

The Legal Construction of Nationalism: Citizenship Policies and Identity Politics in Eastern Europe

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This article explores how citizenship laws in Eastern Europe are employed as legal instruments to construct and reinforce nationalist ideologies and identity politics. Using a narrative review methodology with a descriptive analytical approach, this study examines legal documents, policy reports, and scholarly literature published between 2020 and 2024. Selected countries include Hungary, Poland, Romania, Latvia, and Estonia, offering diverse case studies on legal nationalism and citizenship regimes. The review reveals that citizenship laws across Eastern Europe are predominantly shaped by ethnic nationalism, with a strong reliance on *jus sanguinis* principles. Legal mechanisms are used to institutionalize ethnic majorities while systematically excluding minorities through restrictive naturalization policies, language requirements, and diaspora-focused repatriation laws. Populist political movements further entrench these exclusionary frameworks, while European legal institutions struggle to enforce more inclusive standards. Courts at both national and supranational levels play a variable role in either reinforcing or moderating identity-based legal norms. Citizenship laws in Eastern Europe function as central tools in legal nationalism, reinforcing ethno-centric visions of the nation-state. Despite the influence of European integration, exclusionary legal practices persist, posing challenges to democratic inclusivity and minority rights. Reimagining citizenship through pluralistic legal reforms will be essential for fostering regional stability and inclusive national identities.

Keywords: *Citizenship law, legal nationalism, identity politics, Eastern Europe, ethnic majority, minority exclusion, populism, European integration, dual citizenship, statelessness.*

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1. Introduction

In recent years, Eastern Europe has witnessed a resurgence of nationalism, a development shaped by both historical legacies and contemporary political transformations. This renewed nationalist sentiment is intricately connected to post-socialist transitions, regional security concerns, demographic shifts, and ongoing tensions between liberal and illiberal

governance. Nationalism in this region is not merely a cultural or ideological phenomenon—it is often encoded into the legal frameworks of the state, particularly through citizenship laws that delineate who belongs to the nation and who does not. These laws serve as a critical mechanism through which the state constructs and maintains national identity, exercising sovereignty by controlling access to legal and political membership.



Following the collapse of communism in the early 1990s, countries across Eastern Europe were confronted with the task of redefining their national identities amidst the vacuum left by socialist internationalism. The dissolution of multiethnic federations such as Yugoslavia and the Soviet Union led to the emergence of ethnically defined nation-states, each seeking to consolidate political authority and cultural cohesion through legal instruments, most notably citizenship legislation. In this context, citizenship policies became central to national projects aimed at homogenizing the population, reclaiming historical narratives, and marginalizing perceived internal and external threats to national unity. The political function of citizenship extended beyond legal status—it became a battleground for identity politics and nationalist rhetoric.

Legal frameworks around citizenship are particularly significant because they reflect and reinforce the dominant vision of the nation held by ruling elites. In Hungary, for instance, the 2010 amendment granting dual citizenship to ethnic Hungarians abroad has been interpreted as an expression of “kin-state nationalism,” which seeks to maintain ties with co-ethnic populations beyond national borders and assert a transnational vision of national identity (Pogonyi, 2021). This move not only expanded the legal boundaries of Hungarian identity but also sparked diplomatic tensions with neighboring countries like Slovakia and Romania, where significant Hungarian minorities reside. Similarly, in Poland, debates over national belonging and historical memory have informed citizenship policy and shaped the exclusion of non-ethnic Poles from the core narrative of the nation-state (Bunout, 2020).

The resurgence of nationalism through legal means raises pressing questions for scholars and policymakers alike. How do legal systems encode and institutionalize national identity? What are the implications of such legal constructions for minorities, migrants, and stateless individuals? To what extent do citizenship laws serve as tools of inclusion and exclusion in the context of shifting geopolitical alliances and internal political struggles? These questions are particularly salient in Eastern Europe, where citizenship regimes often reflect ethno-cultural definitions of the nation rather than civic or territorial conceptions. The consequences are evident in the treatment of Russian minorities in the Baltic states,

Roma populations across the region, and labor migrants who face both legal and social marginalization.

