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Nowadays the Journal publishes a wide range of scholarly articles on ethnic and minority issues, with special emphasis on topics relevant for the so-called Alpine-Adriatic-Pannonian geographical area.

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Danes v reviji objavljamo širok nabor znanstvenih prispevkov s področja etničnih in manjšinskih študij, posebno pozornost pa posvečamo pomembnim temam iz t. i. alpsko-jadransko-panonskega prostora.

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FERNAND DE VARENNES

8 Language, Ethnic Conflicts and International Law

Most of the world's contemporary conflicts can be described as ethnic conflicts. Though the contexts and players are always different, and the factors involved can be as numerous and diverse as the countries where these conflicts occur, there remains nevertheless an overall pattern which is discernible: most of these conflicts involve minorities, and most of these minorities have grievances against state authorities in the lead-up to the eruption of violence. After considering a number of conflicts in Asia and other parts of the world, this article considers whether it is possible to view these grievances as having a valid basis from the point of view of international law, and more ambitiously, what lessons may be extracted from such an understanding of the underlying causes of ethnic conflicts.

Keywords: Ethnic Conflicts, Language and Minority Rights, Human Rights, International Law

Jezik, etnični konflikti in mednarodno pravo

Večina današnjih svetovnih konfliktov je etničnega izvora. Čeprav so okoliščine in udeleženci različni, dejavniki pa številni in raznoliki kot dežele, v katerih se ti konflikti pojavljajo, je kljub temu moč zaznati nek prepoznaven skupni vzorec. V večino konfliktov so namreč vpletene manjšine, večina teh manjšin pa za izbruhe nasilja krivi državne oblasti. Avtor, ki je proučil številne konflikte v Aziji in drugih delih sveta, se sprašuje, ali so te pritožbe z vidika mednarodnega prava veljavne, in skuša ugotoviti, kakšen nauk lahko potegnemo iz tovrstnega razumevanja prikritih vzrokov etničnih konfliktov.

Ključne besede: etnični konflikti, jezik in manjšinske pravice, človekove pravice, mednarodno pravo

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1. Introduction

The multiple creations do not invite disorder,
Nor are the many languages the enemies of humankind
But the little tyrant must mold things into one body
To control them and give them his single vision.
Yet those who are truly great
On whom time has bequeathed the gift of wisdom
Know all truth must be born of seeing
And all the various dances of humankind are beautiful
They are enriched by the great songs of our planet.¹

This article explores the hypothesis that among the main causes of ethnic conflicts are the policies and practices of national governments which are ethnically biased: it will be suggested that certain types of violations of human rights involving ethnic groups – in particular but not always minorities – may over a period of time have such negative effects and create such an accumulation of tensions and frustrations that eventually violent resistance is seen in certain circumstances as a viable method of either gaining concessions, such as some form of autonomy or minority rights, or even opting for an ‘exit’ strategy of separation from a state whose government is perceived as serving mainly the interests of the majority. It will additionally focus on the results of research involving Asian states and on perhaps less well understood examples of ethnic conflicts to complement the already existing scholarship on such conflicts in Europe.

Though controversial and contested, the hypothesis that grievances against the favouritism shown by states towards the language, religion or culture of a particular group is a prime cause behind the eventual eruption of violent conflict will be examined in order to elucidate the significance of language preferences in the fermentation of ethnic conflicts in many countries, and how the symbolic significance of linguistic identity combines with more practical consequences of language choices to create a particularly sensitive area where denial of the language rights of particularly large, traditional minorities may explain the eventual eruption of conflicts in a number of countries. While this does not deal with the myriad causes that may be involved in the large number of violent ethnic conflicts around the world, it does provide a broad explanation for how many of these conflicts may emerge due to the alleged oppression of a national government based on linguistic, religious or ethnic preferences.

10 2. Ethnic Conflicts in the 20th and 21st Centuries

Now hear this. You are mountain people. You hear me? Your language is dead. It is forbidden. It is not permitted to speak your mountain language to your men. It is not permitted. Do you understand? You may not speak it. It is outlawed. You may only speak the language of the capital. That is the only language permitted in this place. You will be badly punished if you attempt to speak your mountain language in this place. This is a military decree. It is the law. Your language is forbidden. It is dead. No one is allowed to speak your language. Your language no longer exists. Any questions? (Pinter 1988, 255-256).

