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ORIGINAL SCIENTIFIC ARTICLE

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CIVIC V. NATIONAL STATE: A FALSE DILEMMA

Abstract: *This paper critically reexamines the dichotomy between the civic state and the national state, arguing that it is both empirically inadequate and normatively misleading. It conceptualizes these approaches as normative models and highlights their internal limitations: the civic model may conceal cultural dominance, while the national model risks hierarchical inclusion. Through a comparative analysis of France, Serbia and Hungary, the paper examines their effects on social cohesion, ethnic distance and perceptions of discrimination. The findings show that neither model, when applied in isolation, ensures inclusive political belonging. The paper concludes that this dichotomy should be reconsidered in favor of a more nuanced approach combining universal rights and recognition of collective identities.*

Key words: Civic State, National State, Constitutional Identity, Minority Rights, Social Cohesion, Ethnic Distance, Discrimination, Universalism, Collective Identity, Comparative Constitutional Analysis.

1. Introduction

Contemporary constitutional and political theory often proceeds from the dichotomy between the civic and the national state, as a fundamental framework for understanding the nature of the political community and its relationship to collective identity. This distinction, which has deep roots in the historical development of modern states, is commonly associated with the difference between a political nation based on citizenship and an ethnic nation grounded in shared origin, language, and culture.[1] In this sense, the civic state is most often presented as a norma-

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1 Eide, A., 1993, *Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities*, UN doc. E/CN. 4/Sub. 2/1993/34; Brubaker,

tively neutral framework of political belonging, whereas the national state is interpreted as an expression of a particular identity, which may potentially constrain inclusion and equality.

This paper proceeds from the thesis that such a dichotomy is not only empirically inadequate but also normatively misconceived, as it obscures the complexity of contemporary political communities and leads to misleading conclusions regarding the position of minorities, the nature of political belonging, and the conditions of social cohesion. Contemporary constitutional scholarship and comparative analyses of constitutional models indicate that the boundary between these two conceptions is not clear-cut; rather, in practice, different elements of the political and ethnic models intersect and mutually condition one another.[2] This calls into question the sustainability of a rigid division between civic and national states as an analytically precise and conceptually adequate framework.

The analysis shows that models presented as civic, in practice, often produce cultural homogenization and assimilation, while national states, although grounded in ethnic identity, develop various institutional mechanisms for the protection of minorities but also face normative limitations, primarily through the risk of hierarchical ordering of identities, privileging of the majority nation, and the political instrumentalization of minority issues.[3] This ambivalence indicates that neither of these models, in itself, provides a sufficiently inclusive political community, thereby further relativizing their mutual opposition.

Building on these insights, the aim of this paper is to reassess the sustainability of the dichotomy between the civic state and the national state through a theoretical, comparative legal, and empirical analysis, starting from the premise that neither of these approaches, when posited as exclusive, can provide an adequate response to the contemporary challenges of pluralism. In this sense, the central research question of the paper is whether the civic state and the national state, when conceived as mutually exclusive models, can provide an adequate framework for inclusive political communities, or whether a more nuanced approach is necessary.

R., 1992, *Citizenship and Nationhood in France and Germany*, Harvard University Press, p. 35; Smith, A. D., 1991, *National Identity*, Reno, University of Nevada Press, pp. 38–41.

2 Rosenfeld, M., 2010, *The Identity of the Constitutional Subject: Selfhood, Citizenship, Culture, and Community*, Abingdon–New York, Routledge, p. 36.

3 Kymlicka, W., Stipetić, D. (trans.), 2003, *Multikulturalno građanstvo*, Naklada Jasenski i Turk, p. 157; Marko, J., Law and Sociology, in: Marko, J., Constantin, S., (eds.), 2019, *Human and Minority Rights Protection by Multiple Diversity Governance, History, Law, Ideology and Politics in European Perspective*, Routledge, p. 140; Smith, A. D., 1991, pp. 38–41.

The paper demonstrates that the normative assumptions of these models do not always correspond to their actual social effects, particularly with regard to the position of national minorities and interethnic relations. To examine the relationship between normative frameworks and their social realization, the analysis relies on a combination of theoretical inquiry, a comparative approach, and empirical indicators, including data on social distance, sense of belonging, and trust in institutions.

The paper is structured in two main parts. Following the introduction, the first part is devoted to the analysis of the civic state and national state as normative models, with a focus on their theoretical assumptions, scope, and conceptual limitations in relation to interethnic relations and the position of minorities. The second part turns to the empirical dimension, examining the ways in which these models are manifested in social practice, particularly their impact on social cohesion, ethnic distance, and the sense of belonging to the political community.

2. The Civic State and the National State as Normative Models

The contemporary understanding of the civic state and the national state is inextricably linked to the emergence of the nation as a modern political and social category. In this sense, the analysis proceeds from the insight that the nation is not a natural or historically given community, but rather a construct that emerges within the specific historical context of the transformation of the political order toward the end of the eighteenth century.[4] As Benedict Anderson points out, nations can be understood as "imagined communities", *i.e.*, communities in which members, although they do not know one another, share a sense of belonging based on common symbols, narratives, and institutional frameworks.[5]

In this process, the nation and constitutional identity develop in parallel, as part of a broader transformation from hierarchical, dynastic, and religiously grounded political communities into modern states based on the idea of popular sovereignty.[6] The identity of the political community is no longer derived from divine order or dynastic legitimacy, but from an imagined community of citizens who recognize themselves as part of the same political collective. In this way, both the nation and constitutional

4 Anderson, B., 2006, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Revised Edition, London, Verso, pp. 1–7.

5 *Ibid*.

6 *Ibid*.

identity represent the products of modern political development, shaped through political, legal, and social processes.

However, the manner in which this imagined community is constituted is not uniform. Different models of understanding the nation have been developed, both in theory and in practice, primarily as a political community based on citizenship or as an ethnocultural community grounded in origin, language, and culture.[7] In this paper, the term "national state" is therefore used primarily to denote a state model based on an ethnocultural understanding of the nation, rather than merely the existence of a sovereign state as such. These differences form the basis for the subsequent distinction between the civic state and the national state, while at the same time indicating that these are different interpretations of the same phenomenon, rather than fundamentally separate categories. Although contemporary states may also differ according to other constitutional and political characteristics, this paper focuses specifically on the civic and national models as the dominant frameworks for understanding political community and collective identity within contemporary constitutional democracies. It should also be noted that the position of minority groups is not uniform, as differences exist between national minorities, migrant communities, and other forms of diversity, which may require differentiated institutional responses. Nevertheless, the position of national minorities occupies an important place in this analysis, as the treatment of minorities represents a particularly relevant indicator of the capacity of the civic state and national state models to respond to the contemporary challenges of pluralism.

