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**FIXING ETHNICITY IN IDENTITY DOCUMENTS:  
THE RISE AND FALL OF PASSPORT NATIONALITY IN RUSSIA**

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## **Abstract**

In 1997, the government of the Russian Federation announced that new internal passports would no longer identify each individual's nationality. This paper examines the controversy that this decision has engendered in light of both the Soviet experience and contemporary international standards and practices. It addresses two points of particular importance. The first is the potential of a system of personal ethnic registration for abuse, as witnessed by the history of repression against entire ethnic groups by the Soviet government. The second is the role of such a system in the practice of "affirmative action" in hiring for government posts on behalf of the titular population of Russia's republics. If the change to Russia's passport policy is a step toward bolstering individual liberties, it has faced considerable resistance from non-Russian elites.



## Introduction

In May 2001, the world shuddered with indignation at the news that the Afghan Taliban regime was compelling non-Muslims to wear a distinctive mark on their clothing. Images of Nazi-era Jews forced to wear the Star of David were immediately conjured up. What remained largely unknown, however, is that Afghan citizens have had to carry a religious marker on their identity cards for almost three decades, well before the Taliban took power. Equally little known is the fact that the practice of categorizing citizens by religion or ethnicity in personal documents is fairly prevalent around the world and is by no means limited to non-democratic states (Fussell 2001).

The symbol of the yellow badge has become taboo because everyone (save the fringe deniers) knows about the sinister outcome. The Jews were visibly identified before being sent to their death. In Rwanda, by contrast, the Tutsi victims of the 1994 genocide had no such external markers. In fact, observers have long been puzzled by the *absence*, among Hutus and Tutsis, of identity traits (linguistic, religious, phenotypical, sartorial) that normally define the boundaries of ethnic groups. Rwandans were hard to tell apart, but their Hutu or Tutsi "race" actually appeared on their identity cards, as a legacy of the Belgian colonial system. This greatly facilitated the tasks of the perpetrators in identifying their victims (Desforges 1999). Local registries kept a copy of all the information contained on ID cards. Whether people had their cards on them or not, they could be "objectively" marked for elimination.

Rwanda is a terrifying, but not isolated, example of the malevolent use of state-determined non-civic identities in official documents. The Soviet Union, under Stalin, was able to target entire ethnic groups for arrest or deportation thanks to a countrywide system of registering the ethnicity (known as "nationality," in the Eastern European meaning of the term) of its citizens in identification documents and local police files. The identification of victims of ethnic cleansing in the former Yugoslavia was probably aided by the existence of ethnic entries in employment records and voter registries (Woodward 1995, 37). The expulsions of Nepalese from Bhutan in 1991 and of Eritreans from Ethiopia in 1998 were reportedly made on the basis of ethnic entries in ID cards (Fussell 2001). Ethnic discrimination, ethnic violence, or

ethnic cleansing can certainly exist without official individual-level data, but the latter can make the targeting much more systematic and inescapable than it otherwise would have been.

In recent years, the belief that religion and ethnicity should have no place in state documents has been spreading. The European Union has determined, in the past decade, that the existence of such identity markers in ID cards is discriminatory and therefore incompatible with a European conception of human and civil rights (Branstetter 1999). In compliance with this ruling, existing or prospective members of the European Union have already changed their policies regarding identification documents. In May 2000, Greece, the sole EU member in breach of this new standard, announced that religion would no longer appear on ID cards of its citizens. The decision was strongly denounced by the Greek Orthodox Church as an attack on Greece's Orthodox identity (within a Catholic-Protestant EU) and led to massive demonstrations (Smith 2000).

A few years before, the two largest post-Soviet states, Russia and Ukraine, discontinued the Soviet practice of mandating an exclusive (ethno) nationality in the "internal passport" of their citizens, citing European standards as a decisive factor (Simonsen 1999, 2001; Arel 2001a). While the decision to remove nationality from the passport was not controversial in Ukraine, it has been strongly contested in Russia. Meanwhile, the practice of passport nationality has been maintained in Latvia, as well as in all the (quasi-) autocratic successor states of the Southern Caucasus and Central Asia.

It is within this larger European and post-Soviet context that this paper examines the controversy over the removal of the nationality category from Russian internal passports. The paper addresses two major points. The first is the vulnerability of a system of personal ethnic registration to targeting. A fundamental distinction will be made between the *privacy* of individual identities and the *public salience* of collective identities. While a state may need to collect statistics on the cultural identities of its populations, for purposes of language policy, preferential hiring or cultural autonomy, aggregate data can be derived from confidential individual data. The right of an individual to affirm his cultural (national) identity, within a certain setting, is not the same as the obligation by an individual to have an identity (not necessarily of his choice) registered by the state and which must be divulged in official documents.