There is a trend which, for some commentators for whom ethnicity is not a relevant consideration in explaining the causes of conflicts, is inconvenient: the vast majority of wars since the end of the Second World War have not been between states: they are internal conflicts, and most of these wars involve ethnic groups within a country against their own government. At least 70 per cent of the world's conflicts in the last 60 years or so are ethnic conflicts. Less than a dozen of the 150 or so conflicts have been international. It seems that a very high proportion of these happen because governments discriminate against minorities or indigenous peoples.

Great care should be taken when considering such statistics and the case studies that will be used in this article: most of the examples considered here involve Asia as part of research conducted over a period of years, but ethnic conflicts are not a uniquely Asian phenomenon – nor African for that matter – they occur in all parts of the world, developed and lesser developed, democratic and not, including of course in Europe in places such as Kosovo, Macedonia, Northern Ireland, Basque Country, and Corsica. Nor is ethnic diversity itself “a problem.” As one influential study which considered most African states over a long period of time concludes, overall ethnic diversity in and of itself does not have any direct impact on the number of violent conflicts in a state, and indeed given the huge ethnic diversity on that continent it is rather startling to find that the proportion of ethnic conflicts there is in fact extremely low – less than 1 per cent (Laitin & Fearon 1996, 717):

Based on the number of languages in a country (for ethnic groups) in 36 African countries that could be ‘potential ethnic conflicts’, less than one percent actually became violent.

Thus, these observations on the seeming emerging preponderance of ethnic conflicts in the 20th and 21st centuries should not lead to the conclusion that such conflicts are a consequence of modernity. Throughout history, there have always on the contrary existed conflicts between human beings along the fault lines of

religion, language, culture or colour of skin. Even the ancient story of the origins of the word “shibboleth” in the Old Testament involves an ancient account of an ethnic conflict perhaps more than 3,000 years ago:

The Gileadites captured the fords of the Jordan leading to Ephraim, and whenever a survivor of Ephraim said, “Let me cross over”, the men of Gilead asked him, “Are you an Ephraimite?” If he replied, “No”, they said, “All right, say ‘Shibboleth.’” He said, “Sibboleth”, because he could not pronounce the word correctly, they seized him and killed him at the fords of the Jordan. Forty-two thousand Ephraimites were killed at that time (Old Testament, Judges 12:5).

The above story from Judges is perhaps the first in human history involving ethnic cleansing, and is remembered for the killing of the fugitive Ephraimites who were identified by their accent, a linguistic difference, and often a fundamental characteristic between ethnic groups. History is thus replete with examples of ethnic conflicts: one could refer to the conquest, assimilation and extermination of indigenous peoples all over the world, to the removal of the Muslims, or Moors, from the Iberian Peninsula over a period of just over 100 years following the Catholic *Reconquista* in the 15th century, or recount the destructive policies in Australia towards Aborigines from the 19th century, or even the Irish resistance against the English invaders and colonizers that started in the 11th Century and which in a way is still continues in Northern Ireland today, almost 1,000 years later. Intolerance, fear of the stranger, attempts to cleanse one’s territory of others who are different, invasion, colonization, extermination: all of these have long been part of the human condition. They are not alien to what is called today ethnic conflict, and in that sense are not a new phenomenon, only one which has become deadlier, not to say more thorough with new technology and means of transportation and communication.³

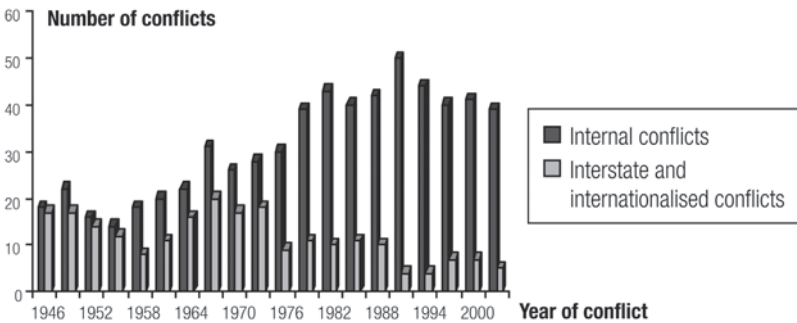
3. Centralisation and the Changing Nature of Ethnic Conflicts