The following section analyzes the civic state and the national state as normative models, with a focus on their implications for interethnic relations and the position of minorities. In doing so, the analysis draws on select examples from European constitutional practice, which serve as illustrative cases of broader models of political community, while the empirical focus of the paper is on Serbia and Hungary.

2.1. THE CIVIC MODEL AND THE LIMITS OF UNIVERSALISM: THE CASE OF FRANCE

The civic model of the state is historically and normatively grounded in France, as a paradigm of a modern political community based on universalism and citizenship.[8] Its foundations were established during the French Revolution, which marked a break with the feudal and estate-based order

7 Smith, A. D., 1991, pp. 38–41.

8 Brubaker, R., 1992, p. 35.

and affirmed the idea of the people as the bearer of sovereignty. In this context, political belonging is no longer tied to origin, religion, or cultural identity, but to the status of citizen and equality before the law.

The theoretical foundation of this model was shaped within the Enlightenment political philosophy, particularly in the works of Jean-Jacques Rousseau, especially in his work *The Social Contract* (*Du contrat social*).[9] Within this framework, the political community is grounded in the general will (*volonté générale*) as an expression of the common interest of the citizens who, transcending particular interests, constitute a unified political body. In this way, the legitimacy of the political order does not derive from historical or identity-based ties, but from the universal and abstract equality of citizens as holders of sovereignty.

This understanding of the political community was further reinforced through the revolutionary principles expressed in the Declaration of the Rights of Man and of the Citizen, according to which "the principle of all sovereignty resides essentially in the nation."[10] Within this framework, the nation is not defined as an ethnic or cultural community, but as a political collective based on citizenship, in which all citizens participate in the constitution of a common political will. As Michel Rosenfeld emphasizes, the French concept of the nation places the demos at the foundation of the political community, rather than ethnic or cultural belonging.[11] This universalist understanding of political community is also reflected in Latin maxims such as *ubi bene, ibi patria* ("where there is well-being, there is the homeland") and *ubi libertas, ibi patria* ("where there is freedom, there is the homeland"), as well as in the revolutionary ideal of "*liberté, égalité, fraternité*". Within this normative framework, the homeland is not understood as a pre-given community, but as a political space in which the rights and freedoms of citizens are guaranteed.

The civic model of the state develops on these foundations, grounded in the idea of universal rights, formal equality, and state neutrality with regard to ethnic, cultural, and religious differences. Within such a framework, minority identities are not recognized as a constitutionally relevant basis for differentiated collective rights, since political belonging is conceived primarily through the universal status of citizenship. Consequently, the French republican model formally proceeds from the negation of identity differences in the public sphere and insists on the unity of the political nation, rejecting the institutional recognition of minority identities.

9 Rousseau, J. J., 1993, *Društveni ugovor*, Belgrade, Filip Višnjić, pp. 44–46.

10 Déclaration des droits de l'homme et du citoyen, 1789, Art. 3, the Avalon Project, (https://avalon.law.yale.edu/18th_century/rightsof.asp, 22. 5. 2026).

11 Rosenfeld, M., 2010, pp. 149–156.

However, the practical implementation of the civic model has often reveals tensions between formal universalism and cultural pluralism.[12] Pierre Rosanvallon emphasizes that the French concept of the nation, despite its grounding in political identity, has historically been associated with processes of cultural homogenization.[13] He argues that the universalist understanding of citizenship may contribute to the marginalization of particular identities and forms of cultural diversity, thereby creating tensions between the ideal of political unity and the realities of pluralism.[14]

Rogers Brubaker further points out that the civic model, although ostensibly neutral, contains an implicit assimilationist dimension,[15] showing that the French concept of citizenship has often functioned as a mechanism of pressure on minorities to adopt the dominant cultural pattern, thereby calling into question the actual reach of the principle of equality.[16] He particularly emphasizes that members of minority communities, such as immigrants from North Africa, face structural barriers to full social participation, as they are expected to undergo complete cultural assimilation.[17]

Similarly, Dominique Schnapper problematizes the French model of the nation by pointing out that an insistence on universalism may produce an effect of "invisibility" of certain social groups.[18] According to her view, the pursuit of cultural neutrality leads the state to fail to recognize the specific needs of minority communities, thereby hindering their effective integration into the political community.[19]

These critical insights indicate that the civic model, although normatively oriented toward equality and universalism, may in practice generate a dynamic of dominance of the majority culture, concealed behind formal neutrality. This tension becomes particularly visible in the institutional organization of the French state, especially in the field of language policy, where the principle of linguistic unitarism has historically played a central role. In accordance with Article 2 of the Constitution, French is the sole official language. Although the use of minority and regional lan-

12 Hunt, L., 1996, *The French Revolution and Human Rights*, Boston, Bedford/St. Martin's, p. 21.

13 Rosanvallon, P., 2006, *The Demands of Liberty: Civil Society in France Since the Revolution*, Cambridge, Harvard University Press, pp. 120–125.

14 *Ibid*., p. 188.

15 Brubaker, R., 1992, pp. 1–23.

16 *Ibid*.

17 *Ibid*., p. 138.

18 Schnapper, D., 1998, *Community of Citizens: On the Modern Idea of Nationality*, New Brunswick, Transaction Publishers, pp. 55–60.

19 *Ibid*., p. 191.

guages is primarily confined to the private sphere, the constitutional recognition of regional languages as part of France's heritage (Article 75–1), as well as recent legislative developments such as the Molac Law, indicate a limited and evolving framework for their public use, which nevertheless remains underdeveloped in official communication.[20] The educational system further reinforces this paradigm through its predominant focus on the French language and culture, although in certain regions optional programs are offered for learning regional languages such as Basque, Breton, and Corsican. There are also some initiatives aimed at preserving linguistic diversity, but their scope remains limited, both in normative and practical terms.[21]

Within such a framework, the protection of minorities is not achieved through collective rights or the institutional recognition of identity, but primarily through a general anti-discrimination regime that protects individuals on the basis of race, ethnic origin, religion, and other personal characteristics. However, the practical reach of such an approach remains limited, particularly in light of the French refusal to collect disaggregated statistical data based on ethnic or racial affiliation, on the grounds that such a practice would be contrary to the constitutional principle of equality of citizens.[22] As a result, the universalist understanding of equality may hinder the identification of structural inequalities affecting minority communities and limit the development of targeted public policies. Within this normative framework, equality is conceived as an individual right belonging to each citizen regardless of group affiliation, while collective identities are not recognized as legally relevant categories.[23] Consequently, anti-discrimination policies are not based on ethnic, racial, or religious criteria, but primarily on socio-economic indicators, such as income level, age structure, and territorial marginalization.[24] Although such

20 Constitution of France, *Journal officiel de la République française*, 5 October 1958, Art. 2, (https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000571356, 3. 4. 2026); Law No. 2021-641 of 21 May 2021 on the protection of regional languages as aspects of cultural heritage and their promotion (Molac Law).

