

DEVELOPMENT OF ETHNOPOLITICAL RELATIONS IN AUSTRIA AND RUSSIA: HISTORICAL AND LEGAL ASPECT

Rafail' Valiev,

*PhD in political, Associate professor at the Department of Theory and History of State and Law
Kazan (Volga region) Federal University, raf.val.111@yandex.ru*

Marat Gilyazetdinov,

*Post-graduate at the Department of Theory and History of State and Law
Kazan (Volga region) Federal University,
Lecturer of the Department of State and Legal Disciplines
Perm Institute of the Federal penitentiary service of Russia, maratozz@mail.ru*

Abstract. In the context of the historical and legal aspect, the article considers the issues of evolution of ethno-political relations in two multi-ethnic states - Russia and Austria. Based on a particular historical basis, we revealed the factors affecting the development of centralization and decentralization processes in the states. A comparative analysis of the history of the development of ethno-political processes in Russia and Austria revealed common and unique historical realities that influenced the level of ethnic tensions in these states. We analyzed the reasons for the rise of ethno-political crises at a particular stage of development. The study of such regional experience in the context of historical development, including a detailed analysis of the regulatory legal acts governing the legal status of various ethnic groups, of course, makes it possible to build a certain theoretical model of legal regulation of ethno-political relations. With the possibility of the subsequent implementation of some of its principles in the practical aspect of the polity of a multi-ethnic society. According to the authors, such research experience is of practical importance for reducing and overcoming centrifugal tendencies in various states, as well as preventing the development of ethno-political crises through legal regulation by public authorities.

Keywords: bempire, state, federalism, ethnopolitics, ethnic minority, ethnos, people.

Introduction. The world practice of the formation and development of states with a polyethnic structure of society is characterized by their inherent centrifugal and centripetal development trends. Most often they are caused by the increase in ethnic tensions. Similar processes took place in such poly-ethnic states as the Austrian and Russian empires. And if Russia, after the collapse of imperialism, was able to restore almost the entire territory, ensuring its integrity by carrying out a balanced ethnic policy, the Austrian Empire was divided into several independent states. At the same time, there was a general pattern in both cases: centrifugal forces were intensified when a crisis of political power exacerbated in the states, caused by both internal and external factors.

Methods. Analysis, synthesis, induction, deduction, hermeneutic, comparative legal, formal logical, historical comparative.

Results and discussion. Comparative legal characteristic of the evolution of ethno-political relations in the Austrian and Russian empires in a retrospective aspect.

The evolution of ethno-political relations in Austria. The Austrian Empire was founded in 1804 by the last Holy Roman Emperor Franz II. The state was unitary and heterogeneous in ethnic terms. At the turn of the XVIII-XIX centuries, it was formulated the first programmatic requirements of the peoples inhabiting, aimed at self-affirmation of the ethnos [1]. Further signs of decentralization were manifested in view of the uneven development of lands and their division into two economic regions: industrialized, led by the German-speaking population, and agrarian economically backward, led by the Hungarian Kingdom [2]. The idea of a single state was opposed to the ideas of national movements [3]. The empire and its emperor no longer possessed common, joint foundations [4].

The authorities tried to prevent the development of centrifugal forces by a number of concessions. Thus, the Slovak and Croatian movements were allowed to print their own periodicals, supported by their leaders. But the purpose thereof was the clash of Slavic peoples among themselves, which was used by the Habsburgs for centuries.

The revolutions of 1848-1849 forced the government to issue a Constitutional Charter dated March 4, 1849, giving broad autonomy to ethnic groups, and equality to linguistic identity. But after 2 years it was canceled. The empire embarked on a course of permanent struggle between unitarism and federalism, the Austro-German population, on the one hand, and the South Slavic part, on the other.

The emperor and his ministers knew that excessive strengthening of the German element in the monarchy would lead to a break with the Slavs and Hungarians, and they wanted to preserve the position that had existed for centuries [5]. The problem was the solution of the "German question", where the Habsburgs had two options: either German organization wins without Austria, or the Great-German project outweighs, and Austria collapses from the inside [6]. The main weakness of the empire was the inherent conservatism and preservation of Catholic domination [7].

The crisis was resulted in the Law on General Affairs of All Lands of the Austrian Monarchy dated December 21, 1867, which established a system of political dualism [8], and enshrined equal rights of Cisleithania (Austria) and Transleithania (Hungary). The state became known as Austria-Hungary.

