Petrache 2015). The deputies displayed a very non-ethnic way of reasoning

arguing that no one was to blame for being born in Moldova: people had no choice than to obey Stalin's policies (Arseni 2015; Burian 2014), well in line with the Soviet spirit of fairness and social justice (Petrache 2015). The author of most laws of the period cites the desire of the lawmakers to preserve civil peace and reflect the history of cohabitation, hospitality and tolerance. The ethnic principle of the nation was, accordingly, seen as divisive and all out dangerous (Petrache 2015).

Additionally, ethnic citizenship policy was hard to carry out: Moldova was not independent before within the same borders, so there was no clear way to delineate people descending from the pre-Soviet period like it was possible in the Baltic states, which privileged descendants of people who lived there in the 1940s. The proponents of the union with Romania were the only faction that voted against the territorial version of the citizenship law (Burian 2014).

Another evidence of the importance of the territorial understanding of the nation is the eventual decision to expand the initial body of Moldovan citizens from the residents of Moldova proper to those of former Bessarabia and other parts of the "historic" Moldova. While part of that desire was to extend citizenship to the ethnic kin, the idea of a nation based on a certain historical territory was just as important (Amihalachioaie 2015; Sidorov 2015).

All the above leads to the conclusion that because of the constant

changes between political jurisdiction of the region and the resulting intermixing of ethnic groups and the culture of cohabitation, the territorial principle of collective identity has been “present from the very beginning” (Barbarosiei 2015) and even “the only one possible” (Petrache 2015) in independent Moldova. The 1991 Citizenship Law was, therefore, a reflection of a historical national identity that had developed in the region (Casu 2015) even if the state never existed before in its present borders. Once recognized as Moldovan by birth, people cannot exit Moldovan citizenship when obtaining another. The country, loyal to its territorial concept of the nation, continues to count them as its citizens (Donia 2014).

The author of Moldovan history textbooks similarly explained the national idea by territory. Just as Austria and Germany, the language in Romania is the same or almost the same but the collective identity is based on the history of the territory. While the distant past is common, history books in Romania are Wallachia-centric and in Moldova, Bessarabia-centric (Casu 2015). This observation introduces the most important hurdle in Moldovans’ quest for identity – their relationship to the Romanians.

B. Moldovans or Romanians?

It comes as no surprise that ever since the independence Moldovan politics have been dominated by the debate on national identity and especially its biggest unresolved issue: the differentiation, or lack of differentiation, between ethnic Romanians and ethnic Moldovans. Some scholars have tracked the origins of this debate to the tsarist nation-building efforts in the aftermath of Bessarabia's annexation of 1812 but even they admit that medieval chronicles refer to "Moldovans" whose collective identity existed long before "Romania" was made (Cărauş 2001:28–29) and didn't include the inhabitants of the Wallachia whose territory became the base for Romania.

The discussion on national origins and language dominated the resurgence of nationalism that took place in the 1970s in Moldova. Since independence it has become an ongoing public debate (King 1994:346, 349–350).

In the 2004 Census, only 2.2% of the population identified themselves as Romanians, 75.8% as Moldovans (National Bureau of Statistics of the Republic of Moldova 2015). Can Moldovan identity really be the product of "former communist apparatchiks" who "managed to detach the notion of Moldovan-ness from its Stalinist roots" (Berg and Van Meurs 2002:64) as the prevalent

Western account, which tends to reject any Soviet scientific postulates, holds? In reality, as early as the 1920s saw a “considerable disagreement” in the Soviet Union itself as to who were ethnic Moldovans and how they were different from ethnic Romanians as the policy of *moldovanization*, Moldova’s version of the Soviet policy of *korenzatisya*, took place (King 1998:61). By *korenizatsiya* or “localization” the central government encouraged national languages of titular ethnicities in non-Russian administrative areas in order to overcome the distrust to the Moscow authorities inherited from the Russification campaigns of the Tsars (Сяньчжун 2014:41). As previously mentioned, Moldovans existed well before the Soviet Union: the 1897 census listed over a million “Moldovan speakers” ((Bauer, Kappeler, and Roth 1991) cited in (King 1999:123)) and Moldovan identity was prevalent in pre-1918 Bessarabia (Livezeanu 2000:93).

Moreover, there is a split between the elites, who tend to view themselves as Romanians, and the rural population who see themselves as Moldovans (Heintz 2005:78). The tension between the two versions of collective identity has produced confusion and animosity on a large scale (Heintz 2005:80). The Chair of the Presidential Commission on Citizenship responsible for the 1991 law remembers the confusion, for example, when sent to a folk dance competition to Kiev where he was considered Romanian but Sofia Rotaru, the future Soviet music star, Moldovan, only because he was born in the Bukovina

region of Ukraine and she in Moldova. The teenagers concluded that the authorities “just didn’t get it” that they were the same people. Being designated Romanian prevented him from the career as a judge during the Soviet times (Amihalachioaie 2015).

Two national concept ideologies describing the relationship between Moldovans and Romanians have been Moldova’s greatest political cleavage even after the 2013 Constitutional Court decision renaming the language Romanian. Moldovenism promoted during the Soviet times saw Moldovan and Romanian as different languages, the former being born of the combination of Latin and Slavic influences. Romanianism pictured Moldovans as ethnic Romanians with no separate language, ethnic identity or even history (Iordachi 2004:249). While the Moldovenist movement could be easily connected to the former Communists and Russian speakers in general and the Romanianist one to the intellectuals and anti-Soviet dissidents (King 1994), the very continuous existence of this cleavage in Moldovan politics testifies to the unsettled nature of the national identity in the minds of the population who are still widely called “Moldovan” although there is no clarity as to what this means (King 1994:366).

For Romanianists, the 1991 independence means historical normalization with such measures as renaming the language Romanian and transferring it to the Latin script. For Moldovenists, it stands for the recognition of the Moldovan

nation on the basis of an existing historical multiethnic and bilingual collective identity (Moldovan and Russian) that goes back 650 years (Dungaciu 2014:3–4). The Romanianist discourse ignores the poor behavior of Romanian authorities in the region between the world wars, the Moldovenist discourse exaggerates it (Cărauș 2001:25). The conflict in Transnistria is viewed by Romanianists as an attempt to preserve Russian influence in the country and by Moldovenists as the result of the Romanianization of Moldova and the misguided state language policy (Roșca 2005:64).

The language has been a crucial part of this cleavage. In fact, it may be at the very core of the conflict, which is really between those who want to impose it on the totality of the population and those that resist, especially those who can speak only Russian (Casu 2015; Creangă 2015).

Romania promoted Romanian before 1940, whereas the Soviets promoted Russian. The Soviets positioned the standardization of the “proletarian” Moldovan language as an alternative to the Wallachian/Romanian dominated by the Romanian bourgeoisie (King 1999:125). The educational system was politicized under both regimes and remains such today as communists and Transnistrians continue to promote Russian (Roper 2005:503). The opposition calls the Moldovan culture and language artificial, a “cynical and illegitimate conceit of Soviet propaganda” (King 1999:119). They remind that in

1932-1938, the official language of the Moldovan ASSR was Romanian and not Moldovan (Barbarosiei 2015). And yet the 1646 Vasile Lupu Code, the first code of laws issued in Romanian/Moldovan, used the Cyrillic alphabet (Erich 2011:237). Moldovenist scholars insist that Moldovan language was spoken in medieval Moldavia long before Romania was formed in 1862 under the name "Moldo-Wallachia" with its "Moldo-Wallachian" language. They saw the Moldovan language as closer to Slavic languages in grammar and lexical heritage (Burian 2014). Overall, they saw the Moldovan collective identity as older than that of the Romanians (Sidorov 2014). Romanianist scholars argue that the language was common for all of the population that resulted from the intermix of Romans and Dacians after Rome conquered the area in 106 AD (Heintz 2005:72). Moldovenism has been losing ground on language but it still insists on a separate Moldovan identity (Roper 2005:505).

History has been especially debated. While the Moldovenists placed the formation of national consciousness in the Middle Ages (Solonari 2002:428), the Romanianists, in the best traditions of ethnic nationalism, placed it as early as the 8th century AD despite little scientific evidence (Solonari 2002:433). The Moldovenists saw national identity form throughout Russian and Soviet history, the Romanianists emphasize the need for the reunification of dismembered Romanian states describing present-day Moldova as "something fundamentally

unhealthy" (Solonari 2002:439).

The 1991 Declaration of Independence called the language Romanian. Romania's national anthem "Deșteaptă-te, române!" or "Awaken, the Romanians!" was also adopted as Moldova's national anthem as during the period of Moldovan sovereignty in 1917-1918. Romanian tri-color was adopted as the official flag. The country was renamed "Moldova" from Russian-style "Moldavia". The Latin script and the introduction of Romanian history and literature into school curriculums occurred even earlier, in 1989 and 1990 respectively (Cărăuș 2005:89). The language was renamed Romanian in 1989 (Ciscel 2010:20).

Moldovenists won the 1994 parliamentary elections. President Snegur promoted a Moldovenist vision "Our Home – the Republic of Moldova"(Handrabura 2005:222). The 1994 Constitution returned the name of the language to "Moldovan" and changed the anthem to the one called "Limba noastră" or "Our Language", which remains until today but avoids calling the language by name.

After a period in opposition, Moldovenists came to power again in 2001. President Vladimir Voronin accused Romania of trying to overthrow Moldovan government and annex the country (Tension Grows between Moldova and Romania 2009). The name of the language was reconfirmed as Moldovan and

Romanians were again declared an ethnic group separate from Moldovans (Iordachi 2004:255). Academic Vasile Stati publishing under the pseudonym P.P. Moldovan famously published a Moldovan-Romanian Dictionary in 2003. The Romanian history exam was dropped from high school graduation requirements (Roper 2005:509). The government voiced its concerns about Romania's educational system, which denied the existence of a separate Moldovan identity. In 2002, this resulted in its refusal to accept Romania's scholarships for young Moldovans (Roper 2005:507).

Ethnic Moldovans remained confused about the name of their language. In 2004, 78% of ethnic Moldovans called their language Moldovan and 19% Romanian (Demographic, National, Language and Cultural Characteristics -- Population Census 2004 2015).

A similar cleavage developed in the politics of Romania itself. As the communist regime fell, the return of Bessarabia, mythicized as the soul of the Romanian nation, has been presented by Romanian intellectuals as key to leaving the communist past behind (King 1994:363). When it became clear that unification is difficult, Romania focused on the policy of passportization (mass distribution of passports) of Moldovans presenting it as a measure to "soften the blow" of its EU membership on Moldova (Angelescu 2011:132). As part of its EU obligations, Romania introduced a passport requirement for Moldovan travelers

in 2001 (before they could use Moldovan internal IDs) and visas in 2007.

Romanian citizens residing in Moldova, however, were free from the visa requirement (Narcisa Arambasa 2008:358).

The policy of passportization of Moldova, however, had clear political ambitions aimed at the eventual unification. Romania was the first one to recognize Moldovan independence immediately initiating a policy of special partnership with an end goal of an eventual political unification of the two states. As such, The Law on Romanian Citizenship of 1991 not only permitted dual citizenship but also allowed its "restoration" to residents Moldova and their descendants to the second generation, even if they possess other citizenships and are domiciled abroad (Pop 2009:9). Other measures aimed at bringing Moldova closer were visa and passport-free travel from Moldova into Romania, educational programs for Moldovans and a network of high-level political consultations between the two countries (Iordachi 2004:247). Romanian-Moldovan relations, however, remain hostage of the lack of resolution of the debate between Moldovenists and Romanianists (Angelescu 2011:131).

Moldova's Moldovenist President Voronin went on counter-offensive against Romania's efforts. In 2007, Moldovan Parliament hosted a delegation from ethnic Moldovans of Romania in order to boost their recognition as an ethnic group in Romania proper. About 6-7 million Moldovans living there see

themselves as a different ethnic group from Romanians even if part of the Romanian nation (Socor 2007). Official Bucharest refuses to recognize Romanian Moldovans as a separate ethnic group and does not include them in the census.

While President Voronin agreed that the language between Romania and Moldova is essentially the same, he defended naming it Moldovan, its “historical name for six centuries” and not Romanian, “invented by the 19th century scholars” (Lozinschi 2008). In response to Moldova declaring 2008 the Year of Moldovan Language, a consortium of international scholars based at a Romanian university published a scientific opinion against calling the language Moldovan (Primul manifest științific împotriva conceptului de limbă moldovenească 2008).

Yet Moldova struggled to promote the use of the state language without promoting a Romanian identity at the same time (Roper 2005:505). Romania took full advantage of this vulnerability intensifying its calls for unification. In 2010, Romanian President Traian Basescu called for Moldova’s reunification with Romania, whose very existence he sees as a legitimation of the Molotov-Ribbentrop Pact (President of Romania, Called Time of Unification with Moldova 2010). Before leaving his term in office in 2014, President Basescu said he would apply for Moldovan citizenship, a symbolic gesture in the hope of the future unification, but only with the consent of the “Romanians of these two countries”

(Romanian President Will Seek Moldovan Citizenship, Wants Two States to Unify 2014). Previously President Basescu called the unification with Moldova “a new fundamental project” for Romania after achieving the previous major goals of NATO and EU membership (Президент Румынии назвал объединение с Молдовой новым фундаментальным проектом 2013).

Some political analysts believe that the eventual unification may indeed take place. Stanislav Belkovsky, an outspoken Russian political analyst, proposed what became known as “Belkovsky Plan” – to unify Romania and Moldova and Transnistria and Russia as a compromise acceptable to all major parties. Belkovsky believes that EU would rather accept Moldova as part of Romania than as an independent state (Морарь 2009). However, a 2011 opinion poll reveals that only 11% of Moldova’s population fully support the unification with Romania and 20% “somewhat support” it (Moldova National Voter Study 2011:34). Unionists stage massive rallies in support of their cause: a May 2015 rally counted at least 15,000 people in the streets of Chisinau (Supporters of Unification with Romania Rally in Moldovan Capital 2015). In Romania, a 2013 poll revealed that 76% of Romanians support the proposed unification with Moldova (Agenda publică 2013:9).

2013 saw a major development in the battle between Romanianists and Moldovenists as the former came to power in 2010 replacing former

Communists. The Constitutional Court of Moldova, whose judges all possess Romanian passports and one is a former Romanian Senator (Sidorov 2014) (see the discussion of dual citizenship in the next chapter) reversed the language name to “Romanian”. The Court sidelined the fact that this goes against the Constitution of Moldova adopted in 1994, whose Article 13 declares the language “Moldovan functioning on the basis of the Latin script”. The Court explained that the 1991 Declaration of Independence, which calls the state language Romanian, takes precedence over the Constitution if there are inconsistencies. Additionally, the Court explained that the syntagm “the Moldovan language on the basis of the Latin script” can be simply substituted for “the Romanian language” and, therefore, does not require substantial changes in the text of the Constitution (Конституционный Суд Постановил Признать Молдавский Язык Румынским 2013). The media criticized this decision, which gives precedence to a political document (the Declaration of Independence) over the law (the Constitution) (ibid), which is the Supreme Law of the country. The correct way to go, according to an opposition leader, would have been to change the Constitution itself, which looked problematic due to the lack of majority support in the parliament (Решение КС Молдовы о румынском языке не будет иметь никаких юридических последствий для страны 2013).



Figure 13. "Bessarabia is Romania" on the walls of Bucharest, 2014.



Figure 14. "Moldovans are Romanians" on the walls of Chisinau, 2015.



Figure 15. “Bessarabia is Romania”, a political poster from Romania, 2012.

However, doubts about the name of the language persist as not everyone accepts the decision of the Constitutional Court. Even today, prominent government officials refer to the lack of clarity on the name of the language as a major factor explaining the weakness of ethnic nationalism (Lungu 2015).

Proponents of Moldovenism refer to the language practices in neighboring Ukraine, which recognizes both Moldovan and Romanian as separate national

minority languages (Sidorov 2014). Indeed, the Ukrainian government treats Moldovans and Romanians as differentiated ethnic groups. The 2001 Census in Ukraine counted about 150,000 Romanians and 250,000 Moldovans (Dinu and Milevski 2014:6). Romania-based analysts decry this approach calling it “an identity game, which complicates the perception of Bucharest toward Kyiv” explaining the existence of the “Moldovan construct” by the lack of cultural-linguistic modernization by Romanians who lived in the former Russian Empire (Dinu and Milevski 2014:7).

Critical accounts report the Romanian involvement in the 2014 Census in Moldova directed at maximizing the count of ethnic Romanians in Moldova. Reported measures ranged from the promise of a simplified access to the Romanian citizenship by those registering as Romanians to letters to Romanian citizens in Romania referring to the oath of allegiance to Romania to promises of seaside vacation packages (Флоря 2014). Be it from these efforts or not, the percentage of those considering themselves Romanian went up from 7% to 15% between 2004 and 2014 (National Bureau of Statistics of the Republic of Moldova 2015, CIA Worldbook 2017).

Moldovenist online forum Moldovenii.md seeks to provide a new, post-Communist, intellectual platform for the movement. It describes the origins of Moldovans going back to pre-history, even older than of Romans. It decries the

Romanianization of Moldovan identity, confirms its intrinsic link to Slavs by blood and culture and the cultural takeover by Wallachians. The titular nation is understood ethnically but with a territorial slant: anyone can declare oneself Moldovan even without speaking the language. This emphasis on Moldova's right to own history, apart from that of Wallachians, and Wallachian-dominated Romania, is close to the history presented in Moldovan textbooks today (Casu 2015).

This illustrates the main point of this discussion: the continuing confusion about the origin and the differentiation of Moldovans from Romanians largely complicated the development of a strong ethnic consciousness in the population concerned. In its turn, the weak ethnic consciousness facilitated the acceptance of a territorial concept of the nation.

The tension between ethnic and territorial concepts of the nation remains an essential component of the political process in the country (King 1994:367) as well as the split between those who see themselves as Moldovan and those who see themselves as Romanian (Barbarosiei 2015). As in Azerbaijan and Georgia, the other two cases considered, "geopolitics makes the biggest difference" in the balance between these two types of national identification (Coadă 2015), a topic explored in the next chapter. It describes how the liberalization of dual citizenship has added to the ambiguity of the sense of national identity already

present due to the Romanian/Moldovan debate: as many people start incorporating other states into their sense of national identity, ambiguity is exacerbated providing an ample ground for politicians to feed off it (Creangă 2015).

C. (In)congruence of Ethnic and Political Borders

The Moldovan/Romanian cleavage complicates the evolution of an ethnic concept of the Moldovan nation because if Romanians and Moldovans are ethnically the same, it becomes harder to justify a separate state for Moldova independent of that of Romania, in the spirit of ethnic nationalism, which, according to a widely accepted nationalist axiom, is drawn to an eventual congruence of culture and the political unit (Gellner 1983). Scholars have duly observed that young democracies of the former Soviet bloc have struggled between the dilemma of creating a national state where the nation (understood generally ethnically in Eastern Europe) and the state coincide (Berg and Van Meurs 2002:51), and Moldova is a case in point. If Moldovans and Romanians share the same culture, the majority of its representatives live outside of Moldova, in Romania. In other words, the development of ethnic nationalism in

Moldova (just as in the case of Azerbaijan described later in the chapter) would lead to the demand to an eventual reunification with ethnic compatriots in Romania (or Iran, in the case of Azerbaijan). This is why the very existence of Moldova is presented in Romania as a historical nonsense that needs to be rectified. For example, in 2014 Romanian President Basescu affirmed his belief that Romania and Moldova are “one nation living in two independent states” and that “no one is allowed to strip a nation of its right to unify” (Romanian President Will Seek Moldovan Citizenship, Wants Two States to Unify 2014) displaying a clear ethnic nationalist logic that demands congruence between culture and political unit.

Ethnic nationalists are, therefore, caught between differentiating ethnic Moldovans from ethnic Romanians or supporting the unification of the two countries if both ethnicities are the same. They have to choose between being Moldovan nationalists or Romanian nationalists. They have chosen mostly the second route willing to even give up the name of the country. In the early 1990s, the Popular Front, a major Romanianist political force at the root of Moldovan independence, rejected the name of the country in favor of “Bessarabia” to dispute the legitimacy of the existence of a separate Moldovan state (King 1994:352).

From this perspective, envisioning Moldovan nation territorially was a

priority for those who want its continuous independence (Barbarosiei 2015; Postoiko 2015). Politicians even referred to the nation-states of the New World (Burian 2014). Since Moldova had never existed as an independent state within its current borders, a territorial concept of the nation is the only one possible (Creangă 2015).

Romanianist intellectuals' "obsession with integration" of Romania and Moldova is understandable. It stems from the need to be recognized by the world as the representative of the "whole space" where the Romanian literary language is used (Cărauş 2001:47). But the spoken language used in Moldova in daily communications is an archaic version of the modernized and standardized literary Romanian, and this difference feeds the sense of a separate Moldovan identity (Cărauş 2001:47–48). The language is not the only factor that is not exactly the same: the history of being part of the Soviet Union and Russian Russian Empire or its neighbor can hardly be ignored or erased. While Romanianists are desperately trying to standardize the Moldovan culture in their belief in the need to bring the Romanian culture and the political units together, Moldovenists emphasize Moldovan culture's distinctiveness from the Romanian one and value this difference not as the lack of high culture but as a historical development in its own right and value (Burian 2014; Sidorov 2014). By emphasizing the existence of two cultures, Moldovenists thus legitimize the

existence of two separate political units, the very existence of Moldova as a nation-state.

The historically constructed cultural identity is much harder to deny in the case of Transnistria, which poses a serious dilemma to the Romanianist premise of Moldovan cultural closeness to Romanians. Various opinion polls demonstrate that Transnistrian Moldovans are as, if not more, adamant defenders of Transnistrian independence than are Russian-speakers, namely ethnic Russians and Ukrainians in the separatist region (Burian 2011:120). Admittedly, this is a not an ethnic conflict per se (Ibid: 121) but the conflict about the statehood and its relationship to the idea of the Greater Romania. Transnistrian Moldovans associate their past not with the formation of Romania but with its history within the Russian Empire acknowledging the fact that Transnistria was never part of Bessarabia (Dembinska and Danero Iglesias 2013:423). This is another argument for the persistence of historically constructed collective identity.

Moreover, it has been argued that with the territorial nation-building efforts of the Transnistrian authorities, the ethnic Moldovans from Transnistria have lost their ethnic identification in favor of the territorial Transnistrian nation in the making (Ibid:414) despite the initial discourse surrounding the Transnistrian independence on the need to preserve of the "originality" of Moldovan language and culture (Ibid 417).

Another aspect related to the issue of (in)congruence of culture and the political unit is Romania's preoccupation with the possibility of a Moldovan reunification, i.e. the reunification of historical territories that formed the Moldovan Principality in the Middle Ages, a large part of which are in Romania proper. Despite Romania's policy of recognition of Romanians and Moldovans as the same ethnic group and the same nation, Romanian leadership, not unlike the Iranian one in the Azerbaijani case described below, was apparently alarmed enough about the perspective of the Greater Moldova to meddle, although indirectly, in the Transnistrian conflict on the side of Transnistria (Burian 2011:111), a highly controversial move impossible to understand outside of the politics of identity described above.

D. Consequences of Unconditional *Jus Soli*

The legal definition of Moldovan nation by birth on territory has led to a few slow but significant social changes in Moldova. First of all, it has firmly imprinted the territorial definition of the nation in the minds of the political elite of the country, both the older Soviet-educated generation, and the new generation educated after the fall of the USSR. Immigration civil servants

interviewed, for example, point out that “everyone can be Moldovan now, even an ethnic Russian or Ukrainian” (Tacu 2014). Even if the language is now seen as the same with Romania, Moldova has a separate territorial identity, like the variety of nations that speak Spanish and English. Moldovans are, therefore, a purely territorial nation, notes a civil servant (ibid).

As mentioned in the previous chapter, it is also astonishing that all people whom I interviewed from public officials to public in general see unconditional *jus soli*, despite its accidental history lamented by the original author of the text of the citizenship law (Arseni 2015), as the natural expression of the country’s idea of the nation. Most of them describe Moldovan nation as tolerant, peaceful, multiethnic, multicultural, and “soulful.” Moldovans, a nation of “people of God”, has welcomed many migrants including Jews and the Roma (Amihalachioaie 2015). A prominent political leader remembers her childhood in the village where people didn’t distinguish between each other by ethnic groups “being closer to nature and God” (Postoiko 2015). Migrants from Russia were not seen as outsiders but as “ours” (Creangă 2015).

Unconditional *jus soli* also helps cement the spirit of Moldovan law as socially just and progressive, even ahead of developed industrial countries. The legal principle is, for example, seen as the necessary measure to protect the rights of children born in Moldova (Postoiko 2015). Indeed, sometimes parents,

such as people from some Middle Eastern countries, have difficulties getting citizenship due to security concerns but their children receive citizenship just for being born in the country (Ohotnicov 2015). The tolerance, states an academic, even extends to treatment of the population of separatist territories: if Nagorno-Karabakh has no travel link to Azerbaijan and Abkhazia has a minimal transit connection to Georgia, Transnistria is well connected to the rest of the country (Coada 2015). A senior official in the parliamentary administration summarized the historical developments that have permitted unconditional *jus soli* by an explanation given by Montesquieu on the influence of the territory on the national character (Lungu 2015). President Snegur, who was in office when the 1996 change was initiated, introducing unconditional *jus soli* for stateless foreigners, defends the current legal situation despite its lack of intentionality, especially given the major impact on national identity of Moldova's European integration (2015). "We are not afraid of *jus soli*" summarizes how Moldovan political elite see this policy when asked to express their opinion on it (Ohotnicov 2015).

The same trend is observed in popular attitudes. According to Ethnobarometer, in 2004, only 51% of ethnic Moldovans defined their collective identity by blood descent and a significant 18% by birth on the territory of Moldova. Other major ethnic groups -- Russians, Ukrainians, Gagauz and

Bulgarians – defined Moldovanness much less by the birth on the territory than ethnic Moldovans did – 12%, 10%, 6% and 9% respectively (Petruți 2005:23). Ethnic Moldovans are, therefore, more inclined toward a territorial concept of the nation than other ethnic groups in the country. These results coincide with how Moldova’s Russians define the Russian ethnicity by the birth on Russia’s territory: 18% and is not too far from auto-identification of Gagauz at 16% ahead of Ukrainians at 12% and Bulgarians at 6% (Petruți 2005:24–26).

There is another consequence of unlimited *jus soli* worth mentioning: the growing presence of “anchor babies” (Tacu 2014). This type of immigration vilified in the United States, which also uses unlimited *jus soli*, has not been massive but still significant, namely immigration from Ukraine and Russia based on having children in Moldovan territory in the hopes of a future prospect of gaining access to the European labor market. In 2014, Moldovans were granted visa-free access to EU and, consequently, Moldovan citizenship became more valuable. This type of immigration is further likely to thwart an ethnic concept of the Moldovan nation.

E. The Law on Civil Status: Ethnicity Loses Its Meaning

The 2012 debate on the changes to the Law of Civil Status is exemplary of the tension between territorial and ethnic concepts of the nation. If Romanianists won the battle over the name of the language, the notion of ethnicity that they had to accept makes absolutely no sense to an ethnic nationalist – it is completely disconnected from one's descent and chosen by people at random. This was a victory for the territorial concept of the nation.

These changes were precipitated by the 2010 decision by the European Court on Human Rights in the case of Cibotaru v. Moldova mentioned above. The Court sided with the plaintiff pronouncing against Article 68 of the Law of Civil Status of the Republic of Moldova, which prevented a person from changing his or her ethnic affiliation on birth, divorce and name change certificates as well as established the inadmissibility of rectification of parents' nationality on children's birth documents (Minutes of Parliamentary Debates 2011:99).

The Ministry of Justice proposed excluding the notion of nationality from civil status documents. In Azerbaijan and Georgia this had already been done, easily in the case of the former and with great pains in the case of the latter. The Moldovan case fell between these two popular reactions.

In the draft of the new law, the Ministry of Justice agreed to make an exception for the birth certificate permitting to register ethnicity either by the

person him or herself upon reaching 16 years of age or by the request of the parents. This solution was seen as a way to end the imposition of nationality on a person who may disagree with it “objectively or subjectively”. The project argued for the elimination of the notion of nationality all together due to its confusion with citizenship and replacing it with the notion of ethnic self-identification, which was supported by the Council of Europe (Minutes of Parliamentary Debates 2011:99). While the European Court of Justice did not pronounce against the usage of the notion of nationality, the proposed changes argued for it with the aim to getting Moldovan law in line with the legislation of other European states, which understands nationality as citizenship (Minutes of Parliamentary Debates 2011:101).

The proponents of the changes further argued that an ethnic group can be formed at any time and, therefore, there is no exhaustive list of ethnic groups in existence. A sarcastic critic of the changes asked if anyone can declare belonging to any ethnic group, can one declare him or herself as a member of the extraterrestrial ethnic group (Minutes of Parliamentary Debates 2011:101–102). As the opponent eventually admitted the existence of a list of ethnic groups on “international level”(Minutes of Parliamentary Debates 2011:103), another critic was worried that a child of Moldovan parents would decide to identify as German upon reaching 16 years old (Minutes of Parliamentary

Debates 2011:105). Deputies had a particular problem with the notion that ethnicity could be selected without taking into consideration of that of the parents (Minutes of Parliamentary Debates 2011:106). A Romanianist deputy complained about the difficulties he encountered when changing his ethnicity to Romanian from Moldovan in the birth certificates of his children only to be advised by his colleague he should have changed it to "extraterrestrial" instead for being closer to that category mentally (Minutes of Parliamentary Debates 2011:107).

Another deputy argued for the retention of the notion "nationality". She argued that "ethnicity" was too narrow and meant people sharing common features of anthropological, linguistic, political or historical character, and it cannot be linked to a state. Nationality was a wider concept in its both interpretations, the French and the German ones. The French one merges cultural and civic identities and the German one sees "nationality" as a cultural concept and "citizenship" as the civic one. The deputy then argued for the French interpretation of "nationality" since "Moldova is not a national state" (Minutes of Parliamentary Debates 2011:110). She continued this line of argument explaining that all nationalities in Moldova have a reference to a "national state" outside the borders of the country: Moldovans or Romanians are "part of the Romanian nation", Russians, Ukrainians, Poles, Jews all have a

reference state. Only the Gagauz are an ethnicity but even then the research may eventually establish that they are part of the Turkish nation. She warns there exists no “utopian Moldovan nation” and the “times of building the national state are long gone” (Minutes of Parliamentary Debates 2011:111). She finishes with a quote from Canovas del Castillo that nations are the artwork of God. She concludes then that those who are against the nation, are against God (Minutes of Parliamentary Debates 2011:112).

Romanianists vehemently opposed the abolition of ethnicity. As a compromise, both “ethnicity” and the Soviet-era “nationality” were left in documents. However, they can be chosen at will with no proof necessary, which goes against the very concept of ethnicity as a group related by blood and, therefore, ascriptive. From the active proponent of territorial nationalism in Moldova, the 2012 Law and the preservation of the Soviet-style “fifth grade” was seen as a major step back in a concession to Romanian parties who tried to make people identify as Romanian and not Moldovan (Burian 2014). Today, the law is quoted as an example of Moldova’s successful territorial concept of the nation —ethnicity is downplayed as people can freely pick their own (Tacu 2014).

The territorial concept of the nation in Moldova seems to have won so far. Historical barriers to the development of differentiated ethnic consciousness, such as shifting borders and populations, similarity to ethnic Romanians, Soviet

and Russian influence through policies, language, religion and culture, prevented an ethnic idea of the nation from taking a strong hold by the time of independence, with language becoming the most debated aspect of the Moldovanist-Romanianist cleavage. It is no surprise that territorial nationalism has become popularly appealing and unconditional *jus soli*, a result of legal oversight, became a flagship liberal policy, together with dual citizenship liberalization, praised by the ruling elite.

2. Azerbaijan: Another Ambiguous Nation

Today's Azerbaijanis are the citizens of the Azerbaijani Republic who are objective inheritors of all states and peoples who have populated this territory during thousands of years. Ethnic diversity is an enormous treasure of the Azerbaijani people, which should be protected.