The second point raised by the Russian debate over "passport nationality" has to do with the practice called "affirmative action" in the United States, i.e. the hiring or appointment of individuals on the basis of group representation, rather than individual merit. The historian Terry Martin has designated the early decades of the Soviet Union as the "affirmative action empire" to underline the determination of Bolshevik leaders to have non-Russian minorities proportionally represented in party and state offices on their officially delineated national homelands (Martin 2001). This motive was most certainly at the root of the decision to include a nationality category in internal passports when they were introduced in 1932. A similar, yet rarely if ever acknowledged, motive – in practice closer to a policy of general overrepresentation and of domination of key governmental posts, by the so-called "titular nationality" – drives the opposition of titular elites to the removal of nationality from passports. American society is still divided as to whether affirmative action constitutes a just remedy of the wrongs of the past or reverse discrimination. In the former Soviet Union, these claims of reverse discrimination are made on specific *territories*, a dimension absent from the US debates, is of crucial significance.

### **The Soviet experience**

By providing name, date of birth, citizenship, current address and a picture of the individual, the Soviet internal passport was similar to the ID card in use in much of the world. While offensive to the libertarian sensibilities of North Americans, the personal identity card has a long pedigree in most European countries, although plans to introduce one in the UK have recently stirred controversy. In three major respects, however, the Soviet passport differed from the European model. First, it provided information on the past and current work experience of the holder. Second, it indicated where the individual had received authorization to live (*propiska*). Third, it assigned official class (until 1974) and ethnonational identities.

Observers generally associate the introduction of the Soviet internal passport in 1932 with the *propiska* (Zaslavsky and Luryi 1979; a thesis disputed by Moine 1997). Fearing an uncontrollable flood of urban migration in the midst of state-sponsored frantic campaigns of industrialization and

collectivization, Soviet authorities deprived their citizens of the option of freely choosing a site of residence. The overriding concern was to rid the cities of "undesirables." While everyone had to report to the local office of the police for registration, peasants were not issued passports, preventing them from legally travelling within the Soviet Union without special permission. Whole categories of people were also prevented from living in particular areas, such as the numerous deported nationalities of the 1930s-40s. The propiska acquired international prominence in the 1970s when Nobel Prize writer Aleksandr Solzhenitsyn, stripped of his right to live in Moscow, publicly reminded Soviet authorities that serfdom had been abolished in 1861. While the post-Soviet Russian Constitution grants citizens the freedom of residence, the article is routinely violated by local authorities, with Moscow leading the way. As in the 1930s, city bosses are concerned with the growing presence of undesirables, this time personified by the so-called "people of Caucasian nationality" (*litsa kavkazskoi natsional'nosti*: Chechens, Azeris and other people seen as "from the South").

The Soviet passport used to contain a category on social origin. Early Soviet identification documents, predating the passport, explicitly discriminated against people deemed to belong to enemy classes or groups, such as the bourgeoisie or the priesthood. In the 1930s, with the ideological pretense that antagonistic classes had been eliminated, the social categories introduced in the internal passport were reduced to three: workers, peasants, and white collar workers. During the tremendous social mobility that characterized the Stalinist era, holders of the first category were privileged in their career advancement. As with (ethno) nationality, the official category of social origin served as an administrative instrument of affirmative action. As time went by, instances of well-connected individuals obtaining a cherished "worker" identity were increasingly numerous. Unexpectedly for the Soviet population, the authorities decided to terminate the entry for social origins in 1974 (Zaslavsky and Luryi 1979).

As for nationality, the decision to include such a category in the passport and, concomitantly, to make it an integral part of official state records regarding birth, school, the military and employment, initially derived from a policy to *promote* the development of national minorities. After almost a decade of *indigenization* – supporting minority languages (which in many cases meant standardizing them for the

first time); favouring the hiring of minorities in the state and party bureaucracy; endowing nationally-defined territories with the trappings of sovereignty) – the enshrinement of nationality in the passport was viewed with little suspicion by minorities, such as Jews, who had heretofore been one of the beneficiaries of ethnic affirmative action. Initially, as in the census, citizens were asked to freely state their nationality. The regime had been so pro-nationality since the early 1920s that citizens had been conditioned to think of their “nationality” as a sign of parental or ancestral origin, and not necessarily in terms of current ethnic markers. The policy of indigenization encouraged people to declare non-Russian identities during the first Soviet census of 1926 and when passport were introduced in the 1930s (Arel 2002).