This study seeks to explore the legal construction of nationalism in Eastern Europe through a focused examination of citizenship laws and identity politics in select countries—specifically Hungary, Poland, Romania, Latvia, and Estonia. These countries were chosen because they represent different trajectories of post-socialist development, nation-building strategies, and approaches to citizenship. Hungary exemplifies the use of diaspora citizenship as a means of extending national identity beyond territorial borders (Pogonyi, 2021), while Latvia and Estonia are known for their restrictive citizenship policies toward Russian-speaking minorities, which have resulted in significant stateless populations (Bartasevičius, 2021). Poland and Romania offer contrasting perspectives rooted in historical ethno-national continuity and contested regional identities.

The narrative review approach was chosen for its capacity to synthesize a wide range of scholarly and legal sources, offering an interpretive and thematic analysis rather than empirical generalizations. This methodology is particularly well-suited to complex and interdisciplinary topics that involve legal doctrines, political ideologies, and historical contexts. A narrative review allows for the integration of diverse forms of evidence—academic literature, legal texts, policy reports, and court decisions—while enabling a critical reading of how these sources construct and contest national identity. The descriptive analysis method further supports this goal by focusing on the patterns, meanings, and implications embedded in citizenship laws and their applications.

The scope of this review is both comparative and analytical. It does not aim to provide an exhaustive survey of all Eastern European countries, but rather to examine representative cases that illustrate the broader dynamics of legal nationalism. In doing so, the study offers insights into the ways in which states use legal frameworks to articulate belonging, maintain cultural hierarchies, and negotiate their positions within regional and global structures. The findings contribute to ongoing debates about the role of law in nation-building, the boundaries of citizenship, and the future of multiculturalism and minority rights in an increasingly polarized political landscape. Through this lens, the article positions citizenship law not merely as an

administrative tool but as a core instrument of identity politics and ideological control in post-socialist Eastern Europe.

2. Methodology

This study adopts a scientific narrative review approach grounded in descriptive analysis to examine the legal construction of nationalism through citizenship policies and identity politics in Eastern Europe. A narrative review was selected due to its suitability for exploring complex and context-dependent legal and political phenomena across multiple jurisdictions. Rather than aiming for exhaustive coverage or meta-analysis, this method allows for a critical and thematic synthesis of existing scholarly and legal literature. It emphasizes conceptual clarity, historical continuity, and interpretive depth, enabling a richer understanding of how legal instruments are mobilized to shape national belonging and regulate identity boundaries. The narrative review method also provides flexibility to incorporate interdisciplinary sources from legal studies, political science, sociology, and European studies, which is essential given the multifaceted nature of nationalism and citizenship.

The data for this review were collected through a comprehensive examination of academic literature, official legal documents, and policy reports published between 2020 and 2024. Peer-reviewed journal articles formed the core of the source base, particularly those published in high-impact journals such as *East European Politics, Nations and Nationalism*, *European Constitutional Law Review*, and *Citizenship Studies*. In addition to scholarly literature, key legal texts—including constitutional provisions, citizenship laws, naturalization policies, and diaspora legislation—were analyzed from selected countries, including Hungary, Poland, Romania, Latvia, and Estonia. English translations of national legal documents were accessed through official government portals, the Venice Commission database, and the European Union's EUR-Lex repository. Furthermore, relevant judgments from the European Court of Human Rights and the Court of Justice of the European Union were reviewed to assess supranational legal perspectives on identity-based citizenship regimes.

To ensure analytical consistency, the inclusion criteria focused on literature that directly addresses the

intersection of nationalism, law, and identity politics in the context of post-socialist Eastern Europe. Studies that explored the normative and institutional dimensions of citizenship laws, as well as their political and social implications, were prioritized. A thematic content analysis strategy guided the organization of the material. First, the collected literature was categorized based on central themes such as ethnic versus civic nationalism, legal inclusion and exclusion, minority rights, and transborder nationhood. Second, cross-case comparisons were conducted to identify convergences and divergences among countries in terms of their legal strategies for constructing national identity. Finally, legal discourse analysis was applied to interpret how legal language and legislative choices reflect broader ideological commitments to ethnic homogeneity, historical continuity, or political sovereignty. This methodological combination enabled a critical evaluation of how legal frameworks not only reflect but actively shape the politics of national identity in Eastern Europe.