Ramiz Mehtiyev, academic and the Chief of Staff of the President of Azerbaijan

During the interview, Safa Mirzoyev, the Chief of Staff of the Parliament of Azerbaijan and one of the authors of the Azerbaijani Constitution -- and thus one of the architects of the state's carefully-managed concept of the Azerbaijani

nation -- underlined the importance of territorial over ethnic nationalism for Azerbaijan calling it the "European Option" (Mirzoyev 2014). While in academic literature territorial nationalism, based on the notion of state territory or a set of shared values, is widely associated with the United States (Cărauş 2005:82), its origins are, indeed, European, or, to be more precise, Greco-Roman (Riesenberg 1992:16; Klusmeyer 1996:9–10; Heater 2004:4; Mann 2004:10–11), Western (Yamazaki 1996:107–109) and only then American (White 2004:127). In any case, it is extraordinary that Azerbaijan, a country hardly associated with Europe or the West except for its century as part of the Russian Empire, has made such a deliberate effort to avoid ethnic nationalism with its emphasis on descent and blood relations. It is even more extraordinary given the ethnic nationalist resurgence prevalent in the rest of the post-communist space and Azerbaijan's own bitter ethnic conflict with Armenia over the region of Nagorno-Karabakh (De Waal 2013).

Examining Azerbaijan's Constitution and citizenship legislation reveals that Azerbaijan's nation-building policies have been, indeed, consistently territorial and not ethnic in character. The notion of ethnicity is deliberately avoided in the country's Constitution and has been removed from state-issued identification documents. Co-ethnics from neighboring countries have no preference in getting citizenship or moving to Azerbaijan. Moreover, until recent

restrictions dating to the middle of 2014, citizenship had been bestowed, at least *intra legem*, to everyone simply born on the country's territory. Ethnic nationalist rhetoric is generally absent from both public and state discourses.

Territorial nationalism was a pragmatic choice of President Heydar Aliyev and his administration, equally supported by his son, President Ilham Aliyev. A deeper look, however, reveals this policy choice was conditioned by more than the presence of national minorities on the country's territory and the desire to appease separatism. Not unlike the case of Moldova described above, ethnic Azeri nation can be also characterized as ambiguous and latent as a result of a history of co-habitation with other ethnic groups, the lack of clear differentiation with the Turkish ethnicity and the fact that the majority of Azeris live outside of Azerbaijan's borders, most of them in Iran but also in today's Georgia. The historic role of Azeri language as *lingua franca* in the Caucasus and the presence of the tolerant Hanafi variety of Islam also contributed to the mix. Heydar Aliyev's crafty policy choice in favor of territorial nationalism in the traditions of the 1920's Constitution, today continued by his son, all but completely solidified the demise of ethnic nationalism in Azerbaijan at its height under President Ebulfez Elchibey. The 2014 amendments to the 1998 Citizenship Law, however, are inconsistent with the concept of territorial nationalism and are likely to create tensions between the law and the prevalent concept of national identity.

A. Latent Ethnic Concept of the Nation

Just as in the case of Moldova, important historical factors, such as ethnic and cultural diversity, the role of Islam and of the language, thwarted the development of the differentiated ethnicity in Azerbaijan and thus facilitated territorial nation-building. Today's political leaders often underline that they use the word "Azerbaijan" as a toponym or a geographic abstraction (Gadirli 2014) rather than a cradle of a certain ethnic identity. Most of them also define the Azerbaijani people not by ethnicity but by the link to a territorial nation-state (Alibeyli 2014) commonly referring to Azerbaijanis as a civic or territorial nation – "if one feels Azerbaijani, one is Azerbaijani" (Musabayov 2014). Political analysts agree that the ethnic principle "just doesn't work" in the Azerbaijani context (Makili-Aliyev 2014). Authors have used the terms "Azeris" and "Azerbaijanis" interchangeably when referring to the main ethnic group of Azerbaijan although calling them "Azeris" and the totality of the population of the country as "Azerbaijanis" makes a better logical sense and corresponds to the concept of the territorial nation.

The text of the Constitution starts by underlining "centuries-long

statehood traditions” present for “thousands of years”. At the same time, the notion of “ancient history”, so important to ethnic nationalist mythologies, is virtually absent from the country’s political rhetoric. Azerbaijan’s politicians, for example, point out that the Azerbaijani nation is not based on the notion of ancient origins such as claimed by the neighboring Georgia and Armenia but instead prides itself on present-time practical considerations (Huseynli 2014). Opposition politicians agree that Azerbaijanis are a “rational and pragmatic nation” (Gadirli 2014).

Historical diversity of the population is one factor that contributed to the weaker sense of ethnic identity. The political elite and general population believe that Azerbaijan has always been a multiethnic and tolerant territory (Aliyev 2015; Ganizade 2014; Mustafa 2014), which interviewees see as the main explanation for the relative absence of ethnic nationalism in comparison to other post-Soviet states. Interviewees claim that nation-building in Azerbaijan “has always been a cosmopolitan project” (Aliyev 2014). Even historians that defend the rights of titular nation in Azerbaijan agree with the history of tolerance and multiculturalism, especially due to Baku’s role as a commercial center (Huseynli 2014). The historical region of Azerbaijan that has passed through Zoroastrian, Christian and Muslim civilizations is seen as the main defining factor for the imagining the identity of people that inhabit it whatever their ethnic or religious

identity is.

Furthermore, the historical tolerance and cohabitation are seen by interviewees as a major, if not the main, explanation for unconditional *jus soli*, which didn't raise any opposition at the time of its adoption or thereafter (Aliyev 2015). While in reality, this policy was a part of the deliberate effort to de-ethnicize the concept of the nation, the reference to historical factors that contributed to less ethnic and more territorial nationalism is ubiquitous when people are asked to explain Azerbaijan's *jus soli* policy. Just as in Moldova, the weight of history on the concept of national identity is evident. President Ilham Aliyev, for example, describes Azerbaijan a "place of confluence of cultures" where multiculturalism has been present "for centuries" and has no alternative but isolation (Aliyev 2012).

Interviewees cited the historical tolerance to Jews in Azerbaijan (Aliyev 2015; Huseynli 2014) as well as the history of co-habitation with Armenians (Aliyev 2015; Ganizade 2014). Azerbaijan today is Israel's closest Muslim partner and the importance of historical cultural ties and complete absence of anti-Semitism was even recognized by a ceremony honoring the Day of Azerbaijan at the Israeli Knesset (Makili-Aliyev 2013:9).

History does agree with such conclusions. Jews settled in the region in the 4th century and throughout its history virtually no anti-Semitism has existed

(The Virtual Jewish World: Azerbaijan 2014). As Azerbaijan was divided into over 20 khanates following the 1747 coup d'état in Iran, in 1828, Persia conceded the Azeri khanates to the North of the river Araks to the Russian Empire under the Treaty of Turkmanchai dividing Azeris between two empires in what is now seen as a "tragedy for the Azerbaijani people" (Cornell 2005:21–22). Around the turn of the century, Russian Azerbaijan became a major producer of oil attracting massive Slavic and Armenian immigration from the rest of the empire. Baku developed into the fastest-growing metropolitan city in Russia with Azeri population accounting for less than 50% at that time. In 1897, Armenians represented 17% of the Baku population and contributed extensively to the development of the city: in the 1840s, the mayor of Baku was an Armenian, Pavel Argutyan. In 1918, there were two Armenian factions in the Azerbaijani Parliament (Gadirli 2014). In 1970, Armenian population remained at the constant of 17% of the Baku population. Only in 1993 the Armenian community of Baku disappeared after the start of Nagorno-Karabakh hostilities (Армяне в Баку 2015).

The Karabakh hostilities, however, had important historical precedents, which testify to the fact that historical cohabitation became complicated with industrial development. Tensions between Armenians and Azeris came to surface in the "Tatar-Armenian" War of 1905 (Swietochowski 2002:105).

Thousands of people were killed in the Armenian-Azeri clashes that spread all over Azerbaijan as well as Yerevan (Cornell 1998:52).

Just as in Moldova, the notion of ethnic Azeri is weaker than in other places, relatively recent and not yet firmly differentiated (Dudwick 1990:380) even now. Azerbaijanis display an “ambivalence over how they want to be viewed by themselves and others” (Dudwick 1990:381).

Most scholars time the concept of the nation to the 19th and 20th centuries under the influence of European Romantic nationalisms and Soviet policy-making (Swietochowski 1995; Goyushov 2014). Some historical factors going back even further, however, contributed to a weak concept of ethnic identification, not unlike the Moldovan case.

Azeri national identity started developing in Russian Azerbaijan as Persian and Arab influence weakened and the European-style education was spreading. A proprietary literature was born (Мехтиеv 2011). Toward the end of the 19th century, when the Azerbaijani national identity became a political force, there still was no clear delineation between Azerbaijanis, Turks, Iranians and Muslims overall (Shaffer 2002:15), a clear contrast with Armenians and Georgians, whose sense of collective identity dates back to Antiquity. Prior to the fall of the Russian Empire, the collective identity in Azerbaijan was still based primarily on religion or being a Muslim. By the independence proclaimed on May 28, 1918,

there was a growing awareness of being Turk and not just Muslim but most of the population still had not internalized the geographic term “Azerbaijan” seeing themselves rather as Turks, not Azeris. The crystallization of Azeri ethnic consciousness happened already under the Soviet rule (Goyushov 2014). The 1905 Russian Revolution led to the “political awakening” of Russian Muslim and Baku became the center of Muslim culture of the East (Shiriyev and Kakachia 2013:75).

The Soviet nationality policy aimed at avoiding pan-Turkism and, therefore, reinforcing Muslim ethnic groups such as Azeris (Goyushov 2014). It was done, at least in part, by the campaign of *korenizatsiya*, as already mentioned in the case of Moldova. While this built up national consciousness of such titular ethnic groups, it inevitably hurt the national consciousness of non-titular ethnicities (Сяньчжун 2014:43). In the context of Azerbaijan, this meant “rolling in” of non-Azeri ethnicities into the Azeri one since it was the one designed to be titular (Abashidze 2014).

The historical role of the Azeri language as the means of communication between various ethnic groups enhanced that process. Starting with the 16th century, Azeri or Azeri Tatar was an influential *lingua franca* in Transcaucasia, especially among the ethnic groups of Southern Dagestan, who used it to communicate among themselves and not only with Azeri speakers (Chirikba

2008:73–74). Azerbaijan’s political elite is well aware of this role of the Azeri language (Huseynli 2014; Musabayov 2014).

The debate on the Azerbaijani national identity came to full force during the years of statehood (1918-20) and then continued in a “guarded style” under the Soviet rule, especially in its last years as well as through the period of independence (Landau and Kellner-Heinkele 2011:22). After the 1956, the 20th Congress of the Communist Party and the Khrushchev post-Stalinist reforms, nationalism made itself known in Azerbaijan. The state language was Russian but in 1956 it became Azeri leading to some protests of non-Azeri population (Hasanli 2015a:112–113, 375).

Azerbaijanis felt themselves as the masters of their republic. Nationalism here was even stronger than in the Baltic States. In 1959, two republics saw their leaders sanctioned for nationalism, Azerbaijan and Latvia. In Azerbaijan they were dismissed but in Latvia only changed places (Hasanli 2015b; Hasanli 2015a:416). However, the movement in Azerbaijan was more anti-Soviet and assertive versus clearly ethnic – the percentage of non-Azeri minorities was always low and even Talysh, Lezgin and other autochthonous Muslim minorities were not counted as minorities until 1920-1930s (Hasanli 2015b). Moreover, a large part of that national movement was pan-Turkist (Hasanli 2015a:267).

The dispute over the origin of Caucasian Albanians came closest to using

ancient history. Even then, it was aimed at supporting Azerbaijan's claim to Nagorno-Karabakh and not in a consistent promotion of a certain myth of Azeris as an ancient ethnic group.

Caucasian Albanians are generally recognized as the earliest inhabitants of Azerbaijan although their relation to today's Azeris and Armenians, as mentioned in the previous chapter, is a point of contention between scholars of the respective states, each group claiming their nation's closer relation to the Albanians and, consequently, the rightful pretenders to the territory of the disputed Nagorno-Karabakh (Dudwick 1990:377). Albania, under the Persian domination, adopted Christianity as a state religion in the 4th century. By then, the Albanian language already had an alphabet and a rich literature in Albanian existed. Albanian Christian Church, originally autocephalous, was then absorbed into the Armenian Church. Albanians were Armenianized and many were then Islamized as the Arabs invaded in the 7th century (Dudwick 1990:379). While some Caucasian Albanians remained Armenian, most of Muslim Caucasian Albanians were absorbed by Turkic-speaking tribes together with other Muslims (Iranian-speaking Kurds, Tats, Talyshins and Islamized Armenians and Georgians) into what today is seen as the Azeri ethnos in the aftermath of the waves of Turkic invasions starting in the 11th century. This history allows Armenian and Azerbaijani academics both claim the closer link to Caucasian Albanians who

populated the territory of today's Nagorno-Karabakh. In today's world, however, it is Lezghins, Udins and other small ethnic groups of Northern Azerbaijan and Southern Dagestan who are the main identifiable descendants of Caucasian Albanians (Dudwick 1990:378).

A type of religion practiced in Azerbaijan also supports the argument in favor of historic co-habitation. While traditionally Islam discourages the division of humanity into ethnic and national group understanding the nation or *umma*, as the collective identity of all Muslims (Мехтиев 2011), the Hanafi school of Islam present in Azerbaijan and among other Turkic peoples has traditionally been the most tolerant toward pre-Islamic and non-Islamic faiths (Robert and Ware 2014:235). The political elite recognizes it as one of the factors explaining the multicultural character of the nation in Azerbaijan of today and the absence of wide-spread Islamic radicalism (Mustafa 2014). The majority of Azeris, however, are Shia (around 75-85%) and only the remaining ones are Sunni, including Hanafis (Cornell 2005:5–6). It is noteworthy to mention that the Azerbaijani state remains not only ethnically blind but also religion blind: for example, it gives ample charity to the Orthodox church in Moldova (Aliyev 2015).

Another widely cited factor explaining the weakness of ethnic nationalism in Azerbaijan is the population's demographic fertility. The United Nation

reported that Azerbaijan's population's rate of natural increase was 1.3% in 2012 vs. only 0.4% in Armenia and 0.2% in Georgia respectively (World Population Data Sheet 2012). Azeri politicians agree that, compared to its neighbors, there is no sense of a demographic decline in Azerbaijan (Musabayov 2014), and, therefore, little need to preserve an ethnic group in peril, as is the case in Georgia.

As for the conflict in Nagorno-Karabakh, while it was largely inter-ethnic and one would assume that it enhanced the sense of ethnic identity, academics have argued that, on the contrary, the conflict enhanced the territorial concept of the nation because its focus on geographical boundaries (Landau and Kellner-Heinkele 2011:22).

Whatever the history, the present is clear: both the political elite and opposition politicians recognize the absence of the "intoxicant" national idea in Azerbaijan (Gadirli 2014). One historical theme, though, deserves a deeper exploration as it still stirs emotions today – the relationship between the Azeri and the Turkish ethnicities, not unlike the similar tension in the Moldovan case between the Moldovan and the Romanian ethnicities.

B. Azeris or Turks?

In the Middle Ages, there was no differentiation between the Turkish and the Azeri languages (Shaffer 2002:18). Since then, they have diverged significantly due to different historical contexts (Brown 2002:71). At the time of Russia's takeover of today's Azerbaijan, most of the population referred to themselves as Muslims or, if they were intellectuals who were promoting national consciousness, Azerbaijani Turks. There was no Azeri identity before then *per se* but rather a regional identity based on being Muslim and Turkic (Shaffer 2002:45), not unlike the case of Moldova, where historical collective identity was also more regional than national in nature ((Serebrian 2010:218–222) cited in (Angelescu 2011:131)).

By that time, Ottoman Turkish and colloquial Azeri already diverged. Turkish was commonly used as a literary language but the attempts to use Azeri as a written language were also made (Shaffer 2002:23, 30–33) so the two written forms competed as the literary language was being established (Goyushov 2014). The educated elite came to prefer to educate their children in Azeri (Shissler 2003:51).

After the Young Turk Revolution in Turkey in 1908, a pan-Turkic movement was born focusing on the common identity of Ottoman Turks and

Azerbaijanis calling on all Turkic peoples to adopt the modified Ottoman Turkish purged of Persian and Arab words (Brown 2002:71; Shaffer 2002:36). Outside of Turkey, Pan-Turkism was directed against Russia's policy of Russification and centered on the idea of the common origin of Russia's Turkic peoples and, in the goal of finding a unifying identity basis, on the possibility of a common literary language (Landau 1995:8–10). A Pan-Turkic pioneer, Ismail Gasprinsky (or Gasparisky), from Crimea, designed a version of such a language and promoted its use (Landau 1995:10). He presided the 1906 Second Pan-Turkist Congress in St Petersburg, which was dominated by Tatars and Azerbaijani Turks (Landau 1995:11).

Territorial independence, however, took precedence over pan-Turkism. After the Bolshevik Revolution of 1917, this culminated in the proclamation of the Azerbaijan Democratic Republic on 28 May 1918 and Turkish was declared the official language (Shaffer 2002:37–39). It may well be that because of these events Azerbaijan was eventually afforded the status of the Soviet Socialist Republic constituent of the USSR and not an Autonomous Socialist Republic constituent of the Russian Socialist Federal Republic (Gadirli 2014), with the eventual result of its independence in the fall-down of the USSR in 1991. After Azerbaijan's loss of independence in 1920, a major emigration political center was established in Turkey with the aim of regaining independence (Гасанлы

2013:17).

From the historical perspective, the Azeri nation is an artificial creation — Stalin made up the name in 1936 renaming the whole people who “went to bed as Turks and woke up as Azeris”. At that time, the Soviet-Turkish relations worsened so this was yet another measure against Pan-Turkism enacted by the Stalin government such as renaming Tiflis and Erivan’ into Tbilisi and Yerevan in 1937. Ataturk reforms also renamed his country’s population as Turks from Osmans. Stalin’s move to rename Azerbaijani Turks into Azeris is also a reaction to that. In Iran, Azeris call themselves Turks still (Hasanli 2015b).

The years before independence, however, already saw the growth of interest in Turkish culture, especially in the 1960s. In the 1980s, the pan-Turkism was reborn: people started to feel deceived by the Soviet propaganda – they discovered that they were really Turks and not Azeris (Goyushov 2014).

The Popular Front, a political party based on the ethnic concept of the Azeri nation and Pan-Turkism, came to lead the independence movement, which entered into full swing in the aftermath of the massacre of January 20, 1990 when the Soviet troops entered Baku. Ebulfez Elcibey, the leader of the Popular Front with a vision conditioned by his past as a nationalist dissident during the Soviet times (Aliyev 2015), became the President of Azerbaijan in 1992 as the pro-Moscow regime of Ayaz Mutalibov fell after heavy military losses in

Nagorno-Karabakh.

Elcibey subscribed to pan-Turkism and the vision of Azerbaijan as a state for ethnic Azeris first. Under his leadership the county underwent profound Turkification: Turkish music and pop culture flooded Azerbaijan. He resurrected the motto of the founder of Azerbaijan Democratic Republic of 1918-1920 Muhammad Amin Rasulzade "Turkify, Islamize, Europeanize" (Shaffer 2002:159). The Gulen movement, based in Turkey, started promoting Islamic and pan-Turkic discourse in a weekly newspaper in 1992 (Landau and Kellner-Heinkele 2011:34).

The debate over the essence of national identity was restarted trying to answer the dilemma whether Azeris were a separate nation from Turks. The presidents of both countries widely proclaimed the "one nation-two countries" motto (Ismailzade 2005:1–3). In 1991, the parliament declared its support for the newly systematized Latin script for the Azeri language, similar to the Turkish Latin script. At the end, Azerbaijan didn't adopt the Turkish alphabet all together but instead opted for a version adjusted to the local phonetic needs (Landau and Kellner-Heinkele 2011:30). This was the first major move away from blatant Turkification.

Even then, ethnic nationalism in Azerbaijan was not a much weaker version of its counterparts in other parts of the PSS. Elcibey's advisor portrays

him as a pro-Western thinker who was not nationalist but a patriot with a desire to make Azerbaijan into a modern society, a European-style nation-state, not a nationalistic state. According to him, Elcibey was more anti-Soviet and anti-communist than ethnic nationalist. One of his first presidential degrees was one issued in 1992 to protect national minorities. He was clearly pan-Turkist, fighting to return the nation the name of Turks, defending national rights of Southern Azerbaijanis in Iran. His demise was also connected to Turkey, more precisely to the death of Turkish leader Turgut Ozal (Hasanli 2015b).

Turkey made extensive efforts to maintain a close relationship with the independent Azerbaijan. It was the first state to recognize its independence. As described previously in the previous chapter, Turkey was also the only ally of the otherwise-isolated Azerbaijan in its conflict with Armenia over Nagorno-Karabakh. Linguistic and cultural similarities with Turkey were crucial for the new state in its choice of development strategy: Azerbaijan decided to go the Turkish route of secular democracy and Euro-Atlantic integration v. the Iranian one based on religion and orientation toward the Muslim world community (Ismailzade 2005:2–3). Interestingly, the current territorial nationalism doctrine followed by the leadership is not unlike the territorial nationalism introduced to Turkey by Ataturk in the 1920s when anyone living within the boundaries of the state could call him or herself Turk independent of ethnic origin (Cornell

2005:277).

Turkification and the debate on the nature of Azeri-Turkish national connection culminated in the Law on State Language of Azerbaijan from December 22, 1992, which renamed the language Turkic. In it is important to note that the word "Turkic" does not exist in the Azeri language, it is identical to the word "Turkish". To ordinary Azeris, therefore, this law suggested that their language is the same as the one of Turkey. The preparation of this law led to an extensive debate, as the languages are not, in fact, identical: Azeri preserved Arabic and Persian influences eliminated in Turkish by previous reforms and also has extensive Russian influence (Landau and Kellner-Heinkele 2011:25). There are also important pronunciation differences between Azeri and Turkish.

More importantly for the explanation for the rise of territorial nationalism in Azerbaijan, Pan-Turkism led to a rise in separatism, allegedly with the help of Russia and Iran, of minority ethnic groups who "were ready to be Azerbaijanis but not Turks"(Aliyev 2014) such as the Talysh and the Lezghins. Pan-Turkism thus led to the rise in interethnic tensions in Azerbaijan (Tokluoglu 2005:737). The Talysh, who preserved their Persian identity throughout the Soviet period, were largely alienated by Elchibey's Pan-Turkic discourse (Abbasov 2014; Mehdiyeva 2011:169). The Lezghins, who live on both sides of Russia-Azerbaijan border, also were able to preserve their linguistic and cultural identity and

maintained extensive links with co-ethnics on both sides of the border.

Separatist movements among different ethnic groups were on the way and Azerbaijan's territorial integrity became threatened again, for the first time since the Nagorno-Karabakh conflict.

Today, Azerbaijani politicians underline that the term "Azerbaijani" is acceptable to ethnic minorities but "Turk" is not (Musabayov 2014). It is also noteworthy that both politicians and political analysts think that the name of the nation, ultimately, is not as important (Makili-Aliyev 2015; Musabayov 2014). This testifies to, again, certain vagueness in the ethnic concept of Azeri nation, similar to the case of Moldova and completely contrary to that of Georgia.

Some explain this separatism by the history of Soviet-time manipulations by Moscow to weaken ethnic nationalism by enhancing smaller ethnic groups. Whatever the reason, Heydar Aliyev strictly followed territorial nationalism policies. Despite the opinions of many historians and intelligentsia who wanted to return the name "Turk" to the nation and the language, he stood up against it (Hasanli 2015b).

At the same time, it is evident that many, if not most people in the country, do feel close to Turks (Musabayov 2014). The survey by Caucasus Barometer that dates from 2012, for example, reveals that the rate of approval of women marrying people of various nationalities, while most range from 0%

(Armenians) to 11% (Americans), Turks stand out at 53% as per the chart below (Opinion Poll Data - Azerbaijan and Georgia 2013).

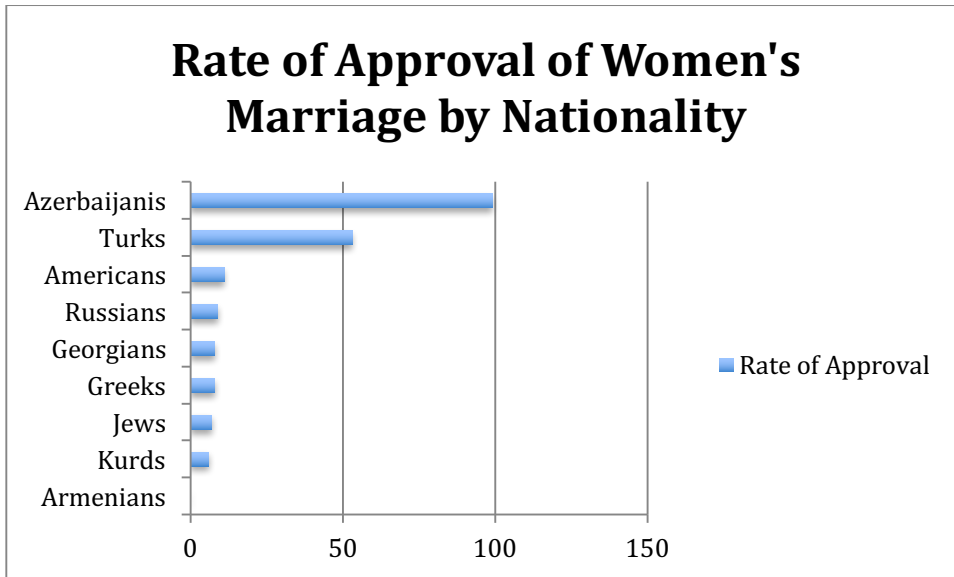


Figure 16. Rate of Approval of Women's Marriage by Nationality.

In foreign policy, Turkey remains Azerbaijan's "number one strategic partner" and their relationship is still described by foreign policy analysts as permeated by the "one nation, two states" idea even today (Makili-Aliyev 2013:4). Another Caucasus Barometer survey conducted in 2013 found that 91% Azerbaijanis saw Turkey as the country's biggest friend v. 1% for Russia and 1% for Iran (Opinion Poll Data - Azerbaijan and Georgia 2013).

C. Heydar Aliyev: Territorial Nationalism against Pan-Turkism

After Heydar's Aliyev's ascent to power in 1993, the relations with Turkey initially remained friendly. Turkey was even given a part in the exploration of Azerbaijan's oil reserves. However, President Aliyev revised the pro-Turkey foreign policy vouching for a balance between East and West, which remains Azerbaijan's policy up to now. Under his leadership, Azerbaijan reentered the Russia-led Commonwealth of Independent States (CIS) and reopened the dialogue with Iran. The country also joined NATO's Partnership for Peace program and the Council of Europe. It was already a member of the Organization for Security and Cooperation in Europe (OSCE).

Many remember Heydar Aliyev as being pro-Western and surprisingly liberal in his values despite his authoritarian style of rule and his past as a communist apparatchik and a member of the all-powerful Soviet Politburo. He even joked that Politburo was now in Washington: the survival of the political elite was closely dependent on its relations with Western powers who purchased Azerbaijan's oil and gas (Shirinov 2012:2). Many of his collaborators remember his commitment to civil liberties, democracy and human rights (Aliyev 2015).

In terms of the concept of the nation, Heydar Aliyev steered the state away from Pan-Turkism and toward what became known as Azerbaijanism

(Tokluoglu 2005:728): an ideology, while without a solid theoretical basis and thus interpreted in various ways but generally characterized by the idea of equality of all ethnic groups in Azerbaijan. Loosely speaking, Azerbaijanism of Heydar Aliyev became Azerbaijan's interpretation of civic/territorial nationalism, an alternative to Pan-Turkism and ethnic nationalism. It aimed at diluting the inter-ethnic tensions that arose after the collapse of the Soviet Union (Hadjy-Zadeh 1996) and to pacify the separatist tendencies that arose due to Pan-Turkism on Azerbaijan's borders (Aliyev 2015).

Territorial nationalism was also a deliberate departure from the Soviet times characterized by the emphasis on the ethnic understanding of the nation (Mirzoyev 2014) despite communism's global ideological foundations. You didn't even have to visit the USSR to get Soviet citizenship: the more Soviet citizens in the world, the easier it was to build socialism (Nasirov 2014).

As the Soviet Union collapsed along ethnic lines, developing the concept of national identity based on political membership and territory was seen as "progressive" and "European" (Mirzoyev 2014). Abandoning the ethnic understanding of the nation also was seen as helpful in obtaining membership in the Council of Europe (Mirzoyev 2014), the most advanced step the country has made toward its integration in Western-led supra-national structures. The head of the Presidential Administration and a well-known academic and architect of

the territorial concept of the nation calls it “a treasure characterizing the modern Azerbaijan that we should cherish” (Мехтиев 2011).

Under President Heydar Aliyev, the lawmakers worked not only with Soviet legacies but also with those of the pre-Soviet independence period, however short it was, since the latter set an important legal precedent (Aliyev 2015). To this day, state discourse claims the country as the “heir” of the Democratic Republic of Azerbaijan (Shaffer 2002:159; Aliyev 2014). If for the Baltic countries, this meant going back to 1940, the legal history of the South Caucasus was turned back to the 1920s (1920 for Azerbaijan and 1921 for Georgia). This was true for the prevalent concept of national identity in general (Goyushov 2014) and it is no surprise that citizenship laws of both Azerbaijan and Georgia are of no exception: the former maintained unconditional *jus soli* and the latter had a heavy emphasis on *jus sanguinis*.

While the Act on Subjecthood of Azerbaijan Democratic Republic from August 23, 1918 defined the nation primarily through maternal *jus sanguinis*, the Law on Citizenship from August 11, 1919 spread Azerbaijani citizenship to “all former subjects of the Russian state without the distinction of nationality, religion and civil status, born on the territory of Azerbaijan” (Алиев 2000:210) or, more

precisely, “independent of their ethnicity or religion”²³. However, this liberal *jus soli* principle was not easy to pass as deputies protested against the “absurd” law, which would “spread the rights and responsibilities of citizenship on persons who are related to Azerbaijan by chance” (Азербайджанская Демократическая Республика (1918-1920): Парламент (Стенографические Отчеты) 1998:582) because the child could have been just born on the territory but then, for example, gone from it for 15-20 years (Азербайджанская Демократическая Республика (1918-1920): Парламент (Стенографические Отчеты) 1998:584). Yet the measure passed, which speaks to the territorial slant in the historical development of the concept of the nation in Azerbaijan.

Conceptually, Azerbaijanism was able to “fill the spiritual vacuum” produced after the collapse of the communist ideology: Heydar Aliyev elevated Azerbaijanism to the level of state ideology, a single ideological base with a sense of common ideas, beliefs and goals (Landau and Kellner-Heinkele 2011:23–24). The role of the state language is the only ethnically oriented component of Azerbaijanism. Similar to the role of French in otherwise territorial French nationalism, the knowledge of the Azeri language is obligatory for all citizens of the country leading to fears of exclusion exhibited by the Russian-speaking minority (Landau and Kellner-Heinkele 2011:26–27), but not to the

²³ Law on Citizenship of Azerbaijan Republic No. 60 from August 11, 1919.

proportions observed in other post-Soviet space with Russian minorities.

Fighting an ideological battle against pan-Turkism and replacing it with Azerbaijanism became a vital priority for Heydar Aliyev, a matter of saving the country's territorial integrity in the face of the rise in separatism mentioned above. Despite having demonstrated "strong feelings of ethnic-based Azeri nationalism" in the past (reportedly, even in the communist times, the development of Azeri national idea was "the meaning of life" of Heydar Aliyev who lead Azerbaijani Soviet Socialist Republic starting with 1969 (Мехтиеv 2011)), President Aliyev realized that the optimal option is to build a territorial and not an ethnicity-based nation-state (Brown 2004:596).