The institution of nationality in personal identification documents was new to Europe. None of the countries which had counted nationalities in their censuses since the latter part of the nineteenth century (Austro-Hungary and successor states, Prussia/ Germany, Belgium) had ever devised a system of personal nationality registration. Interestingly, the famous Austro-Marxist proposal, at the turn of the century, to decouple nationality and territory was based on the premise that ethnonational communities could be ascertained on the basis of voluntary registration (Bauer 1987). The proposal, however, was never implemented. The 1925 Estonian Law on National Minorities is a rare example of state-sponsored national registration, although it did not apply to the majority Estonian nationality, and few minorities took advantage of it.

A partial exception to the rule was the experience of the Ottoman Empire and its millet system of assigning a different legal status to imperial subjects on the basis of their affiliation to religious communities. Turkey, to this day, indicates religion on ID cards, a policy that may seem puzzling for a state legitimating its existence through the symbol of secular Atatürkism, unless one acknowledges the enduring legacy in the former Ottoman lands of using religion, and religion alone, as the proper criterion to distinguish groups. This legacy explains why Greeks are officially recognized as “Rum Orthodox” in documents, and why Kurds, whose national identity is largely language-based, are not recognized. It also probably explains why most of the countries that continue to this day to denote the religious affiliation of individuals on their ID cards formerly belonged to the Ottoman Empire.

In the Soviet Union, religion was ideologically discredited as an acceptable nationality marker (which led, for instance, the Georgian-speaking Muslim Ajaris to be officially categorized as “Georgians”). “Race” was also used in identity papers of European colonies, and of the United States (as in birth certificates) (Kertzer and Arel 2001), but this repressive system was obviously no model for the Soviet experiment of positive discrimination on behalf of nationalities. Passport nationality had no direct antecedent.

### **The post-Soviet experience**

After considering the idea of making nationality optional in internal passports, the Russian government announced, in 1997, that the new passports would no longer contain an entry for nationality. The decision came in the form of an executive order by the Passport-Visa Department of the Ministry of Internal Affairs and was only briefly discussed, and not voted on, by the Russian parliament (Duma). Ukraine, which generally trails Russia in the scale of reforms, had actually made the same ruling four years earlier, in this case by means of a legislative act adopted by parliament (Rada).

In both cases, officials cited conformity with European human rights standards as a determining factor. Valery Tishkov, Director of the Institute of Ethnology and Anthropology of the Russian Academy of Sciences, hailed the new policy as “the most significant event of the past few years in the sphere of nationality policy” (Tishkov 1997b). His enthusiasm, however, was not shared at the periphery. Officials in several ethnic republics, including Tatarstan, Bashkortostan, Dagestan and Kabardino-Balkaria, announced that they would disregard the new regulation by inserting an extra page in passports issued on their territory, which would include an entry for nationality (Simonsen 2001).

In public statements, the defenders of the “fifth line” (since nationality constituted the fifth entry on the passport, it came to be popularly known as *piataya graf*) couched their position in the language of national affirmation, citing Art. 26 of the Russian Constitution, which states that “each one has the right to determine and indicate by himself his national belonging” (*kazhdyi vprave sam opredeliat' i ukazivat'*

*svoiu natsional'nuu prinaldlezhnost')* (Vedomosti 2001, Guboglo 1998). In this view, removing nationality from the passport would undermine this constitutional right to indicate one's nationality.

Opponents of the fifth line, on the other hand, are quick to point out that the second sentence of this same Art. 26 emphasizes that "no one can be forced to determine and indicate his national affiliation" (*nikto ne mozhet byt' prinuzhden k opredelenitiu i ukazaniu svoei natsional'noi prinaldlezhnosti*). Because a nationality identification in Soviet passports was mandatory and because, as was the case with census data, several ethnonyms that people gave were not recognized and were recoded into acceptable ones, the coercive nature of Soviet passport nationality policy clearly violated the latter part of Art. 26 (Gannushkina 2000).

As a compromise, proponents of the fifth line suggested that the indication of nationality on the passport be left optional, with citizens having the right to leave the entry blank if they so wished (Shaimiev 1997). That proposition was included in the draft law "On the Fundamental Documents of the Russian Federation Attesting the Identity of [Russian] Citizens," submitted in fall 2000 by deputies of the Duma's Communist faction, but was defeated in spring 2001.

Opponents denounced the proposal as injurious to individual rights. Those electing to exercise their right of non-disclosure could run the risk of exposing themselves to the reprobation of passport bureaucrats, inquiring as to why the applicant was "fearful" of his nationality. Curiously enough, that argument was most forcefully made by none other than Vladimir Zhirinovskiy, the erratic Russian nationalist leader, while mainstream Russian nationalist parties came down in favor of the retention of the fifth line. Since the passport issue has attracted very little attention in the press, one could also question the extent to which citizens would likely be aware of their right to leave the fifth line unfilled. Kazakhstan has officially made the recording of nationality optional in passports, but this reportedly had little effect on bureaucratic practices, and the state made no significant effort to inform the public about the new policy (Dave with Sinnott 2001).