3. Theoretical and Conceptual Framework

The theoretical foundation of this study rests on the interlinked concepts of nationalism, citizenship, and identity politics, each of which plays a central role in understanding how legal systems shape and regulate national belonging. Nationalism, in its most basic form, refers to the political principle that the state and the nation should be congruent. It manifests in two primary variants: ethnic nationalism and civic nationalism. Ethnic nationalism defines membership in the nation based on shared ancestry, language, and culture, privileging descent and historical continuity. Civic nationalism, by contrast, is based on legal-political criteria such as birth on national territory or adherence to a set of shared values and institutions.

In the context of Eastern Europe, the dominant model has historically leaned toward ethnic nationalism, with legal frameworks reinforcing notions of bloodline and cultural heritage. This orientation is evident in the preference for *jus sanguinis* (right of blood) over *jus soli* (right of soil) in citizenship legislation. For instance, many post-socialist states have adopted or retained *jus sanguinis* as the primary basis for citizenship acquisition, thereby excluding individuals born on their territory but lacking ethnic ties to the titular nation (Bartasevičius,

2021). The privileging of ethno-cultural criteria often results in the marginalization of minority populations and the entrenchment of exclusionary national narratives.

Citizenship itself is a complex legal and political status that encompasses both rights and identity. It not only confers legal entitlements such as the right to vote or reside in a country but also serves as a symbolic marker of inclusion within the national community. The concept of "defensive citizenship" has been used to describe legal regimes that prioritize national security, cultural preservation, or political control over universal human rights and civic participation (Berkovich, 2020). In this sense, citizenship laws become instruments of national defense against perceived external or internal threats—be they migrants, ethnic minorities, or geopolitical adversaries.

Identity politics plays a crucial role in this legal construction of nationalism. It refers to the ways in which individuals and groups mobilize around aspects of their identity—such as ethnicity, religion, or language—in pursuit of recognition, inclusion, or political power. In the legal realm, identity politics manifests through legislation that defines national identity, regulates who can claim membership, and determines the boundaries of cultural legitimacy. This is particularly relevant in Eastern Europe, where the interplay of historical grievances, demographic shifts, and geopolitical anxieties fuels efforts to codify national identity in law. The theoretical framework of legal nationalism provides a useful lens for analyzing these dynamics. Legal nationalism posits that the law is not a neutral arbiter but an active agent in the construction of national identity. It suggests that legal norms, constitutional texts, and citizenship policies are imbued with ideological assumptions about who belongs to the nation and on what grounds. In Hungary, for example, the constitutional preamble explicitly defines the state as the continuation of the historical Hungarian nation, thereby framing the legal order as a vehicle for ethnic continuity (Pogonyi, 2021). Similarly, in the Baltic states, legal criteria for citizenship have been used to exclude Russian-speaking minorities, reinforcing a vision of the nation rooted in pre-Soviet ethno-national identity (Čiubrinskas, 2020).

Another relevant concept is constitutional patriotism, which offers a civic alternative to ethnic nationalism. It

emphasizes loyalty to democratic principles, human rights, and the rule of law rather than ethnic or cultural homogeneity. While this model has gained traction in Western Europe, it remains less influential in Eastern Europe, where historical experiences of occupation, forced migration, and ethnic conflict have fostered suspicion toward pluralism and multiculturalism (Osler, 2020). Nonetheless, the tension between ethnic and civic models continues to inform legal and political debates about the future of citizenship and national identity in the region.

Post-socialist legal transformation is a final theoretical strand that underpins this analysis. The collapse of communist regimes necessitated a complete overhaul of legal systems, including citizenship laws, constitutional arrangements, and minority rights protections. This transformation was not only institutional but also ideological, as states redefined their foundational narratives and political identities. The legacy of authoritarianism, combined with the pressures of European Union integration, has produced hybrid legal regimes that oscillate between liberal-democratic norms and ethno-nationalist priorities (Stan et al., 2020). These contradictions are evident in citizenship policies that simultaneously embrace European legal standards and reinforce national particularism.