21 Judge, A., 2007, *Linguistic Policies and the Survival of Regional Languages in France and Britain*, Palgrave Macmillan, pp. 123–145.

22 European Network of National Human Rights Institutions (ENNHRI), 2022, *Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play – The Situation in France. France Country Report*, pp. 9–10.

23 Gilbert, J., Keane, D., 2016, Equality versus Fraternity? Rethinking France and its Minorities, *International Journal of Constitutional Law*, Vol. 14, No. 4, pp. 883–905; French Penal Code, Article 226-19, *Journal officiel de la République française*, No. 153, 3 juillet 1999, p. 10192, (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006417753, 18. 2. 2025).

24 *Ibid*.

an approach reflects an aspiration toward formal universality, it also raises questions about its capacity to recognize and adequately address specific forms of structural inequality.

In this context, universalism does not produce a fully neutral effect. Rather, the language, educational system, and symbolic framework of the political community are shaped by the dominant cultural matrix, through which formal neutrality is transformed into an implicit mechanism of cultural homogenization. The historical insistence on a single language and centralized education has contributed to the marginalization of regional and minority identities, demonstrating that the universalist model entails inherent assimilative effects.[25] At the same time, the reliance on an individualized anti-discrimination framework, combined with the refusal to recognize collective identities and collect disaggregated ethnic data, limits the capacity of public institutions to identify and adequately address structural inequalities affecting minority communities. Taken together, these developments reveal that the civic model, although normatively oriented toward equality and universalism, may in practice generate a dynamic of dominance of the majority culture, thereby limiting its capacity to provide a genuinely inclusive framework for the political community.

2.2. THE NATIONAL MODEL BASED ON ETHNIC IDENTITY

The national model is based on the assumption that the existence of the nation as a historical and cultural community preceded political organization, and that the state emerged as an expression of the nation's collective will.[26] In contrast to the civic model, in which the nation is constituted through the political order, the national model proceeds from the inverse relationship, according to which the nation precedes the state and represents its normative and identity-based foundation. In this sense, this model entails an ontological shift in relation to the civic approach, as the political community is not the result of legal and institutional arrangements, but rather the expression of a preexisting cultural and historical community.

This understanding of the nation was developed within European Romantic and nationalist thought, particularly in the works of Johann Gottfried Herder, who viewed the nation as an organic community grounded in language, culture, and historical experience, as well as Giuseppe Mazzini, who understood the national state as the natural political expression

25 Hunt, L., 1996, p. 21.

26 Herder, J. G., Moore, G. M. (trans.), 2024, *Ideas for the Philosophy of the History of Mankind*, Book 9, Princeton, Princeton University Press, p. 248.

of such a community.[27] Within this theoretical framework, the legitimacy of the state is derived from the right of the people to self-determination, while the political community is grounded in the idea of cultural and identity-based cohesion.

The national model of the state, based on ethnic origin, was particularly pronounced in the German historical context, which represents a paradigmatic example of ethnocultural nationhood in European constitutional and political thought, where ethnicity constituted the foundation of understanding the nation as a pre-political, culturally homogeneous, and historically continuous community.[28] This concept presupposes a homogeneous and indivisible community that existed prior to the establishment of the state, while the state represents an instrument for preserving its unity.[29] Emerich Francis contrasts *ethnos* with *demos*, defining it as a universal sociological category that endures over time and is characterized by a shared cultural heritage, bringing together different kinship-based groups into a single, historically recognizable whole.[30] The continuity of such a community is ensured by the unity of culture, while membership in the ethnos is determined by birth and descent.

The national model of the state is developed on these foundations, with the political community resting on the idea of cultural homogeneity and unity, while the state is understood as an expression of the collective will of the ethnic community. However, as in the case of the civic model, its practical implementation raises a number of normative and functional problems.

The problem of the ethnic conception of the nation is reflected primarily in its tendency to exclude those who do not belong to the dominant ethnic group. Anthony D. Smith points out that, although ethnic nationalism promises stability through cultural homogeneity, in practice it often results in the marginalization of minority communities and their exclusion from social and political processes.[31] Similarly, Michael Mann warns that attempts to create homogeneous ethnic spaces often lead to conflict and the intensification of social divisions, highlighting the destructive potential of ethnically-grounded political homogenization projects.[32]

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27 *Ibid*.

28 Smith, A. D., 1991, pp. 38–41.

29 *Ibid*., pp. 40–41; Connor, W., 1994, *Ethnonationalism: The Quest for Understanding*, Princeton, Princeton University Press, pp. 40–43.

30 Francis, E., 1965, *Ethnos und Demos*: *Soziologische Beiträge zur Volkstheorie*, Berlin, Duncker & Humblot, p. 196.

31 Smith, A. D., 1991, pp. 39–41.

32 Mann, M., 2005, *The Dark Side of Democracy: Explaining Ethnic Cleansing*, Cambridge, Cambridge University Press, pp. 1–15.

The normative logic of the national model is further reflected in political theories that regard the national state as the natural goal of every nation. In this context, Kosta Čavoški, drawing on the ideas of Giuseppe Mazzini, points to the connection between national unity and political independence, whereby the political community is shaped through the idea of a shared destiny and identity.[33] Mazzini's concept of national unity, grounded in the principles of independence, unity, and freedom, reflects an aspiration toward the political unification of the ethnic community within a single state framework.[34] In its ultimate implications, such a normative framework may open the space for ideas of territorial delimitation and the homogenization of populations, as reflected in broader historical developments associated with the principle of national self-determination, particularly in the aftermath of the First World War, as articulated in Wilsonian idealism. These dynamics were manifested in processes of border demarcation through plebiscites, as well as in more radical measures, such as the compulsory population exchange between Greece and Turkey following the Treaty of Lausanne.[35]

This understanding of the political community is accompanied by the normative assumption that each national group should govern its own affairs, as emphasized by C. Delisle Burns, who highlighted the need to eliminate internal divisions in order to achieve national unity.[36] In this context, symbolic elements such as national anthems and shared historical narratives play a key role in the construction of collective identity.[37] Thus, August Heinrich Hoffmann von Fallersleben wrote the *Song of the Germans* in 1841, whose third stanza today forms part of the German national anthem, as an expression of the aspiration toward national unity, reflecting the broader nineteenth-century understanding of the nation as a culturally and linguistically unified community.[38]

At the same time, contemporary national models in Europe rarely persist in their normatively "pure" form, as they have been significantly shaped by the post-World War II development of international human

33 Čavoški, K., 1994, *Uvod u pravo I, Osnovni pojmovi i državni oblici*, Belgrade, Izdavačka kuća Draginić, p. 167.

34 Burns, C. D., Simić, Ž. (trans.), 1937, *Politički ideali*, Belgrade, Geca Kon, p. 210.

35 Ladas, S. P., 1932, *The Exchange of Minorities: Bulgaria, Greece and Turkey*, New York, The Macmillan Company, pp. 17–23.