It is interesting to note what has *not* been proposed as another compromise. Instead of leaving the nationality entry blank, no one appeared to have suggested that citizens be allowed to volunteer a *civic*

identity in lieu of a ethnonational one. The Russian language does have a term distinguishing one's affiliation to the Russian political community (*rossiianin*) from an ethnic Russian (*russkii*). Prewar Yugoslav censuses allowed respondents to declare themselves "Yugoslav" in response to a question on ethnonational identity and a plurality of Canadians have actually answered "Canadian" to a question on national origins in the last two Canadian censuses.

Soviet society has been so conditioned to think of ethnonational identity in primordial terms, as something acquired at birth by everyone, that to acknowledge that someone may not necessarily define himself ethnonationally has not yet entered the parameters of public debate. The retention of a nationality category in the forthcoming Russian census, amidst a near total absence of debate on the appropriateness of the category in the first place, reflects the societal consensus that nationalities are as "real" as gender. The elite controversy in Russia is over whether nationality should be *revealed* in passports, not whether it exists as a feature of every individual, separate and mutually exclusive, and worthy of state attention. In that sense, the constitutional article granting the right to freely determine one's nationality does not appear to imply that one can choose to define oneself in non-national terms.

The republican defiance of the new passport regime dragged on for more than three years, with much of the opposition emanating from two of Russia's most economically powerful republics – Tatarstan and Bashkortostan (Simonsen 2001). The two republics, and other recalcitrant federal units, refused to issue the new passports, pending resolution of the conflict. Most people remained unaffected by the stalemate, however, since old Soviet passports are valid until 2005. (In fact, due to delays in issuing the new Russian passports, the great majority of citizens throughout Russia were still using old Soviet passports as of late 2000.)

The real victims were young people in these republics, who receive their first passport in their teenage years. They were issued temporary documents, which were not recognized elsewhere in Russia. The case of a student who was refused admission in a college in nearby Samara province for lack of proper documentation received publicity in the press. With President Putin's determination to no longer have federal laws and regulations flouted in the republics, the issue came to a head in early 2001.

Bashkortostan appealed to the Russian Constitutional Court, while Tatarstan essentially capitulated on the fifth line issue and agreed that future passports will not contain an indication of (ethno) nationality.

While unyielding on the question of personal nationality, the Russian government did allow Tatarstan, and by extension other ethnic republics, to insert four additional pages in the (non-Russian) official language of the republic, making the passports bilingual. The fact that the new Russian passports were being issued in Russian throughout the Russian Federation had also been a bone of contention. Yet, although both issues of nationality and language in the passport are presented as resulting from the same right of "national affirmation," they are quite distinct. The language of the passport is territorially defined, applying to all residents of a given state, and indicating nothing about the linguistic "identity" of any particular passport holder. The nationality inscribed in a passport, on the other hand, pertains to the individual, irrespective of his territory of residence, and irrespective of whether the individual wishes to be identified as such in formal encounters.

In the Soviet era, passports issued in the so-called "union" republics (the fifteen republics constituting the Soviet "Union," which all became independent in 1991) were bilingual, using Russian and the republican titular language. "Autonomous" republics, most of which were located in Russia, were not granted that privilege. The recent ruling by the Putin administration will thus extend to Russia what had been standard Soviet practice before, with the passport serving as one of many symbols of *collective* national affirmation for territory-endowed national minorities.

Contrary to the experience in Russia, the passport controversy in Ukraine has revolved much more around the language question, rather than the fate of the "fifth line" (Arel 2001a). As in Russia, the government has elected to issue the new passports in Russian and the titular language (in this case, Ukrainian). The ruling has been repeatedly criticized as contrary to the language law and the Ukrainian Constitution, which proclaim Ukrainian the sole state language in Ukraine. State officials, however, have argued that the passport should also be seen as an international document and that Russian remains the language of common understanding in countries where Ukrainian citizens travel most, i.e. the former Soviet republics.

It should be noted here that, with the elimination of the exit visa, the old Soviet distinction between the "internal" and "external" passport has been abolished in Ukraine (but not in Russia) and citizens are now issued a single passport. In recognition of the role of English as the *de facto* international language, passport information in Ukraine also appears in English. (Revealingly, Uzbekistan continues to indicate (ethno)nationality in the Uzbek and Russian pages of its new passports, but not in English, implying an acknowledgement that custom officials abroad may have problems understanding the meaning of the category [Dave with Sinnott 2001]).