Legal-philosophical debates about the nation-state and belonging further complicate these issues. Some scholars argue that the nation-state is inherently exclusionary, as it relies on a bounded notion of community that privileges insiders over outsiders. Others contend that legal frameworks can be designed to accommodate pluralism and foster inclusive citizenship. In practice, however, the legal construction of nationalism in Eastern Europe often tilts toward exclusion, using the law to demarcate the boundaries of the nation and assert cultural dominance. This raises normative questions about the role of the state in defining identity and the capacity of legal systems to balance unity with diversity. By drawing on these theoretical perspectives—ethnic and civic nationalism, legal nationalism, constitutional patriotism, and post-socialist transformation—this study provides a comprehensive framework for analyzing how citizenship laws function as legal instruments of nation-building and identity politics in Eastern Europe.

4. Historical and Political Background

The roots of nationalism in Eastern Europe stretch back to the 19th century, when romantic nationalist ideologies inspired by linguistic, ethnic, and cultural revivalism began to take hold across the region. This form of nationalism emerged in opposition to imperial rule, particularly within the Habsburg, Ottoman, and Russian empires, and sought to establish sovereign nation-states based on shared ethno-cultural heritage. The rise of nationalist movements during this era laid the groundwork for modern citizenship laws by promoting the idea of the nation as an organic and historically continuous community. In countries such as Hungary and Poland, nationalist intellectuals articulated visions of statehood that closely tied political legitimacy to ethnic identity, thereby influencing future legal and constitutional frameworks.

The interwar period further solidified ethno-national definitions of citizenship across the region. The collapse of empires after World War I created numerous new states, many of which adopted exclusionary approaches to nationality in their efforts to define and protect their emerging identities. These policies often marginalized ethnic minorities and established restrictive legal definitions of citizenship based on ancestry and cultural assimilation. As K. Daskalova notes, the interwar period was also marked by significant tensions within feminist and nationalist movements, revealing the contested nature of identity formation even within progressive circles ([Daskalova, 2022](#)).

The post-World War II period, dominated by socialist regimes, saw the temporary suppression of overt nationalism in favor of socialist internationalism. However, national identities were not erased but rather reconfigured within a new ideological framework. Socialist governments emphasized class solidarity and pan-socialist unity, yet they continued to recognize national distinctions, often institutionalizing them through federative arrangements or nominal autonomy. Despite the rhetoric of equality, state policies in practice frequently privileged titular nationalities and imposed assimilationist pressures on minorities. In Romania, for instance, the socialist state promoted a unitary national identity centered around ethnic Romanians while discouraging minority languages and cultural expression ([Stan et al., 2020](#)).

The collapse of socialism in the early 1990s unleashed a dramatic transformation in both political ideology and legal frameworks. As Eastern European countries reasserted sovereignty and restructured their institutions, nationalism reemerged with renewed vigor. In the context of state-building and democratization, citizenship laws became key instruments for defining national identity and establishing the boundaries of political community. These laws often prioritized *jus sanguinis* principles, reflecting a continuity with earlier ethno-national traditions. In many cases, post-socialist legal frameworks reinforced the idea of the nation as an ethnically homogeneous entity, which significantly impacted the legal status of minorities, return migrants, and stateless populations ([Bartasevičius, 2021](#)).

Simultaneously, the process of European Union integration imposed new legal and normative pressures on citizenship regimes in Eastern Europe. Accession to the EU required candidate countries to adopt legal standards consistent with human rights, non-discrimination, and democratic governance. This external pressure sometimes clashed with domestic nationalist agendas, resulting in hybrid legal outcomes. For example, while states were required to ensure equal treatment for all citizens and residents, many retained restrictive naturalization criteria and continued to define the nation in ethnic terms. The tension between EU norms and national legal traditions was particularly evident in the Baltic states, where policies regarding Russian-speaking minorities were criticized by European institutions but defended by domestic lawmakers as necessary for national cohesion ([Gosewinkel, 2021](#)).

European citizenship, as promoted by the EU, was intended to foster a sense of transnational belonging and solidarity. However, its implementation in Eastern Europe has been uneven. According to G. Pickel and S. Pickel, many East-Central European citizens remain skeptical of EU citizenship and continue to prioritize national sovereignty and identity over supranational integration ([Pickel & Pickel, 2024](#)). This ambivalence reflects broader concerns about cultural preservation, economic insecurity, and the perceived erosion of national autonomy. As a result, the legal construction of citizenship in Eastern Europe remains a site of ongoing contestation between national priorities and supranational obligations.