[T]he state is more than a passive register of citizen preferences, and in policy deliberation state leadership and initiative are critical /.../. Here we encounter another paradox: the state is the arbiter and broker of cultural difference, yet the state is unlikely to be wholly neutral in ethnic terms. In the distribution of power within their structures, states inevitably reflect the dominant groups within civil society (by class and interest, as well as ethnic derivation). As noted earlier, many states invest their national personality with the cultural attributes of the leading ethnic community. Even in countries with predominantly civic forms of nationalism, such as the United States, the argument that different communal segments (racial in this instance) were neutrally treated would be impossible to sustain

historically. States are thus asked — figuratively speaking — to leap out of their own skins, to transcend their own cultural nature. Notwithstanding the intrinsic difficulties of this task, and the improbabilities of complete success, we contend that the larger requirements of statecraft — the imperative necessities of stability and comity within the polity — make partial realization possible (Crawford 1994).

While ethnic conflicts are not a new development in historical terms, it is undeniable that they have increased substantially in numbers if not in intensity in the last 60 to 70 years. As the following chart shows, the vast majority of modern violent conflicts are internal conflicts, and most of these could be described as ethnic:

Figure 1: Proportion of Internal versus Interstate Conflicts, 1946-2004



Source: adapted from Harbom & Wallensteen (2005)⁴

In order to understand this increase in ethnic conflicts since the Second World War, a series of long-term historical processes need to be taken into account. While states – particularly in Europe – began to centralise before the 20th century, numerous studies confirm an increased centralization, growing intrusiveness of government in almost all aspects of individual and community life, as well as frequent homogenisation policies as part of the modernization processes of the 20th century (Gellner 1983; Hobsbawm 1993). Whereas before the Second World War it was still possible for many communities and ethnic groups to live in relative isolation from the controlling influence of their national government and the majority ethnic community, and were thus able to lead their lives according to their own culture, tradition and language generally, this kind of situation increasingly evaporated as the reach of the state and the improvement in transport and communication exposed and inexorably enmeshed them in the dominant influence of majority national identity – an identity which is sometimes even imposed violently against the will of minorities and indigenous peoples.

Though this global process has not always been universal, as shown in the case of states which have adopted more decentralised political structures reflective of the country's cultural diversity rather than trying to homogenise it,⁵ these processes have often led to the intensification of contacts between previously isolated cultures within a state's boundaries, with as a corollary to state centralisation and homogenisation policies a more or less direct assault on many ethnic groups' cultures, languages, indigenous political or social institutions, and in some cases even religions. For most if not all minorities and indigenous peoples, the survival of their identity hinged, if not on controlling state political institutions, at least having either a share of the power of such institutions or some kind of protection against the more damaging effects of centralization and homogenisation. Thus, the so-called "rise of nationalism" which many associate with ethnic conflicts in modern times has a lot to do to with the rise of the state, and the consequences of these processes of increasingly dramatic intrusion into all aspects of society for many minorities and indigenous peoples.

It is here that the issues of conflicts, language, religion and the human rights of minorities interconnect and are important to understand. In order to do this, a few case studies based on research conducted in Asia and on the issue of language – though there are of course other examples of conflict where cultural or religious preferences are involved at the time of a conflict's emergence – will help to illustrate perhaps more clearly how the language rights of minorities are disregarded by governments in ways that can lead to conflicts. But before these are considered, it is necessary to get a better understanding of the relationship between how a state, through centralisation and homogenization policies, is contributing, whether intentionally or unconsciously, to a form of bias or favoritism which can have very serious and negative consequences for minorities and indigenous peoples – and how this can thus directly contribute to the causes of violent conflict within their borders.

4. The Effects of State Preferences for Minorities and Indigenous Peoples.

At enim opera data est, ut imperiosa ciuitas non solum iugum, uerum etiam linguam suam domitis gentibus per pacem societatis inponeret, per quam non deesset, immo et abundaret etiam interpretum copia. Verum est; sed hoc quam multis et quam grandibus bellis, quanta strage hominum, quanta effusione humani sanguinis comparatum est?