Consistent with language revival movements around the world, the Ukrainian language project wishes to elevate the status of Ukrainian by making it the language of public exchange in Ukraine. Ukrainian language activists are extremely suspicious of arguments regarding the use of Russian as a regional *lingua franca*, because the same argument was used to justify the predominance of Russian within Ukraine in the Soviet days, and could still be used, due to the confusing dual purpose of new passports. Tatarstan and the other Russian ethnic republics, of course, remain under federal jurisdiction and therefore must contend with Russian.

### **Passport nationality and repression**

As indicated above, the nationality entry in Soviet passports was introduced in the 1930s as a tool to promote the ethnic rights and career advancement of members of national minorities. When the wind began to turn a few years later, and whole nationalities began to be viewed with suspicion by the Soviet state, this bureaucratic innovation was transformed into a frightfully efficient method of targeting individuals on the basis of otherwise elusive cultural criteria. States targeting national groups for collective measures have always stumbled upon the question of *definition*.

The Nazis spent a great deal of time legally establishing who constituted a Jew, and yet they still wrangled over definitions at the infamous Wannsee Conference in 1942, when the implementation of the Final Solution was discussed (Gerlach 1998). Similarly, who constituted a "German," when millions were slated for deportations at the end of World War II, was far from being a clear-cut proposition in

Central Europe (Bryant 2001). While national identities in the Soviet Union were as shifting as elsewhere, what was different there was that a system of nationality assignment was already in place *before* the decision to repress national groups was taken. All that was needed were bureaucratic refinements.

The first national repressions were directed, from the mid-1930s on, at the “diaspora” nationalities, namely, those groups with ethnic “kin” across international borders. Poles, Germans, and Koreans were the most prominent early cases, years before whole nationalities in the Caucasus, including the Chechens, were slated for deportation in World War II. In the case of diaspora nationalities, the Soviet Union was using the policy of *korenizatsiia* with the aim of making the Soviet project appealing to ethnic kin across the Soviet borders and eventually annexing their territories. The Ukrainians of Polish Galicia were a prime target. The policy of *korenizatsiia* in Soviet Ukraine was apparently quite popular in a Galicia smarting under Polish centralist rule. As Martin argues, there was nevertheless a tension in Soviet policy between nation-building – in the ethnic sense of developing languages, providing schools and ensuring equal representation in government for minorities – and xenophobia, the mistrust of individuals identified with the enemy “capitalist” West (Martin 1998).

In the first decade, the beneficiaries of *korenizatsiia* were on the whole trusted to showcase the Soviet model. The trust began to wane during collectivization, when Poles and Germans, who as former landowners were hit with particular ferocity, began to rebel and press for emigration, to the great embarrassment of Soviet authorities. The aggressive demands made by Nazi Germany towards German minorities abroad, and the irredentist agenda practiced by other states such as Hungary, contributed to the rise of Soviet suspicion vis-à-vis its border minorities.

In the Bolshevik mindset, any national act not coinciding with Soviet interest was labeled “nationalism,” and therefore as disloyalty to the Soviet system. For diaspora nationalities, disloyalty could only mean loyalty to the ethnic kin abroad, and thus subordination to *foreign* interests. By 1937, the xenophobic undercurrent of Soviet diaspora nationality policy had completely overcome the competing

nation-building element. Diaspora nationalities had become anti-Soviet foreign agents who needed to be rooted out (Martin 1998).

The repression of diaspora nationalities began with the deportation of people inhabiting areas considered too close to the international border. It gradually extended to all members of the victimized nationality. As detailed in a memorandum concerning the deportations of Koreans from the Siberian Far East to Central Asia, the use of collective measures, down to the last man, was justified on the grounds that those left behind, traumatized by what happened to their kin, were likely to be even *more* the magnet of foreign influence. Since the Soviet population had been registered according to nationality, as a result of passport policy, the Soviet state already had the information it needed to single out every intended victim.

The system of nationality registration had been built on a premise that no longer meshed with the paranoid xenophobia of high Stalinism: when passports had been issued, citizens had been free to volunteer the nationality of their choice (as long as it could be found on the fairly long list of recognized nationalities). The Bolsheviks, however, had been socialized into thinking of group enemies in hereditary terms. Children descending from "exploiter classes" or "enemies of the people" were, as a rule, singled out. Once the principle of collective responsibility for a nationality had been established, the logic of repression called for the "identity boundaries" to be closed off, to ensure that no member of the offending nationality escape punishment, by "disguising" himself under another nationality. In a landmark secret directive, issued in 1938, the secret police (NKVD) ruled that nationality was no longer a matter of choice, being instead predetermined by the nationality of one's parents (Petrov and Roginskii 1998).