5. Comparative Legal Review of Citizenship Policies

Hungary represents one of the most prominent examples of how citizenship law can be employed to advance a transborder nationalist agenda. In 2010, the Hungarian government passed legislation granting simplified naturalization to ethnic Hungarians living outside the country, particularly in neighboring states such as Romania, Slovakia, and Ukraine. This law, rooted in *jus sanguinis* principles, allows individuals to acquire Hungarian citizenship based on ancestry and basic knowledge of the language, regardless of residency or prior legal ties to the Hungarian state (Pogonyi, 2021). The policy has been framed as a form of national reunification and symbolic redress for the territorial losses suffered under the Treaty of Trianon. However, it has also raised concerns about dual loyalty, regional stability, and the instrumentalization of citizenship for electoral and geopolitical purposes.

Poland's citizenship policy reflects a strong emphasis on ethnic homogeneity and historical continuity. While Poland's legal framework formally adheres to democratic and inclusive principles, its application often privileges individuals with Polish ancestry. The 2009 Polish Citizenship Act maintains *jus sanguinis* as the primary mode of acquisition and includes provisions for the restoration of citizenship to individuals of Polish descent who were displaced during the 20th century. The state also places considerable importance on cultural affiliation and language proficiency in naturalization processes. This ethno-national focus aligns with broader political narratives that stress the unity and purity of the Polish nation, as seen in historical polemics about who constitutes a "true Pole" (Bunout, 2020). As such, non-ethnic minorities and recent migrants often face structural barriers to full integration and recognition.

Romania and Moldova offer a particularly interesting case of competing nation-building narratives through citizenship law. Romania has actively pursued a policy of granting citizenship to individuals in Moldova, framing this as a form of historical reunification based on shared language, culture, and ancestry. This practice effectively challenges Moldovan sovereignty and reflects Romania's vision of a broader Romanian nation that transcends current state borders. On the other hand, Moldova's citizenship policies have been more ambivalent,

reflecting internal divisions between pro-European, pro-Russian, and nationalist factions. The Romanian approach is emblematic of a diasporic nationalism that seeks to consolidate national identity across territorial lines through legal inclusion of external kin populations (Čiubrinkas, 2020). However, this strategy has also produced legal and political ambiguities, especially for individuals caught between overlapping national identities and legal jurisdictions.

The Baltic states, particularly Latvia and Estonia, have adopted some of the most exclusionary citizenship policies in the region, especially in relation to their large Russian-speaking minorities. Following independence from the Soviet Union, both countries introduced citizenship laws that granted automatic citizenship only to individuals who were citizens before the Soviet annexation and their descendants. As a result, many ethnic Russians who had settled in the region during the Soviet era were excluded from citizenship and classified as "non-citizens" or stateless persons. These individuals are subject to legal and social marginalization, including restrictions on voting and employment in the public sector (Bartasevičius, 2021). Naturalization procedures require passing language and history exams, which many older Russian speakers find difficult to meet. These policies are often justified by the need to protect national identity and sovereignty but have been criticized by international human rights organizations and EU bodies for their discriminatory effects (Gosewinkel, 2021).

Diaspora laws and repatriation policies play a significant role in reinforcing ethnic definitions of the nation across Eastern Europe. Countries such as Hungary, Romania, and Poland have developed legal instruments that facilitate the return and integration of ethnic kin while placing more stringent requirements on other migrants. These policies typically include reduced residency requirements, simplified naturalization procedures, and cultural integration programs aimed at reinforcing national identity. The legal preference for ethnic kin over non-ethnic migrants reveals a broader logic of defensive citizenship, where legal inclusion is strategically limited to protect cultural homogeneity and political control (Berkovich, 2020).

Naturalization requirements vary across countries but often reflect broader nationalist agendas. In Latvia and Estonia, stringent language and civics tests are used to filter applicants and encourage assimilation into the

titular culture. In contrast, Hungary's naturalization policy is relatively lenient for ethnic Hungarians but remains restrictive for other groups. In Romania, applicants must demonstrate not only language proficiency but also cultural familiarity and loyalty to the state. These criteria function as gatekeeping mechanisms, determining who is eligible to become part of the national community and on what terms. The emphasis on cultural and linguistic conformity reflects a deeper legal-philosophical belief in the primacy of ethno-national unity over civic inclusivity (Osler, 2020).