36 Burns, C. D., Simić, Ž., 1937, p. 210.

37 Hobsbawm, E. J., Mass-Producing Traditions: Europe, 1870–1914, in: Hobsbawm, E. J., Ranger, T., (eds.), 1983, *The Invention of Tradition*, Cambridge, Cambridge University Press, pp. 263–307.

38 German National Anthem, (https://www.deutschland.de/en/topic/culture/german-national-anthem, 8. 4. 2026).

rights standards, particularly the emphasis on individual equality and freedom within the framework of the United Nations system. Most states historically associated with this model have developed various institutional mechanisms for the protection of the rights of national minorities and have undertaken obligations under international instruments, primarily through the ratification of the Framework Convention for the Protection of National Minorities.[39] In this way, the ethnically based concept of the political community has been partially transformed toward the recognition of pluralism and the protection of minority identities, although in practice this transformation often remains limited and subject to political and institutional tensions.

Such ambivalence is particularly evident in the case of Germany, where the contemporary constitutional framework introduces a dual normative understanding of belonging to the political community. Article 116(1) of the Basic Law defines "German" through citizenship, but also includes, unless otherwise provided by law, refugees and expellees of German ethnic origin admitted to the territory of the German Reich within the boundaries of 31 December 1937, as well as their spouses and descendants. This provision reflects the historical coexistence of civic and ethnocultural elements in the legal understanding of belonging.[40] Although this solution is grounded in the specific historical circumstances of post-war state reconstruction, it simultaneously reflects the coexistence of civic and ethnic principles.[41] However, such a dual normative foundation does not necessarily imply full equality in the exercise of rights, as access to the political community may still be differentiated depending on origin.[42] Thus, ethnic Germans from abroad could historically obtain the status of belonging to the German political community under more favorable conditions, while persons born in Germany without German ethnic origin were often required to undergo a considerably more demanding process of naturalization.[43] Critics argue that such a framework conveys the message that German identity is not equally open to all members of society, thereby undermining migrant integration and reproducing forms of legal and social inequality.[44]

39 Council of Europe, 1995, *Framework Convention for the Protection of National Minorities*, ETS, No. 157; Brubaker, R., 1992, pp. 35–40.

40 Basic Law of the Federal Republic of Germany, *Federal Law Gazette*, 23 May 1949, Art. 116.

41 Münch, R., 2001, *Nation and Citizenship in the Global Age: From National to Transnational Ties and Identities*, Basingstoke, Palgrave Macmillan, p. 67.

42 Joppke, C., 2005, *Selecting by Origin: Ethnic Migration in the Liberal State*, Cambridge, Harvard University Press, pp. 157–190.

43 *Ibid*.

44 Brubaker, R., 1992, pp. 169–170.

This example simultaneously illustrates a broader trend in the transformation of the national model in contemporary Europe. The ethnically based concept of the political community has been partially adjusted in the direction of the recognition of pluralism and the protection of minority identities, as reflected in the establishment of legal and institutional frameworks that enable the preservation of language, culture, and the political participation of minority communities. In practice, this includes education in the mother tongue, the use of language in public life, and various forms of cultural and political autonomy, although these measures often remain limited and do not lead the structural tensions inherent in the national model being fully overcome.[45]

These processes of institutionalizing the protection of minority rights nonetheless do not imply that the fundamental tension within the national model has been overcome. This tension is particularly evident in constitutional texts and symbolic practices, through which the political community continues to be defined in relation to the dominant ethnic identity.

Thus, the Constitution of the Republic of Croatia emphasizes the "historical right of the Croatian nation to full sovereignty," thereby explicitly linking statehood to the ethnic identity of the majority community, while the Fundamental Law of Hungary, through references to the "outstanding intellectual achievements of the Hungarian people," affirms the continuity and distinctiveness of the Hungarian ethnic community as the bearer of state tradition.[46] Such constitutional formulations do not represent mere declaratory rhetoric, but establish a normative framework in which the state is implicitly constituted as the political expression of a single ethnic community.

This constitutional logic is further manifested through symbolic and institutional practices by which the dominant ethnic and religious tradition is made publicly visible in educational and other public institutions. Thus, in Serbia, the celebration of Saint Sava as the school patron is institutionalized as part of the education system, while in Greece the beginning of the school year is traditionally marked by an Orthodox religious ceremony.[47] Similar patterns are also present in Poland and Croatia, where

45 Kymlicka, W., 2007, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, Oxford, Oxford University Press.

46 Connor, W., 1994, p. 4; Constitution of the Republic of Croatia, *Narodne novine,* Nos. 56/1990, 135/1997, 8/1998, 113/2000, 124/2000, 28/2001, 41/2001, 55/2001, 76/2010, 85/2010, 05/2014, Preambula; Fundamental Law of Hungary, *Magyar Közlöny*, No. 2011/43, Preamble (*National Avowal*), para. 1.

47 Law on state and other holidays in the Republic of Serbia, *Službeni glasnik RS*, Nos. 43/2001, 101/2007, 92/2011 and 75/2019, Art. 5; ECtHR, *Papageorgiou and Others v. Greece*, Nos. 4762/18 and 6140/18, Judgment of 31 October 2019, paras. 85–90.

Catholic holidays and symbols have a pronounced institutional visibility in the public sphere, as well as in Hungary, whose constitutional framework explicitly affirms Christian values as part of the national identity.[48] These examples point to a symbolic identification of the state with the dominant ethnic and religious tradition, thereby implicitly establishing it as the normative foundation of the political community.

The contemporary development of the national model is further reflected in the concept of the kin-state, which institutionalizes the link between the state and the ethnic community beyond its borders.[49] This concept is based on the idea that the national state bears a special responsibility toward members of its nation, regardless of their citizenship or territorial affiliation. In this way, the political community is transcended as an exclusively territorial and legal framework and is transformed into a transnational space of identity in which ethnic belonging becomes the key criterion of political relevance.

In this context, the state does not function solely as a legal framework of equal citizens, but also as the bearer and protector of ethnic identity, which is reflected in constitutional provisions, citizenship policies, and institutional ties with the diaspora. However, such an approach often leads to the fragmentation of political belonging and the hierarchical ordering of identities, as ethnic affiliation becomes the basis for differentiated access to rights and political relevance.[50] Within such a normative framework, the sense of belonging to the political community may be undermined, as the institutionalization of special ties with certain ethnic groups simultaneously relativizes the principle of equal inclusion and may lead to the perception of other communities as less legitimate members of the political order.[51]

Such a normative framework raises an additional question of consistency and equality within the political community. If, through the concept of the kin-state, the dominant ethnic community is granted the right to

48 Agreement between the Holy See and Croatia on education and cultural affairs, *Official Gazette – International Treaties*, No. 2/1997; Fundamental Law of Hungary, Preamble; Constitution of the Republic of Poland, *Dziennik Ustaw Rzeczypospolitej Polskiej*, 1997, No. 76, Item 483, Preamble; ECtHR, *Grzelak v. Poland*, No. 7710/02, Judgment of 15 June 2010, paras. 87–90.