Children from parents of the same (stigmatized) nationality were not allowed to claim another nationality. (The directive also stated that people with a "foreign" family name claiming Russian nationality, for instance a Müller with Russian on his passport, had to provide documents proving their Russian ancestry.) The only element of choice left was for children with parents of different nationalities. The logic of repression was thus at the root of the system of determining passport nationality according to descent, a system which was absent from the original wave of *passportization* in the early 1930s and

which co-existed, through bureaucratic inertia, with the post-Stalinist ideological emphasis on the "fusion" of Soviet nationalities into one "Soviet people."

The state's ability to repress by using a central filing system to identify the members of a given group is arguably the most potent argument against the use of ethnicity (or religious) categories in personal identification documents. This is what makes census categories, in principle, so different from ID/passport categories. Census data aims at providing aggregate figures, for instance, the proportion of Kazakhs living in Kazakhstan, while keeping confidential the information contained on individual questionnaires. As long as the law is respected, the state is thus unable to know who exactly claimed a given nationality, while that information was readily available in Soviet police passport records. It must be noted, though, that the confidentiality of census records was breached more than once in the fury of World War II. There is evidence that the Nazis used local Soviet census records to identify Jews in Ukraine in 1941 (Brown 2000) and Hungarian Communists appear to have systematically used census records to target Germans for deportation in 1945 (Gal 1993).

*This dark page in the history of censuses and the pervasive corruption of officials in post-Soviet states offer a sober reminder that the confidentiality of state records cannot be taken for granted. Many in Russia have claimed that the very conduct of a census violates the constitutional right of privacy. The argument, in this case, was made broadly, without referring to nationality or any other specific category. After requesting a legal opinion, the Russian Committee on Statistics concluded that a census does not encroach on privacy, since the information is used strictly at an aggregate level (Romanova 2001).*

This point can remain valid, obviously, only if the state can ensure the protection of the data. To assuage fears in that regard, the census authorities have announced that all individual questionnaires will be destroyed after two years, a measure probably unprecedented in normal Western practice and which is likely to provoke the ire of historians. Anxieties about a "Big Brother" census are also prevalent in Western European states, such as the Netherlands, Germany, and France, leading to calls to abolish the practice altogether. With few exceptions, this is unlikely to happen, since the alternative proposed, a permanent registration system, is less accurate than a census count and as sensitive as a census in terms of

its personal information. As long as modern states require periodic population data to plan policies and allocate funds, the census will be needed.

The confidentiality of census data is a fundamentally different matter from the maintenance of passport nationality policy. Passport data, after all, are *meant* to be shown to, and used by, state officials. This brings up the issue of externally imposed identities. While many people may not recoil at having to state their recorded nationality in routine formal transactions, others may find the requirement intrusive. Others, still, may object to having to carry an officially defined identity that does not correspond to their own sense of self.

In terms of the European standards on minorities, this is the crux of the matter. In the words of an official from the Council of Europe's Human Rights Division, "The main rule of the [European Framework Convention on National Minorities], which entered into force in early 1998 – its main rule and underlying idea is that a person belonging to a national minority has the freedom, or should have the freedom, to choose to be treated or not to be treated as such" (Bransten 1999).

Soviet passport policy violated this rule in three different respects. The first, already mentioned, was the mandatory disclosure to bureaucrats of one's nationality. Members of nationalities that were viewed with suspicion, such as Germans and Jews in the postwar era, were easily victimized by this policy. The second, following the 1938 NKVD decree, was the impossibility, for most people, of choosing a nationality. Fifth-generation Germans, living in Kazakhstan and having assimilated entirely to Russian culture, were still considered Germans. The third was the limited list of nationality options. After considerable debates among ethnographers and policymakers in the 1920s, the Soviet Union established an official list of a hundred and twenty or so nationalities (Hirsch 1997). All other options, and there had been several hundred more identities volunteered in the 1926 census, were declared sub-ethnic categories and recoded into acceptable nationalities. "Cossacks," for instance, were recoded as Russians or Ukrainians, depending on their republic of residence.

Although most post-Soviet scholars continue to believe that a nomenclature of nationalities can be drawn up strictly on scientific grounds, political considerations invariably affect the process, since the

boundaries of national identities, far from being primordially fixed, can shift according to political incentives. The main incentive, in the Soviet and post-Soviet context, has been territory, as recognized nationalities have been endowed with territorial autonomies on their "homelands." The ultimate criteria for determining whether a claimed group constitutes a nationality, more often than not, hinge on considerations of whether recognition of the group would infringe on the territorial interests of the state (Arel 2001b).