Clearly, territorial nationalism was a viable choice for the concept of national identity due to the ethnic composition of Azerbaijan: its numerous ethnic groups often see themselves as autochthonous (Mirzoyev 2014) as opposed to migratory. From this point of view, territorial was the only possible type of nationalism (Goyushov 2014). Many thus welcomed Heydar Aliyev's efforts to reverse the "attempt to change the existing national identity by the Popular Front, which culminated in the change of the name of the language", in itself a consequence of the growth of Turkish influence because of the desperate attempt to find alliance in the war with Armenia (Aliyev 2014).

In practice, territorial nationalism meant de-ethnization of state legislation

by eliminating mentions of ethnicity. Article 23 of the 1995 Constitution restores the name of the state language to Azeri. "If there is an Azeri-Turkish dictionary", notes an author of the Constitution, "they are separate languages" (Aliyev 2014) in a striking similarity with Moldovenists that point to the Moldovan-Romanian dictionary. The authors of the Constitution describe with pride their efforts to eliminate the notion of ethnicity nowhere even to be mentioned in the Constitution. They draw attention to the preamble of Azerbaijani Constitution that names the sole source of power in the state the people and citizens, which they contrasted with that of the Russian Constitution, which starts as "We, the multinational people", thus subdividing its citizens into various categories based on their ethnic or national origin (Aliyev 2014).

As a result of territorial nationalism policy making and Azerbaijanism, the emotional attachment to Turkey and the Turkic-speaking world considerably diminished (Landau and Kellner-Heinkele 2011:28) even if not disappeared. Turkey resented its loss of political influence in Azerbaijan and tried to change things around, which culminated in Turkey's implication in the unsuccessful coup d'état in Baku in 1995 (Ismailzade 2005:3-4) with an important consequence of Turkey losing its dominance in Azerbaijan's foreign policy priorities (Cornell 2005:277). Pragmatically-minded Aliyev was able to mend his relations with Turkey instrumental for bringing to life the Baku-Tbilisi-Ceyhan pipeline. Since

then Turkey has provided Azerbaijan with extensive military and humanitarian assistance although the relations between the two countries have gone through major ups and downs with the change of political leadership in both Ankara and Baku and such thorny issues as the recognition and provision of transportation links to Northern Cyprus, a point of contention between Turkey and the EU, corruption in Azerbaijan (Ismailzade 2005:6–10) as well as the international pressure on Turkey to unseal its borders with Armenia, a measure opposed vehemently by Azerbaijan.

The fight against ethnic consciousness was not easy. Many still remember how the Head of the Baku Metro was fired for calling for the “purity of the Turkish blood”. Eventually, the view of Turkish identity as the identity of Azerbaijan transitioned to the political opposition while the governing elite holds the view that Azerbaijani identity incorporates multiple influences including that of the Russian culture (Tokluoglu 2005:734).

Territorial nationalism is widely accepted (Goyushov 2014). While pan-Turkism has visibly subsided, territorial nationalism is still under attack from Islamic elements. For example, in February of 2014, armed “Forest Brothers” voiced direct threats to the Azerbaijani government. Based on both sides of the Azerbaijani-Russian border, they demand the establishment of an Islamic state (“Meşə Qardaşları”: Bakıda ilk hücumda 100-dək polis öldürüləcək 2014). Islamic

influence remains a great concern for the Azerbaijani political elite (Ganizade 2014). Religion is a topic usually avoided in Azerbaijan due to its possible dividing consequences (Gadirli 2014). The opposition suggests that Islam may be also used by the current leadership to rally support behind it, even to the point of assembling fake protests against Islamic influence in the country (Gadirli 2014).

A prominent constitutional law scholar, however, has warned against the unconditional *jus soli* arguing that it connects the state to accidental citizens and incentivizes dual citizenship and immigration (Исмаилов 2004:111–112). While the architects of the law were aware of such implications (Алиев 2000:212), today's politicians proudly underline that territorial nationalism policies including unconditional *jus soli* have led to a virtual absence of ethnic nationalism in Azerbaijan (Mustafa 2014).

The authors of the Constitution underline that the de-ethicized approach was not a deliberate construction on their part but more of the reflection of the actual situation or the "natural history of the society" of Azerbaijan (Aliyev 2014). There were no protests to this approach in the press as "everyone agreed", which could not have been possible in other countries where people are very attached to their ethnic identification such as Romania with a significant Hungarian minority (Aliyev 2014). An argument can be made that unconditional

jus soli was dictated not only by a deliberate choice of Aliyev's but by a larger historical context (Hasanli 2015b) conditioned by the weakness of ethnic concept of the nation and the vageness in differentiation between Azeri and Turkish ethnicities, as described above.

D. (In)congruence of Ethnic and Political Borders: Azeris between Azerbaijan and Iran

Another such historical factor that complicated the emergence of clear ethnic consciousness is the fact that Iran holds the majority of ethnic Azeris. There is a general understanding that Azeri ethnicity is present outside of Azerbaijan's borders, with Iran holding the majority of it (Musabayov 2014). In 2000, there were approximately 7 million Azeris in Azerbaijan but between 20 and 27 million in Iran, about a third of that country's population (Shaffer 2000:473). Russian victories over Iran at the beginning of the 19th century resulted in the Northern Azerbaijan's transfer to the Russian Empire with the Treaties of Gulustan (1813) and Turkmanchay (1828) (Brown 2002:68). It is safe, therefore, to suggest that the development of ethnic nationalism within Azerbaijan proper has been thwarted by the fact that there is incongruence between the cultural or ethnic collective identity of the Azeri ethnos and the

polity split between Azerbaijan and Iran. This is not unlike the Moldovan case where, while the case linking Moldovans and Romanians is weaker, if they are the same, they are also divided between two countries.

As Gellner demonstrated, nationalism is the desire to align the political and the cultural units (1983). Hroch also points out the importance of an administrative unit that coincides with the ethnicity of the population for a successful nationalist movement (2000). Scholars studying nationalism in Azerbaijan assume that this condition was fulfilled in Russian Azerbaijan together with the other two Hroch's conditions: an ethnic ruling class and literary languages (Shissler 2003:122). However, if we include Azeri co-ethnics into the equation, we realize that the administrative unit and the ethnic group do not coincide making a state-based ethnic nationalism problematic but irredentist nationalism aiming at the unification of the two Azerbaijani-populated territories, possible.

Indeed, a historical analysis supports this line of thinking. In the early 1900s, before the Russian Revolution, a national movement aiming at a unified Azerbaijani state out of the lands belonging to Iran and Russia previously, already existed (Minahan 1998:21). Practical attempts to organize Iranian Azeris into a political group separate from Iranians, however, failed. Azeri politicians (Huseynli 2014) cherish the "memories of 1946" referring to Stalin's initial

support but later betrayal of the Autonomous Republic of Iranian Azerbaijan proclaimed in December 1945 in Tabriz. In May 1946, the Iranian troops entered the region as the Soviets left. They put the hung bodies of rebels on display for weeks as a retribution for the attempt to build an ethnic Azeri state in Iran (Nation 1992:166). Over 30,000 were killed in the conflict by the end of the year (Rustamkhanli 2013:205). A few thousand Iranian Azeris escaped to the USSR but were not granted citizenship (Huseynli 2014): one can suggest that the Soviet authorities were also worried about these movements as being more of irredentist, and, therefore, threatening nature than a mere struggle for the right to preserve Azeri identity in Iran. Similarly, some of the activists that went to help Iranian Azerbaijan came back to the Soviet Azerbaijan changed – they started to believe in the “national idea” after experiencing the ethnic unity first-hand (Goyushov 2014).

Protests demanding the two governments to allow the reunification of families and friends after 160 years of formal division and 70 years of total separation multiplied right before the fall of the USSR. Thousands crossed the border illegally in 1990. Inevitably, the independence of Azerbaijan raised Azeri consciousness in Iran and led to increase demands for cultural rights of Azeris there (Shaffer 2000:460). In 1992, the Iranian government split East Azerbaijan province and removed the name Azerbaijan from the new administrative unit

despite virulent protests of Azeris (Shaffer 2000:463). Azeri nationalists in Azerbaijan demanded the unification with what they called "Southern Azerbaijan" seeing a lasting solution only in a "united Azerbaijan" (Brown 2004:588).

Over the following years, the drive for the reunification with Iran's Azerbaijan would become the opposite influence on the country's concept of national identity from the desire to reincorporate Nagorno-Karabakh. While the unification with Iran's Azeris questions the existing state borders based on ethnicity of the population, the return of Nagorno-Karabakh reinforces them with disregard to ethnicity. By using both of these lines of thinking at the same time, Azeri ethnic nationalists were able to "utilize whatever rationale is useful in order to justify their attempts to create the largest Azeri homeland possible" (Brown 2004:594). An ethnically blind approach took over under President Heydar Aliyev as well as his son (Brown 2004:577–578). A future resolution of the conflict is, therefore, only possible if the territorial concept of the nation remains dominant. One can also make a prediction that if the ethnic concept of the nation rises in Azerbaijan irredentist movements are bound to resurface as well. Until 1992, Iran actually supported Azerbaijan's independence but the relations soured after Elchibey's openly irredentist rhetoric, and Iran was blamed for an alleged implication in the coup d'état that toppled him, all this resulting in

Islamic Iran supporting Christian Armenia in Azerbaijan's conflict over Nagorno-Karabakh (Cornell 2005:314).

To return to the theory of nation-building, the case of Azerbaijani nation-state is of a certain type: there is little to no special relationship between the new state and the co-ethnics residing in contiguous territories. There is a different dynamic in establishing states that comprise a minor "part of what they consider their population" and "in which a majority of the core group's co-ethnics live beyond the new state's borders" (Shaffer 2000:450). Azeri politicians recognize that despite the potential 50 million Azeri state comprising the lands of Azerbaijan and Iran and, possibly, other states, the goal of a "Greater Azerbaijan" is surprisingly absent (Ganizade 2014; Gadirli 2014; Huseynli 2014).

Heydar Aliyev's stance on the issue of Azeris in Iran was much more pragmatic and based on the principle of retaining territorial identity. As irredentism stems from having co-ethnics in a concentrated area next to the state's borders, Aliyev's policy was to shift attention of the public to the relationship with Azerbaijani diaspora in other countries such as the US and Turkey presenting the Azerbaijani Iranian diaspora just one of many Azerbaijani communities all over the world. President Aliyev's solution to the issue of Iran was, again, territorial nationalism: a transformation of Azerbaijani national identity away from religion and ethnicity toward being a citizen of a state called

Azerbaijan (Brown 2004:594). President Ilham Aliyev continued this policy (Brown 2004:590–591).

Current political elite, however, is vocal in its differentiation between Iranian and Azerbaijani Azeris. They don't think of Iranian Azeris as ethnic kin because of Islamization, which became an integral part of Azeri collective identity in Iran unexposed to massive co-habitation within a Christian-dominated state and state secularism characteristic of the history of the Azeris in today's Azerbaijan. When describing Azeris on both sides of the border, politicians accept the unity of the two as a cultural diaspora based on a common language but not on a common religion (Aliyev 2015; Mirzoyev 2014), and, therefore, ideologically different. Azeris in Iran, they note, see themselves more as Iranians than Azeris because of historical reasons and, more importantly, the influence of Islam. The political elite also considers the predominant role of religion in Iran as incompatible with the principles of territorial nationalism that govern Azerbaijan (Aliyev 2014). There is also another aspect to building a secular nation: religion would exacerbate the tension between Shias and Sunnis, a distinction that has become a taboo in the Azerbaijani society due to the danger of its divisiveness (Goyushov 2014).

Territorial nationalism, therefore, fulfills another function for the Azerbaijani state: to alleviate the pressure to reunite with ethnic Azeris in Iran.

The potential for Iran's direct and indirect interference in Azerbaijan's internal affairs remains real, however, given the dynamics of ethnic affinity. As we saw previously, ethnic affinity was very influential even in the case of the Turkish ethnos. It is much harder to mitigate in the case of Iran whose Azeris use the same language as those in Azerbaijan and see Azerbaijan as a possible escape from the politically oppressive regime of Teheran. Many remember the hike in real estate prices in Azerbaijan provoked by the demand for it among Iranian citizens (Huseynli 2014; Mirzoyev 2014) before the visa regime was tightened. The cultural affinity makes intermarriage with Iranians also quite common (Huseynli 2014). In 2012, politicians from the ruling party, Yeni Azerbaijan, publicly called for renaming of the country into "Northern Azerbaijan" citing North Korea and Northern Cyprus as examples (Депутаты хотят переименовать Азербайджан 2012). Despite the official US position to retain territorial integrity of Iran, sources point out that the State Department considered supporting the unification of Southern Azerbaijan with Iran in exchange for Baku's support in a possible military conflict (США подтвердили план слияния Ирана с Азербайджаном 2012).

A review of the parliamentary debates reveals that giving citizenship to Azeris from Iran who had been in Azerbaijan for 50-60 years and did not have access to Soviet citizenship, was an important concern for parliamentarians of

the time. However, this degree of ethnic solidarity did not result in straightforward citizenship bestowal on these people. Instead, the solution was again envisioned through unconditional *jus soli* – giving citizenship not to the original migrants but to their descendants born on the territory of Azerbaijan (Minutes of Parliamentary Debates 1998:659–664, 665). The desire to avoid an outward demonstration of ethnic solidarity is striking and a purely territorial solution is envisioned, ethnically-blind.

E. Diaspora, Georgia Azeris and 2014 Citizenship Law Amendments

Azerbaijan's unique law of unconditional *jus soli*, in place until 2014, can be in part also explained by the desire to retain connections with the territorially defined diaspora. This law bestowed citizenship on anyone born on the Azerbaijani territory independently of his or her ethnic origin or migratory legal status. This allowed the diaspora (defined by people born on the territory of Azerbaijan and not by ethnicity) who had left the country in the aftermath of the fall of the USSR, to retain Azerbaijani citizenship or return to it by giving up other citizenships. Many of them were intellectuals and other well-educated people and could one day want to return to Azerbaijan and bring their knowledge and

skills back (Mirzoyev 2014).

Parliamentary debates reveal that the legal solution based on *jus soli* was thus envisioned for the 1 million of Azeris and their descendants who were living in Russia at the time. Deputies reasoned that even if most of the diaspora chose to have Russian citizenship and not able to have dual citizenship, *jus soli* allowed them a way to come back to Azerbaijan if they decided to leave Russia, as many of them were thought to have been born on Azerbaijan's territory and, therefore, could claim its citizenship if they decided to move back permanently (Minutes of Parliamentary Debates 1998:659–664). The voices suggesting a simplified procedure for co-ethnics were not taken into consideration (Minutes of Parliamentary Debates 1998:145–146).

This territorial definition of the diaspora has been in place ever since, within the overall territorial definition of the nation. It is seen a "European option", a deliberate departure from ethnic nationalist calls to reconnect to ethnic Azeris in Iran, Turkey, Iran and even in the US and Europe. The overarching logic is that co-ethnics may be connected to Azerbaijan culturally but not politically (Mirzoyev 2014). This logic again uses *jus soli* to define Azerbaijani citizens by belonging to the territorial state v. *jus sanguinis*, by being related to other Azeri citizens by blood. The cultural diaspora based on common language (but not religion) at best could get moral support – with educational

materials, for example, but not political reconnection, especially as the diaspora from certain countries as Iran and Russia are viewed as easily influenced by foreign interests (Mirzoyev 2014).

Following the same territorial logic, the Azerbaijani state does not give any special treatment to Azeris from Georgia or recognize them as diaspora for legal purposes such as obtaining citizenship. While this will further be explored in a separate chapter, many Azeris were forced or chose to migrate to Azerbaijan in the aftermath of the fall of the USSR. While some were able to incorporate themselves into the Azerbaijani society, many still cannot have access to citizenship, which precludes them from finding meaningful employment and the use of public services. This is also true of the children of Georgian Azeris born in Azerbaijan. For a long time, the state denied them their constitutional right to citizenship. With the new amendments to the Citizenship Law passed in 2014 such treatment became formalized. The amendments canceled the automatic right of anyone born in Azerbaijan to become an Azerbaijani citizen, thus weakening the territorial concept of the nation and affecting children of migrants, many of whom are ethnic Azeris from Georgia.

As mentioned previously, the 2014 amendment stated that a child of foreigners no longer automatically became a citizen if born in the country. However, as such is contradicts the Constitution, which can only be changed by

referendum. Curiously, the 2016 constitutional referendum approved 29 constitutional amendments but left article 52, guaranteeing citizenship to anyone born in Azerbaijan, intact.

The political elite that enacted the changes of 2014 recognizes that the cancelation of unlimited *jus soli* goes against the concept of territorial nationalism, which has been central in the development of the state. Yet, they believe that it will not change the territorial concept of the nation because it has already become a reality as the ethnic and religious understanding of the nation were rejected in the early years of statehood (Aliyev 2014). As an example, an interviewee referred to Azerbaijan being the only place in the world where Sunnis and Shiites pray together in the same mosques despite the attempts of Turkey to escalate Sunni and Iran – Shiite separatism (ibid). The Azeri language, according to the same account, is the connecting link of this concept of the nation, and everyone is ready to speak it, not just ethnic Azeris. At the same time, there is an understanding that language is itself detached from identity and it just a means of communication– Aliyev underlined his easiness with being interviewed in Russian despite the knowledge of English (ibid).

The amendments of 2014 are not surprising given the overall political climate in the country. With Ilham Aliyev's ascent to power in 2003, the country has slowly become more and more authoritarian, progressively oppressing

opposition political parties and civil society organizations (Shirinov 2012:3) including NGOs working to promote human rights such as birthright citizenship, now also disbanded (Nasirli 2014).

While reasons for these amendments will be analyzed in depth in the next chapter, one can interpret these amendments as the government's desire to have a larger say as to who becomes part of the nation. While *de facto* it was already doing it by providing unwritten guidelines to the State Migration Service, *de jure* the unofficial quality of these guidelines became unsustainable with the Supreme Court's involvement. The review of the parliamentary debates makes it obvious that the aforementioned gap between the practical application of the law and the existing legislation mentioned previously was a major reason for these changes, "to overcome difficulties may occur in the future work of the state bodies" and "fill the gaps in the legislation" (Minutes of Parliamentary Debates 2014:48).

Despite these amendments and a worsening human rights record, the main tenets of territorial nationalism have remained intact. Ideologically, Azerbaijan remains committed to a national identity built on the concept of territory and allegiance to the state and firmly against ethnicity and religion (Aliyev 2014; Mirzoyev 2014). While a historian focusing on national identity of the titular ethnic group decries that the Aliyev's government "has no national

face” (Hasanli 2015b), an analyst in the presidential administration affirms that the name does not matter as much, even if it is Stalin’s creation. What matters is focusing on the present and the future and not the past (Makili-Aliyev 2015).

As in Moldova, historical circumstances, such as ethnic diversity and population movements, cultural and linguistic similarity to ethnic Turks, the role of Azeri as *lingua franca* in the Caucasus, large ethnic Azeri population in Iran, have prevented the development of a strong concept of ethnic nation in Azerbaijan. Instead the ruling elite craftily capitalized on the weak roots of ethnic nationalism and built a strong territorial concept of the nation (with unconditional *jus soli* as its inherent part) that greatly diminished inter-ethnic strife and practically eliminated separatism on the country’s current borders. Time will show whether the 2014 amendment canceling unconditional *jus soli* perseveres and succeeds to replace Article 52 of the constitution and thus diminishes the territorial concept of the nation.

3. Georgia: Territorial on the Outside, Ethnic on the Inside

Like its neighbor Armenia, Georgia struggled through centuries to preserve its Christian identity in the face of Islam. Their first states appeared in antiquity. Georgian and Armenian nationalisms of the 18th and 19th centuries

displayed a “sense of continuous existence” (Suny 1993:58–59). Russian annexation in 1801 brought an end to the fears of survival a Muslim onslaught and started the process of Europeanization. At the same time, it added new survival anxieties as the Russian Empire exerted its own assimilative pressures (Kakachia 2012:4). During the Soviet times, Georgia became a “smaller empire” in the large Soviet one, in the words of Academic Sakharov, due to widespread ethnic nationalism in the face of non-Georgians (Гумба 2002:8).

The common narrative pictures Georgia as an ancient Christian, and, therefore, European political unit temporarily separated from and now finally reunited with the European civilization. After the Rose Revolution of 2003, Georgia openly proclaimed the goals of NATO and EU membership. Georgia’s Europeanness is often contrasted with Russia’s lack of it. Georgia continues resisting Russia’s efforts to promote its Eurasian civilizational alternative (Kakachia 2012:7). The European civilization is associated with liberalism so Westernization and Europeanization go hand in hand with the spread of liberal values in Georgia (Kakachia 2012:4–5). However, this process comes into conflict with the deeply rooted ethnic understanding of the nation resulting in constant tension between ethnic and territorial concepts of national identity.

Georgia is an “ethnic democracy”: ethnic Georgians expect the state to serve their needs and see non-ethnic Georgians as a threat (Freni 2011:32–36).

Another prominent feature of historically national identity in Georgia is the overwhelming sense of exceptionalism of the Georgian ethnos. This will be developed in depth in the chapter on Abkhazia.

Yet, Georgia had a multi-ethnic history. Apart from the Abkhaz and the Ossetians, the Armenians and the Azeris, the recognized ethnic groups today, the Mingrelians and Svans have distinct collective identities although now they are included in the Georgian ethnic group and thus are not counted by Census. Until the Soviet-introduced universal education, the knowledge of Georgian was low in Mingrelia and Svanetia (Chirikba 2008:30).

The loss of Abkhazia and South Ossetia has been deemed consequence of a rise in Georgian ethnic nationalism surrounding the country's independence from the Soviet Union and has been a deep national trauma. It has made Georgians both more sensitive to national minorities and more anxious about new separatist movements. Since then, Georgian foreign policy has been built on the quest for territorial integrity against the perceived threats of separatism and Russian aggression (Kakachia 2013:42).

A. A Long History of Ethnic Nationalism

Given its theological disputes with Armenians, Georgia saw itself as “the only truly Orthodox Christian nation of Transcaucasia” (Crego 1994:3).

Orthodoxy and the imagery of “defiled Christianity” was used by Georgian rulers when soliciting Russia’s help in liberating them from the Muslims and describes its relationship with Russian colonialism (Khodarkovsky 1999:409; Лежава 2000:25).

The idea of Georgia’s “Messianic role” goes all the way back to the process of Georgian cultural differentiation from the Byzantines (Amirejibi-Mullen 2011:103–105, 114; Hastings 1997) as Kartvelian tribes, unified into a single polity a century before, adopted Christianity in 326. In the following century, an alphabet, written language and the divine liturgy in Georgian appeared (Crego 1994:3). The Georgian Church attained the autocephalous status in 466, which granted ecclesiastical autonomy and international recognition. This event laid ground to the concept of Georgia as a “holy, chosen nation” with “a special mission”, a “true successor of Israel” (Amirejibi-Mullen 2011:138, 141, 151).

The language and its sacral role became what Smith calls the *mythomoteur* giving members of the ethnic group a sense of history and destiny (Smith 1988). Georgia was “those territories on which the Divine Liturgy was sung in the Georgian tongue”. Since for most of its history Georgia was

dominated by Muslim rulers, its religion became the bastion of the survival of its collective identity (Crego 1994:3). Throughout its history, Georgian ethnic consciousness and its Church were aligned, a typical case in the nations that received their religion from the Eastern Roman Church.

As discussed in Chapter 2, the Byzantines, contrary to the Western Church, allowed translation of the liturgy into local languages, which led to early crystallization of proto-national collective identity based on ethnicity (Myhill 2006:37, 44–45).

By the 10th c., Georgian collective ethnic identity was consolidated around the Georgian language as *lingua sacra*. It was based on ethnicity although with a territorial component: others, belonging to Georgian political, linguistic and cultural community, were included. The country resembled today's nation-state: it was a "unified polity based on shared language" (Amirejibi-Mullen 2011:121, 157–168). In the same century, the Messianic "myths of election", as Amirejibi-Mullen calls them, were expanded to consolidate in writing the previously orally-transmitted idea that Virgin Mary was personally protecting Georgia, that the Bagrationi royal family descended directly from Israel's King David, that the Messiah would be a Georgian king, and that He would judge in Georgian (Amirejibi-Mullen 2011:157).

Subsequent Mongol, Ottoman and Persian invasions weakened the

collective identity even if Tbilisi maintained its geopolitical role as the heart of the Caucasus it obtained during the Roman times (Gumba 2016). In the aftermath of the unification with Russia, ethnic nationalism came to the forefront of political life in Georgia in the 19th c. The territorial component of the nation was lost. During the Soviet times, the ethnic concept of the nation was dominant (Abashidze 2014).

Russians qualified Georgians as loyal due to religious affiliation and Georgian military cooperation. They treated Georgians well, further promoting the sense of national exceptionalism. As was a custom, Russia (unlike Britain, for example) elevated Georgian elite to the rank of Russian nobles. The 1783 Treaty of Georgiyevsk, which elaborated the conditions of the Georgian entry into the Russian Empire, had a secret protocol²⁴ promising Georgia new lands to be recovered from the Ottoman Empire (Gumba 2016).

Christianity was part of ethnic nationalist movement of the 19th century reflected in the famous words of the poet Ilya Chavchavadze who defined Georgianness by the motto "Fatherland, Language, Faith" reflecting the popular understanding that it was Georgian Orthodoxy that preserved Georgia through the ages (Nodia 2009:88, 90). As in the Middle Ages, Georgians that accepted other faiths were no longer Georgian: if they became Muslim, they were called

²⁴ Separate Article 4 of the treaty (<http://www.hist.msu.ru/ER/Text/georgia.htm>).

Tatars, if they were baptized in the Armenian Church, Armenians (Лежава 2000:25–26).

This movement was the classical nationalist fight for its own state (Gellner 1983) but complicated by the demand to restore autocephaly of the Georgian Church canceled by Russia (Alasania 2006:126; Mindiashvili 2014). It became even more complicated with Russian annexation of Adjara in 1877 populated by Islamized Georgians (Nodia 2009:91). To combat nationalism, Russia started supporting sub-national Georgian ethnic groups at the end of the 19th c. when 11 such groups were designated and schooling began in Mingrelian and Svan (Cornell 2005:133). Even the communist movement in Russian Georgia was extremely nationalistic (Artman 2011:12).

In the Soviet times, Stalin, an ethnic Georgian, restored and reinforced Georgia's sense of exceptionalism. Many other Soviet leaders were also ethnic Georgian (such as Lavrenti Beria). Others tried to appease Stalin and thus supported the promotion of the Georgian culture. As a result, many prominent Georgians became very visible in the Soviet social life. The image of Georgians was ubiquitous in Soviet pop culture of the Stalin times and stayed on after his death (Gunjia 2016; Gurgulia 2016; Khashig 2016). Georgian communists were the ones who the double layer of national autonomy in the Soviet state and the creation of the "union republics", eventually supported by Lenin, as opposed to

direct autonomy inside the Soviet Russia as envisioned by Stalin (Gachechiladze 1997:57).

Historically, intelligentsia from various ethnic groups of the Caucasus was educated in Tbilisi. Under Stalin, Georgia became "culturally more Georgian". Non-Georgian intelligentsia left for their respective national republics, to Baku and Yerevan, in the case of Azeris and Armenians (Shiriyev and Kakachia 2013:75–76).

The Georgian language remained widely used and dominated education, mass media and publishing in a contrast to the majority of other Soviet ethnic groups who underwent russification. Georgia remained the most ethnically-concentrated republic of the Soviet Union (Amirejibi-Mullen 2011:245; Gachechiladze 1997:56). Georgian linguists developed a number of theories demonstrating superiority of Georgian over other languages such as its being foundational to most world languages (Amirejibi-Mullen 2011:249). In 1928, Grigol Robakidze, an emigrant to Germany, offered a concept of the Georgian nation united by the "Georgian gene" influenced by the Nazi concept of the nation. Georgian even became the language of bureaucracy and scientific research during the Soviet times (Amirejibi-Mullen 2011:271) as opposed to Muslim and Slavic republics who had to use Russian (Gachechiladze 1997:56).

In line with that thinking, racial and ethnic nationalism rose full force

under the first post-Soviet President Zviad Gamsakhurdia (Nodia 2009:92) as described below. Continuing to use religious symbolism in his rhetoric (Crego 1994:4), Gamsakhurdia called for a “moral rebirth” and the reinstatement of Orthodoxy as the “normative faith” of the society and even its status as “state religion” (Crego 1994:9). The Georgian Church received its autocephaly from the World Patriarch in Constantinople in 1990 (Alasania 2006:128). Patriarch Ilya II announced that any Georgian who was not Orthodox, was an enemy to the Church and the Nation” (Mindiashvili 2014). Nationalist leaders of the time widely believed that the Georgian nation survived only because its Church and the culture of a personal sacrifice for the good of the collective (Notadze 2014). It is evident that the proto-national collective identity was carried through from the Middle Ages to the modern times in Georgia (Amirejibi-Mullen 2011:190–191).

Ethnic Georgians also had an overwhelming position in administrative and power positions: the highest titular representation of other titular Soviet republics. Even the first secretary of the party was Georgian (Amirejibi-Mullen 2011:256). Georgia was the most subsidized republic of the USSR: the Georgian exception was also an economic reality. Abkhazia, on the contrary, only received back 6% of what it produced: most went to Tbilisi and then to Moscow (Chirikba 2016). After Stalin’s death such preferential treatment continued by inertia.

When central authorities tried to challenge the dominant role of Georgian in 1978, riots broke out (Ó Beacháin 2016:211).

As a result of these historical factors that go back to pre-modern times, a sense of exceptionalism is a prominent feature of Georgian national identity. Georgians “regard all ethnic groups other than Georgian as inferior” (Amirejibi-Mullen 2011:10). These factors include the “myths of election” reinforced by Georgian as *lingua sacra* and by the preferential treatment ethnic Georgians received by the Russian Empire and by the Soviet Union (Gumba 2016; Gunjia 2016; Gurgulia 2016; Kuvichko 2016; Kvarchelia 2016; Lakoba 2016). The importance of the Georgian alphabet and literature seem especially poignant: Mingrelians, for example, see themselves as Georgians largely because of the shared alphabet. Even Stalin in the 1930s wrote about uncertain destinies of the Caucasus ethnic groups with no written word as the Abkhaz and the Lezgins (Hewitt 2016).

Today, the ethnic concept of the nation and the sense of exceptionalism remain strong despite numerous attempts at constructing a more territorial nation. Minority groups fighting for the rights of Georgian Azeris complain that the reason for discrimination against them, for example, is the widely held belief that they are not autochthonous. Even the Georgian authorities apparently see Azeris as migrants who came to Georgia only within the last 200 years

(Mamedov 2014) despite the historical evidence showing that Turkic tribes entered these lands in the 11th century (Wheatley 2005:5).

Similarly, analysts of Georgian foreign policy define its history “over the centuries” and dating to pre-modern times as “focused on survival” due to “security threats” that used to “dominate Georgia’s history” (Kakachia 2013:13). It is in fact Georgia’s long pre-Soviet history of statehood that analysts use to explain the force of its ethnic nationalist movement, one of the strongest one in the former USSR (Artman 2011:8–9). In the 1990s, ethnic nationalist politicians saw Georgians as the only autochthonous nation in the Caucasus. They blamed Russian and Soviet authorities for populating Georgia with Azeris, Armenians and Ossetians and radicalizing the Abkhaz (Adamia 2015). Continuously, Georgians regard all other ethnicities living in the country as a threat to territorial integrity (Amirejibi-Mullen 2011:10–11).

B. The Ethnic Nation in Peril and the 1993 Citizenship Law

Despite Georgia’s efforts aimed at building a multiethnic and more territorial nation, there is an overwhelming concern for the demise of ethnic Georgians. This concern was overpowering in the 1990s when Georgia lost

Abkhazia and South Ossetia in a series of military conflicts, so ethnic nationalism dominated citizenship policies in the 1990s (Gugushvili 2012:1) in the overall climate of the fears of a demographic crisis of ethnic Georgians (Tsereteli 2015).