It did not solve all ethnic problems. The peoples in the empire had a unique culture and enduring historical memory, which retained a sense of their own statehood. The "trialism" project failed in 1871, with the Czech Republic being given the status of a "third nation", was the only attempt to expand the federation, which could solve the issue of the territorial organization of the empire and possibly prevent its collapse.

The final point was the manifesto of Charles I dated October 16, 1918. According to the document, Austria has become a union state, where every nation creates its own state [9].

The ethnopolitical cause of the empire's collapse was represented by a conservative policy towards non-German peoples. Ideological - by the absence of consciousness of the common unity of the ethnic groups. Everyone advocated for their ethnic identity: Austrian Germans - for centralism, or Pan-Germanism, Italians and Romanians - for reunification with Italy and Romania, Hungarians - for national separatism, Poles - for independent Poland, Slavic peoples, except for Czechs and Croats - for South Slavic federalism [10].

After the World War I, Austria was restored as a federal state with a republican form of government. It still had a small part of the land with a non-German-speaking population, among which were the Slovenes, Croats, Hungarians, Czechs and Slovaks. In 1920, it was adopted the Federal Constitutional Law, securing the position of non-German peoples as ethnic minorities [11]. Also, their status was determined by Articles 66 and 68 of the Saint-Germain Peace Treaty [12].

According to the State Treaty on Restoration of Independent and Democratic Austria dated May 15, 1955, Croatian and Slovenian national minorities, living in Carinthia, Burgenland and Styria, began to enjoy the right to receive education in their native language, to print in their own language. In addition to German language, Croatian and Slovenian were the official languages in these districts. It was introduced bilingual topographic labels and terminology. There was a ban on the activities of organizations aimed at denationalizing ethnic minorities [13]. But, the treaty regulated the rights of only two ethnic groups, and only in the specified lands.

The Federal Law on the Legal Status of Nations in Austria dated July 7, 1976, according to which ethnic groups included the groups of citizens living in different lands for which German was not native language, became very important. They are protected by laws, and their preservation is guaranteed by the federation [14]. But it extends its action only to 6 autochthonous ethnic groups: Croatian, Czech, Hungarian, Slovenian, Slovak, and Gypsy. The condition for recognition as an ethnic group is living in Austria of at least 3 generations [15].

Today, the rights of ethnic minorities in the state are almost equal to the German-speaking population. But only those recognized by ethnic groups have Austrian citizenship. It says about Austria as a country with restrictive laws on citizenship, and a rather homogeneous idea of Austrian identity [16].

The development of ethno-political relations in Russia.

From the XVI century, the main principle in the policy of the Moscow kingdom was the ethno-confessional factor, expressed by the gradual suppression of the ethnocultural uniqueness of the conquered peoples.

The first regulatory act affecting in detail the legal status of ethnic groups was the Council Code of 1649. The law contains the provisions (Articles 41, 43) prohibiting any contractual land transactions between Russians and foreigners [17]. By this, the government tried to prevent the decline of the positions of the feudal nobility of non-Orthodox peoples, who were the social support of the king in the localities [18]. It was provided for the preservation of foreigner's possessions in the habitat, if he/she accepted Orthodoxy. He/she could also rise through the ranks in public service, and receive certain benefits.

The uniqueness of the ethnopolitics of the Russian tsars in the XVII century was that in order to fully manage such a colossal territory, neither the means, nor the experience, nor the bureaucracy were enough. Therefore, by adapting the peoples to uniform standards, the authorities did not force the events, rendering loyalty to their culture and way of life.

In the XVIII century, during the modernization and increase of the bureaucratic apparatus in the Russian Empire, a certain super-ethnicity was formed, expressed primarily in loyalty to the monarch, regardless of language or faith. The goal was not to dissolve other ethnic groups in Russian, but to ensure loyalty in relation to the empire.

In the XIX century, it was issued the regulatory legal acts, the Charter on Management of Foreigners in 1822, and the Code of Laws of the Russian Empire in 1832. According to §1 of the Charter, the foreigners were divided into 3 categories: sedentary, nomadic, and roving. Sedentary had the same rights with the Russian people on the basis of their state. The remaining ranks maintained autonomy, expressed in the presence of traditional institutions of power, their religion and worship.