(Saint Augustine, circa 410)⁶

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No government is neutral in terms of its cultural or linguistic preferences: in all of the countries of the world, states favour more or less exclusively one or a few languages for use by the government in its interactions and services to the public; it usually also emphasizes national unity through a common national culture, and in a surprisingly large number of countries also have an official religion. Contrary to what Western liberals pretend, even secular states like the United States or France, are not 'religion-neutral' since in the case of both these countries Christian holy days such as Easter and Christmas are designated by law as public holidays, whereas no holy days of any other religious tradition are. As explained by one observer (Tamir 1993, 148):

The cultural essence of the state comes to the fore in its political institutions and in the official language, as well as in the symbolic sphere, in the selection of rituals, national heroes, and the like. Attitudes toward the political system, the psychological orientation toward social objects, political norms of behaviour, the interpretation of history promoted by the governing institutions, all unavoidably reflect a particular culture. For example, the Israeli parliament is called the Knesset, after the 'Great Knesset', a central religious and political institution in the period of the Second Temple. Modeling itself after 'the Great Knesset', the Israeli parliament has 120 members. Its symbol, the seven-arm candelabra, was a traditional ritual object. The official language of Israel is Hebrew; the Sabbath is the day of rest.

Obviously, these religious, cultural or linguistic choices that reflect that country's national identity – choices made by the state's institutions that in reality tend to mirror those of the ethnic majority – are anything but neutral in terms of religious, cultural or linguistic preferences, and it is the same of all states in the world. Australia may, for example, be considered to be a secular, multicultural state with no official language, but in terms of religion, cultural and language it is not neutral: the main cultural reflected by state institutions is still Anglo-Saxon, English is for all intents and purposes the exclusive language of government, with Aboriginal languages only allowed in a few schools – and for a few hours late in the day – as media of instruction, and the only holy days officially recognised as public holidays are the Christian ones.

Languages are often at the very centre of struggles for power. Some governments at times blatantly discriminate, exclude and even persecute on the basis of language, and a number of violent conflicts around the world are intimately linked to language grievances. In other words, language is power, and the denial of language rights often leads to the denial of power and of opportunities, to marginalisation, frustration, anger and at times violence.

Indeed, in today's global context of almost instant communications and large-scale movement of people, the central significance and role of language is probably even stronger, as language preferences can advantage some and exclude or disadvantage others even more. This is not because some languages are naturally superior to others, but because governments have the power to exclude or disadvantage individuals through their language policies, and all governments almost automatically do so by having one or more official or "favoured" languages. Governments can even actively eliminate languages through a variety of means: the prohibition of speaking a language among private individuals is one way which has almost disappeared today, though not quite everywhere in the world. But there are other ways to eliminate languages: as French historian J. Jullian is often quoted as saying: *une langue qu'on n'enseigne pas est une langue qu'on tue*, you kill a language if you do not teach it.

Even if you teach a language, it is not enough to ensure that it survives or develops and strengthens. A language with no prestige or power is a language which many parents will not see as useful for the success and future of their children, and so they may turn their back on education in their own language if they consider it as powerless or, rather useless, outside of the private or family sphere. As long as a language has no significant prestige, power and opportunities for employment or advancement associated with it, especially in terms of opportunities outside minority or indigenous peoples' homes, what is likely to occur is a noticeable, almost unstoppable trend towards assimilation and eventual extinction of a language through in effect a state's language preferences. This is a phenomenon which occurs in many parts of the world.

There is one common threat that brings the above observations together: often, if not always, the build-up prior to the eruption of a violent ethnic conflict in one state rather than another appears to involve fairly long periods of some form of violation of the human rights of minorities or indigenous peoples, particularly where violations seem to target or affect them negatively because of an aspect of their minority or indigenous identity such as language, religion or culture. In the examples which will be given later, this takes the form of the violation of human rights involving language – in other cases it can also or mainly involve issues around religion or less often culture – which become the focus of perceptions of injustice, frustration and anger that eventually lead to conflict.