The Gamsakhurdia administration saw national minorities, referred to as “guests”, as “threats to the Georgian statehood” (Amirejibi-Mullen 2011:262; Imerlishvili, Nachkebia, and Kharatiani 2010:12). Its discriminatory policies resulted in the exodus of thousands of non-Georgians: from 1989 to 2002 the proportion of national minorities dropped from 23% to 16.2% of total population (Imerlishvili, Nachkebia, and Kharatiani 2010:12).

The Society of Merab Kostava in its program called for the “populating of demographically critical districts with Georgian families and housing them in properties bought from non-Georgian population” as “one of the most realistic means to mitigate the demographic situation” (Лежава 2000:264). Its chairman praised the successful “pacification” of the Armenian-populated Javakheti area (Adamia 2015).

Just as in Azerbaijan, the 1918-1919 citizenship legislation of independent Georgia impacted Georgia’s post-Soviet citizenship (Gugushvili 2012:1) and was the blueprint of the 1991 citizenship law (Ninidze 2014).

Parliamentary debates over the law took place on February 25 March 18, 1993.

At the beginning, some suggested simply restoring the 1918 Decree on

Citizenship (Minutes of Parliamentary Debates I 1993:12, 49–53). The first law of the new state (Gugushvili 2012:2), the Decree faced the same challenges in 1991 in defining national membership and opted for *jus sanguinis* (Ninidze 2014). Dual citizenship was banned (Khetsuriani 2014).

The Traditionalists and the Popular Front presented alternative, less inclusive, versions of the law demanding such measures as the obligatory knowledge of Georgian to qualify for citizenship excepting Georgians by “gene pool” (Minutes of Parliamentary Debates I 1993:20). It was not clear how to treat ethnic Abkhazians or Georgian Jews who lived abroad (Minutes of Parliamentary Debates I 1993:41, 43). *Jus soli* was considered but only for those who reached 18 years of age and could choose (Minutes of Parliamentary Debates I 1993:33).

The ethnic understanding of the nation was in clear conflict with liberal-democratic norms. Ethnic nationalists demanded preference to “ethnic Georgians” designated as a legal category (Minutes of Parliamentary Debates I 1993:14–15). Liberal-democrats were ready to offer the full “zero option” (Minutes of Parliamentary Debates I 1993:35) Similarly the Baltic states, some demanded citizenship be limited to the descendants of people who lived in Georgia before 1803 when it was incorporated into the Russian Empire although it was clear that this would be criticized by Western states (Gugushvili 2012:4; Minutes of Parliamentary Debates II 1993:11–12, 47). Lawmakers believed that

easy access to citizenship by non-ethnic Georgians could create “the fifth column” of citizens who would adversely affect the country’s political processes but would also allow for more army recruits (Minutes of Parliamentary Debates I 1993:13).

President Eduard Shevardnadze, accused by ethnic nationalists to yield to Russian interests (Adamia 2015) on such matters as dual citizenship liberalization or inclusion of Russian-speakers residing in Georgia to citizenship, made sure that the final version of the law was more inclusive (Davitashvili 2014) and was not just limited to ethnic Georgians. Even then, the requirement of a 10-year continuous proven permanent residence on the territory of Georgia to be recognized among its initial body of citizens left many people stateless holding on to their Soviet passports even after the 2007 cut-off (Yucer 2014).

Anxiety over the survival of the Georgian ethnos was the main reason for Georgia’s rejection of *jus soli* seen as conducive to dual citizenship (Kupreishvili 2014). Just as in Moldova and Azerbaijan, policy makers did not think “practically or logically but emotionally” (Tsereteli 2015). The overall sentiment in the parliament was of the need defend ethnic Georgians (Chheidze 2015; Khmaladze 2014), so *jus sanguinis* was preferred (Davitashvili 2014).

When debating *jus soli* practices, lawmakers considered the French example but then rejected *jus soli* preferring blood over territory (Gabrichidze

2014) as citizenship was to be transmitted by parents (Demetrashvili 2014). *Jus soli* was also seen as a demographic threat to Georgians. They could easily be outnumbered by Armenians and Azeris who had high birth rates (Kupreishvili 2014; Notadze 2014). Some were even *jus soli* for foundlings, an international standard (Khetsuriani 2014). Others thought that citizenship of foreign children should be a right and not an obligation to be Georgian if they were born in the country (Notadze 2014). Overall preoccupation was for “pure” ethnic Georgians to populate the country and reduce the share or even eliminate non-ethnic Georgians (Natelashvili 2014) as “mixing of Georgian people with ... foreign ethnic groups led to the decline of the Fatherland” (Minutes of Parliamentary Debates II 1993:33). All in all, the reason for the eventual rejection of *jus soli* was “cultural”, notes an UNHCR official who participated in the process. Citizenship “by birth” was to stand for ancestry alone (Yucer 2014).

One element of *jus soli* made it in, however, under further scrutiny. Article 14 assigned citizenship to children of foreigners born on Georgian territory “by the legislation of the relevant state”. In fact, this was unconditional *jus soli* in an embryonic format, it was meant to apply *jus soli* if the country of origin did so as well: MPs considered a hypothetical case of a child born of an English father and a stateless mother (Minutes of Parliamentary Debates II 1993:57).

Immigration Service attempted to go by Article 14 assigning foreign

citizenship to children on their birth certificates (Baramidze 2014). This practice was discontinued when a foreign state refused to recognize the child of a German couple obtained through a Georgian surrogate mother as German citizen (Gugushvili 2012:15). This case will be further discussed in the next chapter. There was overall understanding among in the department that this Article was “nonsense”: Georgia cannot assign other countries’ citizenship. Civil servants didn’t interpret it the way that lawmakers intended it: one had to know other countries’ laws and abide by them. They understood that they assigned citizenship based on the one of the parents (Gagnidze 2014). Birth certificate issued by immigration officials was the only legal document that released the mother from the hospital (Yucer 2014). It comes as no surprise that Article 14 was scrapped from the 2014 Citizenship Law.

C. Efforts to Build a Territorial Nation and Reaction

Georgians continued seeing citizenship as different from the Soviet style “nationality” or ethnicity despite its relative absence from the 1993 citizenship legislation (Notadze 2014). The evidence of a wide spread support of ethnic nationalism came to the forefront with the discussion of the decision to abolish

the “ethnicity” line on identification documents proposed by President Shevardnadze.

This amendment entered into force in January 1999 and led to a heated society-wide debate. Critics alleged that it deprived Georgians from the ability to “regulate the country’s demographic situation” and violated their rights in an experiment in cosmopolitanism (Reisner 2010:158). People felt that something “personal” was taken away from them. The World Congress of Georgians appealed to the president to scrap the amendment in order to preserve the “historically indigenous nation” and so did a public address to the president of 17 renowned writers and poets who feared the loss of the country’s name and the demise of the state language (Reisner 2010:158–159). Together with the renewed demands to limit land ownership to ethnic Georgians, these protests indicated that “essentialist ethnic-cultural definition of the Georgian nation was put above the state” (Reisner 2010:163).

19 most prominent NGOs supported the law publicly warning against creating a dominant group within the population (Reisner 2010:160). The territorial nation won but long after many continued demanding their right to be issued a state document that confirmed their “nationality” of an ethnic Georgian (Gagnidze 2014). Georgia’s membership in the Council of Europe, signed in 1999, was another sign of its leadership’s understanding of the need to abide by

international legal norms and to eventually build a multiethnic nation (Abtseauri 2014).

As pro-Western reformers under President Mikheil Saakashvili took over in 2004, it attempted to incorporate ethnic minorities into the multiethnic national project. The new president took it as a matter of principle to build a territorial nation in Georgia: it became clear that it was impossible to be an ethnic nationalist and retain good relations with the West (Amirejibi-Mullen 2011:278; Tevzadze 2014). As a result, the Church, an institution focused on preserving the Georgian ethnic identity, lost a major part of its political influence (Mindiasvili 2014). It denounced Saakashvili's reforms as "cosmopolitan" and himself as "an Armenian" and "an enemy of the Georgian people" (Davitashvili 2014).

Ethnic nationalists called Saakashvili a president of minorities and continued to demand "Georgia for Georgians" (Kintsurashvili 2014). The society was not ready for a drastic transition to a territorial national concept; most still saw the nation in ethnic terms (Nodia 2014). Ethnic nationalists demanded that only "nationals" (i.e. ethnic Georgians) had the perpetual "right to use the riches of Georgia as a feeding base for them and their descendants forever" (Notadze 2014).

Resistance to Saakashvili's liberal reforms grew and in 2012, the Georgian Dream coalition took control of the parliament, and has resurrected ethnic

nationalist aspirations. The role of the Church increased, as did its special connection to the Russian Orthodox Church and, some fear, the Russian imperial project. If Stalin forced the Church to support the Soviet project, now it supports the “Eurasian” reunification (Mindiashvili 2014). Both Georgian and Russian churches see the liberal West as the enemy (Nodia 2011), both accused of connection to the Russian intelligence services in support of the emerging “Russian World” (Mindiashvili 2014; Narodetskiy and Chekan 2011).

While technically, Georgian Church is separate from the state, this separation is illusory (A Report on the State of the Azerbaijani Muslim Community in Georgia 2011:4–5) as it receives massive financial support from the state (Corso 2009) and a host of legal privileges such as exemption from taxation and from military service for clergy (A Report on the State of the Azerbaijani Muslim Community in Georgia 2011:5–7). The official website of the Church explains that “the Muslim religion serves the teaching of the Devil” (A Report on the State of the Azerbaijani Muslim Community in Georgia 2011:4–7, 12).

Muslims constitute around 10% of Georgian population and are heavily concentrated in the region of Adjara, which was part of the Ottoman Empire for 300 years.

Since 2012 when the Georgian Dream came to power, there have been

numerous church-incited incidents of religious intolerance, especially against Muslim Georgians. In 2013, for example, angry crowds prevented religious services in the mosques of Samtatskaro and the Revenue Service succeeded in removing the minaret of the mosque in Chela for “unpaid import duties” (Corso 2013). Apparently, the Georgian state spent over \$50,000 on the take-down of the minaret by special security forces when the actual unpaid duty was about 1000 lari (\$500). The ruling coalition did step in and restored the minaret to calm the human rights outrage (Mindiashvili 2014) remains very close to the Church (Kintsurashvili 2014; Mindiashvili 2014) and leans toward ethnocentricity. The 2012 Law on Diaspora gave foreigners of Georgian ethnicity (going back five generations and having a native language of the Kartvelian group) various benefits, such as in travel and education, but failed to grant them citizenship automatically.

D. The Concept of the Nation in the 2014 Citizenship Law

The 1993 Citizenship Law left out many people who “fell between the cracks” and continued to live with old Soviet passports or were not recognized as stateless, even if a few thousand were able to benefit from the president’s

right to grant citizenship “in the interest of Georgia”(Gagnidze 2014).

The Saakashvili government drafted a new law some time during its time in office and the post-Saakashvili Georgian Dream government made a few changes (Yucer 2014). As a result, the 2014 law reinforces the blood concept of Georgian citizenship. It facilitates citizenship acquisition for children of Georgian emigrants (many are in Russia but also in Azerbaijan, Ukraine and Armenia). The new law no longer requires them to be born in Georgia (Odisharia 2014).

At the same time, the law is determined to alleviate the issue of statelessness (Khmaladze 2014). The period of residence in Georgia prior to 1993 was shortened to 5 from 10 years and it no longer has to be consecutive (Gagnidze 2014; Odisharia 2014). There is a *jus soli* element but only as a temporary measure due to expire in 2018 as an exception for those who fall through all other cracks (Gagnidze 2014; Kalandadze 2014). The law has been largely beneficial for the stateless (Yucer 2014).

The controversial citizenship by parent for children of foreigners, Article 14 of the 1993 law, is gone leaving no *jus soli* elements at all. It is viewed as too loose (Odisharia 2014) now that so many foreigners, both legal and illegal, live in Georgia (Bigashvili 2014) and there have been massive purchases of land by wealthy people from the Middle East, Iran and even India (Natelashvili 2014) who, nevertheless, many of whom in refugee status as the only legal means of

staying in the country (Yucer 2014). During Saakashvili, citizens of 118 countries could enter visa-free. Now these regulations have been tightened as fears of criminal activity heightened (Kakachia 2014). Georgia was the only country in the world that didn't require visas from Iraqis (Hulst 2014). Georgia is attempting to reestablish its migratory control (Odisharia 2014).

Indicating a turn toward ethnic nationalism, there have been many alleged cases of discrimination in granting and extending residency explained by "security concerns" (Macharashvili 2014) even if the government remains committed to integration of national minorities (Gogheliani 2014). For example, thousands of ethnic Armenians from Javakheti, who had to renounce Georgian citizenship in order to keep their Armenian and Russian passports, were denied renewal of their Georgian residency permits (Javakh Armenians Want Visiting Armenian Parliament Prez to Get Them Permanent Georgian Residency Status - Hetq - News, Articles, Investigations 2014). The Armenian-Georgian population is viewed with suspicion by the Georgian state (Khmaladze 2014).

The "demographic fear" of ethnic disappearing is supported by data. In 2014, it revealed that since 2002, the population of Georgia decreased by 15%, and since 1989 by 31%. It is projected to go down from 3.7 million to 1 million by 2065 (Rukhadze 2015). The Azeri population in Georgia, however, is growing, with rates up to 7% since 2002 (Georgia Reveals Initial Data from Country's First

Census in 12 Years 2015).

The government, however, is careful to remain committed to territorial nationalism in its discourse. Some politicians even conclude that the “childhood disease of ethnic nationalism” is over (Natelashvili 2014). The young generation sees the nation increasingly in territorial terms (Abashidze 2014; Davitashvili 2014). Georgians have accepted the existence of national minorities: “non-autochthonous” Azeris and Armenians have passed are now “our” Azeris and Armenians (Mamedova 2015). Few ethnic nationalist dare to speak up openly although being Muslim and Georgian has become problematic, as did Catholic (Abtseauri 2014) as the Church has become increasingly xenophobic (Mindiashvili 2014). Georgians remain wary of non-ethnic-Georgian leaders (Aliyev 2015). Many still politicians see national minorities as “a source of threats” and outsiders (Kakachia 2013:25).

Ethnic nationalism remains a force to be dealt with, however. Georgia still hasn't signed the 1992 European Charter for Regional or Minority Languages out of fear of giving too much autonomy to national minorities (Mindiashvili 2014). A 2008 survey showed that only 8.4% of Armenians and 9.8% of Azeris in Georgia were fluent in the state language (Akerlund 2012:15). Their rights as citizens of Georgia are limited by the insistence of the state that all state business be conducted in Georgian.

For most people, “Georgian” still means an ethnic Georgian, a person who cannot have an Armenian last name. In the absence of ethnic identification in official documents, the last name is routinely used as a “strongly essentialized indicator of belonging” to the Georgian nation (Mühlfried 2010:12). And, quintessential to this work, the government still refuses to use *jus soli*, seeing it as the way to make Georgia an “immigrant country where anyone could come and give birth”, a fear widely shared by the population (Yucer 2014).

Ancient history and the concept of the nation from the Middle Ages weigh heavily on the way Georgians and their politicians see collective identity, as an ancestral community. When describing it, most cite Georgian history, which is still understood as the history of resistance to assimilation – to Byzantium, Turkey, Russia, so that the idea of the territorial nation is shocking, a “mental revolution” (Gagnidze 2014). As one respondent put it, the politicians imagine that they continue the work of the Georgian state as it was in the 12th century (Davitashvili 2014). The case of Georgia leaves little doubt about the importance of historic and even premodern concept of collective belonging for today’s concept of the nation and citizenship policy.

Chapter 5 revealed the crucial importance of historically-created concepts of national identity for the politics of jus soli (and territorial citizenship in general) in

all three countries. If in the case of Georgia, it could have been expected given the ancient "myths of election", its long history of independent statehood, the mobilizing role of its language and religion as well as the sense of exceptionalism from the privileged treatment under by the Russian and Soviet states. In the cases of Moldova and Azerbaijan this came as a surprise. And yet, even in these two cases, concepts of national identity also go back into faraway history with a striking similarity of historical factors in both cases (even if Azerbaijan went through a period of ethnic nationalism). These factors contributed to a weaker sense of ethnic differentiation: changing borders, mass migrations, continuous incongruence of ethnic and political borders and presence of another (almost identical) ethnic group and its language. The interviews and secondary literature made it clear that historically-created concepts of national identity made a major impact on the development of a strong ethnic bias in Georgia's policies of national membership and citizenship and a strong territorial slant in equivalent policies of Moldova and Azerbaijan.

Chapter 6. The “Fifth Column”: *Jus Soli*, Dual Citizenship and Geopolitics

Chapter 6 explores the impact of the politics of dual citizenship and geopolitics on the politics of jus soli in Moldova, Azerbaijan and Georgia. While the link between dual citizenship and jus soli is not new, the connection to geopolitics results in unexpected account of the concern or outright fears projected by the image of a “fifth column” of dual citizens serving the interests of a foreign power. The findings firmly tie the politics of territorial citizenship to not only domestic and historical factors but also to geopolitics and foreign policy.

Dual and multiple citizenship²⁵ has become ubiquitous in a world characterized by mass migration as immigrants seek to maintain links with their countries of origin (Brøndsted Sejersen 2008:524). As of 2001, 27% of countries of the 159 under survey explicitly recognized dual citizenship, 31% explicitly banned it, with the rest recognizing it in special cases (Bertocchi and Strozzi 2004:16).

The logical link between *jus soli* and dual citizenship has been suggested

²⁵ “Dual” is used from now on on the assumption that if dual citizenship is allowed, so is multiple one.

a long time ago (Flournoy 1921:545; Spiro 2010:113): if a child gets one birthright citizenship by territory, there is always a possibility of his or her getting another birthright citizenship by blood since *jus sanguinis* remains widespread worldwide. This chapter provides solid proof of the direct relationship between unconditional *jus soli* policies and liberalization of dual citizenship. Conversely, if dual citizenship is seen as undesirable, then *jus soli* becomes a concern. Restricting the former also requires limiting the latter. This is exactly what happened in Georgia in 1993 and in Azerbaijan in 2014. On the contrary, liberalization of *jus soli* and dual citizenship go together. This is what took place in Moldova in 2003.

The overwhelming reason for the rejection of dual citizenship is the fear of the so-called "fifth column", dual citizens acting in the interest of a foreign power. Dual citizenship liberalization creates an easy way for other states to influence both internal politics and foreign policy. Facing *de facto* loss of territory to separatists supported by Russian power, Azerbaijan, Georgia and Moldova, understandably, were extremely reluctant to permit their citizens to hold other citizenships despite a desire to maintain connection to diaspora, especially given the threat of further separatism.

Russia is feared the most, especially in the case of Georgia. As Deputy Foreign Minister of Abkhazia put it, the border post Ingur at the Georgian-

Abkhazian border is “the geopolitical border between the United States and Russia” (Tania 2016). The widespread fear is that Russia can use any means, even attempts on the lives of national leaders such as the assassination attempts on the lives of President Aliyev of Azerbaijan and President Shevardnadze of Georgia (Nassibli 1999:56). The 1998 5-day war between Russia and Georgia over South Ossetia and Russia’s takeover of Crimea have exacerbated the perceived danger. Other states are also feared: Turkey and Iran in Azerbaijan and Romania in Moldova. Moldova did give in to the pressure to liberalize dual citizenship but only because the passportization assault by Romania became overwhelming and resistance to it unsustainable.

Residents of the unrecognized states, in need of travel, work and social welfare opportunities, took other citizenships *en masse*. The Transnistrians, Abkaz and South Ossetians took Russian passports, and the residents of Nagorno-Karabakh took Armenian passports, thus making Karabakh a *de facto* province of Armenia (King 2001:541–542). These developments loom over domestic policies of the “buffer zone” countries making the geopolitical factors described in this chapter even more relevant as the solution to the frozen conflicts lies clearly in the will of the great powers outside, Russia primarily.

The link between the politics of *jus soli* and dual citizenship and geopolitics is even more important given the recent rift between the West and

Russia reminiscent of the Cold War (Aliyev 2015) and Russia's ceaseless efforts to reassert itself as a global power and reestablish its influence in its "near abroad". The three countries are torn between the desire to stay independent and the pull of Russian power and the Western interests seeking to curb it. None of the states has clearly aligned itself with Russia or the West continuing to balance between them.

In terms of actual policies, Georgia maintained its strict control of dual citizenship by the president and rejection of birthright citizenship by means of *jus soli* in the new citizenship laws of 2014 and 2015. In 2014, Azerbaijan tightened its ban on dual citizenship and annulled its unconditional *jus soli* in place since 1995. Moldova stands out: it liberalized its dual citizenship in 2003, which led to unconditional *jus soli*. This chapter explores these developments in depth.

1. Moldova: Embracing Dual Citizenship in the Face of Romanianization

While some suggested, in the 1990s, that the issue of dual citizenship in Moldova is primarily related to the country's ethnic heterogeneity (Shevchuk

1996:67), the country's political life since then has demonstrated that it has much more to do with the lack of ethnic differentiation from the population of Romania and that country's repeated attempts to "Romanianize" the population of Moldova in the ultimate goal of annexation of its territory.

As mentioned previously, despite some voices for an ethnically-restrictive citizenship law in 1991, Moldovan lawmakers saw the "zero" option as the only possible policy to maximize the number of people interested in preserving Moldova as an independent state (Burian 2014). The possibility of Moldova's disappearance was real and remains so in the face of continuous expansionary politics of Romania and Russia. Both of these countries had been freely distributing passports to Moldovan residents and saw many of them relocate to their territories while maintaining family and citizenship links with Moldova. Dual citizenship was not legal even if some attempts to pass it were made even before the dissolution of the USSR (Сафронов 1991).

Romania has been relentless in distributing its passports to Moldovans ever since its 1991 Citizenship Law permitted dual citizenship and citizenship "restoration" to residents of Moldova (Iordachi 2004:246). The law was adopted with a clear political ambition of the eventual incorporation of Moldova into Romania. While Romania was the first country to recognize Moldovan independence, it also immediately initiated a set of policies aimed at the

eventual takeover of the new state: the “special partnership” included measures to bring the political elites together on regular consultations, educate young Moldovans in Romania and provide unobstructed travel between the two countries (Iordachi 2004:247).

As a result of this law, which effectively allowed the majority of Moldovans access to Romanian citizenship, the appeal of the political unification of the two states increased. Many Moldovan intellectuals, now Romanian citizens, took active part in the political life of Romania, taking it as far as running for President as in the case of Mircea Druc in 1992 (Iordachi 2004:250). The political elite of Moldova has been largely “restored” to Romanian citizenship and the 2013 decision by the Constitutional Court of Moldova, all members of which were Romanian citizens, to rename the language from Moldovan to Romanian, in apparent contradiction with the Constitution, is a case in point (Sidorov 2014).

Applications for Romanian citizenship really took off in 1998 when Romania started accession negotiations with the EU (Iordachi 2004:247). By 2000, about 300,000 Moldovans held Romanian passports (Iordachi 2004:253). In this situation, the Moldovan authorities, led by former communists, became increasingly worried about the massive Romanianization of the population and tried to devise mechanisms preventing it. These measures failed in the face of Romania’s new set of citizenship “restoration” policies in March of 2000. The

heated debate on dual citizenship that followed in Moldova culminated in its limited legalization in May 2000 for the cases of mixed families but with the condition its declaration, to appease the anti-Romanianist forces (Iordachi 2004:254–255).

Moldova's connections to Russia also remained strong with many of its citizens working and living there and many Moldovans sympathetic to Russia's quest to reestablish its influence in the region seeing it as a means to prevent the incorporation of Moldova into Romania. As Moldovan politicians tried to mitigate the fears of the country being "swallowed up" by Romania or by Russia, they saw dual citizenship liberalization as a strategy that would allow Moldova to keep neutrality between the two geopolitical pulls. Romanianists hoped that it would bring the country closer to Romania, Moldovenists – to Russia.

In 2001, as Romanians were granted visa-free travel in the majority of EU countries, Brussels obliged Romania to impose a passport requirement on Moldovans (they could enter without one before). This led to an anxiety of being cut off and another dramatic rise in applications for Romanian passports despite dual citizenship not being fully legal in Moldova to the point where the overwhelmed Romanian Embassy in Chisinau adopted a moratorium on "restoration" citizenship applications (Roper 2005:507). This didn't help much and the application rate reached about 300 a day in late 2002 (Iordachi

2004:256).

The overwhelming Romanianization of the Moldovan population produced an intense debate – the media called dual citizens “foreigners in own land” (Мариан 2008) – leading to an attempt to ban dual citizenship altogether. At the same time, a grassroots movement arose led by young people who desired to be able to go to work or study outside of Moldova, be it Russia, Romania or Europe. They demanded full dual citizenship liberalization (Creangă 2015; Postoiko 2015). Media reported that about one third of the country’s population possessed another passport, even if it was not legal. Only 115 people had been stripped of Moldovan citizenship for holding another by 2003 (ОХОТНИКОВ 2003).

President Vladimir Voronin, from the party of the former communists, faced a situation where beside the en-mass Romanianization of Moldova’s population, residents of Transnistria and ethnic minorities living in Moldova also possessed other passports. The Transnistrians widely held Russian and Ukrainian passports, the Gagauz -- Turkish ones. Others held Israeli or Bulgarian passports beside Romanian ones. If the Moldovan law remained restrictive, Moldova risked losing many citizens to those countries. Something had to be done to alleviate the fears of people who already held 2-3 passports and of others who were in the process of getting them. Voronin asked the legal commission of the

parliament to study the experience of other countries to explore the possibility to “just accept the fact of life” of multiple citizenship, “which had already existed” *de facto* if not *de jure* (Postoiko 2015). The head of the cabinet protested trying to warn about future negative consequences for the state but was accused of being Romanophobe (Petrache 2015).

An international seminar organized by the Moldovan authorities in collaboration with the Council of Europe and international experts in Chisinau on February 27-28, 2003 concluded that legalization of dual citizenship was “welcome and needed”. The Parliamentary Commission for Human Rights and Minorities agreed (Minutes of Parliamentary Debates I 2003:12). The Presidential Committee for Developing Proposals for the Regulation of Multiple Nationality accordingly elaborated a project of the law after examining international conventions and the practice of other states (Minutes of Parliamentary Debates I 2003:11). The legal practice of other countries with liberal dual citizenship laws was examined such as the experience of the Netherlands where the royal family possesses two citizenships or the members of the Supreme Court of the UK who also hold other passports (ОХОТНИКОВ 2003).

The parliament voted in the Law on Dual Citizenship on June 5, 2003 both fully liberalizing the institution of dual citizenship and lifting all limitations on rights of dual citizens. President Voronin promptly signed the law.

Opposition critics blamed him for an alleged possession of Russian citizenship, which Voronin firmly denied (Пресс-служба президента Молдовы опровергла заявления о том, что Владимир Воронин имеет гражданство РФ 2007). Other voices protested in the press warning that the liberalization of dual citizenship is really the “liberalization of nationalism” fueled by Romanian government’s ambitions (Сорочану 2008). Dual citizenship liberalization came into force nevertheless.

As described in Chapter 3, this law required erasing all references to prohibition of dual citizenship in the Moldovan legislature, a task requiring significant effort (Охотников 2003). The 1996 *jus soli* clause (requiring the child born in Moldova of foreign parents being denied citizenship by a foreign country as a condition of obtaining Moldova’s citizenship) also lost its reference to “other citizenship” even if the clause’s very purpose was to address cases of children who had no access to other citizenships *only* (Arseni 2015) and, therefore, it should have been eliminated all together. The resulting unconditional *jus soli* was thus born completely unnoticed by lawmakers or the public in general.

It is clear from the conducted interviews that the continuous survival of unconditional *jus soli* in Moldovan law has been possible because of its widely recognized fit with the prevalent, territorial, concept of the Moldovan nation.

Still, it is equally important to underline that unconditional *jus soli* came to life under external, geopolitical, and not internal pressures – it was the result of a deliberate aggressive citizenship policy on the part of Romania (and Russia, although not as targeted). It was geopolitics and the internal pressures created by it that gave birth to unconditional *jus soli* in Moldova.

Understandably, the liberalization of dual citizenship led to another upsurge in the number of applicants for other citizenship, primarily Romanian but also Russian and Israeli. The EU repeatedly expressed concerns about the increasing numbers of newly-minted Romanian, and, therefore, EU, citizens, continuing to reside in Moldova without having to set up residence in Romania proper and thus out of its jurisdictional control (Pop 2009:9). Despite these concerns, Romania further simplified the process of its citizenship acquisition in 2007 (Pop 2009:10–11). By August 2008, 40% of Moldovans held another passport (Iordachi 2004:257), Romanian being the most common one. In this situation, the opponents of Romanianization and dual citizenship in general staged another episode of resistance.

In 2008, Moldovan parliament adopted legislation prohibiting dual nationals from holding certain public positions restarting agitated debates on dual citizenship and its meaning (Gasca 2012:15). A lawsuit filed in the European Court of Human Rights followed accompanied by complaints on the part of both

Romania and Moldova. The court decision stunned many observers by finding the 2008 Moldovan legislation in violation of the European Convention on Human Rights in the case of *Tanase and Chirtoaca v. Moldova* (ibid). This legal precedent cleared the last resistance to complete liberalization of multiple citizenship in Moldova (Creangă 2015).

With little time to spare, Romania took additional measures facilitating access to its citizenships for Moldovans in 2009 allowing them to claim it if they had a Romanian great-grand-parent as opposed to parent (Sinziana 2009). The same year Romanian President Basescu estimated that about 800,000 to 1 million of Moldovan citizens or 25% of its population held Romanian citizenship (Aproape un milion de moldoveni bat la porțile României 2009). However, a Soros Foundation study estimated that number to be around 327,000 adults in 2013 (Munteanu 2013).

At the end, the country is still torn between two political camps with the Romanianist one in a slight lead as of 2015. As massive emigration out of the country continues, dual citizenship liberalization helped Moldova maintain its citizens, at least in number, if not physically. Even if these citizens live abroad, they are considered vested in the preservation of Moldova as a state (Burian 2014).

Dual citizenship liberalization has deeply impacted the way Moldovans

envision their national belonging. Interviewees observe that once one becomes a Romanian or a Russian citizen, one starts following the news from those countries and generally associate oneself with their population, a process well underway in Moldova (Coadă 2015; Creangă 2015). They expressed a concern that the institution of dual citizenship has eroded the sense of belonging in Moldova (Coadă 2015) and can eventually result in a “state with no citizens” (Petrașcu 2015) as they will be claimed by Romania and Russia. Similarly, a senior national security parliamentary administration official points to the continuous geopolitical threat to Moldova’s independence due to the country’s being pulled between the EU and Romania on one side and Russia on the other with no centrist political force, which would support an independent Moldova (Lungu 2015).

In this situation, some politicians that tried to prevent dual citizenship liberalization originally continue to argue for its limitation for people involved in policy-making (Plămădeală 2015). But even the concerned voices admit that the 2003 liberalization was brought into life by the concept of the “multiethnic”, territorial, nation, as the Chair of the Legal Commission of the Parliament explained and multiple citizenship is now taken “as given” in Moldova (Postoienco 2015). Dual citizenship and territorial nationalism are, therefore, closely related in the case of Moldova, and, as will be described below, in the case of

Azerbaijan and Georgia, albeit with the opposite results.

2. Azerbaijan: Tightening the Ban on Dual Citizenship

While the 1919 citizenship legislation in Azerbaijan did not recognize dual citizenship, the 1998 Citizenship Law did not explicitly prohibit it merely stating in Article 10 that the affiliation of Azerbaijan's citizens to another state shall not be recognized unless there is an international treaty to the subject or upon president's discretion. The review of the parliamentary debates reveals that lawmakers were not even willing to accept dual citizenship for Azerbaijan's diaspora in Russia – about 1 million people – and instead preferred it to be linked to Azerbaijan through *jus soli* (Minutes of Parliamentary Debates 1998:659–664): Azerbaijani citizenship was always open to them upon their return once they prove the birth on the country's territory and claim to possess no other citizenships. The non-recognition of dual citizenship was justified by the tendencies in international law during the debates (Minutes of Parliamentary Debates 1998:146–147, 659–664).