Constitutional definitions of the nation further reinforce these exclusionary tendencies. Many Eastern European constitutions define the state in explicitly ethnic terms, referring to the continuity of the historic nation, the cultural mission of the people, or the protection of the national heritage. These preambles and provisions frame the legal system as an extension of an ethno-historical project, thereby justifying restrictive citizenship policies and minority exclusion. For example, Hungary's constitution refers to the nation as a unified cultural and spiritual community that extends beyond its borders, legitimizing its dual citizenship law and transnational nationalist agenda (Pogonyi, 2021). In Poland, constitutional language similarly emphasizes national unity and the historical continuity of the Polish people (Bunout, 2020).

Taken together, these comparative cases reveal a shared pattern across Eastern Europe: citizenship laws function not only as administrative tools but as strategic instruments of nation-building and identity consolidation. While there are variations in policy design and implementation, the overarching trend is one of ethno-nationalism encoded in law, often at the expense of minority rights, democratic inclusion, and transnational integration. This legal construction of nationalism reflects historical anxieties, post-socialist transformations, and ongoing struggles over sovereignty and identity in a rapidly changing geopolitical environment.

6. Identity Politics and Legal Nationalism

Legal nationalism in Eastern Europe functions as a powerful mechanism for institutionalizing ethnic majorities and marginalizing minority and non-dominant groups. Through legislative acts, constitutional definitions, and administrative procedures, states have

embedded nationalist ideologies into the legal fabric of citizenship. The law, rather than serving as a neutral arbitrator of rights, often operates as a tool to define the "nation" in exclusively ethnic terms. This practice not only shapes access to citizenship but also regulates who can fully participate in the civic, cultural, and political life of the state. In Hungary, for example, the 2010 amendment to the nationality law, which enabled ethnic Hungarians living abroad to acquire citizenship with minimal requirements, demonstrates how legal norms can reinforce a transnational ethnic majority at the expense of civic inclusion (Pogonyi, 2021). By privileging ethnic Hungarians and excluding others who may have long-term residence or economic ties to the state, such laws perpetuate a legal hierarchy of belonging.

Institutionalized exclusion is also evident in the Baltic states, where the legal marginalization of Russian-speaking minorities is particularly pronounced. In Latvia and Estonia, post-independence citizenship laws denied automatic citizenship to individuals who had migrated during the Soviet period, thereby creating a sizable population of "non-citizens." These individuals are often stateless, lack full political rights, and face significant hurdles in the naturalization process, including stringent language and history tests (Bartasevičius, 2021). The legal structures in these states codify national identity in ways that exclude those perceived as outsiders, reinforcing the dominance of titular ethnic groups and subordinating the rights of minorities to the preservation of cultural homogeneity. This form of legal nationalism is sustained through educational policies, language requirements, and symbolic laws that prioritize national narratives aligned with ethnic majorities.

The marginalization of minorities through legal frameworks is further compounded by the rise of populist nationalism across the region. Populist movements have increasingly framed national identity in exclusivist and defensive terms, portraying minorities, migrants, and even supranational institutions as threats to the integrity of the nation. In Poland, the Law and Justice Party has promoted a vision of Polishness that centers on Catholic, conservative, and ethnically homogeneous ideals. This ideological project is reflected in policies that resist multiculturalism and favor a historically purified vision of the nation-state (Bunout, 2020). Similarly, populist rhetoric in Hungary has

legitimized the dual citizenship law not only as a gesture of national solidarity but also as a strategy to reinforce political support among diaspora communities who are ideologically aligned with the ruling party (Pogonyi, 2021).

Populism's impact on identity-based citizenship regimes is also evident in the increasing use of legal and administrative barriers to limit access to citizenship for migrants and non-ethnic residents. Across Eastern Europe, populist governments have tightened naturalization requirements, expanded surveillance of migrant populations, and enacted laws that symbolically reaffirm the ethnic foundations of the state. This legal entrenchment of national identity operates in tandem with broader cultural campaigns that valorize traditional values and historical myths while delegitimizing alternative forms of belonging (Pickel & Pickel, 2024). In this context, citizenship becomes not merely a legal status but a badge of cultural conformity and ideological loyalty.