In Ukraine, while the unimpeachable authority of historical science is invoked by the whole cultural elite in Kiev to assert that the Rusyns of Transcarpathia oblast cannot possibly exist outside of the Ukrainian ethnic nation, when everything is said and done, the refusal to recognize Rusyns as a category on the census is directly linked to a fear of regional separatism (Arel 2001a). In Russia, the recommendation by the Institute of Ethnology and Anthropology – even by a team who believed, contrary to most Russian social scientists, in the *constructed* nature of identities – not to have Misharis, hitherto listed as a subcategory of Tatars, included as a separate nationality in the 2002 census (Stepanov 2001) similarly hinged on political considerations. In this case, they feared that Tatarstan might contest the validity of the census (and possibly prevent its conduct).

The point here is not that contemporary minority rights standards demand that *all* ethnonyms that people come up with be recognized as separate nationalities by states. This would result in chaos, with ever new nationalities seeking the rewards of recognition. In fact, the use of a nationality category on the census is made *optional* by European bodies and no European document, including the aforementioned Framework Convention, defines what a nationality is. While the positive rights of national minorities, mainly language rights, are addressed rather tentatively by international law, the negative right, the right of *not* having a nationality imposed on oneself, is clear.

Thus, while there is no such thing as a right, for example, for a self-conscious Rusyn to live in an autonomous area, or a state, legitimized by his national identity, he does probably, within practical constraints, enjoy a certain degree of language rights (primary school, state services). Moreover, there is

certainly a right for him not to be called "Ukrainian" on official identity documents. The only way to respect that right is by not having any kind of nationality appear on passports.

### **Affirmative action or discrimination?**

The main impetus behind the movement to retain nationality in passports is linked to a system of preferential hiring and appointment. As we saw above, this was the original intent of passport nationality policy, when first introduced in 1932. In the postwar years, there is evidence (even though a systematic study on this topic has never been attempted) that unofficial nationalities quotas existed in institutions of higher learning, with applicants from "titular" nationalities in union republics enjoying an advantage over non-titulars, particularly Jews, who tended to be overrepresented in the applicant pool in relation to their proportion in the population at large. It was also widely known that Jews could not move up within Communist Party structures. Undoubtedly, passport nationality data acted as an expedient classificatory device to screen out candidates.

In terms of high governmental posts, Soviet nationality policy aimed at a proportionally equal representation of titulars in their national territories, which translated into a preferential hiring policy in the earlier decades of Soviet power, since non-Russian nationalities tended to be vastly underrepresented at the beginning. There were exceptions depending on sectors: on the one hand, the military command was mostly staffed by Slavs; on the other hand, cultural and educational institutions (ministries, unions) tended to be the preserve of titulars.

In the post-Soviet era, however, a process of sweeping *titularization* could be observed in most former union or autonomous republics. The proportional representation of titulars has now given way to an overrepresentation, in some cases a near virtual monopoly of influential positions, by the titular group. The phenomenon had already been noted in Russian ethnic republics after the first quasi free parliamentary elections of 1990 (Tishkov 1990). It became the widely recognized rule afterwards in the Russian republics, Central Asia, the Caucasus and the Baltics (in the latter case, thanks to the

disenfranchisement of most non-Balts), with Ukraine and Belarus constituting exceptions, perhaps due to the porous identity boundary between Russians, Ukrainians, and Belarusians.

Hard figures are difficult to come by, since ethnic data of this kind are not published. Circumstantial evidence, however, suggests that a major reason behind the opposition by Russian republican elites to the termination of the "fifth line" is the administrative usefulness of the system for the building and preservation of an ethnocracy (Tishkov 1997a). It bears mentioning that this opposition originated solely among groups controlling a government (autonomous republics in Russia, post-Soviet republics), and never among minorities within a sovereign entity. The link between defending passport nationality and being in a position to control personnel is transparent.

A few examples will illustrate the point. In Tatarstan, a newspaper published a secret list of parliamentary candidates favored by the government. In a republic where Tatars barely constitute half of the population, three-fourths were listed as ethnic Tatars. In Bashkiria, where Bashkirs formed less than a quarter of the population in the 1989 census, trailing both Russians and Tatars, the government is nonetheless controlled by Bashkirs (and apparently by Bashkirs from the western region, since eastern Bashkirs are not regarded as "true" Bashkirs) (Gorenburg 1999). In Kazakhstan, where "European" nationalities constituted, until recently, a demographic majority, the takeover of the state by ethnic Kazakhs since independence has been stunning, leaving only a few token Slavs in positions of authority, including the administration of northern oblasts, where Kazakhs remain in minority (Laitin 1998).