Russia's behavior, widely perceived as aggressive and expansionist, and the resulting sense of insecurity that enveloped the political regime made

Azerbaijan further restrict dual citizenship in 2014 as well as abolish unconditional *jus soli* enshrined in the country's Constitution since 1995. As in the Moldovan case, *jus soli*, dual citizenship and geopolitics were linked, with an additional element of complexity added by the lack of democratic development, generally criticized in the West.

A. Rustam Ibragimbekov's Run for President

A major impetus behind the amendments to the Citizenship Law enacted in 2014 and the subsequent abolition of unconditioned *jus soli* was the controversy that surrounded the dual citizenship (Azerbaijani and Russian) of the presidential candidate Rustam Ibragimbekov during the elections of 2013.

Authorities portrayed Ibragimbekov as a foreign threat – “grown outside but taking part in the political life” by using the *jus soli* principle enshrined in the Constitution (Mirzoyev 2014).

While his chances of winning might have been unsure, from the events described below and from President Ilham Aliyev's visit to Moscow, it may be surmised that the Aliyev administration was largely preoccupied with Ibragimbekov's candidacy and the role of Russia in the outcome of presidential

elections thanks to Ibragimbekov connections to the Azerbaijani diaspora and business community there. It comes as no surprise that these events initiated a process culminating in the amendments of May 2014. Similar events, while with a different outcome, led to 2014 changes in Georgia's citizenship policy in the aftermath of the election of President Bidzina Ivanishvili.

On August 27, 2013 Azerbaijan's Central Election Committee rejected the candidacy of Rustam Ibragimbekov to stand for the presidential elections of October 9, 2013. The reason for the rejection was the fact that Ibragimbekov, an Oscar-winning screenwriter and director, was dual citizen of Azerbaijan and Russia and, therefore, had obligations to the Russian government. Another, less important, reason for disqualification was his insufficient residency in the country (1,163 days in 10 years) (Ибрагимбеков пожалуется в ООН 2013).

Earlier in the year Ibragimbekov had set up the National Council, which united all major opposition parties behind his candidacy for president (Рустам Ибрагимбеков – кандидат в президенты 2013). In order to be able to stand in the elections, Ibragimbekov renounced his Russian citizenship, widely reported by the media on July 5, 2013. There was also an indication from the "trusted person" of President Putin in Azerbaijan (Доверенное лицо президента В.Путина: Р.Ибрагимбеков будет лишен гражданства России 2013) as well as from Russia's Citizenship Commission in the Presidential Administration (Пасулзаде 2013) that

the process of renouncing would be resolved within a month. However, Russian political analysts warned against the expectation that Putin would support Ibragimbekov due to his unsure chances of winning and pro-Western leanings (Российский аналитик: Путин не поддержит Ибрагимбекова 2013).

On August 1, 2013 Ibragimbekov departed to Moscow to “speed up” his release from Russian citizenship (Ибрагимбеков: Я все еще гражданин России 2013). On August 2, the National Council addressed Russian President Vladimir Putin urging him to resolve this issue by processing Ibragimbekov’s application to renounce Russian citizenship. While the Russian law specifies that it could take up to 6 months, the National Council referred to the speedy resolution in the similar case of the Georgian President Bidzina Ivanishvili (Азербайджанская оппозиция обратилась к В.Путину (Фотофакт) 2013). On August 5, 2013 there was a report about a secret visit of President Aliyev to Moscow, denied by his spokespeople, explained by Ibragimbekov as fear of first significant opposition movement (Рустам Ибрагимбеков: Ильхам Алиев в Москве 2013).

Be it as a result of this visit or not, the Russian authorities did not hurry to help Ibragimbekov. Previously he had warned that the incumbent regime would use “all methods to annihilate their contestant” (Рустам Ибрагимбеков как единый кандидат в президенты возвращается в Баку 2013). The media delegitimized him even more by reporting that he has a third passport, that of

the United States (Еще одна проблема Ибрагимбекова: третий паспорт и дом в Лос-Анджелесе 2013). Similarly, his “nickname” in Russia was reported to have been “Rus-there Azer-here” alluding to his shifting identities depending on where he was geographically, playing the part of the Russian patriot or the Azerbaijani one (Гасанов 2013). On August 22, 2013 Russian authorities stated that Ibragimbekov’s petition will only be handled in 2014 because of the late application and his possession of the green card from the United States (Федеральная служба миграции России: Вопрос Ибрагимбекова рассмотрят в 2014 году 2013). Ibragimbekov’s presidential candidacy was thus effectively canceled. Azerbaijan’s political future was thus decided in Moscow through citizenship politics.

B. Amendments of 2014

On the surface, the abolition of unconditional *jus soli* appears unrelated to the loss of citizenship and dual citizenship restrictions. However, as the discussion below will show, these issues are tied together to the desire to reduce foreign (and especially, Russian) influence in the country on the part of Azerbaijan’s political regime despite the official position presented a few days

prior that there is no Russian “fifth column” in Azerbaijan (Aslanov 2014).

a. Fears of Russian Interference

Given the events surrounding Ibragimbekov’s presidency, the political elite announced that a situation where a person who has moral or other types of obligations to another state in a country in “such a difficult geopolitical situation” could not be permitted again. The limitation of unconditional *jus soli* became part of the package of measures that “makes acquisition of Azerbaijani citizenship automatically more complicated” or else “half of the parliament could be Russian citizens tomorrow” (Aliyev 2014). The amendments, therefore, are first and foremost against dual citizenship (Huseynli 2014) and the influence of Russian political will over the internal affairs of Azerbaijan (Aliyev 2014). Azerbaijani diaspora in Russia is numerous, at least 2 million by some accounts and about 50% of them are thought to possess Russian passports (Mustafa 2014).

One of the initiators of the amendments also mentioned Russia’s actions in Ukraine based on the notion of assisting “compatriots” (Mustafa 2014). While the evidence points out that these changes had been in the works for many years demanded by the Migration Service (Aliyev 2014; Gahramanov 2014), it is

also evident the conflict in Ukraine brought these changes to life, swiftly and with little hesitation. The initiators of the changes in the parliament shared a fear that Russia would send troops using the pretext of protecting its citizens (Mustafa 2014). The fact that even the political opposition supported this measure due to the same logic of limiting Russian influence (Gadirli 2014) testifies that the influence of Russia on Azerbaijani politics had been a matter of a great general concern.

Since the death of Heydar Aliyev, Russia has been increasingly influential in the internal affairs of Azerbaijan. Before he came to power, Russia was viewed as a supporter of Lezghin separatism in the North of Azerbaijan (Tokluoglu 2005:742). Territorial nationalism policies of Heydar Aliyev are largely seen as the success against Lezghin and other ethnic separatism. They also lowered inter-ethnic tensions overall (Musabayov 2014) but the movement's resurgence and its possible Russian backing remain a real security threat for Azerbaijan (Shiriyev and Kakachia 2013:23). The official numbers of Lezghin in Azerbaijan are 200,000 but Lezghin sources claim that they are much higher (Cornell 2005:5). The border with Russia dictates a certain reality: the cultural affinity makes intermarriage with the residents of the Russian region of Dagestan quite common (Huseynli 2014). Russia is still seen as the catalyst for separatism in Northern Azerbaijan due to its liberal dual citizenship policies (Gadirli 2014).

Chapter 5 mentioned “Forest Brothers” operating in the North of Azerbaijan (“Meşə Qardaşları”: Bakıda ilk hücumda 100-dək polis öldürüləcək 2014). The concern with Islamic militants highlights the link between the politics of dual citizenship and the concerns for international security (Ganizade 2014) and not just external security of Azerbaijan (Musabayov 2014). The anxiety over security is set in the context of disillusionment with the international community and international organizations, such as OSCE, due to the failure of the progress in the conflict over Nagorno-Karabakh (Mustafa 2014).

Political opposition points out that Azerbaijan has been following Russia’s trend toward oppressive internal policies. Recent years have seen a virtual ban on political opposition, arrests of political opponents (in 2014 Azerbaijan had over 100 political prisoners, according to the opposition) and even of students for posting politically inconvenient statements on online social media (Gadirli 2014; Hasanli 2015). Russia’s aggressive promotion of its Eurasian Economic Union as an alternative to the European economic integration makes little economic sense to Azerbaijan (although Russia benefits from it disproportionately) but, politically, the country finds it very difficult to resist Russia’s pressure (Abbasov 2014).

Even if Azerbaijan openly challenges the Russian effort to dominate Transcaucasia’s politics, Azerbaijan’s government’ scope of actions will be

limited due to its simultaneous need to appease Russia in the hopes of the resolution of the frozen conflict and as Azerbaijan's human rights record makes the relations with the West more strenuous. As such, the country never openly condemned Russia's 2008 invasion of Georgia. Ilham Aliyev's government announced abandonment of the goals of the EU and NATO integration. Both of the President's daughters live in Moscow, married to Russian businessmen of Azeri origin (Shirinov 2012:3).

Overall, though, Azerbaijan's foreign policy is still focused on balancing between Russia and the West (Mustafa 2014). While Azerbaijan maintains membership in Russian-led Commonwealth of Independent States, its stance toward expanding integration within its framework remains neutral (Makili-Aliyev 2013:5). Fears of the "Crimean" or "Ukrainian" scenario are overstated: it is important to realize that the "co-citizens" that Russia aims to protect in Ukraine are, in fact, ethnic Russians and not simply Russian-speakers with Russian passports (Makili-Aliyev 2014). Yet, Azerbaijan's attempts at limiting foreign influence by tightening its *jus soli* laws are also understandable due not to only the Crimean events but also recent liberalization of Russian citizenship laws making it easier for the residents of the former Soviet Union to obtain its citizenship (Makili-Aliyev 2015).

b. Fear of Other States' Interference

Balancing is, therefore, the main priority of Azerbaijan's foreign policy given its hard geopolitical situation. Elchibey's demise is largely related to its inability to balance in foreign policy (Aliyev 2015). The current government does its best at trying to balance and remain in control of the internal situation at the same time. The preoccupation goes beyond Russia to Turkey and Iran, which can influence both internal and external security of Azerbaijan (Aliyev 2014). These three neighbors and their size and influence means that a successful foreign policy in Azerbaijan is a matter of the country's survival (Makili-Aliyev 2013:2).

Similarly, a common perception among the political elite in Azerbaijan suspects that neighboring countries send their emissaries in order to change Azerbaijani politics directed toward those countries – Russia is interested in maintaining its influence on Azerbaijan, Turkey wants to be the leader of the Muslim world (Mirzoyev 2014), Iran wants to prevent an all-Azeri state. The latest indication of Azerbaijan's foreign policy balancing between the West, Russia, Turkey and Iran is its decision to join the Non-Aligned Movement (NAM) in 2011 (Shirinov 2012:4).

Iran remains a big concern for Azerbaijan due to its past support of Talysh

separatists in the South (Tokluoglu 2005:742). During the first years of Azerbaijani independence, the Talysh were in fact largely influenced by Iran and even proclaimed an independent Talysh-Mughan Republic in 1993 (Mehdiyeva 2011:169). This was on the minds of the authors of the 2014 amendment as well (Mustafa 2014). There are stories circulating accusing Iran of spreading illegal drugs in Azerbaijan in order to provide better foundation for fundamentalist Islam (Mustafa 2014). As mentioned above, Iran keeps viewing Azerbaijan with suspicion as a possible future kin-state expanding to its Azeri-population (at least 16% of Iranian population) and Azerbaijan's efforts to dissuade these fears yield little (Makili-Aliyev 2013:6).

The spread of jihadist movement is another real security threat that Azerbaijan has to face, as mentioned previously (Shiriyev and Kakachia 2013:23). The rise in Islamic fundamentalism also contributed to Azerbaijan's desire to limit its *jus soli* citizenship especially due to fears of new arrivals from Iran and other Muslim countries (Makili-Aliyev 2015) that the Migration Service has been trying to prevent following an unofficial presidential directive (Gahramanov 2014). As the Azerbaijani state remains religion-blind, its foreign policy priorities do not coincide with the religion of its population: Muslim Iran is close to Christian Armenia and Muslim Azerbaijan to Christian Georgia (Aliyev 2015).

According to the presidential sources, however, the 2014 amendments

are not directed against immigrants or foreigners in general and are not the reaction to the Crimean events (Aliyev 2014). The political elite insists that while these changes will not be felt by ordinary people, they will prevent people that could be potentially trained by foreign secret services such from taking a political post in Azerbaijan (Mirzoyev 2014). Yet there is also a realization that refugee populations arriving to Azerbaijan would suffer (Mirzoyev 2014).

c. Future of Dual Citizenship

The practical implications of the 2014 amendments and dual citizenship restriction remain unclear in Azerbaijan. This became obvious in the case of the 2014 detention of Said Nuri, an Azerbaijani dissident who had left the country in 2006 for the United States. In the US, Nuri received political asylum and became a naturalized citizen. He then visited Azerbaijan a few times since he emigrated, each time on his US passport and on an Azerbaijani visa. Yet he never gave up his Azerbaijani citizenship.

On September 4, 2014 Nuri was detained at the Baku airport when leaving the country. The State Prosecutor's Office announced that Azerbaijan still considers Nuri an Azerbaijani citizen and retains him in the country for questioning in regards to a criminal case. However, after the pressure from the

US State Department, which protected Nuri as a US citizen, Nuri was freed from custody and deported from the country on September 11, 2014. Videos detailing his sexual life with his American girlfriend were broadcast earlier in the day on youtube (Саид Нури депортирован из Азербайджана 2014; Гражданин США Саид Нури депортирован из Азербайджана 11 September). This case shows that even if the law should have considered Nuri as non-Azerbaijani citizen, the reality can be different as much legal vagueness on dual citizenship remains.

Yet there are some parliamentary voices for dual citizenship liberalization as well as revitalization of citizenship based on *jus soli* (Bakhshaliyeva 2014). Some also admit that dual citizenship may be possible in the future once the international security situation changes for the better (Ganizade 2014). Since these amendments are largely a reaction to external pressures, critics may comment that reacting to other states' citizenship policies is futile, as Azerbaijan cannot control them. Furthermore, making legal amendments in a way that can raise doubts as to their constitutionality will not resolve the situation. Even their implementation may seem impossible to carry out (Makili-Aliyev 2014) as the case of Said Nuri revealed. Moreover, these changes may even hurt Azerbaijan as many dual citizens may be simply lost to Russia (Makili-Aliyev 2014). However, from the point of view of increasing immigration from the Middle East and

especially China these or similar changes are indeed necessary but may need to be done in a different way, possibly amending the actual Constitution (Makiliyev 2014).

3. Georgia: From Ethnic Survival to Dual Citizenship Battles in Russia's Shadow

Georgia's fears are focused on Russia officially labeled as the aggressor both for its role in Georgia's incorporation into the Soviet Union at the beginning of the 20th century and its role in supporting separatism in Abkhazia and South Ossetia and "the ethnic cleansing of Georgians" (National Security Concept of Georgia 2015:6). Since the initial years of independence, Georgia has developed a new national narrative picturing Russia as an "existential threat" (Kakachia 2012:6). In 2011, 63% of Georgians believed that Russia's current foreign policy threatens the country (Navarro and Woodward 2011:63).

Interviews with 1993 citizenship policy lawmakers reveal that *jus soli* was intrinsically linked to dual citizenship, just like in Moldova and Azerbaijan. Both policies were rejected for the same reason: out of fear of Russian interference (Adamia 2015; Loria 2014). Even the "demographic danger" was not as

important as being controlled by Russia because of its aggressive dual citizenship policies (Notadze 2014).

The official narrative forgets that during the 1990s, Russia imposed various punitive measures on the Abkhazian population at the bequest of Georgian government in order to discourage secession, from economic blockade to restricting border crossing (Frear 2015). The real turnaround for the Russian policy was the Russian-Georgian War of 2008. It was this birth that gave birth to the Abkhazian nation as Russia started supporting its cause (Cooley and Mitchell 2010:77).

A. The Citizenship Law of 1993 and Fears for Ethnic Survival

The issue of dual citizenship was possibly the most heated debate in the preparation of the 1993 Citizenship Law. Both political elites and the majority of the population perceived dual citizenship negatively. The measure was seen as advocated by Russia in order to influence Georgian politics via Russian-speaking ethnic minorities. Most political parties were, therefore, against it (Gugushvili 2012:4–5). All feared further Russian interference, and not only in Abkhazia and South Ossetia but also in the areas populated by ethnic Azeris and Armenians

(Adamia 2015; Khmaladze 2014; Natelashvili 2014). Azeri villages experienced many incidents of ethnic violence and reportedly tried to proclaim an autonomous republic in their districts (all bordering Azerbaijan). The Armenian area borders Armenia and had a Russian military base at the time. Both Azeri and Armenian areas were, therefore, seen as prone to Russian provocations (Adamia 2015).

The fear for the survival of ethnic Georgians is mentioned in the national security concept even today, in the context of separatist conflicts (National Security Concept of Georgia 2015:7). Back in 1993, in the aftermath of the loss of the Abkhaz territory, an unresolved conflict in South Ossetia, unrest in Adjara and the regions compactly populated by Armenians and Azeris, the disappearance of Georgia seemed imminent. The sense of anxiety over the survival of the ancient ethnic group was paramount on the minds of the parliamentarians debating the 1993 Citizenship Law (Kupreishvili 2014).

Speaker of the Parliament and the effective head of state, Eduard Shevardnadze was first a proponent of dual citizenship (Adamia 2015; Ninidze 2014) and even suggested to add it to the Constitution. Nationalist politicians saw his position as the indicator of his secret loyalty to “his former bosses” in Moscow (Adamia 2015; Chheidze 2015; Kupreishvili 2014) – he was seen as one of the “Georgian Russians”, Georgians who were loyal to Russian interests

(Adamia 2015). Shevardnadze had the votes he needed to pass this measure but ethnic nationalists eloquently argued that Russian imperialism would use dual citizenship to dismember Georgia winning over the hearts of many MPs (Khetsuriani 2014; Khmaladze 2014). Tedo Ninidze, the Minister of Justice, personally pressured Shevardnadze (Ninidze 2014). MPs read Article 5 of Russia's Citizenship Law aloud, which committed Russia to "protection and patronage of citizens of the Russian Federation abroad" by means of taking "measures to restore violated rights of citizens" including dual citizens residing on other states' territories (Minutes of Parliamentary Debates I 1993:46). Many referred to similar debate during the 1919 legislation. Ethnic nationalists also felt that emigrants didn't deserve citizenship because they avoided the "paradise" of the difficult life in Georgia (Natelashvili 2014).

Shevardnadze succumbed to the pressure, which also came from intelligentsia and the Church (Davitashvili 2014). Dual citizenship was banned, even if it was admitted that eventually, a "civilized country" cannot escape it (Minutes of Parliamentary Debates I 1993:47). No exception was made for the 10,000 or so Russian soldiers from the former Soviet army who were "ready to swear upon the Georgian flag" on the condition of being accepted as dual citizens of Georgia and Russia (Minutes of Parliamentary Debates II 1993:11).

As a result, *jus soli* was also rejected because it was seen as automatically leading to dual citizenship by creating multiple loyalties, to the state one is born in and to one's parents. Shalva Natilashvili, the head of the Judiciary Committee, which prepared the official project of the law, argued for dual citizenship by the decree of the President in cases of "people of special value for the state" (Minutes of Parliamentary Debates I 1993:19) but this didn't come true until Saakashvili who finally accommodated Georgian Jews from Israel not given a chance to obtain Georgian citizenship by the 1993 law since no dual citizenship was allowed then (Ninidze 2014) as well as the French diaspora (Adamia 2015).

B. Saakashvili's Reforms and Dual Citizenship Battles

Under Saakashvili, the need to provide a legal link to emigrants and the diaspora resurfaced as many continued to leave Georgia (Loria 2014). Reconnecting to emigrants to Russia, Greece, Germany, Turkey, Israel and other countries was seen as extremely important. Among other benefits, it would bring investment to Georgia (Kakachia 2012).

Falling short of liberalizing dual citizenship completely, Saakashvili's government adopted a measure allowing its acquisition by presidential decision,

the so-called "exception". No proof of the basis for the exception was technically necessary, just two recommendations made by Georgian citizens (Gagnidze 2014). Full dual citizenship was still not possible as most people still wanted to preserve a country of ethnic Georgians and "were still crying for nationality" in the aftermath of the removal of it from state identification documents in 1996 (Gagnidze 2014).

Ethnic nationalists that prevented dual citizenship from passing in 1993 watched this development with anxiety as they believed it to be beneficial to Russian interests (Kupreishvili 2014). Meanwhile, by 2002 about 150,000 or 70% of Abkhazia's population acquired Russian passports openly encouraged by the Abkhaz authorities and condemned by the official Tbilisi (Khashig 2002). Russian Ministry of Foreign Affairs facilitated the passportization of separatist areas by using a simplified procedure for stateless people (Littlefield 2009:1473).

Confirming ethnic nationalists' fears, Russia justified the 2008 war with Georgia by the need to protect its citizens "wherever they may be" (Statement on the Situation in South Ossetia 2008). The Georgian offensive against Russia's recently-acquired citizens was portrayed as the attack against Russian territory (Artman 2011:2).

Russia's actions have been condemned by outside observers who assume that Abkhazians are *de jure* Georgian citizens, by virtue of *jus soli* (Littlefield

2009:1474, 1478). Yet, as it has been shown, Georgian citizenship law does not use *jus soli* to define the body of its citizens, and in this case, to its detriment. More importantly, Russian passportization of Abkhazia and South Ossetia guarantees that a possible future attempt by Georgia to re-integrate separatist areas would escalate to an inter-state conflict with Russia (Artman 2011:4).

Soon after the 2005 reforms, many Azerbaijani citizens started applying for Georgian passports. Azerbaijan unofficially protested on various occasions seeking to avoid dual citizenship situations and eventually Georgian immigration authorities stopped granting Georgian citizenship to citizens of Azerbaijan and explained to the applicants that they would risk losing Azerbaijani citizenship in case they gained the Georgian one (Gagnidze 2014). As a result of Azerbaijan's pressure, Georgia currently does not give out citizenship to citizens of Azerbaijan (Abashidze 2014; Khalilov 2014). This resulted in some cases of statelessness as in the case of people who gave up Georgian citizenship in failed attempts to get that of Azerbaijan or denial of Georgian citizenship on "security grounds" to Georgian Azeris trying to return to Georgia (Khalilov 2014).

Currently, all the power of decision on dual citizenship rests with the president and criteria for "a special merit before Georgia" or citizenship "due to State interests" (Article 12.2 of the Constitution) are not clearly defined, and are subjective. This presidential power is duplicated in Article 25.b of the 1993

Citizenship Law to grant citizenship to children born in Georgia of stateless people. These cases are still found in rural areas where parents some times cannot prove residency in Georgia for 5 years before 1993. This power was also used to grant citizenship to the surrogate child born to a German couple when the German consulate refused to recognize the child as German making it impossible for the child to travel out of the country (Kalandadze 2014). Immigration officials used Article 14 of the 1993 Law assigning the child German citizenship. After the icy reaction of the German consulate, the parents found help through UNHCR to save the child from statelessness (Yucer 2014).

Georgians commonly use the dual citizenship by presidential degree procedure. Once they obtain another citizenship, they lose their Georgian one, since automatic dual citizenship is not allowed. Then they apply for dual citizenship by presidential agree, and in most cases, get it, unless they have unresolved issues such as the military service obligation (Gugushvili 2012:17). Citizens of Russia constituted 75% of granted dual citizenship applications in 2005-2011 as the 2006 government directives gave priority to simplify procedures for Georgian émigrés to Russia, which remains the main emigration destination (Gugushvili 2012:16). Dual citizenship is usually granted only to ethnic Georgians (by last name) for the exception of Westerners with solid links to Georgia (Mühlfried 2010:11). Additionally, the 2014 Citizenship Law gives

more power to the president in dual citizenship decisions: even those rejected by the preliminary citizenship review commission (Khmaladze 2014; Odisharia 2014).

Since the very beginning of the “exception” clause, it has been marred by political controversy such as when President Saakashvili granted citizenship to thousands of ethnic Georgians from Turkey just before leaving office (Demetrashvili 2014). It turned out that Turkish President Erdogan may be eligible due to his Georgian descent (Davitashvili 2014). The first politically controversial case was the rejection of the application of Russia-based businessman Alexander Ebravidze in 2009 who sought to run for Georgian presidency (Gugushvili 2012:12). But the most impactful case has been that of Bidzina Ivanishvili, the future Prime Minister of Georgia.

C. Bidzina Ivanishvili’s Candidacy and 2014 Changes

As mentioned above, the situation in Azerbaijan’s presidential elections had direct parallels with the one in Georgia, including the role of Russia. The new 2014 Georgian Citizenship Law had a lot to do with fixing the legal precedent that arose during Ivanishvili’s run for president although it also

addresses other issues (Baramidze 2014) such as the confusion with Article 14 of the 1993 law (Loria 2014) described earlier.

In October 2011, President Saakashvili annulled Ivanishvili's citizenship after the latter formed an opposition political party on the basis of his possession of Russian and French passports. Ironically, it was Saakashvili who had granted Ivanishvili his Georgian citizenship in 2004 by "exception" (Georgia "Illegally Denied" Ivanishvili Citizenship 2012). Immigration authorities made various procedural trying to cancel Ivanishvili's citizenship (Gugushvili 2012:22) making the whole affair a farce.

After his party was defeated in the elections, President Saakashvili offered to return Ivanishvili's citizenship but the latter, who started but suspended the process of giving up his French passport, refused the offer: the 2012 rule constitutional rule allowed European Union citizens to hold posts in Georgia, so he could stay on the party list as a French citizen (Ivanishvili Is Still Not a Georgian Citizen 2013). In January 2014, the Supreme Court revoked Saakashvili's 2001 decision (Supreme Court Gives Ivanishvili Back Georgian Citizenship 2015).

Ivanishvili was not the only one prevented from running in the presidential elections of 2013 due to dual citizenship status: so was another French citizen, Salome Zourabichvili. In September 2013, the Central Electoral

Commission rejected Zurabishvili's registration. A French-born Georgian Minister of Foreign Affairs under the Saakashvili presidency and reportedly the first dual citizen by presidential decree, Zourabishvili lost her lawsuit in Tbilisi City Court and Court of Appeals soon thereafter. While the Constitution does not explicitly prohibit dual citizenship holders from running in presidential elections, it does prohibit them from holding this office. Zourabishvili was going to abandon her French citizenship upon victory in the elections but the courts decided that if the person could not be president, they could not run for the office either (Megeneishvili 2013). Coincidentally, Invenishvili ran as a party leader but not a presidential candidate. International observers criticized both cases (Welt 2013).

Even if the 2014 law sought to eliminate stateless cases, they persist, and, as UNHCR believes, largely because of Georgia's aversion to *jus soli* as people constantly fall through the cracks. Between June of 2012, when stateless status was introduced, and September of 2014, 162 people applied for it (Yucer 2014).

In the Presidential Administration, civil servants explain the absence of *jus soli* and the emphasis on *jus sanguinis* by the relative undesirability of Georgian citizenship among foreign parents. Their child born in Georgia would normally get the other citizenship and then, if desired, apply for Georgian dual citizenship by presidential exception (Kalandadze 2014). This remains problematic for

children of ethnic minorities who left to work in Russia: ethnic bias weighs negatively on their applications, which are routinely denied (Gogheliani 2014).

As mentioned previously, the new restrictions on dual citizenship enacted in 2014 hit the Armenian-populated Javakheti area really hard as most people their had both Armenian and Georgian passports and, therefore, had to give up the Georgian one. Many Armenians held 3 passports: Georgian, Armenian and Russian (Khalilov 2014). Since Azerbaijan had made it difficult for Georgian citizens to obtain its citizenship, these restrictions went almost unnoticed in the Azeri-populated Kvemo Kartli (Mamedova 2015) except for the cases of Azeris holding Russian citizenship, and about 12,000 people were affected (Mamedov 2014).

Chapter 6 described the geopolitics of the three “buffer” countries between Russia and the West and its impact of the politics of jus soli and that of dual citizenship. The presence of frozen conflicts on the territories of Moldova, Azerbaijan and Georgia set the tone for their foreign policy. The need to restore territorial integrity is the top priority, which means treading the fragile balance between Russian and Western interests without the possibility of joining either geopolitical space fully. Turning toward Russia promises the eventual resolution of the conflicts but comes at a price of losing sovereignty. Turning toward the

West is promising economically and politically but antagonizes Russia and prolongs the unresolved conflicts.

The resulting vulnerability to foreign influence, especially in the aftermath of the Crimean events, makes dual citizenship a particularly sensitive policy issue as such individuals are vilified as the “fifth column” threatening the motherland from the inside. Another aspect of this debate is the desire to incorporate liberal-democratic and Western values such as equality before the law and the respect for minorities but at the same time to protect the collective historical memories of the past, often seen through an ethnic lens. Russia is struggling with the same task and, therefore, offers a special appeal to the populations of these countries. The Russian pull is strongest in Moldova.

At the same time, all three cases prove the direct relationship between the adoption or expansion of jus soli and dual citizenship liberalization. The case of Moldova is the most evident one – dual citizenship liberalization there led to unconditional jus soli, even it was not intended. Azerbaijan tightened dual citizenship and unconditional jus soli in the same amendment. Georgia remains guarded against both jus soli and dual citizenship.

National minorities remain hostages to such geopolitical and dual citizenship policy calculations as is demonstrated in the next chapter, on the destiny of Georgian Azeris.

Chapter 7. Georgian Azeris: Victims and Beneficiaries of Territorial Nationalism

Chapter 7 describes the plight of Georgian Azeris. This national minority stands out in the three countries not only by its sheer size but also due to the dead end that the break-up of the USSR pushed them into exacerbated by the complexity of jus soli policies in Azerbaijan and Georgia, both intra lege and de facto. Their plight describes how the politics of territorial citizenship dramatically affect the lives of large groups of people. Moreover, the strengthening of jus soli in both countries remains this minority's almost only hope in the task of the normalization of their situation.

The case study of Georgian Azeris presents a large population affected by the *jus soli* legislation. The lack of its implementation in Azerbaijan and the absence of *jus soli* in Georgia hits Georgian Azeris hard. It is even more difficult for them to accept this situation given the expectation of co-ethnic solidarity from Azerbaijan. It is extraordinary that while Azerbaijan explains its policies by commitment to territorial nationalism, a closer look uncovers geopolitical calculations that take precedence over ethnic nationalism in yet another indication of its weakness in Azerbaijan.

The situation of Georgian Azeris has received little attention among Western academics despite intense political tensions (Freni 2011:5). This minority compactly populates Georgia's best agricultural lands and is now all but cut off from Azerbaijan, a country they are intrinsically linked to by cultural, language, family, educational and labor ties. Victims of the Soviet Nationalities Policy, the break-up of the USSR made them into what Rogers Brubaker calls an "accidental diaspora" (Brubaker 2000:1). The minority is caught between Georgia's continuous ethnic vision of the nation and Azerbaijan's geopolitical goals committed to keeping Georgian Azeris in Georgia. As a result, Georgian Azeris continue to suffer segregation and isolation in Georgia, where many of them still live, and lack of access to citizenship in Azerbaijan, where many of them moved. Thousands are forced into yearly migration between two countries, even if the younger generations have started the difficult process of integration into the Georgian society. The story of Georgian Azeris illustrates the dissertation's theoretical findings adding a personal dimension to the politics of territorial citizenship it explored.

1. Azerbaijan: Victims of Territorial Nationalism and Geopolitics

A. Georgian Azeris in Azerbaijan

In 1991-1992, almost 2,000 Georgian Azeri families fled Georgia fearing for their lives in the aftermath of ethnic tensions with Georgians and Svans (Mammadli 2014). Georgian nationalists, however, blame these tensions on provocations by the Soviet military stationed in Baku (Notadze 2014). Many people who fled abandoned their houses or sold them to Georgian political organizations such as Mirab Kostava Society that bought property in minority-populated areas and moved ethnic Georgians there in a policy of “conservation” of lands. When migrants arrived in Azerbaijan, some, with means, were able to get *propiska* and citizenship but many don’t have either until today, even if their children were born in Azerbaijan and served in its army. Many still have to use their Georgian passports.