The role of courts, both domestic and international, in moderating or reinforcing nationalist laws presents a mixed picture. On one hand, domestic courts have occasionally acted as bulwarks against overtly discriminatory legislation, invoking constitutional principles of equality and human rights. However, in many cases, judicial institutions have deferred to majoritarian interpretations of national identity, especially when such interpretations are embedded in constitutional preambles or longstanding legal traditions. In Hungary, for example, the Constitutional Court has largely upheld the government's policies on dual citizenship and minority exclusion, framing them as legitimate expressions of national sovereignty (Pogonyi, 2021).

At the supranational level, the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) have played a more active role in scrutinizing citizenship regimes, particularly where they conflict with human rights norms. The ECtHR has issued rulings on statelessness, discrimination, and minority rights that challenge the exclusionary practices of member states. However, the enforcement of these decisions remains uneven, and some states have responded by asserting the primacy of national identity over international legal obligations (Stan et al., 2020). This judicial ambivalence reflects the broader tension

between national sovereignty and European integration, a tension that continues to shape the legal landscape of citizenship in Eastern Europe.

7. Discussion

The analysis of citizenship policies and identity politics in Eastern Europe reveals a complex interplay between law, nationalism, and political ideology. Across the region, states have used legal instruments not simply to regulate membership but to actively construct and enforce particular visions of the nation. These visions are predominantly ethnic in orientation, privileging descent, language, and historical continuity over civic participation and territorial presence. This pattern is evident in Hungary's dual citizenship policy for ethnic Hungarians abroad, Poland's emphasis on ancestry and cultural assimilation, and the Baltic states' exclusion of Russian-speaking minorities through restrictive naturalization laws (Bartasevičius, 2021; Bunout, 2020; Pogonyi, 2021).

A recurring theme across these cases is the strategic use of *jus sanguinis* principles to institutionalize national identity while limiting the inclusivity of the political community. Although *jus soli* provisions exist in some legal systems, they are often subordinate to descent-based criteria, reflecting a broader logic of legal nationalism. This exclusionary orientation is particularly visible in diaspora laws, which facilitate the repatriation and naturalization of ethnic kin while imposing stringent requirements on other groups. As I. Berkovich argues, such policies reflect a defensive citizenship model that seeks to protect the cultural core of the nation from perceived external threats (Berkovich, 2020).

Another important pattern is the legal marginalization of minorities, particularly in post-imperial and post-Soviet contexts. In Latvia and Estonia, the legacy of Soviet migration policies has produced large stateless populations, whose exclusion from citizenship is justified on national security and cultural preservation grounds (Bartasevičius, 2021). In Poland and Romania, minorities such as Roma and Ukrainians face informal barriers to full legal inclusion, even when formal citizenship is available. These exclusions are often embedded in administrative procedures, linguistic requirements, and symbolic legal codes that define the state in ethnically particularistic terms (Čiubrinskas, 2020).

The rise of populist nationalism has further entrenched these exclusionary legal regimes. Populist leaders have leveraged citizenship laws to consolidate power, appeal to ethnic majorities, and suppress dissenting identities. In Hungary, the extension of voting rights to dual citizens residing abroad has been criticized as a tool for electoral manipulation and ideological export (Pogonyi, 2021). In other cases, citizenship laws are used to frame national identity in opposition to migrants, minorities, or supranational entities like the European Union (Pickel & Pickel, 2024). This instrumentalization of citizenship not only undermines democratic inclusion but also erodes the legal neutrality of the state.

Despite the normative framework provided by European integration, the ability of supranational institutions to moderate nationalist citizenship laws remains limited. While EU accession requirements compelled many states to adopt anti-discrimination legislation and minority rights protections, these reforms often coexist with deeply entrenched legal nationalism. As D. Gosewinkel notes, the European project itself is marked by contradictions between integrationist ideals and the nation-state logic of its member states (Gosewinkel, 2021). This ambivalence is reflected in the uneven application of human rights standards, the selective implementation of ECtHR rulings, and the persistence of ethnic definitions of the nation in domestic constitutions. The implications of these patterns are profound. The legal construction of nationalism through citizenship law reinforces social divisions, limits minority rights, and undermines the democratic legitimacy of state institutions. In regions with significant ethnic heterogeneity, exclusionary citizenship regimes risk fueling social unrest, disenfranchisement, and regional instability. Moreover, the reliance on ethnic criteria for legal inclusion poses a direct challenge to the civic foundations of democratic governance. By conflating national identity with ethnic descent, states reduce the space for pluralism and participation, marginalizing those who do not conform to the dominant cultural template.