49 Brubaker, R., 1996, *Nationalism Reframed: Nationhood and the National Question in the New Europe*, Cambridge, Cambridge University Press, p. 2.; Fundamental Law of Hungary, Art. 6; Constitution of Romania, *Monitorul Oficial*, No. 767/2003 (revised version), Art. 7; Constitution of the Republic of Slovenia, *Uradni list RS*, No. 33/1991-I, with amendments, Art. 5.

50 Brubaker, R., 1996, p. 111.

51 Cerutti, F., Pavković, V. (trans.), 2006, *Identitet i politika*, Zagreb, Politička kultura, p. 36; Kymlicka, W., 2007.

establish special ties with members of its nation beyond the state borders, and bearing in mind that ethnic communities in contemporary Europe rarely correspond to state boundaries, the question arises as to the principle on the basis of which such a right is not equally recognized for members of other ethnic communities within the same state, in relation to their co-ethnics in other states.

In this sense, the concept of the kin-state introduces a potentially asymmetrical model of political belonging, in which one ethnic community enjoys a privileged status in transnational linkage, while other communities remain confined to the framework of the state of residence. Such asymmetry calls into question the principle of equality of citizens and points to the possibility of fragmentation of political loyalty, as identity-based and political belonging becomes distributed across multiple normative centers.

These dynamics reveal the limitations of the national model, particularly where access to the political community and full social participation remain conditioned by dominant conceptions of collective identity. Although contemporary constitutional systems increasingly combine civic and ethnocultural elements, the persistence of symbolic and institutional hierarchies demonstrates that the national model may continue to generate forms of exclusion and unequal belonging.

2.3. NORMATIVE TENSIONS AND CONCEPTUAL LIMITS OF THE CIVIC AND NATIONAL STATE MODELS

The normative tensions and conceptual limitations of the civic and the national state models become particularly apparent when examined from the perspective of social inclusion. In this context, inclusion cannot be reduced to the formal legal status or to the declaratory recognition of identity; rather, it constitutes a process in which institutional practices, symbolic patterns, and the everyday experiences of individuals and groups intersect. Inclusion implies the possibility of being both recognized and equal, meaning that universal rights and the recognition of difference do not function as mutually exclusive principles, but as interdependent elements of the same process. It is precisely at this point that it becomes evident that both the civic and the national models, when considered in isolation, produce only partial forms of inclusion: the former through formal equality without recognition of difference, and the latter through recognition of identity coupled with the potential for hierarchy.[52]

52 Bašić, G., 2025, *Tragovi pravednosti – od kosmopolisa do algoritma*, Belgrade, Institut društvenih nauka.

The key limitation of the dichotomy between civic and national state lies not only in its empirical unsustainability, but also in its tendency to direct analysis primarily toward normative categories rather than toward the social relations that those categories produce. In doing so, it obscures the fact that political belonging is not a static category, but a dynamic relationship shaped through the interaction of legal norms, institutional practices, and social perceptions. From this perspective, the political community cannot be understood as a predefined model, but rather as a process in which equality and difference, universalism and identity, and formal rights and their actual accessibility are continuously negotiated. The focus therefore shifts from rigid normative classifications toward the social effects of institutional and symbolic frameworks, particularly their capacity to enable or constrain access to rights, participation in social and political processes, and the subjective sense of belonging to diverse social groups.

Viewed from this perspective, the civic and national models of the state represent two ideal-typical normative frameworks for the constitution of the political community, whose underlying assumptions generate enduring normative tensions. While the civic model is based on the universalist idea of equality of citizens regardless of their particular identities, the national model grounds the legitimacy of the state in the recognition and preservation of a culturally or ethnically defined community. This difference points not only to a contrast between the two approaches, but also to their internal conceptual limits, which prevent their application in a pure form.

The fundamental dividing line between these two models emerges from the relationship between universalism and particularism. The civic model seeks to abstract differences from identity through the construction of the political subject as the bearer of universal rights, whereas the national model proceeds from the assumption that collective identity is normatively relevant and requires institutional recognition. In this context, Will Kymlicka demonstrates that universalist approaches often obscure the fact that formally neutral norms are underpinned by the values of the majority community.[53] Universalism thus does not appear as an alternative to particularism, but as its specific form, which, through the legal framework, reproduces dominant identity patterns.

Relatedly, the idea of state neutrality opens an additional layer of problems. The civic model normatively presupposes the possibility of a state that stands outside identity divisions, whereas the national model proceeds from the premise that every political community is inevitably

53 Kymlicka, W., 2003, p. 157; Marko, J., 2019, p. 140.

rooted in a specific historical and cultural context. Ernst-Wolfgang Böckenförde articulates this dilemma through the well-known thesis that the liberal state lives from presuppositions that it itself cannot guarantee.[54] This reveals a contradiction of the civic model: the attempt to ground the political community exclusively in abstract norms overlooks the social and cultural bonds that enable its stability and legitimacy.

The limits of the universalist approach become further evident in the relationship between individual and collective rights. The civic model affirms the individual as the primary bearer of rights, whereas the national model opens space for collective rights as a means of preserving the identity of the community. Charles Taylor points out that the failure to recognize collective identities may lead to their marginalization, as formal equality does not guarantee substantive equality.[55] This tension points to the limitations of a strictly individualistic approach in societies where identity has a constitutive social dimension.

The most pronounced test of universalist assumptions emerges within post-national theories of the political community. Jürgen Habermas develops the concept of constitutional patriotism as a form of political loyalty grounded in universal values, seeking to detach political belonging from ethnic and cultural foundations.[56] However, as emerges from a more detailed analysis of his approach, the assumption that universal norms can themselves constitute a sufficiently strong integrative framework proves to be theoretically problematic.[57] This limitation becomes even more evident in the German context, where, despite the development of constitutional patriotism as a universalist model of political belonging, the process of national unification was shaped to a significant extent by an ethnic criterion.[58] This weakness becomes particularly evident when Habermas, in his search for a common European identity, departs from strict universalism and relies on historical and cultural sources: first on the legacy of the French Revolution, and subsequently

54 Böckenförde, E. W., 1991, *State, Society, and Liberty: Studies in Political Theory and Constitutional Law*, Oxford, Berg Publishers, pp. 45–67.

55 Taylor, C., The Politics of Recognition, in: Gutmann, A., (ed.), 1994, *Multiculturalism: Examining the Politics of Recognition*, Princeton, Princeton University Press, pp. 25–26.