As of 2014, almost 100,000 Georgian Azeris have settled in Azerbaijan, but only a third were able to get Azeri citizenship. The rest use Georgian passports²⁶ and about 3,000 are stateless (Mammadli 2014; Musabayov 2014).

These are rough estimates because many of these people are on the territory of

²⁶ With the liberalization of Georgian citizenship policy under Saakashvili, many Georgian Azeris living in Azerbaijan who obtained Georgian citizenship in order to facilitate their access to relatives in Georgia (Mammadli 2014). Now this is no longer possible, as was described in the previous chapter.

Azerbaijan illegally and are not registered. Other estimates range wildly from 30 to 500 thousand (Rumyantsev 2014:84; Mamedov 2014). Around 400,000 Azeris have remained in Georgia (Shiriyev and Kakachia 2013:73).

Georgian Azeris living without an Azeri passport in Azerbaijan are forced into a biannual “migration” back to Georgia in order to avoid deportation out of Azerbaijan due to limited number of days they can stay there on a Georgian passport at a time (Bayramov 2014; Mamedov 2014). Moreover, their work opportunities in Azerbaijan are extremely limited (Aliyeva 2014).

In Azerbaijan, Georgian Azeris are seen as somewhat different, Sunnies, they stand out in the majority-Shiite Azerbaijan (Mammadli 2014). Seen as free thinkers and unreliable, some Georgian Azeris nevertheless have been able to reach positions of significant political influence in Azerbaijan (Khalilov 2014). The so-called “Marneuli clan” named by the largest Azeri town in Georgia even presumably tried but failed to contest political power from the dominant “Nakhichevan clan” (Davitashvili 2014).

B. No Compassion for Co-Ethnics

While Azerbaijani scholars of constitutional law admit a theoretical

possibility of preferential treatment of co-ethnics in granting Azerbaijani citizenship (Исмаилов 2004:79, 85), the state has been standing firm in its ethnic blindness (Aliyev 2014; Ganizade 2014; Huseynli 2014). Academics have explained it by a small proportion of migrants and the ability to access what Bourdieu called “social capital”, in this case an ease of cultural linguistic transition (Rumyantsev 2014:84). This dissertation argues that the main explanation comes from the territorial concept of Azerbaijani nation that the state has meticulously abided by ever since Heydar Aliyev put it into place.

The state policy on ethnicity proclaims that Azerbaijani state “has no ethnic priorities” and doesn’t differentiate by ethnicity (Aliyev 2014). Azerbaijan has many ethnic groups and the political establishment believes that if they make exceptions for one group, even if it is the most numerous one, this will be unfair to others (Aliyev 2014; Mirzoyev 2014). Shahin Aliyev contrasted Azerbaijan’s policy with that of Georgia, which gives a special status to its co-ethnics abroad such as ethnic Georgians in Azerbaijan. This kind of ethnically minded policy, in his view, is to blame for Georgia’s loss of Abkhazia and South Ossetia and even Ukraine’s loss of Crimea to Russia (Aliyev 2014).

This is another suggestion for the connection between territorial nationalism and geopolitics. States that successfully practice it are more likely to preserve their territorial integrity in the face of aggressive neighbors as well as

prevent their influence of domestic and foreign policy. Territorial nationalism, by this opinion, has allowed for the Azerbaijan to remain on the political map of the world. Its lack largely contributed to Georgia's complete loss of South Ossetia and continuous tensions in its Azeri- and Armenian-populated areas.

Territorial nationalism, therefore, has extremely impactful political benefits ranging from inter-ethnic peace to territorial integrity and independence from foreign interference. Ethnic nationalist policies, on the contrary, are prone to weaken states by stirring inter-ethnic tensions and make them vulnerable to foreign influence.

Ethnicity-blind policy and the absence of preferential treatment for co-ethnics apply also to how the Azerbaijani state conceptualizes the notion of the diaspora, as mentioned previously. It is interpreted through *jus soli*, through territorial and not ethnic nationalism, as "people born in Azerbaijan independently of their ethnic belonging" (Mirzoyev 2014). Consequently, Azeris living in Georgia, Iran or Iraq are not seen as diaspora because they live in their own states (Musabayov 2014).

Azerbaijan's policy toward Azeris abroad, including those in Georgia, has been to support their integration in those societies (Huseynli 2014). Besides ethnic blindness, this policy is also explained by the integration difficulties that mass exodus of Georgian Azeris would cause (Ganizade 2014). Officials have

even suggested banning immigration from Georgia and have significantly tightened the rules governing temporary stay on Georgian passports (Mammadli 2014), measures reciprocated by Georgia (Gogheliani 2014).

Azerbaijani opposition's support for ethnically blindness suggests that the territorial concept of the nation has deeper roots than a deliberate choice of the Aliyevs. It explains it by the need to avoid the influence of Iran via its Azeri population (Gadirli 2014). The government agrees (Aliyev 2015).

Georgian Azeris lobby unsuccessfully for a preferential treatment of co-ethnics. They believe the people of Azerbaijan would like to support their co-ethnics (Mammadli 2014) but the government has no interest in it as it doesn't in supporting Georgian Azeris access to higher education (Shiriyev and Kakachia 2013:66). Some Georgian Azeris sink to utter despair as happened when an Azeri born in Marneuli killed twelve people at the Baku Oil Academy on April 30, 2009 (Fuller 2009; Makili-Aliyev 2014). The proposed "dual nationality – one identity policy" for Georgian Azeris (Shiriyev and Kakachia 2013:91) falls short of the dual citizenship that they are demanding. Meanwhile, migration continues unabated (Rumyantsev 2014:90).

C. Georgia's Strategic Importance to Azerbaijan

Another explanation for the lack of co-ethnic preference is the desire to maintain a good relationship with Georgia. Azerbaijani exports its oil and gas passing through it conditioning the relations between the countries (Huseynli 2014), which share much history. Both gained independence in 1918 and entered into alliance with the West in order to assure their continuous sovereignty. They also formed a strategic partnership prioritizing peace over wars of expansion (Shiriyev and Kakachia 2013). This alliance came back to life in the aftermath of the fall of the Soviet Union in 1991. A prominent Azerbaijani politician gave me a gift of the epic Azeri-Georgian love story *Ali and Nino* by Kurban Said in order to understand "the soul" of Caucasus represented by the connection between these two cultures (Huseynli 2014).

The Russian-Georgian war of 2008 further pushed the "Caucasian tandem" together in order to overcome the "prison" of the geopolitical situation. Through this alliance Azerbaijan gains access to the Black Sea (and, therefore, European and global markets) and Georgia -- access to Azerbaijani energy resources through the Baku-Tbilisi-Ceyhan oil and the Baku-Tbilisi-Erzurum gas pipelines. The cooperation started with the "Contract of the Century" in 1994 and remains mutually dependent, both monetarily and

politically as Georgia faces Russian pressure and Azerbaijan – Armenia’s (Shiriyev and Kakachia 2013:10–13). Both resent Russian-led economic and political integration initiatives viewing them with suspicion (Shiriyev and Kakachia 2013:16, 21).

Georgia is absolutely vital for Azerbaijan. Without Georgia, Azerbaijan cannot remain completely independent (Gadirli 2014) and the political elite values deeply its relationship with Georgia (Musabayov 2014).

As both countries were led to independence by ethnic nationalist forces and both ended up losing separatist territories to unresolved frozen conflicts, the question of Georgian Azeris faced with President Gamsakhurdia’s “Georgia for Georgians” ethnic nationalist doctrine complicated the relations between the two countries. When ethnic nationalist regimes in both countries fell, the relationship improved. In 2002, both committed jointly to respect national minorities (Shiriyev and Kakachia 2013:74). The personal relationship between top leaders, then established between Heydar Aliyev and Eduard Shevardnadze, has endured changes in leadership and has been the cornerstone of the “culture of mutual trust” (Shiriyev and Kakachia 2013:18–19, 22).

Azerbaijani leaders also calculate that Azeri minority in Georgia will help make sure Azerbaijan’s interests are taken into consideration by Georgian leaders. This is another, deeper, explanation for the lack of preferential policies

for co-ethnics in Azerbaijan. The population at large does not realize Georgia's importance: less than 1% of Azerbaijanis consider Georgia the country's main friend, even less so than Russia and Iran, each at 1% (Turkey remains the main perceived ally at 91%, which again speaks to the affinity between Azerbaijanis and Turks described in previous chapters). Meanwhile, 8% of Georgians see Azerbaijan as their country's main friend, less than USA at 31% but more than Russia at 7% (Opinion Poll Data - Azerbaijan and Georgia 2013).

D. 2014 Amendments

The 2014 amendments to the 1998 Citizenship Law in Azerbaijan described in depth in the previous chapter are likely to further complicate the situation of Georgian Azeris. Some have even suggested that these amendments actually target Georgian Azeris specifically and are designed to prevent further migratory flows of ethnic Azeris from Georgia to Azerbaijan (Anonymous Interview 2014; Mustafa 2014) in order to avoid a "demographic catastrophe" (Mustafa 2014). On the other hand, some politicians support *jus soli* because it protects children (Bakhshaliyeva 2014).

2. Georgia: Azeris Cut off from Baku

A. At the Fall of the USSR

Most Georgian Azeris live in Kvemo Kartli, a rural region of Georgia with excellent agricultural lands. The birth rate among them has been remarkable, 28.6 infants per 1,000 people vs. 16 among ethnic Georgians, higher than in Azerbaijan proper. Their number doubled between 1959 and 1989 and surpassed Russians as the largest ethnic minority in the country (Komakhia 2003:5–6), which alarmed Georgian ethnic nationalists.

As the Soviet Union fell apart, ethnic nationalism in Georgia surged. Many ethnic Azeris were fired from their jobs and lost their houses to acts of ethnic violence. Mass exodus cleared whole villages and towns as happened to Bolnisi, which lost all of its Azeri population (about 800 families) and demands for the autonomy of the “Borchalo” region (the region’s Azeri name) were active until the fall of the nationalist government of Zviad Gamsakhurdia (Komakhia 2003:7; Wheatley 2005:13). By 2007, over half of the Azeri population had left the country (Fuller 2009).

Georgian nationalist forces enacted a “conservation” policy around Azeri-

populated lands with the idea to limit Azeri access to land, water and economic resources. To this day, the Georgian government retains large land areas that are close to national borders, which were taken away from Azeris in “conservation” efforts of the 1990s. Instead of the proclaimed “security purposes” much of this land has been exploited for private profit (Wheatley 2005:8).

A massive change of toponyms and hydronyms to Georgian-sounding names took place. More than 40 names of Azeri villages were changed in 1 month in 1992, with more waves in 1995 and 2004. Villages and rivers now have two names – the official Georgian one and the one used by the local Azeri population (Komakhia 2003:24).

This did not happen in Armenian-populated Javakheti region because separatism is more of a threat there than in Kvemo Kartli. In 1992-3 Georgia almost lost Javakheti and had to make major political concessions during the Shevardnadze government to retain it. Javakheti, for example, is allowed to use the Russian language in courts while Kvemo Kartli is not (Mamedov 2014).

Ideologues of Georgian ethnic nationalism defend these discriminatory policies and point out assimilatory policies enacted by Azerbaijan in the past – against Muslim Georgians, Nakhichevan Armenians and Kurds, equating such policies with ethnic genocide (Notadze 2014). They see modern-day Azerbaijan

as an artificial geographic creation of the Soviet propaganda with most Azeris in Iran and many historic Georgian and Armenian lands now populated by migrant Azeris (Notadze 2014).

B. Current Situation

Azerbaijan remains a magnet for Georgian Azeris due to its better economic position, family links and cultural and linguistic proximity (Gadirli 2014; Musabayov 2014). Since most of them don't know Georgian, they remain limited in their social and economic opportunities and bound to agriculture. In the big scheme of things, "they either have to learn Georgian or to leave for Azerbaijan or Russia," concludes a prominent Georgian academic (Nodia 2014).

While language is cornerstone, it is not the only issue. At the heart of the matter is the politics of identity in Georgia. The prevalent concept of the nation remains persistently ethnic despite the general official commitment to the territorial concept of the nation. The fear of separatism among Georgian authorities remains high, which is another factor explaining the situation of ethnic Azeris (Mamedov 2014).

Saakashvili's United National Movement made significant efforts to

integrate Azeris into the Georgian society. Its representatives believe that the current political regime does not make as many efforts, especially where there is need to provide new generation of teachers to change the ones from the Soviet period (Imamkuliyeu 2014). Locals list Ivanishvili's broken electoral promises such as to have a minister or a deputy minister from Kvemo Kartli (ibid). Since the change of the political regime, civil society has been suppressed in the region: minority-oriented NGOs have been closed or directed to report to civil servants and some people have even been arrested (Mamedov 2014).

Grievances of the Azeri population abound. Georgian ethnic nationalism is clearly on the rise: the incidents of police abuse toward non-Georgians in Azeri-populated region have been increasing. The police often uses the victims' lack of Georgian language skills as the pretext for the abuse, the Red Bridge check point between Georgia and Azerbaijan being the hotbed of corruption (Imamkuliyeu 2014; Komakhia 2003:16).

A major issue is the resistance of Georgian authorities to allow ethnic Azeris to head municipal administrations in Azeri-populated areas (Wheatley 2005:37). According to Georgian 2002 Census, Azeri population of Marneuli is over 83% (Ethnic Groups by Major Administrative-Territorial Units 2002) but 80% of civil servants assigned there are ethnic Georgians, including all head positions (Bayramov 2014). Marneuli was even denied the status of a city despite having

enough population “out of fear of separatism” (Mamedov 2014)

The situation exploded when the candidate for the head of the Marneuli region from The United National Movement party was removed from the election roster by the Electoral Commission (Кандидата От ЕНД Лишили Регистрации в Марнеули 2014), a decision later reversed by the Tbilisi City Court after the UNM complained about ethnic discrimination (Суд отменил решение ЦИК Грузии о снятии кандидата ЕНД 2014). Mr. Imamkuliyeв was running against a candidate from the ruling Georgian Dream party who is not local and not Azeri (Imamkuliyeв 2014). In Javakheti, Armenians became heads of administration in the same elections (Mamedov 2014). Georgian parliament has only 3 Azeri deputies. Georgian Dream top 10 people on the party list has 3 Azeris vs. 6 in the UNM party (Imamkuliyeв 2014). The overwhelming sentiment is that the problem is not the knowledge of the Georgian language but the fact of not being an ethnic Georgian (Bayramov 2014).

Education is another area of concern. Azeri-language education has been reduced and a significant number of village schools have been shut down forcing students to commute daily to towns. The 2007 draft of the Law on Education in Georgia actually suggested abolishing Azeri-language education completely (Fuller 2009). The lack of Azeri-language educational materials and bilingual instructors remain big issues (Shiriyev and Kakachia 2013:64). Another

unacceptable situation is the fact that the majority of secondary school principles where the language of education is Azeris have no knowledge of Azeri or Russian and, therefore, cannot interact with their students (Aliyeva 2014; Bayramov 2014; Fuller 2009). Teachers of Georgian are notoriously poorly prepared (Tangiashvili 2014).

Saakashvili-era "1+4" program, lobbied by Azerbaijan (Aliyev 2015), allows minorities to enter Georgian universities circumventing general requirements and taking an additional year to learn Georgian. Azeris complain that students who enter are not competitive and are poorly prepared in secondary school. As a result, they cannot graduate from prestigious fields such as law or medicine and cannot find good employment opportunities after graduation (Bayramov 2014). Young people who choose to study in Azerbaijan or Russia are often forced to emigrate because of difficulties to find a job upon return (Komakhia 2003:10).

The language barrier, however, remains the main source of complaints. Azeris point out that 70-90% of Azeris in the Marneuli region do not know Georgian and, therefore, cannot interact with the Georgian state, which provides no translation or bilingual service. It is also clear that many, especially older, people will not be able to learn Georgian enough in their lifetime to conduct business and interact with the state in it (Imamkuliyev 2014). The House

of Justice in Tbilisi, the main processing center for the Georgian state, employs over 70 people but none speak Azeri. Azeris, therefore, demand the right to use their language in business and government, at least until the population learns Georgian -- a status of a regional language, as is done in Europe (Bayramov 2014). The lack of Georgian knowledge results in "total informational vacuum" for Georgian Azeris. Absence of information remains one of the main concerns of the population (Komakhia 2003:11–14).

There is no regional TV and almost no local press. To receive news, one has to watch Azerbaijani or Turkish TV. Even Azerbaijani newspapers are not understood by the older generation because of the switch from the Cyrillic to Latin script (Akerlund 2012:22). The information on Georgia remains not captured by the Azeri population since Azerbaijani and Turkish media scarcely mention events in Georgia (Shiriyev and Kakachia 2013:79). The media that covers the region as well as Georgian media in general avoid issues of ethnicity and religion, they remain taboo (Akerlund 2012:20). At the same time, negative ethnic and religious stereotypes are present in Georgian national media, both print and TV (Akerlund 2012:26).

While many young people have surpassed the language barrier and are enjoying a better quality of life (Abtseauri 2014), older generations are left out. The worst consequence of the language barrier is unemployment and poverty.

Kvemo Kartli has few jobs to offer and the rest of the country requires the knowledge of the state language to be employed. Unemployment among Georgian Azeris is extremely high, reportedly as high as 90% compared to 13-14% in Georgia as a whole (Fuller 2009).

Even then, while complaining that the education on the history and geography of Azerbaijan is practically banned in the region, Georgian Azeris largely accept and support Georgian state. They tell stories of fighting on the side of Georgia in the Middle Ages, in the aftermath of the transfer of their Muslim-populated lands to Georgian control in 1732 by an Iranian shah whose wife was Georgian. Georgian Azeris “love Georgia, will die for Georgia” but demand a fair treatment from the Georgian authorities. They are appalled that their youngsters are taught that they are “recent immigrants”(Bayramov 2014).

In the end, there is a deep rift between ethnic Azeris and ethnic Georgians in the country, especially given the persistence of the ethnic concept of the nation. The following chart describes inter-ethnic tensions and the strength of the ethnic understanding of the nation in Georgia using the concept of inter-kin marriage, a historically entrenched taboo (Shiriyev and Kakachia 2013:87–88). A 2013 poll conducted by Caucasus Barometer showed that only 28% Georgians and 19% of Georgian Armenians see interethnic marriage with Georgian Azeris as agreeable (Opinion Poll Data - Azerbaijan and Georgia

2013).

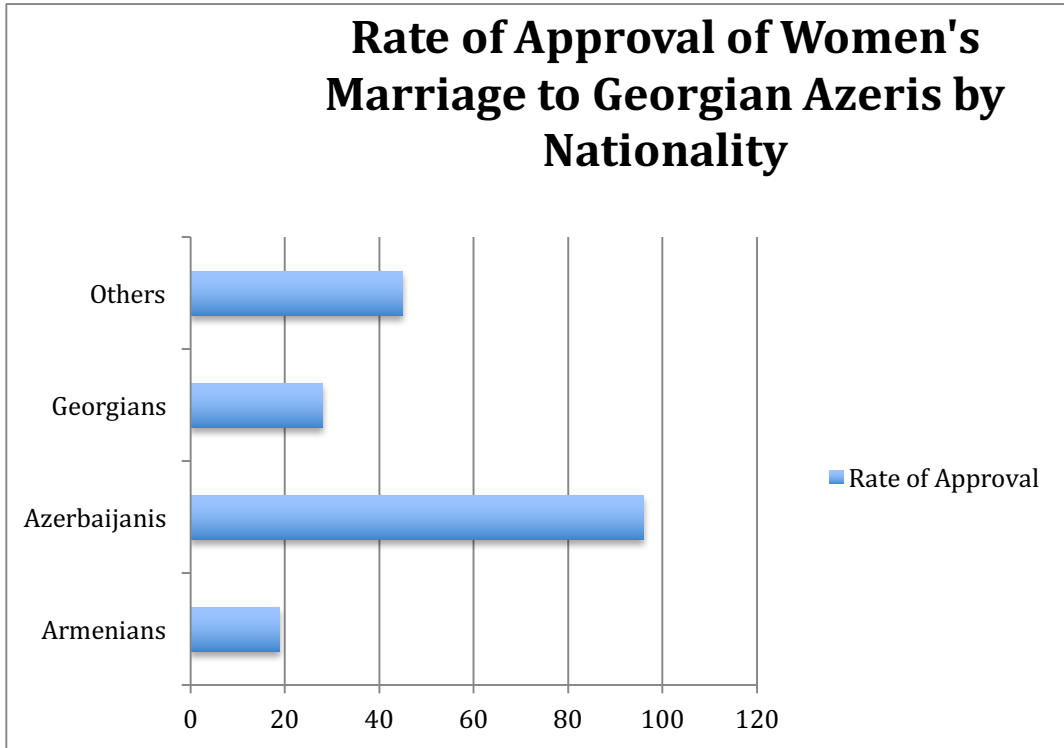


Figure 17. *Rate of Approval of Women's Marriage to Georgian Azeris*, source: *Caucasus Barometer*.

The religious aspect of this rift is hard to ignore as the Church influence on Georgian politics has been increasing, as described in chapter 5. The government denied permission to construct mosques in over 70 Azeri-populated municipalities (A Report on the State of the Azerbaijani Muslim Community in Georgia 2011:15–20).

Georgian nationalists continue to see Azeris as not autochthonous, as recent arrivals. While they are against ethnic discrimination and forced assimilation, they believe such policies may be necessary if the demographic situation of the autochthonous people worsens (Notadze 2014). In contrast, modern Turkish historians date Turkic toponyms in today's Georgia to as early as the 2nd century BC when Hunn tribes moved to South Caucasus. Other medieval sources mentioning Turkic populations of the area abound (Оруджев 2010).

All in all, the situation of Georgian Azeris from the point of view of human rights remains extremely difficult if not abysmal due to "gross violations", concludes an NGO focused on minority rights (A Report on the State of the Azerbaijani Muslim Community in Georgia 2011:4).

C. Baku's Policy: Treading a Careful Line

Azerbaijani political elite is aware of the difficulties Georgian Azeris face, still called "tatrebis" by Georgians, which goes back to "Tatars", the original Russian name for Azeris. Azerbaijani diplomats lament the ethnic concept of the nation in Georgia, which results in unfair treatment of minorities by the state and especially the judicial and legal system (Aliyev 2015). Azerbaijani state officials,

however, are more focused on “ghettoization” and the lack of upward mobility of ethnic Azeris, especially their absence in the state apparatus of Georgia (Mirzoyev 2014). Again, Georgia is a strategic partner for Azerbaijan. Upward mobility of Georgian Azeris, therefore, is beneficial for Azerbaijani interests in Georgia. The continuous presence of ethnic Azeris in Georgia ensures Azerbaijan’s leverage in Georgian politics (Abbasov 2011). This line of thinking is routinely justified by territorial nationalism: at the end of the day, Georgian Azeris are non-nationals.

Official Baku’s policy is, therefore, to make Georgian Azeris remain in Georgia, retain their culture and integrate into the society. There is no fear of assimilation because the knowledge of the Azeri language remains widespread as does the geographic proximity to Azerbaijan (Musabayov 2014). Additionally, there is a desire on the part of the Azerbaijani leadership to strike a balance between retaining links with Azeris living in Georgia and avoiding a depopulation of what is seen as territories historically populated by Azeris in Georgia (Aliyev 2015; Musabayov 2014). Azeri lands in Georgia are also a buffer zone and economically and ethnically important areas (Mamedov 2014). Even The Borchali Public Union supports the return to Georgia, to the lands historically populated by Azeris (Mammadli 2014).

As mentioned above, the official Baku also does not want a “mass

exodus" (Musabayov 2014). When Azeris from Georgia flooded into Azerbaijan in 1991-1996, Baku eventually decided to stop the flow of migrants (Mamedov 2014). This is explained by demographics as well: Baku doesn't want to add 500,000 Azeris to the demographic crisis of 800,000 refugees from Nagorno-Karabakh and 200,000 from Armenia (Mamedov 2014). To avoid migration, the state oil company SOCAR has been providing various economic incentives for Azeris to stay in Georgia (Abbasov 2011).

Azerbaijan is opposed to easing migratory regulations with the aim of liberalizing the entry regime for ethnic Azeris, as it was done in Georgia for ethnic Georgians, for the fear of Iran as millions would then come to Azerbaijan for financial and religious reasons. Iranian Azeris can get only 3 months visa-free in Turkey and cannot get into Russia at all (Mamedov 2014).

Georgian Azeris have historically relied on the personal relationship between top leaders of the two countries. Azerbaijani government has tried hard to maintain a good relationship with Georgia and leave the tensions in Kvemo Kartli aside. Russia always looms on the horizon, even in the Azeri-Georgian relations, in this context as a major destination for Azeri emigration from Kvemo Kartli (Wheatley 2005:30-31).

The Azeri-Georgian Citizenship Commission meets once a year but there have been no major changes in the past 15 years. Azerbaijan's policy is still rigid

and the Georgian side still fears a demographic threat from Georgian Azeris (Mamedov 2014). Issues of citizenship remain without resolution. For example, paradoxically, it can be as hard to leave Azerbaijan's citizenship as to obtain one, especially in the case of young men, seen as valuable in times of war. An interviewee's two sons could not get Georgian citizenship because they could not leave Azerbaijan's (Mamedov 2014). In the end, while Azerbaijan does not actively encourage politicization of Azeri community in Georgia, it supports their self-definition as indigenous, historical residents of these territories as not migrants or ethnic minorities (Shiriyev and Kakachia 2013:93).

D. Georgian Civic Integration Efforts

Coming from a more ethnicity-oriented point of view, Georgian politicians are surprised by Baku's rigidity and lack of co-ethnic compassion in its denial of citizenship rights to Georgian Azeris, especially those already inside the country. At the same time, they feel wary about its desire to influence Georgian politics (Khmaladze 2014).

In its defense, Georgia's government has been carrying out a wide set of programs targeting national minorities, namely Azeris and Armenians (since

Abkhazia and South Ossetia are now out of reach of the Georgian state). Initiated by President Saakashvili in 2005 in the aftermath of Georgia's ratification of the European Framework Convention for the Protection of National Minorities, the National Integration and Tolerance Program was supported both by the United Nations Association of Georgia (UNAG) and the US Agency for International Development (USAID). The same year a permanent Ethnic Minority Council was convened under the auspices of the Public Defender's office in order to coordinate policy between the government and representatives of ethnic minorities. In 2008, the national minority policy was delegated to the Office of the State Minister for Reintegration. In 2009, a comprehensive National Policy and Action Plan for Tolerance and Integration unified representatives of different government agencies participating in the "civic integration" process, as it became known.

Georgia takes civic integration seriously, at least on the official level. A case in point is the resignation of the Minister for Integration Yulon Gagoshidze after an interview in the media where he said that only Georgians and Abkhaz were autochthonous whereas Azeris, Armenians and Ossetians were diasporas (Оруджев 2010). Nationalist politicians, however, still hold these beliefs and voice them (Adamia 2015; Chheidze 2015).

The main focus of civic integration is education, namely Georgian

language instruction and access of minorities to secondary and higher education (Imerlishvili, Nachkebia, and Kharatiani 2010:18). Georgian politicians see the knowledge of the state language as key to demonstrating loyalty to Georgia on the part of Georgian Azeris (Khmaladze 2014).

In secondary schools, most minority children go to Azeri or Armenian-speaking schools but there no higher education in their languages exists (Nodia 2014). The Armenian minority receives a great deal of attention and support from Armenia who sees them as “co-ethnics” (Nodia 2014). Armenians’ recent arrival (about 150 years ago) to Georgia as a result of Russia’s resettlement policies is a fact but they get more concessions from the Georgian state because they “complain more, demand more, and get more”, not without the help of the Armenian Church (Bayramov 2014).

Within the “1+4” program mentioned previously, national minorities take only one entrance exam for universities as opposed to four generally required. They take it in their native language: Armenian, Azeri, or Russian. They are then given a year to learn Georgian. In 2010, this program had 247 students, in 2011-430, in 2012 – 589, in 2013 – 890. In terms of ethnicity, in 2013, 704 were Azeris, 186 Armenians. The education is free and with a certain score they get a stipend. In 2013, 93 Azeri students received it and 98 Armenians. Yet, learning Georgian in one year proves to be a very difficult task (Gogheliani 2014).

The National Concept for Tolerance and Civic Integration similarly sees the poor knowledge of Georgian as a key obstacle for national minorities (ibid). During the Soviet times, Russian was used as the language of interethnic communication. Besides, both the Azeri and the Armenian minorities were functionally part of Azerbaijan and Armenia: the populations of Georgian Azeris and Armenians were integrated by family, educational and professional ties with the neighboring Soviet republics. If one wanted to get a university degree and a professional job, Baku or Yerevan were a natural choice because of the common language and cultural affinity (Bayramov 2014). National minorities living in Tbilisi had knowledge of Georgian but in the regions where national minorities were concentrated only Azeri and Armenian were used with some Russian.

In the newly-independent Georgia, Georgian became the only state language: neither Azeri or Armenian were given an official status; Russian was excluded from state affairs. As borders became more and more real, ethnic Azeris and, to the lesser extent, ethnic Armenians (Armenia's politics are more ethnocentric and diaspora-oriented than those of Azerbaijan) were cut off from Baku and Yerevan and became virtually helpless before the state bureaucracy of the newly independent Georgia where all business was conducted in the official language.

The government has made some efforts to ease the linguistic isolation of

Georgian Azeris. Zurab Zhvania School of Public Administration opened new regional centers in minority-populated areas in order to teach Georgian to civil servants from minority areas planning to enroll approximately 2,000 public servants in 2014 (Ethnic Minority Training Center Launched 2014). The introduction of translator positions in municipalities is being considered among the overall understanding that municipalities do not function well from the point of view of interethnic relations (Gogheliani 2014).

Georgia did ratify the Framework Convention for Protection of National Minorities in 2005 but not the European Charter for Regional and Minority Languages (ECRML) despite the commitment it made in 1999 when joining the Council of Europe. The reason, again, is the “disintegration threat” and consequent public opposition to the protection of minority languages, which in this case also include Mingrelian and Svan (Imerlishvili, Nachkebia, and Kharatiani 2010:24).

Similarly, the government resists giving Azeris access to municipal administration. Overall, Azeri representation in municipal councils is much lower than those of Armenians despite their larger numbers. Marneuli’s 33 deputies have 15 Georgians and Armenians. As an Azeri political party is not allowed by law, Georgian parties are not incentivized to add Azeri candidates to their party lists (Bayramov 2014). Georgian Azeri are less politically active than Georgian

Armenians who are able to elect their own residents in majority of local administration in Javakheti (Komakhia 2003:20; Shiriyev and Kakachia 2013:80). Historically, Georgian Azeris vote for the dominant political force in Tbilisi and have no well-defined political elite of their own. Even elected Azeri politicians in Tbilisi are not sure whether to address Tbilisi or Baku with their issues (Shiriyev and Kakachia 2013:77–78). Political parties usually try to lure in Azeri voters only right before elections and do not appoint Azeri politicians for key day-to-day activities (Mamedova 2015).

However, civic integration efforts have born fruit, especially for younger people who can benefit from new educational opportunities. As a result, some Georgian Azeris have returned to Georgia as the inter-ethnic situation is improving (Mammadli 2014). As Azerbaijani government remains firm on not giving citizenship to Azeris from Georgia, younger Georgian Azeris leave Azerbaijan to come back to Georgia seeing it as more European and Western. But there is a strong pressure to assimilate to really become part of the Georgian society (Aliyeva 2014). The Ministry for Reconciliation repudiates this assimilatory pressure coming back to the idea of “integration without assimilation” with the resolution of the main issue of language training, and, consequently, unemployment (Tangiashvili 2014).