In an ironic twist of fate, some of the diaspora nationalities which have been discriminated against by the system of passport nationality have been able to turn the tables and use the same system to facilitate their emigration to "kin" states when emigration became feasible in the 1990s. In the earlier era of détente, as a result of international agreements, a restricted right of emigration had been granted to three groups: Jews, Germans, and Armenians. Since emigration was contingent on an *exit* visa, the Soviet authorities used the official passport nationality entry to weed out claims (as well as other political and arbitrary criteria to deny requests).

With the elimination of exit visas in the post-Soviet period, a flood of people wished to take advantage of ethnically-based "laws of return" in force in Israel, Germany, and Greece. Even though civic nationalism is generally presented as the norm in the West, these three states use ethnic criteria to give preferential treatment to applicants for citizenship. This necessarily means that applicants must document their ethnicity to be eligible. What better way of doing so than to show an official state passport designating one's ethnic nationality? Unsurprisingly, perhaps, all three states accept the validity of the old Soviet passport nationality. The ultimate affirmative action, for nationalities suspected for decades of disloyalty, is the use of the instrument of their victimization to leave the country ahead of everyone else.

Offspring of ethnically mixed marriages, on the other hand, who chose the "wrong" nationality in their youth, have had a harder time using the passport nationality system to their advantage. The problem may be less pronounced for Jews, since Jewish law determines nationality through the mother; but it appears to be real among people of part German descent, at least since Germany has become more restrictive on immigration, following the mass migration of Eastern European Germans (mostly from Kazakhstan and Romania) in the early 1990s. In Soviet times, children with only one parent of German nationality tended to choose Russian nationality to avoid the stigma accorded to Germans after the war. Many are now trying to change their nationality to German to qualify for emigration, and quite a few, it seems, were able to do so in Kazakhstan, where the system of passport nationality has been retained.

A curious legal ruling in Germany, however, has dashed the hopes of most of these half Germans. German courts have determined that the anti-German stigma was no longer operative from the 1960s on in the Soviet Union – a point disputed by German lobbying groups in the former Soviet Union – and that, therefore, the choice of a non-German nationality by a child of an ethnically mixed marriage indicated that the child did not feel ethnically German (*Russkaia Germaniia* 2000). Germany now requires applicants who have changed their nationality shortly before filing for emigration to offer concrete proof of their Germanness, no mean feat in conditions where descendants of German deportees to Kazakhstan have almost entirely assimilated to Russian culture, irrespective of their official entry in the passport.

The German case offers another demonstration of the perils of using an ethnic category to determine the status of individuals vis-à-vis the state. Fixing exclusive nationalities in identity documents presupposes that people have a single line of ethnic descent, which can be established through observable behavior and genealogical records. In reality, though, a large number of people display cultural markers than can make them identify, or be identified, with more than one ethnic group, depending on circumstances. Are the Germans of Kazakhstan German or Russian? No doubt, they appear as Russian to other Germans back in Germany. Were the German speakers of Bohemia German or Czech? As the German administration in charge of providing Reich citizenship in 1939 found to its dismay, the answer was far from obvious, since more than 300,000 had alternatively declared German or Czech identities over the course of several Austrian and Czech censuses (Bryant 2001). Fixing nationalities, when nationalities are by nature situational and evolving, cannot ultimately avoid the use of arbitrary criteria, particularly, although not exclusively, for children of culturally diverse parents.

## **Conclusion**

The notion that ethnicity can be determined by documenting the ethnicity of one's forebears suffers from the same faulty logic. As an important exception to the termination of ethnic categories in personal documents, Russia has passed a law providing material benefits to members of "indigenous small peoples" (*Federal'nyi zakon* 1999). The law provides dual incentives for groups to be registered as indigenous and for individuals to be registered as members of recognized indigenous nations. To obtain the latter, individuals must demonstrate direct lineage with Tsarist era ancestors who identified as members of the group in local records. The problem is that, in those days, people identified interchangeably in terms of class, profession, or ethnicity, and that the conception that one could be defined primarily by ethnicity was foreign. This means that many records list an "identity" which is retrospectively not seen as ethnic (Hancock 2001). Nationalism assumes that national consciousness is transmitted through generations. Attempts to document the principle, whether motivated by affirmative action or xenophobia, demonstrate the fallacy of this core belief, with individuals, in the last analysis,

paying the price of arbitrary state categorizations. The decision by Russia to abolish nationality from internal passports is a significant step in strengthening individual liberties.

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