56 Habermas, J., 1998, *The Inclusion of the Other: Studies in Political Theory*, MIT Press, Cambridge, p. 132.

57 Habermas, J., 1989, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, Cambridge, MIT Press, pp. 115–118; Habermas, J., 2001, Why Europe Needs a Constitution, *New Left Review*, No. 11, pp. 5–26.

58 Greenfeld, L., 1992, *Nationalism: Five Roads to Modernity*, Cambridge, Harvard University Press, pp. 325–330.

on Christian values as a possible normative foundation.[59] Such a shift does not represent merely a methodological adjustment, but points to a deeper internal contradiction: a universalism that claims neutrality proves to be dependent on the very cultural traditions it seeks to transcend. This confirms that a political community can hardly be sustained solely on the basis of abstract principles, without grounding in identity patterns that generate a sense of belonging.

In the same vein, contemporary critiques of constitutional patriotism have also emerged. Jan-Werner Müller points out that political loyalty cannot be reduced to a formal attachment to the constitutional text, while Anthony D. Smith emphasizes that a stable collective identity also requires a symbolic and emotional dimension that goes beyond the framework of normative constructions.[60] These insights further confirm that attempts to fully detach the political community from identity-based foundations remain of limited scope.

The civic model tends toward homogenization through the shared legal status of citizenship, whereas the national model recognizes the plurality of identities, but with the risk of their hierarchical ordering. Furio Cerutti emphasizes that the sustainability of the political community depends on the ability to establish a balance between common norms and the recognition of identity diversity, thereby transcending the simple dichotomy between these two approaches.[61]

Taken as a whole, these normative tensions indicate that the civic and national models do not function as mutually exclusive frameworks, but rather as complementary normative poles between which contemporary constitutional orders operate. Their ideal-typical form remains analytically useful, but empirically and normatively limited. Precisely because of these limitations, these models cannot be understood as closed systems, but rather as conceptual tools that enable a more precise understanding of different ways of normatively structuring the political community.

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59 Habermas, J., 2001; Smith, B., 2022, Why Jürgen Habermas Disappeared Habermas, *Foreign Policy*, March 6, (http:// foreignpolicy.com/2021/02/07/why-jurgen-habermas-disappeared, 27. 2. 2024); Habermas, J., 2019, *Auch eine Geschichte der Philosophie*, Berlin, Suhrkamp Verlag, Bd. 2, pp. 298–302.

60 Müller, J. W., Glišić, S. (trans.), 2008, Ustavni patriotizam: Oblik političke lojalnosti u nacionalnim državama i Evropskoj uniji?, *Časopis za književnost i kulturu i društvena pitanja*, No. 76/22, p. 92; Smith, A. D., 1992, National identity and the idea of European unity, *International Affairs*, Vol. 68, No. 1, pp. 55–76.

61 Cerutti, F., Political Identity and Conflict: A Comparison of Definitions, in: Cerutti, F., Ragionieri, R., (eds.), 2001, *Identities and Conflicts: The Mediterranean*, London, Palgrave Macmillan, p. 13.

For this reason, the following section examines how these normative tensions are reflected in social practice, particularly through their effects on social cohesion, ethnic distance, and the sense of belonging to the political community.

3. Empirical Reflections on Normative Models: Social Cohesion, Ethnic Distance, and the Perception Of Discrimination

Building on the previous analysis, empirical inquiry makes it possible to assess the concrete effects of these models in social practice. The question of political belonging is not exhausted by constitutional provisions and institutional arrangements, but is also directly reflected in individuals' perceptions, particularly in the degree of social distance, *i.e.*, the sense of belonging to the political community, and the experience of equal treatment. For this reason, the empirical dimension represents an important corrective to the normative assumptions of both models: it reveals the extent to which the formal constitutional framework contributes to social cohesion, in interaction with broader social, economic, and historical factors, as well as the extent to which it leaves room for the reproduction of exclusion, ethnic boundaries, and asymmetrical belonging.

In this sense, a comparative analysis of France, as a paradigm of the civic model of the state, and Serbia and Hungary, as examples of the national model with developed mechanisms for the protection of minority identity, shows that neither of these approaches in itself guarantees a low level of ethnic distance or a high level of inclusive belonging to the state. Differences do emerge, however, in the way these problems manifest themselves. While the civic model tends to normatively suppress ethnic differences in favor of universal citizenship, the national model more often affirms them institutionally, but without necessarily creating a shared political identity.

3.1. SOCIAL COHESION, ETHNIC DISTANCE, AND THE PERCEPTION OF DISCRIMINATION IN FRANCE

The French model is theoretically presented as a paradigm of the civic state grounded in universal citizenship, equality, and the rejection of institutional differentiation of citizens based on ethnic origin. Despite this, social practice shows that formal universalism does not always eliminate differences in the experience of belonging, nor does it prevent the emergence

of implicit forms of exclusion. For this reason, the French model has often been criticized for its rigidity and its inability to adequately recognize the specific needs of different ethnic communities, although proponents emphasize that such an approach is necessary for the preservation of national unity and cohesion.

Empirical research nevertheless shows that the universalist framework is not without integrative potential. According to a study by Patrick Simon, conducted in 2008–2009 within the National Institute for Demographic Studies, the majority of migrants and their descendants express a sense of belonging to France, despite maintaining ties with their countries of origin.[62] More than half of the surveyed migrants and as many as nine out of ten respondents from the second generation stated that they "feel that they are French".[63] This finding indicates that the civic model, despite the criticisms, possesses a certain capacity to generate identification with the political community, particularly among generations socialized within the French institutional and educational system.

More recent research, however, shows that this sense of belonging is neither unambiguous nor evenly distributed across all groups. A 2022 analysis by Ewurama Okai and Julia Behrman, based on representative data from the Trajectories and Origins (TeO) survey, confirms that the sense of belonging to France remains high, but at the same time reveals the complexity of identity patterns among migrants and their descendants. The authors distinguish five identity orientations: assimilated, actively bicultural, separated bicultural, distanced bicultural, and ethnic. It is particularly noteworthy that only about 20% of respondents were fully assimilated, while approximately 60% exhibited some form of bicultural identity.[64] This suggests that a significant proportion of migrants and their descendants simultaneously develop identification with France while maintaining symbolic, cultural, or emotional ties with their country of origin.

These findings are particularly important for assessing the French civic model. They show that successful political integration does not necessarily lead to full cultural assimilation. On the contrary, a sense of belonging to France can coexist with the preservation of other layers of identity. At the same time, the data also point to differences among ethnic groups. Among the second generation of migrants, the sense of belonging

62 Simon, P., 2012, *French National Identity and Integration: Who Belongs to the National Community?*, Washington, DC, Migration Policy Institute, p. 1.

63 *Ibid*.