Civic integration efforts also included a campaign to give Azeris access to

Georgian citizenship. One such campaign went door-to-door and resulted in about 2,000 citizenship registrations. Many rural Azeris people only found they needed Georgian citizenship when the time came to claim pensions.

Interviewees recall that many didn't even know they lived in Georgia and not Azerbaijan because they functioned entirely in the Azeri language and watched only Azerbaijani TV (Bigashvili 2014). During Georgian elections many were looking for the name of Ilham Aliyev, the Azerbaijani president (Abtseauri 2014). These unbelievable accounts reflect the historical links of Kvemo Kartli Azeris to Azerbaijan and a real tragedy that the break-up of the Soviet Union created by the erection of new borders.

According to minority leaders, the problem with civic integration policy is its rigidity. The current government has continued the five-year plan initiated by the Saakashvili government but, despite the official commitment to accepting feedback and modifications, has been reluctant to follow through and such issues as the lack of minority cultures' representation in the National Museum of Georgia, continuous lack of Georgia-based textbooks in minority languages, only 1 newspaper in Azeri and 1 in Armenian and 1 newscast translated from Georgian, remain. Many children study by textbooks produced in Azerbaijan and Armenia for their own populations and get all their news from Azeri, Armenian or Russian channels: the informational vacuum continues (Mamedova

2015).

E. 2014 Citizenship Law in Georgia

The 2014 Citizenship Law makes no exceptions or special provisions for ethnic Azeris in Georgia despite the need for a resolution of the woes of the group who does not see itself as an Azerbaijani diaspora but as autochthonous and entitled to own culture and identity (Aliyeva 2014; Shiriyev and Kakachia 2013:89). The law makes no special provision for up to 100,000 Azeris who are forced to constantly migrate between Georgia and Azerbaijan (Mamedov 2014).

As mentioned previously, statelessness still exists among Georgian Azeris. Registering births remains a problem even now. Many people in rural areas are still not aware of the need to register as citizens and end up stateless (Macharashvili 2014).

Presidential Administration representatives suggests that Azeris can also apply for the status of repatriant²⁷ thus avoiding naturalization but having to forego the Azerbaijani citizenship within 2 years of the application²⁸. However, they point out that this solution remains problematic because Azeris, in fact,

²⁷ Article 14.2 of the 2014 Citizenship Law.

²⁸ Presidential Decree 237 from 2014.

desire dual citizenship and not just the citizenship of Georgia (Kalandadze 2014). They don't want to lose social guarantees in Azerbaijan because they feel insecure about their situation in Georgia and, therefore, tend to retain their Azerbaijani citizenship (Gogheliani 2014).

Under the new law, Azeris have to go through the naturalization process proving that they have lived in Georgia for 5 years or have property there. It also requires testing in Georgian language and history. Moreover, now they don't have to go stateless but will just need to give up the other citizenship within 2 years (Bigashvili 2014; Odisharia 2014). The recognition process is still in place for those who lived in Georgia on March 31, 1993 as long as they satisfy the condition of having lived in the country for 5 years combined²⁹. However, Azeris who left the country between December 21, 1991 and March 31, 1993 fall under Article 30.c, which does not allow them to be recognized as citizens, and is, therefore, problematic since they have to naturalize and, therefore, prove the knowledge of the state language (Bigashvili 2014).

Minority organizations have criticized the new law as another step toward a monoethnic state (Mamedov 2014).

Chapter 7 described the difficult situation of Georgian Azeris caught

²⁹ Article 30 of the 2014 Citizenship Law.

between Georgia's ethnic nationalism and Azerbaijan's lack of co-ethnic sympathy in the face of its geopolitical and domestic policy goals. This group is, therefore, is both the victim and beneficiary of territorial nationalism policies. However, it is only the strengthening of such policies that offer hope: the return to unconditional jus soli in Azerbaijan (since strengthening of ethnic nationalism had led to interethnic tensions in the past and is, therefore, rejected by the country's political elite) and the continuous strengthening of the territorial concept of the nation in Georgia. However, this task is particularly difficult for Georgians deeply affected by the loss of Abkhazia and South Ossetia and attached to the continuous belief in the exceptionality of the Georgian ethnos.

Chapter 8. Abkhazia: A View from a *De-Facto* State

Chapter 8 presents a case-study of national identity conceptualization from the point of view of a de-facto state, Abkhazia. Abkhazia stands out among other post-Soviet de-facto states: Abkhaz ethnic identity and the history of Abkhazian statehood extend back centuries. Both state and public discourse often refer to the "1,200 years of the Abkhazian state."

The case study of the concept of national identity and citizenship politics in the republic from the point of view of ethnic/territorial relationship and from the historical perspective is able to provide a unique insight into the concept of national identity in Georgia as well (namely its historical exceptionalism) and the crucial role of history in national identity and politics in the Caucasus and the PSS in general. Finally, the story of enfranchisement and disenfranchisement of Abkhazia's own minority group, Mingrelians/Georgians of the Gal region, brings another testimony of the victims of citizenship politics and the tension between ethnic and territorial concepts of nation in the former USSR, where ethnic enclaves abound.

1. The Role of History for National Identity in the Caucasus

A. The Turbulent History of the Abkhaz

Abkhazia entered the Russian Empire in 1809 voluntarily and was largely left to its own devices by the tsars for 54 years, a period considered the one of *de facto* statehood by Abkhazian historians (Lakoba 2016). Georgian historians underline that Georgian was still used as state language by Abkhaz rulers at that time and Abkhazia was still in the Georgian political and cultural space despite the arrival of mountainous tribes over previous centuries that had led to a “cultural decline” and a “revived primitive order” (Papaskiri 2008:97–98).

The abolition of serfdom in the empire and land reforms that followed led to mass-scale peasant revolts in Abkhazia in the 1860s-1870s. As a consequence, over half of the Abkhaz population (the majority of the Abkhaz Muslims) – about 200,000 people -- either fled or were deported to the Ottoman Empire. The exodus freed a large landmass that was then populated primarily with Georgians, Armenians, Russians and Greeks (Siddi 2012; Ó Beacháin 2016:207). The Georgians in question were mostly Mingrelians who were deemed suitable to survive in the climate of extreme humidity and were

also seen as trustworthy due to their participation in the Caucasus War on the side of Russia (Gumba 2016; Gurgulia 2016; Гумба 2002:43).

In 1883, Abkhazia lost its sovereignty and was integrated into the Kutaisi province of the Russian Empire (Siddi 2012): this event, according to Abkhazian historians, initiated the history of Georgia's claims to Abkhazia (Гумба 2002:17). While Russians treated Georgians exceptionally well as described in Chapter 5, the Abkhaz, just like the Chechens, were deemed untrustworthy and prohibited from settling near cities (Kuvichko 2016). If in 1823, around 300,000 ethnic Abkhaz lived in Abkhazia, in 1897 only 56,000 remained. Five of Abkhazia's seven historical regions were thus "completely cleared" of ethnic Abkhaz (Gumba 2016).

As the empire crumbled, Abkhazia declared independence in 1918 and joined the Mountainous Republic of the Northern Caucasus. When Georgian troops occupied Abkhazia later the same year, volunteers from all over North Caucasus came to its help – a similar dynamic that took place in 1992, according to Abkhazian historians (Gumba 2016). Georgian troops were indeed seen as occupants and oppressors, which explains the support Abkhazia received (Юнге et al. 2015:208).

Georgian historians blame individuals who spread anti-Georgian propaganda on the "notorious slogan about the rights of nations to self-

determination” in order to break the link with Georgia although admit that the desire to preserve such link “was probably not universal” (Papaskiri 2008:103).

Abkhazian historical accounts focus heavily on the georgianization campaign led by the Soviet (and ethnic Georgian) leaders Stalin and Beria during the early Soviet times, starting by changing the alphabet from Latin to Georgian in 1938 (Amirejibi-Mullen 2011:252; Lakoba 2016; Ó Beacháin 2016:208). While Abkhazia joined the USSR as a Union republic in 1921³⁰, ten years later Stalin demoted its status to an autonomous republic within the Georgian SSR. The head of the Georgian Communist Party Lavrenti Beria settled thousands of Georgians in Abkhazia. Ethnic Georgians became the largest ethnic group in the republic. The Abkhaz culture and language were repressed: education in Abkhaz was minimized, Abkhaz toponyms were replaced with Georgian ones, broadcasting in Abkhaz was prohibited (Siddi 2012; Ó Beacháin 2016:210; Гумба 2002:4).

Beria most likely caused the death of the prominent Abkhaz leader Nestor Lakoba and then executed his family for treason with extreme brutality after Lakoba raised the question of Abkhazian independence (Ó Beacháin 2016:208–209). Even in 1941, when the war was raging, Georgian authorities

³⁰ In reality, while *de jure* a union republic, Abkhazia was *de facto* included into the South Caucasus Federation via Georgian SSR. However, the special status of Abkhazia led to its direct relationship with Moscow by-passing Tbilisi (Юнре et al. 2015:245–246).

spent considerable resources on resettling Georgians in Abkhazia (Kvarchelia 2016). Georgian historians amass a convincing proof that the union status was a “mere formality” as Abkhazia was always considered to be an integral part of Georgia while admitting that Georgian communist authorities did recognize Abkhazia’s independence in 1921 (Papaskiri 2008:103–104). Abkhazian historians explain that Georgian authorities justified Georgianization to Moscow by the communist party’s goal of eventual assimilation of everyone into the Soviet people with Abkhaz assimilation a part of the process (Гумба 2002:43).

Abkhazian analysts explain the Georgianization of the 1930s and 1940s as a reaction of ethnic Georgian nationalists (including Stalin and Beria) to nation-building efforts in Abkhazia in the 1920s (Kvarchelia 2016). While many of these policies were reversed after Stalin’s death (Siddi 2012), Abkhazia’s numerous attempts during the Soviet period to leave Georgia’s administrative control continued but were unsuccessful. If at the beginning, these attempts were directed at joining the Russian Federation, in the 1980s, the demands centered on regaining the status of a union republic alongside Georgia and Russia (Гумба 2002:9). In 1988, Georgia introduced the Georgian language as a compulsory subject in non-Georgian schools and universities in Abkhazia when less than 2% of the Abkhaz population were proficient in Georgian (Amirejibi-Mullen 2011:254). In 1989, this demand took on massive proportions (Kuvichko 2016;

Papaskiri 2008:106) and the bloody 1992-1993 conflict followed that eventually resulted in Abkhazia's separation at the price of thousands of dead and reported atrocities on both sides.

The historical memory of Georgianization was a big part of these events (Amirejibi-Mullen 2011:253). If, until 1924, ethnic Abkhaz were still the majority of the population, by 1992 they were around 17% (Gumba 2016). Today, around 700,000 – 1 million ethnic Abkhaz live in Turkey. They have retained their language and identity. Ethnic Abkhaz in Abkhazia now constitute around 50% of the population of 250,000 (Gumba 2016).

B. The Role of History for National Identity and Politics of the Caucasus

The Abkhazian case sheds light on the exceptional role of history for the formation of national identity in the Caucasus. It helps understand why both Georgia and Azerbaijan (the latter less so, the former more so) rely on premodern history for conceptualization of the nation. The notion of autochthony is crucial as it justifies claims to territory. It remains a big part of the discussion of a possible resolution of frozen conflicts in Georgia and Azerbaijan.

a. History in Political Discourse

When asked, all respondents pointed to the importance of ancient and recent history for the concept of national identity in Abkhazia, which they view as typical for the rest of the Caucasus: ethnic in character and firmly grounded in history. The Caucasus is a “big mosaic” of ethnic groups, all with a strong sense of identity (Gunjia 2016). A large part of the society of the Caucasus lives by the myths of the past, especially if they link up to the history of independent statehood, however remote (Kvarchelia 2016). A vision of the glorious past “feeds the ego” of the Abkhaz as well: they see themselves as an ancient nation with at least 1,200 years of history “in their genes” (Gunjia 2016). A commonplace image of the Abkhaz is a warrior nation that didn’t deal in commerce deemed unworthy of noble warriors (Lakoba 2016). The millennial history of statehood remains an important cognitive part of the collective identity for both Georgians and the Abkhaz (Khashig 2016). The first President of Abkhazia, for example, often repeated that “the Abkhaz had waited for over a thousand years for independence” (Tania 2016).

Abkhaz historians and politicians interviewed underline that history has an exceptional role for the concept of national identity all over the Caucasus. Genetic history is venerated: even now people are expected to recite multiple

generations of their ancestors by name (up to 7 or 11 generations). A peasant in the Caucasus can easily discuss topics of ancient and modern history. Attempts to bend history meet a strong resistance and a quick mobilization (Khashig 2016).

As a consequence, politicians have to know history very well in the Caucasus. Political campaigns routinely invoke the sense of belonging and historical continuity among the Abkhaz (Chirikba 2016; Tania 2016). While ancient history mentions are common, the 1992-1993 war receives the most references because emotions are still very fresh and no politician can afford to ignore them (Tania 2016). They also cannot bend history too much as common knowledge of it remains strong. At the same time, politicians with a better knowledge of history can also use it to their advantage to compete with their opponents (Gumba 2016). This explains why so many politicians in the Caucasus are historians by education. As the Abkhaz writer and journalist Daur Zantaria once said, "In the Caucasus, wars are started not by politicians but by historians" (Khashig 2016). The history of the Caucasus has been extremely conflictual so references to war are commonplace. Politicians note that many people in the Caucasians are still ready to die for their motherland (Tania 2016).

b. The Autochthony Debate

During the Soviet times, historical past was often the subject of political tension and controversy in the Caucasus, much of it during the Stalin period. Since Stalin saw territory as the foundation of a nation, claiming autochthony equaled claiming the territory of a nation (Amirejibi-Mullen 2011:248). Pavle Ingorokva, with the probable approval of the Kremlin, put forward the infamous “Ingorokva hypothesis” or “duo-aboriginality hypothesis” as it is also known. It revived the 1880s thesis by Dimitri Bakradze, which had suggested that the Abkhaz arrived to Abkhazia only in the 17th century and, therefore, were not autochthonous in the historical Georgian lands. A number of Soviet scholars of the time supported and promoted Ingorokva’s views to support the pro-Georgian orientation of the Soviet state. Published as a book in 1954, Ingorokva’s claims were criticized by the Soviet authorities and soon scrapped. In the 1960s and 1970s, however, the ancient history of the Abkhaz became again an “academic battlefield” as the Georgian SSR persecuted Abkhazian historians and writers who explored Abkhazian historical heritage (Gumba 2016).

As Georgian ethnic nationalism peaked again in the 1980s, duo-aboriginality was rediscovered and rehabilitated. Ingorokva was presented as a truly Georgian scholar whose views had been silenced (Hewitt 2016). In 1989,

the Ingorokva hypothesis became dominant in the Georgian discourse and served to heat up the Abkhazian-Georgian conflict among other factors (Gurgulia 2016). Duo-aboriginality is now presented as truth in academic work based in Georgia (Papaskiri 2008:95) and Georgian history and geography books, which are banned from Abkhazia for this reason (Hewitt 2016).

The ethnic origin of the Abkhazian Mingrelians is also controversial. The Ingorokva hypothesis suggested that they were the original Abkhaz. The Soviet scholarship of the 1930s also started grouping Georgians and Mingrelians into a single ethnic group. Currently, Mingrelians have come to view themselves as Georgians as well but the Abkhaz do not see them as such (Gumba 2016; Hewitt 2016; Tania 2016). This issue is highly sensitive because Mingrelians are a large group (around 400,000 of the 3.5 million population of Georgia) and the widespread belief in Georgia is that accentuating their separate ethnic identity and granting them language and cultural rights would eventually lead to political demands and possible separatism (Amirejibi-Mullen 2011:295; Hewitt 2016).

2. The Abkhaz National Identity: An Ethnic/Territorial Analysis

Just like other cases analyzed in this dissertation, Abkhazian nationalism

has both ethnic and territorial elements. However, just like in the Georgian case, Abkhazian nationalism has been predominantly ethnic although there is a realization on the part of the political elite of the need to build a more territorial concept of the nation.

Most of the interviewed described Abkhazia, and especially its capital Sukhum (Sukhumi in Georgian), as historically ethnically diverse and, therefore, not as ethnically nationalistic as in other parts of the Caucasus. Invoking the history of maritime commerce and the Silk Road, the respondents pointed out that the Abkhaz were “used to” foreign settlers (Tania 2016) and that no interethnic conflicts were recorded before the Soviet times: most were feudal despite the strong sense of ethnic identity (Chirikba 2016).

Ethnic diversity decreased drastically about 1987 when the Soviet regime allowed emigration (Kuvichko 2016). It also comes as no surprise that the share of the Abkhaz in the population has risen dramatically since the 1992-1993 war as Georgians have disappeared except for the 40,000-or-so Mingrelian population of the Gal region. Before the war, Georgians were around 50% of the population, now it the Abkhaz that constitute the percentage. The share of ethnic Armenians has been growing but this causes no tension as they are generally sympathetic to the ethnic Abkhaz cause since they also have suffered from Georgian ethnic nationalism (Hewitt 2016; Kvarchelia 2016). Researchers

have qualified Abkhazia as an “ethnocracy” where the Abkhaz have taken possession of the state apparatus and use it to enhance their “status, power, and interests” (Ó Beacháin 2016:206). So it seems that while there is a wide acceptance of historical ethnic diversity, the desire to preserve and enlarge the Abkhaz ethnic group prevails.

The historical ethnic diversity may explain why currently the tension between ethnic and territorial concepts of the nation is not as acute as elsewhere in the Caucasus (Kvarchelia 2016). However, despite the vision of Abkhazia as ethnically diverse, the concept of the nation here is predominantly ethnic, just like in Georgia (Chirikba 2016; Kuvichko 2016; Lakoba 2016). Moreover, ethnic Abkhaz nationalism has been on the rise (Hewitt 2016; Kvarchelia 2016), which makes many worry about the possibility of new inter-ethnic tensions (Hewitt 2016) and “repeating Georgian mistakes” (Kvarchelia 2016). Just like in Georgia, ethnic nationalists are worried about the demographic crisis among the Abkhaz. They see the threat mostly in Mingrelians and even Armenians (Tania 2016). The case of the Gal Mingrelians described below is a case in point: the history of ethnic discrimination may be indeed repeating itself (Hewitt 2016).

While the Abkhaz rely on family connections widely to support them in case of trouble, ethnic minorities do not have access to such an extensive family

network and, therefore, feel more insecure (Kvarchelia 2016). A survey has recently revealed that national minorities feel that the Abkhaz are consistently treated preferentially in a variety of settings and situations (Kvarchelia 2015:8). The main goal for Abkhazia's political leadership remains to preserve the Abkhaz ethnos (Tania 2016). The "ethnic" and, especially, anti-Georgian card is "constantly played" in politics (Gurgulia 2016). The Abkhaz language is seen as in danger of extinction and the Abkhaz as having no other "mother state" like the Azeris and Armenians in Georgia (Kvarchelia 2016). An example of such concern for ethnic survival is the International Fund "Apsny" run by the former Minister of Foreign Affairs Maxim Gunja, which helps ethnic Abkhaz in difficult economic situations (Gunja 2016).

At the same time, there is a widespread understanding among the political elite that ethnic nationalism is not feasible economically or politically due to insufficient ethnic Abkhaz population and the existing ethnic diversity. They realize that ethnic nationalism leads to insecurity and uncertainty for non-ethnic Abkhaz at best and the "fifth column" at worst. Outmigration is still continuing with Armenians, Russians and Gal Georgians leaving (Khashig 2016). There is, therefore, an awareness of the need to build a territorial concept of the Abkhazian nation, which would incorporate all residents and not just the ethnic Abkhaz.

This said, ethnic and territorial concepts of the nation currently coexist. While all citizens are declared to be equal in the eyes of the law, ethnic Abkhaz are entitled to citizenship wherever they live in the world and also are the only ethnic group allowed to have dual citizenship with other countries beside Russia. A few thousand of foreign Abkhaz actually took Abkhazian passports but most have no interest in living in Abkhazia (Gurgulia 2016). Education functions on an ethnically separated principle: the Abkhaz, Russians, Armenians and Gal Georgians all have their own school systems in the respective languages and textbooks brought in from titular countries in the case of the non-ethnic-Abkhaz. There is a growing understanding that a unified educational system needs to be created with Russian as the base language (Khashig 2016). Only ethnic Abkhaz have the right to be President (Tania 2016). Civil servants are required to be able to speak Abkhaz since 2015, an extremely difficult language to learn (Gurgulia 2016).

The younger generation has a more territorial concept of the nation seeing everyone living in Abkhazia as part of the nation. They view ethnic nationalism as a dead end (Tania 2016). Territorially-minded politicians refer to "the people of Abkhazia" as opposed to "the Abkhaz people" (Chirikba 2016). The younger, more pragmatic, generation often finds common ground with the part of the older generation that inherited internationalist idealism from the

Soviet times (Kvarchelia 2016). Overall, the supporters of the territorial vision of the nation respect that the Abkhaz suffered greatly during the 1992-1993 war but also believe in the need for equal rights for all citizens with the only possible exception for the role of the Abkhaz language. Ethnic nationalists label the supporters of the territorial concept of the nation the “fifth column” as the conflict with Georgia hasn’t been settled (Kvarchelia 2016).

3. The Georgian National Identity in the Eyes of the Abkhaz

The Abkhaz blame Georgians for being ethnic nationalists but do not speak of worrisome ethnic nationalism at home, replicating discriminatory policies they suffered under Georgia on the population of Gal district of Abkhazia.

The Abkhaz and Georgians have been neighbors for centuries and know each other well. There is a widespread belief among both ethnic groups that their history is retained and transmitted genetically from generation to generation (Tania 2016). While many respondents have extremely painful memories of the 1992-1993 war and refuse to talk about Georgians, others were kind enough to do so and provided this research with a perspective not

available through interviews in Tbilisi.

All agree that Georgians have a particularly acute sense of ethnic identity even if ethnic nationalism is strong all over the Caucasus. It is the sense of exceptionalism of the Georgian nation, as described in Chapter 5. Even the “civic” nation is often understood ethnically in terms of assimilation of minorities into the Georgian ethnic group (Kvarchelia 2016). Unanimously, the respondents blame Georgian ethnic nationalism for the Abkhaz-Georgian conflict that devastated Abkhazia. In 1989, right before the start of the military conflict, Professor George Hewitt warned about the dangers of ethnic nationalism and the importance of minority protection and non-discrimination in his “Open Letter to the Georgian People”³¹ and, as a result, was banned from Georgia for life (this ban still hasn’t been lifted).

The official Georgian discourse views Abkhazia as a historical part of Georgia occupied by Russia. This perspective, often shared by Western academics, seems ludicrous to the Abkhazians. The male ones still reel from the “blockade mentality”. They remember the 6-years of blockade carried out by Russia against Abkhazia in support of Georgian claims to the region. The blockade together with the absence of travel documents left most people

³¹ <http://georgehewitt.net/articles/abkhazia-georgia/224-an-open-letter-to-the-georgian-people-1989>.

without access to healthcare, education and basic material needs as they could no longer travel to Sochi in Russia (Kuvichko 2016). Even after the end of the war, in 1993-1999, Abkhaz authorities negotiated with Georgia and Russia about the possibility of entering these states: history is much more complex than is often presented (Гумба 2002:12)

By the beginning of the war, ethnic nationalism and discrimination reached unseen proportions: locals still remember two lines for bread in Sukhumi, one for ethnic Georgians and one for the rest. Most also remember the widespread support for the policy of forced georgianization of the Abkhaz among ethnic Georgians living there. The particular strength of the Georgian ethnic nationalism also explains why many ethnic Russians, Greek and other non-Abkhaz joined the conflict on the Abkhaz side (Kuvichko 2016)

The respondents confirmed the importance of the historical national identity for Georgians preserved through the history of statehood and national unity in the face of continuous Persian and Ottoman domination, own version of the Orthodox rite and the written word, just as described in Chapter 5. From this perspective, Georgians are "the true *homo sovieticus*" (Lakoba 2016).

4. The Gal Region Conflict over Citizenship

Citizenship has become one of Abkhazia's most discussed and controversial political issues lately due to the situation with passportization of the Gal region residents on the part of the Abkhazian government (Kvarchelia 2014:2). While the struggle for political power is at the bottom of this conflict (Chirikba 2016), there is no doubt that it reflects a deeply-rooted conflict between ethnic and territorial visions of the Abkhazian nation. The residents of the Gal region, who mostly identify as Georgians, would be included into the territorial Abkhazian nation but not into the ethnic one.

While the Abkhaz don't perceive the Gal region Mingrelians as Georgians, they still see them as representing the political will of Tbilisi (Hewitt 2016). Historically, Mingrelians were the core of georgianization and mingrelianization of Abkhazia (Юнre et al. 2015:245).

Since most of Gal residents identify first as Georgians (at least partially due to pressure from Tbilisi) and only then as Mingrelian, many Abkhaz find it hard to accept them as compatriots despite some Gal residents actually having fought in the 1992-3 war on the side of Abkhazia in the "Gal battalion" (Chirikba 2016). Indeed, many people in this region associate themselves with Georgia and not Abkhazia (Kvarchelia 2014:2). Abkhaz historians not only don't see Gal

residents as Georgians but also consider at least half of the population there as “ethnic Abkhaz who speak Mingrelian” (Gumba 2016). They don’t speak Russian any more and live completely in the Georgian informational field (Khashig 2016).

During the war, most ethnic Georgians fled to Georgia. After the war, the international community and the United Nations also insisted on refugee return as part of the conflict settlement. In a gesture of good will, Abkhazia’s first president, Vladislav Ardzinba, decided on a unilateral return of Georgian refugees (to the Gal region only) with no required concessions from the Georgian side. About 40,000-60,000 people returned (Kvarchelia 2014:1).

Article 11 of the original 1995 citizenship law contained an important *jus soli* element granting citizenship by recognition to anyone whose ancestor was born on Abkhazia’s territory³². Gal Mingrelians thus qualified for Abkhazian citizenship despite the fact that most also had the Georgian one as well and many didn’t support Abkhazia’s independence (Khashig 2016). President Ardzinba wanted to integrate Gal residents into the Abkhazian society but the atmosphere of mistrust in the situation of continuous insecurity did not let it happen (Kvarchelia 2016).

In 2002, dual citizenship was permitted with Russia as changes in the Russian law allowed most Abkhazians to qualify for Russian passports. In 2003,

³² The Law on Citizenship of the Republic of Abkhazia from 5 January 1995.

most Abkhazians took Russian passports as people were desperate to reverse the effects of years of isolation from the outside world (Gurgulia 2016). However, the residents of the Gal region were excluded from this process (The Realm of the Possible - Finding Ways Forward in the Georgian-Abkhaz Context: People in the Gal/i Region 2015:5).

In the presidential elections of 2004, the majority of Mingrelians voted for the opposition candidate Sergei Bagapsh (married to a Mingrelian). In a political controversy that followed, his victory was canceled because the legitimacy of Gal residents' Abkhazian citizenship was questioned. The opposition accused them of having fought against Abkhazia's independence and thus forfeited their right to citizenship (Gurgulia 2016). In a repeat election Bagapsh won again but only by accepting the opposition leader Raul Khajimba as vice-president.

In 2004, Abkhazia decided to start issuing internal passports to all its citizens. In 2005, Khajimba-led opposition pushed through the new citizenship law, which scrapped Article 11 together with the *jus soli* provision. While ethnic Abkhaz retained the right to citizenship irrespectively of their place of residence or dual citizenship status, the rest had to live in Abkhazia continuously for 5 year by 1999³³. This provision excluded many, if not most, Gal residents who took

³³ Article 5 of the Law on Citizenship of the Republic of Abkhazia from 8 November 2005.

refuge in Georgia to escape the atrocities of the war. Those of them who tried to obtain Abkhazian passports encountered endless delays. As a result, when the rest of Abkhazia finalized passportization by the end of 2008, only a few hundred of Gal residents were able to get passports (The Realm of the Possible - Finding Ways Forward in the Georgian-Abkhaz Context: People in the Gal/i Region 2015:5).

In 2008, special commissions were created to facilitate passportization of Gal residents before the presidential elections of 2009. As a result, this led to the renewal of the “Abkhazian citizenship crisis” during the elections and the resignation of Vice-President Khajimba and the Secretary of the Security Council Stanislav Lakoba. Bagapsh won the elections but died in 2011. A movement to reverse the passportization of Gal residents fired up again. In the events that followed, the work of the 2008 passportization commissions was declared haphazard, not transparent and, finally, annulled.

In 2013, the continuous residency requirement in the citizenship law was further complicated by the requirement of the absence of foreign citizenship³⁴. The possession of another citizenship (besides the Russian one) was penalized

³⁴ The Law of Republic of Abkhazia No. 3392-c-V “On Changes to the Law of Republic of Abkhazia “On Citizenship of the Republic of Abkhazia” from 18 September 2013.

by the threat of the loss of the Abkhazian one³⁵. Once again, this hit Gal Mingrelians, most of whom had Georgian passports as well. They took on Georgian citizenship often for economic reasons as, for example, surviving on the Abkhazian pension only was impossible and the Gal region depended economically on Georgia in such matters as teachers' salaries (Kvarchelia 2016).

The same day that this amendment was adopted, the parliament ordered the Office of the Attorney General to review the passports issued in the areas of concern from 1 January 2006 by revising the work of passportization commissions in Gal, Ochamchyra and Tkuarchal regions³⁶.

The presidential elections of 2014, won by Khajimba, were mired in the same citizenship controversy. A parliamentary decree annulled about 25,000 passports issued by the commissions³⁷ throwing Gal residents into further legal limbo (The Realm of the Possible - Finding Ways Forward in the Georgian-Abkhaz Context: People in the Gal/i Region 2015:6). This effectively disenfranchised 15% of potential voters (Ó Beacháin 2016:218).

Gal residents were promised permanent residency if they declared that

³⁵ Article 1.2 of the Law on Changes in the Law of Republic of Abkhazia "On the Citizenship of Republic of Abkhazia" from 18 September 2013.

³⁶ <http://apsnypress.info/new/10070.html> Accessed 28 September 2016 on the Ordinance of the Parliament of Republic of Abkhazia from 18 September 2013 No. 3390 "On Regularization of the Process of Passportization of the Population of Gal, Tkuarchal and Ochamchyra Regions of Republic of Abkhazia.

³⁷ Ordinance of the Parliament of Republic of Abkhazia on execution of Ordinance No. 3390 (above) from 4 April 2014.

they had Georgian passports. About 17,000 did but received no permanent residency as the parliament kept postponing the resolution of the issue. New Abkhazian passports were not issued to Gal residents any longer either. Some have proposed a “non-citizen” passport similar to the ones used in Latvia. Georgia criticized and politicized both the enfranchisement and disenfranchisement of Gal residents (Khashig 2016).

The “Abkhazian citizenship crisis” illustrates the predominance of the ethnic concept of the nation in Abkhazia, which complicates the integration of ethnic minorities into the society not unlike the issues surrounding the integration of ethnic Azeris and Armenians in Georgia. It is also clear that Gal residents have also become an easy target for Abkhaz ethnic nationalists as they have used the “Georgian card” to gain seats during elections and then pushed for disenfranchisement of Gal residents. As a result, Abkhazia has ended up with an “enclave populated by nationals of a hostile nation” (Kvarchelia 2016). Gal residents became “hostages” of both Abkhaz political struggles as the “Georgian question” is used to destabilize the ruling coalition and of Georgian authorities’ desire to maintain influence over the Abkhazian politics (Kvarchelia 2014:i). Since their loss of Abkhazian citizenship, Gal residents have no official status in Abkhazia, a real human tragedy and a dead-end by all accounts.

The case of Abkhazia demonstrated both how history is important for

Caucasus and also how deeply ingrained is ethnic nationalism in the region. The case of Gal residents suggests that ethnic nationalism can be highly discriminatory of ethnic minorities, even if it comes from those who were subject of ethnic nationalism discrimination themselves.