Regional integration is also at risk. The persistence of legal nationalism in EU member states highlights the fragility of European citizenship and the limitations of legal harmonization. When citizenship laws are used to exclude, rather than include, they undermine the promise of transnational solidarity and mutual

recognition. This raises critical questions about the future of citizenship law in a polarized Europe: Can legal systems reconcile national identity with civic equality? Will supranational courts and institutions develop stronger mechanisms to challenge exclusionary policies? And how can minority groups assert their rights in the face of legal structures designed to render them invisible?

Ultimately, the study of legal nationalism in Eastern Europe reveals that citizenship is not merely a legal status but a contested site of identity politics, historical memory, and state power. The challenge moving forward is to develop legal frameworks that balance national identity with democratic inclusivity, ensuring that citizenship serves as a bridge to belonging rather than a barrier to participation.

8. Conclusion

The legal construction of nationalism in Eastern Europe, as examined through the lens of citizenship laws and identity politics, reveals a persistent and strategic reliance on legal frameworks to define, protect, and reproduce exclusive visions of the nation. In the aftermath of socialism and in the context of post-imperial statehood, Eastern European countries have turned to citizenship legislation not merely as a bureaucratic tool but as a central mechanism of nation-building. These laws serve to demarcate the boundaries of belonging, affirm the primacy of ethnic majorities, and exclude those deemed culturally or historically incompatible with the dominant national narrative.

Across the region, citizenship policies reflect a dominant commitment to ethno-nationalist principles. The widespread preference for *jus sanguinis* over *jus soli* illustrates the enduring influence of descent-based identity on legal inclusion. States such as Hungary and Romania have used dual citizenship laws to reinforce ties with ethnic kin beyond their borders, while others, like Latvia and Estonia, have implemented exclusionary policies that deny full citizenship to large minority populations. Even in countries where formal democratic institutions exist, the legal structures surrounding citizenship are often shaped by populist agendas and historical anxieties that privilege cultural homogeneity and political loyalty over inclusive civic identity.

Minority groups, including Russian speakers, Roma communities, and non-European migrants, continue to

face systemic legal marginalization through restrictive naturalization requirements, linguistic assimilation policies, and limited political representation. These forms of legal exclusion are not accidental but are embedded in broader ideological efforts to reinforce a cohesive national identity. Legal norms have thus become instrumental in both consolidating state power and delineating the contours of cultural legitimacy.

The rise of populist governments has further intensified the instrumentalization of citizenship law. These regimes have strategically manipulated legal definitions of nationality and belonging to consolidate political support, particularly by mobilizing external diasporas and framing minority inclusion as a threat to national unity. In this context, citizenship becomes a site of ideological contestation, reflecting broader tensions between democratic values and authoritarian tendencies.

While European Union integration has introduced certain legal standards around non-discrimination and human rights, its impact on national citizenship regimes remains inconsistent. Many Eastern European states have managed to reconcile formal compliance with EU norms while maintaining exclusionary domestic practices. This duality reveals the limitations of supranational legal influence in curbing deeply entrenched nationalist ideologies. The legal architecture of the nation-state in Eastern Europe thus continues to reflect a delicate balance between international obligations and domestic identity politics.

The findings of this review suggest that the path forward requires a reimagining of citizenship not as an exclusive inheritance of ethnic lineage but as a pluralistic and inclusive legal status grounded in democratic participation and equal rights. Citizenship laws must evolve to accommodate the realities of social diversity, migration, and transnational belonging, while also upholding the dignity and rights of all individuals within the polity. Legal reform, judicial oversight, and regional cooperation will be essential in fostering a more inclusive vision of national identity—one that recognizes the complex histories of Eastern Europe without perpetuating exclusion and marginalization.

The legal construction of nationalism is neither inevitable nor irreversible. As political landscapes shift and new generations emerge, there remains potential for more inclusive legal imaginaries that redefine belonging

beyond the confines of ethnicity and descent. In the long term, the health of democratic institutions and the strength of regional integration will depend on the ability of citizenship laws to serve not as instruments of division but as foundations for shared identity, mutual recognition, and collective progress.

Authors' Contributions

Authors contributed equally to this article.

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Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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