64 Okai, E., Behrman, J., 2022, Identificational Orientations Among Three Generations of Migrants in France, IPR Working Paper, No. 22–30, Northwestern University Institute for Policy Research, p. 20.

to France is more pronounced than among the first generation, yet differences remain in the extent to which they are "recognized" as French by the majority society. The significance of ethnic identity declines especially among respondents of Southern European origin, whereas among respondents from sub-Saharan Africa, North Africa, and Turkey, a stronger sense of exclusion persists, along with a weaker perception of being regarded by others as full members of the political community.

This gap between self-perception and external social perception is also confirmed by data from the National Institute of Statistics and Economic Studies (*Institut national de la statistique et des études économiques – INSEE*) from 2019–2020. According to these findings, more than 29% of descendants of non-European migrants believe that they are not perceived as French, whereas among descendants of European migrants this share is less than 8%.[65] In addition, a quarter of migrants and their descendants reported unequal treatment or discrimination over the past five years, with migrants of non-European origin more frequently indicating discrimination than those of European origin.[66]

The findings of these studies indicate that the civic model in France succeeds in producing a relatively high level of formal identification with the state, but does not always ensure equal social recognition of that belonging. In other words, the universalist framework contributes to the construction of a shared political identity, but does not fully eliminate social hierarchies and implicit patterns of exclusion. This confirms that social cohesion within the civic model depends not solely on formal equality, but also on the capacity of society to genuinely accept different ethnic groups as equal members of the political community.

3.2. SOCIAL COHESION, ETHNIC DISTANCE, AND THE PERCEPTION OF DISCRIMINATION IN SERBIA AND HUNGARY

In contrast to France, where the main problem lies in the discrepancy between formal universalism and social reality, empirical studies in Serbia and Hungary shows that the institutional recognition of minority identity and the existence of specific forms of minority autonomy do not necessarily lead to a reduction of ethnic distance or to stronger social cohesion. On the contrary, available data indicate the persistence of stable patterns of social distance, particularly in the case of certain

65 Rouhban, O., Tanneau, P., Simon, P., 2024, *Perception of National Belonging among Descendants of Immigrants*, Institut National de la Statistique et des Études Économiques, (https://www.insee.fr/en/statistiques/8357932?sommaire=8357942, 9. 4. 2026).

66 *Ibid*.

minority groups, as well as a pronounced perception of discrimination and limited trust in institutions.

This tension between the formal recognition of minority rights and the persistence of social exclusion is particularly characteristic of post-socialist constitutional systems, where the coexistence of ethnically-defined state identity and minority protection reflects unresolved structural contradictions.[67] In this context, Tamás Korhecz points to the persistent difficulty of establishing a stable equilibrium between national state building and the effective protection of minority rights in Central and Eastern Europe.[68]

In Serbia, studies conducted by the Institute of Social Sciences and the Ethnicity Research Centre shows that ethnic distance is particularly pronounced toward Roma and Albanians. In the analysis of attitudes of members of the Serbian ethnic community toward other groups, only 31% of respondents stated that they would accept marriage with an Albanian man or woman, while only 24.7% would accept an Albanian as President of Serbia.[69] This finding is complemented by public opinion polls conducted by the Commissioner for the Protection of Equality, according to which Roma are perceived as the group most exposed to discrimination in Serbia, with 61% of respondents considering discrimination against Roma to be widespread. The same studies identify employment, education, healthcare and social protection as the areas in which discrimination is most frequently perceived.[70] Studies by the Ethnicity Research Centre also show that patterns of segregation remain visible in education and local communities, where interaction between ethnic groups is limited and often institutionally mediated.[71]

Although Serbia normatively recognizes national minorities and has developed specific institutions of minority self-government, social practice shows that close forms of social interaction remain strongly conditioned by

67 Korhecz, T., Nagy, N., 2024, The Achilles Heel of Constitutional Jurisprudence: Conceptualization of Minority Rights by Constitutional Courts in Central and Eastern Europe, *Nationalities Papers*, Vol. 52, No. 3, pp. 661–684.

68 Korhecz, T., National Minorities – Constitutional Status, Rights and Protection, in: Csink, L., Trócsányi, L., (eds.), 2022, *Comparative Constitutionalism in Central Europe: Analysis on Certain Central and Eastern European Countries*, Miskolc–Budapest, Central European Academic Publishing, pp. 401–421.

69 Bašić, G. *et al.*, 2020, *Istraživanje socijalnih odnosa između etničkih zajednica u Srbiji*, Belgrade, Centar za istraživanje etniciteta / Institut društvenih nauka, pp. 53, 69.

70 Commissioner for the Protection of Equality, 2023, *Report on Citizens' Perception of Discrimination in Serbia*, Belgrade, pp. 20–26.

71 Bašić, G., Pajvančić, M., 2015, *Od segregativne ka integrativnoj politici multikulturalnosti*, Belgrade, Centar za istraživanje etniciteta, pp. 12–15.

ethnic boundaries. In addition, analyses of minority self-governance, including those conducted within the European Non-Territorial Autonomy Network (ENTAN) research network, indicate that these institutions often face structural and financial constraints that limit their effectiveness in practice.[72] Such a situation has direct consequences for social cohesion and the sense of belonging to the political community. The lack of an inclusive shared identity in Serbia is also reflected in negative reactions among some members of minority communities to the playing of the anthem *Bože pravde* (*God of Justice*) in which the Serbian people are explicitly emphasized.[73] This symbolic dimension is particularly significant, as it shows that the problem is not limited to discrimination in the narrow sense, but also concerns the perception of the state as a political community to which all citizens equally belong. When state symbolism and public narratives create the impression that the state primarily belongs to the majority ethnic community, minority groups are more likely to develop a distanced relationship toward political community.

In Hungary, on the other hand, research particularly highlights the difficult position of the Roma community. While the Roma community represents only one of several recognized minority groups in Hungary, its position is often used in the literature as an indicator of broader challenges related to social inclusion, discrimination, and the effectiveness of minority policies. Data from the European Union Agency for Fundamental Rights (FRA) Roma Survey 2021 indicate a high level of social exclusion and discrimination.[74] According to these findings, a large number of surveyed Roma reported discriminatory treatment in the areas of employment, education, and access to public services. In line with these results, non-governmental organizations have also pointed to unequal treatment of Roma by the police and local authorities. In certain municipalities, the police have disproportionately sanctioned Roma for minor offenses, while

72 Katinka, B., 2023, Strategy-making of national councils of national minorities in Serbia as a tool of community building, *ENTAN Policy Paper*, No. 11, pp. 1–8.

73 Đorđević, Lj., 2021, Conceptual Disputes over the Notions of Nation and National Minority in the Western Balkan Countries, *ECMI Research Paper*, No. 126, Flensburg, European Centre for Minority Issues, pp. 1–22; Kelen, C., Pavković, A., 2010, Resurrection: A Tale of Two Anthems Sung by Serbs, *Nations and Nationalism*, Vol. 16, No. 3, pp. 442–461; B92, 2012, Ljajić udaljen iz tima zbog himne!, (https://www.b92.net/o/sport/vas_komentar?nav_id=613369, 28. 3. 2025); Ilić, D., 2021, Samo nam je himna falila, *Peščanik*, (https://pescanik.net/samo-nam-je-himna-falila/, 28. 3. 2025).