The chapter "Regulations on Foreigners" of the Code of Laws of the Russian Empire [19] provided for the rational management of ethnic groups differing from each other by their way of life, language, and level of historical development. The life of each non-Russian ethnos was regulated on the basis of its traditions and development level. The empire was loyal to the people's identity. The foreigners had the right to education, to open their own schools with the permission of the governors, freedom of religion, etc.

At the beginning of the XX century, the state, relying on the imperial core, faced a choice: ethnonationalism or imperialism. This led to the assimilation policy of the Russian Empire to preserve the territorial integrity of the state [20].

The experience of the bolsheviks was strategically correct in terms of centralizing a multinational state, giving people the right to free self-determination up to the separation and formation of an independent state [21], and the government solved two important tasks. Firstly, it gained the peoples' trust and consolidated its power in the national regions. Secondly, it overcame the contradiction between the people's declared right to self-determination and the integrity of the state [22]. This was crucial for strengthening the position of the Soviet government, and upholding the inviolability of the territorial spaces of the former Russian Empire.

In the 30s, the actual transformation of a federal state into a unitary one, collectivization and industrialization implemented by I.V. Stalin, seriously turned the state's ethnopolitics into another vector [23]. The apogee was the deportation of some non-Russian ethnic groups to the places of the new settlements.

In the 1950s, the XX Congress of the Central Committee of the CPSU exposed the "Stalin personality cult" and began the rehabilitation of the deported peoples. During the construction of "developed socialism", it was promoted a concept of a single "Soviet people", which, according to V.I. Kozlova, was an attempt to cover the de-ethnization of the Russian ethnos. According to S.V. Cheshko, it is possible to deny the existence of people in the USSR as a community "under the state", if the USSR is evaluated as a prison of nations that are not united by anything other than the power of overseers. It is more important to think about the nature of a community "the Soviet people", what exactly it had in common" [24].

After the collapse of the USSR, the practice of declaring the right to self-determination was implemented by B.N. Yeltsin, who was forced to compromise with the individual republics in terms of endowing them with greater sovereignty to preserve the integrity of Russia. This ensured the control of the center over the alarming regions, and the compromise reached between the federation and the subjects still exists in the state.

Summary. Despite the fact that the development of ethno-political relations in Austria and Russia took shape in various ways, there were also general trends. Thus, the federalization of the Austrian empire through "dualism" with Hungary, and the attempt to move towards "trialism", has similar features to the policy of the "bolsheviks" in terms of nation-building in their first years of power. Moreover, some scholars believe that the experience of the national-cultural autonomy of the Austrian Empire was studied in detail not only by the imperial authorities of Russia, but was also used by the "bolsheviks". But if the second succeeded, the Austrian way led to the collapse of the state. And the differences are as follows:

Firstly, if the Austrian empire was dominated by the idea of national identity of the Austrian-German population, which was a catalyst for ethnic tension due to different socio-economic standards of ethnic groups, then such an idea with respect to the Russian ethnos as the most numerous did not work out in the Russian empire, and especially in the USSR.

Secondly, the Austrian empire as a polyethnic state included ethnic groups with a rather strong historical memory of having their own state, which had a great influence on centrifugal trends. The same situation was observed in many empires of Europe at that time. Russia consisted of a large number of distinct ethnic groups standing at different development levels, and had a huge territory. This made adjustments to the policy of the authorities towards the peoples throughout the history of the state.

Based on the above, we should make the third, and the main conclusion, that the Russian experience in building a multinational state is unique in its historical and legal aspect. And it makes it difficult to appeal to foreign experience of building ethnic relations in the states, with a view to its application in the Russian reality.

Conclusions

Any multi-ethnic state at certain stages of its development may face a process of ethnic tension leading to the destabilization of its entire structure. The reasons can include both the foreign policy factors and the domestic policy factors. The outcome of this process depends on a balanced and competent ethnic policy of the authorities.

The legal regulation of ethno-political relations is unique in its own way in each state. Especially in such a multinational country as Russia, which has a huge territory, various traditions, moral principles, and historical consciousness of the ethnic groups inhabiting it. In this regard, we need a deeply thought-out and tactically correct strategy of ethnopolitics of the state, covering all aspects of the life of a multi-ethnic society, and creating equal conditions for the realization of rights of all ethnic groups.

Acknowledgements. The work is performed according to the Russian Government Program of Competitive Growth of Kazan Federal University.

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