Chapter 8 described the concept and politics of national identity and citizenship from the point of view of the inhabitants of a frozen conflict. It underlined the crucial role of historically-created concept of national identity in Abkhazia, Georgia, the Caucasus and the PSS in general where ethnic identity with roots in modern and premodern history provides a solid basis for national consciousness. The chapter also shed light on the reason behind the particular strength of ethnic identity in Georgia by pinpointing its feature visible only through the eyes of an outsider: none of the interviewees in Georgia had spoken of Georgian exceptionalism and only fieldwork in Abkhazia was able to identify it and connect it to the "myths of election". While not guaranteed to be objective, such a look from the outside was quite helpful in this particular case.

It also became clear that the tensions between ethnic and territorial nationalism/citizenship are not only present in Abkhazia but are at the forefront of the republic's political life. They directly affect and complicate the life of

Abkhazia's national minority. Just like Azeris in Georgia, Mingrelians in Abkhazia remain hostages of history as well as domestic and foreign political calculations. Their hope, again, is in the strengthening of the territorial vision of collective identity in Abkhazia.

Chapter 8 concludes the empirical chapters. It is now time to summarize both findings and theoretical advances of this research effort and list their implications for policy-making and future research.

PART III. Making Sense of the Findings

Part III applies empirical findings to the hypothesis and theoretical debates in nationalism and citizenship studies. It then lists policy implications, suggests further research directions and concludes by the discussion of individualism/collectivism as a major identity cleavage and the territorial concept of the nation and citizenship as a platform to find a balance between the two identity perspectives.

Chapter 9. Theoretical Analysis

Chapter 9 summarizes empirical findings by case, compares them to the original hypothesis (largely confirming it) and synthesizes the results of the research effort. It then lists implications for existing academic debates, policy-making and suggests a future research agenda.

1. Case Findings and the Original Hypothesis

As a reminder, the original hypothesis was formulated as follows:

Countries with frozen separatist conflicts on their territories adopt territorial concept of citizenship (the extreme case being unconditional jus soli) in order to maintain a citizenship link with the populations of the separatist territories, unless prevented by a highly ethnic historical concept of national identity.

While a weak relationship between the desire to maintain a link to residents of frozen conflicts and unconditional *jus soli* is present in the case of Moldova, in Azerbaijan unconditional *jus soli* was centerpiece of a larger territorial nation-building effort, which included such measures as de-ethnicization of the legal system and maintenance of the link to emigrants defined territorially. The explanation for the absence of *jus soli* in Georgia due to the highly ethnic historical concept of the nation holds. The hypothesis is, therefore, confirmed but on a broader level of analysis: territorial integrity concerns either caused (Azerbaijan) or largely contributed (Moldova) to unconditional *jus soli* practice but so did the historical concept of national identity, weak ethnically and more territorial in Moldova and Azerbaijan and strong ethnically and not territorial at all in Georgia (hence its rejection of *jus soli*). The third independent variable is geopolitical: high fears of foreign

interference have led to a rejection or weakening of *jus soli* and dual citizenship directly linked to it (Georgia and Azerbaijan from 2014).

A. Moldova

a. Legal Precedent in the 1991 Citizenship Law

Moldova's Citizenship Law of 1991 contained an "almost unconditional" *jus soli* admitting all those born in the country (and other historically-associated areas) to the initial body of citizens by recognition. The use of *jus soli* in this law laid ground for unconditional *jus soli* by birth, which appeared in 2003 as the result of a legal oversight. The 1991 *jus soli* -- conditioned only by the lack of access to other citizenship and not upon residency, ethnicity or language skills -- contributed largely to the 2003 change's seamless execution and widespread support, both among policy-makers and the population at large.

b. Historically-Weak Ethnic Concept of the Nation

Both cases of *jus soli* in Moldovan law, in 1991 and 2003, were only

possible in the context of a historical weakness of ethnic national identity in Moldova, which facilitated the appearance of a more territorial vision of the nation. The historical factors are numerous.

Located at the crossroads between Western-European powers, Russian and Ottoman Empires, the territory of medieval Moldova was eventually split between a newly-emerged Romania and Russia (and later, the Soviet Union). Constant shifts of borders, population movements and resettlement, Russification and the Soviet nationalities policy further prevented the emergence of a clearly-differentiated concept of ethnicity in Moldova. The debate on whether Moldovans and Romanians are the same ethnic group (that share the same language) has not been fully settled until today.

These factors, together with a high percentage of interethnic marriages, have prevented the development of ethnic identification and ethnic nationalism. The relative weakness of ethnic identification allowed for more weight to the territorial rather than ethnic concept of the nation among Moldovan policy-makers of the 1990s and led them to the continuous rejection of ethnocentric alternatives. Until today, the largest political cleavage in the country is the geopolitical orientation between Romania and Russia. At the same time, ethnicity remains a sensitive subject, especially as the Romanianists continue to gain ground. The decision to continue listing ethnic identification on official

documents but allow people to choose it freely confirms the weakness of the ethnic concept of the nation complicated by the Romanianist cleavage in Moldovan politics and is indication of the current ethnic/balance as an uneasy compromise between various political factions.

c. Territorial Integrity Concerns

This compromise becomes particularly clear once the conflict in Transnistria is taken into consideration. Interviews reveal that the need to maintain territorial integrity is one of the major factors behind the highly inclusive, territorial citizenship legislature of 1991. Some policy-makers did, indeed, see *jus soli* as a means to connect to the population of Transnistria (as the original hypothesis had suggested). Others sought inclusiveness and territoriality as means to calm down inter-ethnic tensions (similar to the case of Azerbaijan).

d. Dual Citizenship Liberalization and Geopolitics

Geopolitics that led to dual citizenship liberalization was another

important factor for Moldova's unconditional *jus soli*, through passportization by foreign powers. Russia, Ukraine and, especially, Romania (the latter quite deliberately while the former two mostly indirectly) applied an enormous pressure on Moldovan politicians to liberalize dual citizenship by giving away their passports to Moldovan citizens. A key decision by the European Court of Justice also contributed to dual citizenship liberalization.

Unconditional *jus soli* was born in 2003 as the technical but also an unintended reason, a legal error, made during the process of harmonization of Moldovan law to dual citizenship liberalization. Conceptually, when dual citizenship was prohibited, unconditional *jus soli* was not possible since it automatically leads to dual citizenship cases: when *jus soli* and *jus sanguinis* are used at the same time, the child can have one citizenship by place of birth and another through a parent. The liberalization of dual citizenship, therefore, created a legal regime that made lifting the conditions on *jus soli* both technically possible and acceptable by policy-makers and the population at large (the opposite process took place in Azerbaijan in 2014 when both *jus soli* and dual citizenship became restricted).

B. Azerbaijan

a. Territorial Integrity Concerns and Azerbaijanism

President Heydar Aliyev's administration crafted a territorial concept of the nation as means to combat ethnic nationalism, calm inter-ethnic tensions and prevent further separatism on the rise after ethnic nationalist and pan-Turkist policies of the previous Elcibey administration. The state ideology of "Azerbaijanism" was positioned as the alternative to pan-Turkism. It embraced Azeri as a state language but otherwise was ethnically blind and based on the concept of the nation of Azerbaijan as all of the people living on its territory as opposed to belonging to a certain ethnic group. The elimination of ethnicity from official documents did not create much debate as it did in Moldova.

b. Historically-Weak Ethnic Concept of the Nation

While not to the same extent as Moldova, the titular ethnic group in Azerbaijan was also not able to solidify its concept of ethnicity fully due to a variety of historical factors. Medieval Azeri khanates were split between Persian

and Russian Empires. The discovery of oil in the Caspian region led to massive migrations in the 19th century adding to the historical ethnic diversity in the South Caucasus where Azeri Turkish had served as a *lingua franca* for quite a while. The Soviet nationalities policy rolled multiple smaller ethnic group into a newly renamed "Azeri" ethnicity (previously, the Muslim population of the Caucasus were called Turks or Tatars by Russians), this was necessary in order to differentiate the Azeri and other Turkic ethnic groups in the former Russian Empire from Ottoman Turks and thus fight pan-Turkism. As pan-Turkism reemerged in Azerbaijan when the Soviet Union disintegrated, inter-ethnic tensions and separatism were also on the rise. Similar to Moldova, the debate on the difference (or lack there of) between Turks and Azeris both in terms of ethnicity and language is not fully resolved to this day, although it has largely subsided under the Aliyevs.

The weak concept of the ethnic nation is also evident from the difficulties that the Azeri migrants from Georgia encountered in getting citizenship, including through *jus soli* provisions. Azerbaijan's reluctance to extend citizenship to co-ethnics of the titular ethnic group is without precedent in post-Soviet space where most states are keen on connecting to and extending their citizenship to ethnic kin abroad, the case of Russia itself is the best case in point.

c. Dual Citizenship Restriction and Geopolitics

Dual citizenship was severely restricted by the 2014 amendment, which also abolished unconditional *jus soli*. The mechanism linking dual citizenship and *jus soli* is similar to the one in the Moldovan case but here it is reversed: as dual citizenship is restricted, unconditional *jus soli* is abolished. It is also noteworthy that the amendment was adopted out of reservations about possible foreign interference (Russian but also Iranian and Turkish). The politics of *jus soli* are again linked to geopolitics.

C. Georgia

a. Historically Strong Ethnic Concept of the Nation

The absence of *jus soli* in Georgia's citizenship legislation is explained primarily by the strength of the ethnic concept of the nation developed in the course of the many centuries of Georgia's history of independent statehood and a highly-differentiated collective identity, which survived throughout history thanks to the Georgian Orthodoxy and the written script. The consolidation of

collective identity in Georgia is dated by as early as the 4th century. Georgian intellectuals continuously questioned the incorporation of Georgia into the Russian Empire, the same dynamic stayed during the Soviet period, as ethnic nationalism grew stronger and exploded as the USSR fell.

The 1993 Citizenship Law was largely aimed at the preservation of ethnic Georgians as a nation. Ethnic nationalists, whose activities included buying land from non-ethnic-Georgians and populating them with titular nationals demanded special rights to ethnic Georgians above and beyond other citizens of Georgia. Even if moderate forces prevailed, *jus soli* was not considered an option, seen as potentially dangerous for the survival of the Georgian ethnos.

The absence of *jus soli* complicated the process of the initial definition of Georgia's body of citizens after the fall of the USSR, especially in the case of ethnic minorities. Up to this day, Georgia's minorities have difficulties obtaining citizenship (especially in the case of Georgia's Azeris who have migrated to Azerbaijan or continue to migrate between the two countries). The pressure applied by international human rights organizations to adopt *jus soli* has not been able to overcome the difficulties that Georgians experience accepting the territorial concept of national identity, especially older generations. The massive opposition to the elimination of ethnicity from official documents passed by the Saakashvili reforms is another proof of the strength of the ethnic concept of the

nation.

b. Territorial Integrity Concerns

Just as in Moldova and Azerbaijan, the loss of territories to separatism and the prevention of further separatism were paramount concerns of Georgian policy-makers of the early 1990s. However, in this case, ethnic consciousness was too strong to come up with a territorial nationalist solution for the further threat of separatism. The fear of the disappearance of the Georgian ethnos took precedence over all other concerns. Under such circumstances, *jus soli* citizenship (which had to be accompanied with at least some degree of dual citizenship liberalization to accommodate for *jus sanguinis*) was perceived as a direct threat to the survival of the Georgians ethnos due to the potential to populate the country with people of other ethnicities.

While the inter-ethnic situation has drastically improved in Georgia since the early 1990s, especially with the reforms by the Saakashvili government, tensions remain high in areas populated by ethnic minorities, especially Azeris and Armenians. Most of them have no knowledge of spoken or written Georgian and are thus effectively excluded from the country's political life. The fear of separatism has also declined but not disappeared.

c. Dual Citizenship and Geopolitics

As just mentioned, interviewees linked their refusal to consider *jus soli* in early 1990s with their firm rejection of dual citizenship out of fear of Russian interference. Just like in Azerbaijan in 2014, policy makers were convinced that allowing dual citizenship and *jus soli* would create the “fifth column” of foreign agents – citizens of Georgia born of non-titulars on its territory who could eventually impact Georgia’s politics or be used by Russia to start new separatist conflicts on Georgia’s territory.

2. Implications for Existing Theoretical Debates

A. Citizenship and National Identity: History Matters

Montesquieu revived an old debate (Aristotle, Plato, Hippocrates, Polybius, Strabo) seeking to explain differences between collective identities, which he largely attributed to climate (Romani 2002:30). Today such efforts

continue to seek explanations for particularities of national identity concepts and citizenship policies or the relationship between the two (McCrone and Kiely 2000). This dissertation argues that while the concepts of national identity and citizenship interact and influence each other, historical factors that contribute to the historical collective identity are extremely resilient, even in new states with no history of statehood. This conclusion goes beyond the fundamental thesis proposed by Brubaker (1990).

First of all, contra McCrone and Kiely, the findings reject the suggestion that national identity and citizenship are not interrelated (McCrone and Kiely 2000). The three cases display constant interplay and mutual influence between historical national identity and citizenship policy. Just as the modern state seeks to regulate the concept of national identity to its convenience through citizenship policy (Gellner 1983), so does historical national identity seek to impact the modern state by exerting a popular pressure on its policies.

Moreover, all three cases demonstrate that national identity concepts, and not just citizenship laws, as was argued previously (Weil 2001), are inherently historical, even in new states with no history to speak of. While the argument of “ancient hatreds” in explaining the outburst of ethnic nationalism at the dissolution of the Soviet Union is generally discarded in search for more complex explanations, often centered on “elite manipulation” (Larin 2012:216–

217), this dissertation proves that such explanations must include an analysis of historical national identity as at least one major explanatory factor.

In particular, the cases of Azerbaijan and, especially, Moldova, reveal that national identity is directly impacted not only by the Soviet period but by pre-Soviet, Russian, and even medieval history containing factors (described above) that contributed to the weakness of ethnic identity and prepared ground for the eventual adoption of unconditional *jus soli* in these states, which, in turn, reinforced a territorial concept of national identity. In the case of Georgia, such historical factors led to a very strong and highly differentiated ethnic identity, which to this day prevents passing *jus soli*. A hypothetical adoption of *jus soli* in Georgia against such sentiment, however, would likely weaken ethnic and enhance territorial conceptualization of national identity. This modifies Weil (2001) who agrees that historical factors impact citizenship laws but does not apply the same logic to national identity.

These historical factors are both systemic, explaining particular historical circumstances, and are reflected in the collective memory: interviewees continuously refer to them as common knowledge.

B. Beyond the Modernist Paradigm

The findings speak not only to the importance of history but to that of premodern history in another call to go beyond the modernist paradigm in nationalism studies. The case of Georgia speaks clearly to the crucial importance of pre-modern identity. It was carried through centuries via language, religion, written script, and “myths of election” and largely weighs on today’s citizenship policy. It is harder to prove premodern roots of weak ethnic identity in Moldova and Azerbaijan although an argument may be still made that the weakness of ethnic identification has been present since pre-modern times (population migration, the role of religion and language and the lack of differentiation from neighbors). In Moldova in particular, Romanianists routinely use the discourse appealing to the return to the premodern “mother country” that presumably contained what is today Moldova and Romania (Cărauş 2001:43). Such claims emphasize pre-modern history simultaneously promoting a Romanian ethnic idea at the expense of that of Moldovans.

This suggests that while the modernist approach remains relevant, it has to be combined with giving importance to ethnic and premodern identity as is done by ethnosymbolists (Smith 1988) to avoid the prevalent situation in nationalism studies where modernists and their critics “live in their separate

intellectual universes, each deriding the blindness of the other. Neither side comprehends that each is looking at only one face of Janus" (Laitin 1998:20). As described in Chapter 1, a (premodern) interpretation of history of nationalism brings a new perspective on the ethnic/civic dichotomy and its connection to modernism. The use of "territorial" vs. "civic" terminology based on this interpretation allowed me to avoid much of the controversy that arose in the ethnic/civic debate between modernists and their opponents and has greatly contributed to its reconciliation.

C. Territorial Citizenship Unlinked from Liberalism/Democracy

The findings further suggest that conventional modernist, positivist and neorealist models fail to fully explain national identity policy and need to incorporate geopolitics, culture (Weldes et al. 1999:3–4) and history, both modern and pre-modern. As such, contrary to the experience of Western European countries described by Marc Howard (2009) and some large-*n* quantitative studies (Bertocchi and Strozzi 2004), the cases under comparison, and especially that of Azerbaijan, disprove the connection between territorial (more inclusive) national identity and a history of liberal-democratic

development. While Azerbaijan's political regime is widely perceived as authoritarian, it conceptualized and implemented a highly inclusive territorial concept of national identity that was successively implemented (the 2014 setback is explained by geopolitical changes). The previous, democratically elected, regime of President Elcibey was dominated by ethnic nationalism and led to separatism and inter-ethnic tensions. In the case of Georgia, even the most liberal regime under President Saakashvili failed to implement *jus soli* legislation despite insistence by international organizations.

As to a suggested convergence of citizenship requirements in liberal democracies (Koopmans, Michalowski, and Waibel 2012:1203), the cases display the lack of such development as citizenship policy is under constant pressure from various internal and external political factors. Path-dependency is, however, somewhat relevant, given the mutually interactive relationship between citizenship policy and historical national identity, especially under more democratic conditions (Moldova was able to absorb and maintain unconditional *jus soli* because of historical factors).

D. Advancing Ethnic/Territorial Research in Post-Soviet Comparative Citizenship

While the finding of the weight of history and even premodern history is significant in itself, confirming and further expanding the theory popularized by Brubaker (1990) it is little short of astounding given the fact that it comes from post-Soviet cases. Ever since the October Revolution of 1917 pre-Soviet history was systematically erased, modified and given little importance and yet historical collective memory seems to have persisted against all efforts to rewrite it. While Makaryan suggested that post-Soviet states eventually adopt their citizenship laws based on “unique national characteristics”, she limited them to population size, GDP, unemployment and migration rate, and ethnic composition (Makaryan 2006:12), she fell short of adding historical concept of national identity to the list despite of her reliance on Brubaker’s thesis. She thus argues that the concept of national identity determines citizenship laws but limits the independent variables of such concept to the ones just mentioned, leaving history behind.

The unique historical context of the post-Soviet space, where history was deliberately erased for 70 years (for the majority of PSS), and where history, even pre-modern one, matters for today’s concepts of the nation and citizenship policy, suggests that history matters elsewhere as well. If it matters in such a context where history was deliberately changed and forgotten, it should matter even more in the rest of the world, where historical development has been

continuous. These findings can, therefore, encourage further research on the connection between history and today's concepts of national identity and citizenship policies.

This work is also a major advance of the research agenda set by Shevel who called for a massive research effort on unexplored and unexplained politics of ethnic/territorial citizenship in the PSS (Shevel 2009:274) by solving this agenda's most puzzling and unusual development: unconditional *jus soli* in Moldova and Azerbaijan, the only two cases in PSS and in Europe (until 2014 in Azerbaijan). Not only do these cases demonstrate the importance of history in national identity construction, they reveal that historical national identity in PSS can be territorial, and not just ethnic, contra Shevel, who had suggested that if there is a historical bias in citizenship policy, it is bound to be ethnic due to the weight of the Soviet nationalities policy on PSS concepts of national identity (2009:274–279).

The results also correct Makaryan's thesis (2006) that the initial citizenship legislation in the PSS was primarily the result of international norms and then adopted to the concrete needs of the state. In all three cases, the initial citizenship legislation largely reflected internal politics of the time (with territorial integrity being one of the prime concerns of policy makers), in line with Shevel's analysis of the Ukrainian case (2009) with an important reference to the weight

of history.

E. *Jus Soli*. Dual Citizenship. Geopolitics: A New Direction

Establishing *jus soli* as a proprietary subject of academic inquiry, this work confirms its place within the territorial concept of national identity and reveals its direct proportionate relationship to dual citizenship liberalization in the cases under analysis. The connection between *jus soli* and dual citizenship was noticed as early as the 1920s when scholars pointed out the legal inconsistencies from the use of *jus sanguinis* and *jus soli* at the same time, especially when nation-states apply both principles liberally in order “to gather into their citizenship the greatest possible number of persons” (Flournoy, Jr. 1921:545). Today, *jus soli* is recognized as one of the three sources of dual citizenship alongside with naturalization without renunciation of previous citizenship and birth to parents of different citizenships. One common situation that results in dual citizenship is when parents can pass their citizenship through *jus sanguinis*, which most countries use, along the citizenship that child obtained by *jus soli* by its place of birth (Brøndsted Sejersen 2008:529). In other words, *jus soli* automatically leads to the proliferation of dual citizenship (Shevchuk 1996:63; Spiro 2011:113). This

work further uncovers this connection demonstrating that the relationship is directly proportional, although not necessarily causal: dual citizenship liberalization indirectly removed conditions from Moldova's *jus soli* in 2003, further dual citizenship restriction correlated with Azerbaijan's adding conditions to its, previously unconditional, *jus soli*, in 2014.

Academics have also recognized the link between the proliferation of dual citizenship and the need to maintain ties with emigrants as observed in Italy, the Philippines and Mexico (Brøndsted Sejersen 2008:534–535, 537, 539). The findings suggest that in the case of the three countries under consideration, Georgia followed the same pattern partially liberalizing dual citizenship in 2004. In Moldova, emigrants de facto were able to maintain Moldova's citizenship. The latter's liberalization was propelled more with de-facto Romanian passportization of Moldova's residents. In Azerbaijan, the need to reconnect with citizens was acknowledged but was channeled into unconditional *jus soli* legislation. In theory, it was believed, returning emigrants who thus reclaim their Azerbaijani citizenship. Besides, dual citizenship became severely restricted only with the 2014 amendments.

A connection between dual citizenship and geopolitics has been previously suggested in cases of military conflicts between countries that share citizens in the context of the lack of global norms regulating birthright

citizenship (Spiro 2010:113). Scholars have also suggested that while in the West immigration is a larger impetus for dual citizenship policies than emigration, in PSS, the need to accommodate migration has been complicated by the presence of large ethnic minorities (mostly Russians) in new states that favor dual citizenship (Shevchuk 1996:48).

This research brings a new direction in this debate connecting PSS dual citizenship and *jus soli* to geopolitical fears. It reveals the widespread fear that such dual citizens are a so-called “fifth column” likely to support open or covert Russian intervention. This results from Russia’s increasingly assertive behavior and its use of citizenship as a foreign policy tool: it was accused of using it to justify its war with Georgia in 2008 (Spiro 2010:116) and aid in the creation of frozen conflicts in Moldova and Georgia (Umland 2008).

If the global trend has been for dual citizenship liberalization³⁸ and largely explained by globalization, mass migration, the emergence of global human rights norms and the perception of dual citizenship as a threat to international peace (Spiro 2010:112,116,123,130), fears of Russian interference have created obstacles to this trend in PSS as demonstrated by Azerbaijan’s 2014 citizenship law amendment and Georgia’s continuous refusal to adopt *jus soli* and further

³⁸ The right to dual citizenship has been recognized by the 1997 European Convention on Nationality.

liberalize dual citizenship.

Alarming, Azerbaijan's amendment may also signal an attempt to re-ethnicize national identity in those PSS countries previously attempting to build a more territorial vision even when scholars describe a development linking de-ethnicization of citizenship and the increased tolerance of dual citizenship (Joppke 2003:441). The opposite movement will invariably lead to a rise in inter-ethnic tensions and separatist tendencies in PSS and further threaten the stability in the region and the world.

To summarize, the findings confirm that, as previously suggested in the case of Ukraine (Shevel 2009) and by my own hypothesis³⁹ post-Soviet countries with frozen separatist conflicts (Moldova, Azerbaijan and Georgia) developed a more territorial vision of national identity and citizenship due to territorial integrity concerns. When it did not happen, as in Georgia, the explanation points to the exceptionally ethnic historically-constructed concept of collective identity. Other major factors at work are geopolitics and the politics of dual citizenship.

³⁹ The original hypothesis was more narrow, limited to the desire to maintain the citizenship link to the residents of frozen conflicts only and didn't incorporate other territorial integrity concerns such as the threat of new separatism.

These findings make a few important theoretical contributions to the fields of nationalism studies and comparative citizenship, both in the PSS and globally. Going well beyond the previous suggestion (Brubaker 1990) and radically modifying previous theory on PSS nation-building (Makaryan 2006), they highlight the importance of both premodern and modern history even for states with minimal history of statehood. Even territorial nationalism, therefore, can be historic. The tension between ethnic and territorial collective identity is much older than that between ethnic and civic nationalism. This calls for reconciliation between the modernist school of nationalism thought and its opponents. This can be possibly done by breaking down the concept of civic nationalism into its components, as was done in this work by using the term "territorial".

Another important finding is the continuous interaction between historically-constructed concepts of national identity and citizenship policy and the lack of connection between liberal-democratic development and territorial nationalism/citizenship. Policy, therefore, can influence history, at least in the short term, but the latter needs to be respected in the long term for a durable ethnic/territorial balance in collective identity conceptualization. And if the weight of history is extremely heavy, as in Georgia, policy has to prioritize it and accommodate for it accordingly.

Finally, the work highlighted the extremely important role of territorial nationalism/citizenship, with unconditional jus soli as its most significant policy variation, in forging inter-ethnic peace, maintaining territorial integrity and ensuring the respect for individual and collective human rights.

3. Future Considerations

A. Policy Implications

Even if *jus soli's* future is secure due to its inherent inclusiveness, connection to human rights and territorial national identity, its unconditional form may not survive in the countries experiencing a resurgence of ethnic nationalism or a need to minimize foreign interference. In PSS, *jus soli* is likely to become a point of contention between pro- and anti- Russian fractions. Russia's own struggle between territorial and ethnic nationalism (Littlefield 2009:1477–1478) has progressed inevitably toward the latter, especially in the aftermath of the conflict in Ukraine where ethnic nationalists came to power burying the long-standing territorial concept of the Ukrainian nation (Shevel 2009). Re-ethnicized Russia is perceived as an imminent threat not only in PSS but also in Eastern and

Central Europe, which puts pressure on Western countries through NATO further escalating tensions between Russia and the West.

In response to critics who argue that territorial (civic) nationalism in reality represents and benefits the largest ethnic group (Larin 2012:214, 235–238, 273), this dissertation makes a case for the value of both *jus soli* (strong or unconditional) and territorial nationalism in general. Azerbaijan is currently spectacular example of inter-ethnic peace and stability due to its territorial concept of the nation. While certainly it is not easy, territorial nationalism remains the only alternative to ethnic identification firmly associated with ethnic prejudice and inter-ethnic tensions as is happening with the rise of far right in Global North (Meeus et al. 2010:305, 319). New and existing states have to make a committed choice of the ideological base for their nation. Either they abide by the territorial model, such as the US and Australia, or by the ethnic one, such as Germany (until 1999), Japan, Israel or Pakistan (Brown 2004:578–579; Connor 1994). The former model sees the state as representing all inhabitants of its territory while the latter gives primacy to the particular ethno-linguistic or religious group that gives the state its ideological *raison d’etre*.

The territorial concept of the nation incorporates such measures as the absence of ethnically-biased laws and ethnic identification in identity documents, positioning the common language as a tool of communication v. a

heritage of a certain ethnic group, underlining the multi-ethnic nature of the nation, facilitating naturalization of foreigners (especially children of foreigners born in the country) and accepting them as fully-fledged members of the society. This policy strategy has wide-reaching benefits including inter-ethnic peace and understanding, prevention of separatism, defending human rights of migrants and children as well as displaced persons, reduction and/or elimination of statelessness, granting political rights to people otherwise completely excluded from the political life of places where they work, live and, in many cases, were born and grew up. Ultimately, the territorial concept of the nation (and *jus soli* as one of its components) promotes a human rights agenda at the expense of ethnic nationalism and xenophobia.

B. Future Research Agenda

The most obvious continuation of this research would be an ethnic/territorial analysis of other PSS countries (as well as the countries of the former Communist Bloc such as Yugoslavia), both from the point of view of national identity and citizenship policy. Sub-state level could also prove fruitful as well as the analysis of separatist states in the countries with frozen territorial

conflicts (Moldova, Azerbaijan and Georgia but also Ukraine, which has to be added now to the list of post-Soviet countries with frozen conflicts).

Another line of research would continue the examination of unconditional *jus soli* around the globe, both in North and South America and outliers such as Pakistan, from a historical perspective and also relating to the concept of national identity (ethnic v. territorial), *jus soli/jus sanguinis* citizenship and other policy implications. Newly-emerging states such as Kosovo, South Sudan, and East Timor can be another potential avenue of comparison outside of the post-Soviet and post-communist space.

The concept of the territorial nation and *jus soli* can be considered in the geopolitical context as well as in relationship to dual citizenship and other liberal-democratic rights and freedoms. Normatively, there are likely to be multiple cases where a more territorial and less ethnic understanding of the nation have led to more peace, mutual understanding and economic and political stability (Switzerland, Finland, Canada). Policy recommendations for a territorial concept of the nation can be further elaborated.

Finally, for the nation-states under examination, the resolution of their territorial conflicts can be sought through an enhanced territorial concept of the nation reflecting on the experience that they have had with or without unconditional and conditional *jus soli* described in this work. The key to these

territorial conflicts may lie precisely through thinking more in territorial and less in ethnic terms. Any possible reincorporation of the lost territories, however unlikely it may seem today, would only be possibly through the reinventing of the nation on non-ethnic, territorial criteria. This may also extend to the domain of the language. Even if Azeri is envisioned as a means of interethnic communication, it is still likely to be unacceptable to the residents of Nagorno-Karabakh who now lead their lives entirely in Armenian. Russian seems to be the logical solution as the language of inter-ethnic communication, as it is accepted in Kazakhstan and some other post-Soviet states. The same applies to Georgia and Moldova.

CONCLUSION: Individual/Collective Identity Cleavage and Territorial Political Membership

As the world is evolving politically and economically into a multipolar but still extremely interdependent geopolitical space, the ontological tension between ethnic and territorial versions of collective identity, or, more broadly, between individualistic-libertarian and collectivistic-authoritarian visions of humanity is becoming more acute. The continuous migration from Global South

to Global North and the rise of the far-right as a reaction to it; Russia's current conflict with the West as it is soul-searching between its commitment to ethnic Russians and the desire to regain its proper place in global politics; Moldova, Azerbaijan and Georgia's desire to build modern societies incorporating Western values but adjust them to their historical collective memories and thus maintain a balance between the West and its individualism and Russia and its collectivism – these are, one could argue, examples of what Samuel Huntington called the “clash of civilizations” (Huntington 1996).

However, it is not the clash between religions and cultures (although they do have a role, of course) but between the two parallel levels of human identity: one based on a collective perspective, old as history, and the other one based on the perspective of an atomized individual, thanks to the values recovered by modernization from Western Antiquity. As these are just perspectives on human identity, one is not better or more correct than the other but both represent human values they focus on. Neither can win and prevail.

The three case studies demonstrate beneficial effects of territorial nationalism and citizenship policies on interethnic peace, territorial integrity and the protection of individual and collective human rights. Ethnic nationalism and citizenship policies, however, have proven to lead to opposite results. Ethnic belonging, as well as collective historical memory overall, has its right to

existence but supporting it on the level of nation-state is prone to the danger of regression into tribal and ethnic mode of imagining the other, morally impossible after the advent of modernity. President Barak Obama warned about it in one of his last speeches as the US leader where he predicted that, as globalization continues, "some will seek a comfort in nationalism or tribe or ethnicity" (Obama 2016). From Nazi Germany to the genocide in Rwanda and Yugoslavia, recent history has taught us multiple lessons and is continuing to do so, as events in Ukraine demonstrate. Collective identity is important but has to be adjusted to the social advances made through modernity.

One such adjustment is to let go of political identity based on ethnicity (a practice with roots in premodern times) and replace it with a new version of collective belonging that respects individual human rights at the same time as it does collective historical memory of groups and places. A territorial concept of national membership and citizenship provides a neutral common platform where such balance between individual and collective human identities may be elaborated. Moreover, political membership based on territory fills nation-states (read, territorial states) with new meaning, arming them with added legitimacy to seek solutions to the plethora of current urgent global challenges, from political to economic to environmental.

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