74 European Union Agency for Fundamental Rights, 2023, *Roma Survey 2021 – Technical Report*, Luxembourg, Publications Office of the European Union, (https://fra.europa.eu/en/publications-and-resources/data-and-maps/2023/roma-survey-2021, 27. 3. 2025).

targeted inspections of Roma households have been carried out in cities such as Miskolc.[75] Such measures generate a sense of fear, humiliation, and distrust in institutions, and have also been problematized in ombudsman reports, which have characterized them as discriminatory and harassing. Research conducted by the Action and Protection Foundation and the Medián Opinion and Market Research Institute also points to the persistence of antisemitic attitudes and social prejudice toward Jewish communities in Hungary, indicating that exclusionary patterns are not limited solely to the Roma population.[76]

A particular problem in this context is the segregative potential of minority policy.[77] In Hungary, the educational system formally enables the preservation of minority cultural identity, but without systematic support for the development of intercultural competencies and everyday interaction among groups, such a policy may contribute to the exclusion of minorities from the broader social framework.[78] A similar situation is present in Serbia, where education in the languages of national minorities is not sufficiently accompanied by programs of interethnic education, joint extracurricular activities, and mechanisms that would enable more intensive interaction between students from different ethnic communities.[79]

The empirical situation in Serbia and Hungary thus shows that models based on the protection of minority identity may remain limited if they are not accompanied by strong inclusive policies aimed at reducing ethnic distance and fostering a shared sense of political belonging. In both cases, it is evident that the institutional protection of minority rights does not automatically lead to more tolerant interethnic relations. On the contrary, if minority protection is primarily oriented toward the preservation of

75 Király, K. J., Bernáth, G., Setét, J., 2021, *Roma in Hungary: The Challenges of Discrimination*, Budapest, Minority Rights Group Europe, (https://minorityrights.org/publications/roma-in-hungary-the-challenges-of-discrimination/, 27. 3. 2025); European Roma Rights Centre (ERRC), 2018, *Written Comments concerning Hungary, for consideration by the Human Rights Committee at its 122nd Session (12 March – 6 April 2018)*, Budapest, European Roma Rights Centre, pp. 6–7.

76 Action and Protection League, Action and Protection Foundation, 2021, *Anti-Semitic Hate Crimes and Hate Incidents in Hungary – Annual Short Report 2020*, Budapest, Action and Protection League of Europe, pp. 4–5.

77 Bašić, G., Pajvančić, M., 2015, p. 12; Balogh, L. H., Minority Cultural Rights or an Excuse for Segregation? Roma Minority Education in Hungary, in: Pop, D., (ed.), 2012, *Education Policy and Equal Education Opportunities*, Budapest, Open Society Foundations, pp. 207–217; Farkas, J. Z. *et al.*, 2017, Impacts and Consequences of Residential Segregation of Roma in Urban Spaces: Case Studies from Hungary, *Urbani izziv*, Vol. 28, No. 2, pp. 136–148.

78 Balogh, L. H., 2012, pp. 218–219.

79 Bašić, G., Pajvančić, M., 2015, pp. 5–6.

distinctiveness, without the development of shared spaces of interaction, interethnic education, and inclusive symbols of belonging, it may result in the reproduction of parallel social spheres.

4. Conclusion

The comparative analysis of the normative assumptions and empirical effects of the civic and national models of the state indicates that the findings of this study do not merely describe existing conditions, but rather reveal a deeper normative problem: the assumptions on which these models are based do not correspond to their actual social effects. In the case of France, the universalist framework enables a relatively high level of formal identification with the state, but does not necessarily ensure equal social recognition of that belonging, which is manifested through the persistence of implicit forms of exclusion and differentiated social recognition. By contrast, in Serbia and Hungary, the institutional recognition of minority identity and the development of specific protection mechanisms do not automatically lead to a reduction in ethnic distance or to stronger social cohesion, and often coexist with stable patterns of social distance and a pronounced perception of discrimination.

These findings confirm that neither the neglect of identity differences, through universalism, nor their institutional affirmation, through the national model, constitute, on their own, a sustainable foundation for building an inclusive political community. This calls into question the analytical and normative sustainability of the dichotomy between these two approaches, as both models are based on simplified assumptions about the nature of political belonging and the role of identity in contemporary societies.

The civic model, grounded in universalism and formal equality, demonstrates a limited capacity to recognize and adequately address identity differences, which in practice may lead to the covert dominance of the majority culture and the reproduction of implicit forms of exclusion. By contrast, the national model, which proceeds from the idea of cultural and identity-based cohesion, develops mechanisms for the protection of minorities, but at the same time generates the risk of hierarchical ordering of identities, fragmentation of political belonging, and selective inclusion.

It follows that the problem does not lie in the choice between the civic and the national model of the state, but in the very assumption that a political community can be founded on a single principle, whether universalist or identity-based. Contemporary plural societies require a more

complex normative framework that transcends this dichotomy and enables the simultaneous realization of equality and recognition of diversity.

In this sense, a sustainable political community cannot rest either on the complete neutralization of identity or on its institutional dominance, but rather must entail a dynamic relationship between universal rights and legitimate forms of collective identity. Only such an approach enables the development of an inclusive constitutional identity and stable social cohesion in contemporary states.

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GRAĐANSKA ILI NACIONALNA DRŽAVA: LAŽNA DILEMA

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APSTRAKT

Ovaj rad kritički preispituje dihotomiju između građanske i nacionalne države, polazeći od teze da je ona istovremeno empirijski neadekvatna i normativno obmanjujuća. Ovi pristupi se konceptualizuju kao normativni modeli, pri čemu se ukazuje na njihova unutrašnja ograničenja: građanski model može prikrivati kulturnu dominaciju, dok nacionalni model nosi rizik hijerarhijske inkluzije. Kroz komparativnu analizu Francuske, Srbije i Mađarske, rad ispituje njihove efekte na socijalnu koheziju, etničku distancu i percepciju diskriminacije. Nalazi istraživanja pokazuju da nijedan od ova dva modela, kada se primenjuje izolovano, ne obezbeđuje inkluzivnu političku pripadnost. Rad zaključuje da ovu dihotomiju treba preispitati u korist nijansiranijeg pristupa koji kombinuje univerzalna prava i priznanje kolektivnih identiteta.

Ključne reči: građanska država, nacionalna država, ustavni identitet, prava manjina, socijalna kohezija, etnička distanca, diskriminacija, univerzalizam, kolektivni identitet, komparativna ustavnopravna analiza.

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