16 5. The Relevance of the Rights of Minorities and Indigenous Peoples to Language Preferences and Ethnic Conflicts

Does not the sun shine equally for the whole world? Do we not all equally breathe the air? Do you not feel shame at authorizing only three languages and condemning other people to blindness and deafness? Tell me, do you think that God is helpless and cannot bestow equality, or that he is envious and will not give it?
(Constantine the Philosopher)⁷

Human rights in international law such as freedom of expression, which protects the private use of a language, and especially non-discrimination, which under certain circumstances may require that a government use a non-official language as a language of state education and administration to the extent that is reasonable and justified, are often the type of human rights violations that are involved.

There is nevertheless a controversy which must be acknowledged with respect to the nature and extent of any kind of language or minority right in international law. There are commentators for whom “minority rights” or “linguistic rights” are a special category of rights which are by nature fundamentally different from human rights in international law. Often they would declare that language or minority rights are not “real” rights: there are no language or minority rights in international law except for Article 27 of the International Covenant on Civil and Political Rights.⁸ Any linguistic or minority right outside of this provision is therefore created because of a political compromise by the government of a country – if it so chooses – or through a new treaty such as the Framework Convention on the Protection of National Minorities.

Such a view is however rather dated, if still fairly common, because it ignores recent developments in international law which are beginning to show how many language rights are protected by fundamental human rights law. For example many judges and lawyers in Europe and elsewhere still disregard the fact that every aspect of the private use of a language can be protected through freedom of expression, or that to a large degree a person’s name in his or her own language can be protected under the right to private and family life, or especially that a government may practise discrimination in violation of Article 26 of the International Covenant on Civil and Political Rights if it refuses in a way that is unreasonable and unjustified to use a minority or non-official language. Even the right to education, according to the European Court of Human Rights in a recent though not very clear judgment (because it seems to contradict directly

a previous and well known decision, the *Belgian Linguistic Case*⁹) can include a right to be educated in a non-official language. Many disregard some of the more recent jurisprudential developments in international law:

- ♦ all private use of a language protected by freedom of expression: UN Human Rights Committee in *Ballantyne, Davidson and McIntyre v. Canada*; ¹⁰
- ♦ State authorities that do not to use a (minority) language (where it is reasonable and justified) may be discriminating on the ground of language: UN Human Rights Committee in *Diergaardt et al. v. Namibia*; ¹¹
- ♦ The right to education can include education in a non-official language: European Court of Human Rights in *Cyprus v. Turkey*.¹²

The relevance of these human rights in international law is important in relation to the language (as well as religious or cultural) preferences of state authorities because they can constitute restrictions on these preferences. It is therefore important in light of the prominence of language issues for minorities and indigenous peoples in many countries, and disregarding these issues can sometimes lead to violent conflict. Language is power – or as the biographer of Isabella of Castile famously wrote in the 15th century, “language has always been a companion of empire” (de Nebrija 1980 [1492], 97) – language preferences can also involve economic opportunity for those whose language is privileged by the state: it is no coincidence that the denial of language opportunities and of a proportionate or appropriate use of a language are often significant factors which have contributed to ethnic conflicts in places such southern Thailand, Turkey Sri Lanka, Ukraine, and China.

This is why the possibility of using freedom of expression and non-discrimination to address the issues of appropriate language policies and preferences within the framework of international law offers a way to peacefully resolve these matters, rather than leave them to what amounts to the discretion of state authorities – authorities who too often tend to be mainly favourable to the ethnic majority, which policies can sometimes lead to dire consequences, namely the eruption of violent ethnic conflict.

International human rights law has unfortunately until now been long disregarded and misunderstood as to where and how these rights might actually play a much more significant role in central matters of identity that are still today at the forefront of many conflicts and sources of tensions. In other words, many language rights are part and parcel of traditional international human rights law, though this may not have been well understood, and is only now beginning to change because of recent jurisprudence. Furthermore, these rights may have the potential of offering peaceful and even practical means for addressing the

18 language tensions and claims which figure prominently in many conflicts in the world.

Language is thus not just important culturally or symbolically: language is power. With language a national government can influence whether a minority is included or excluded from political and economic power or by requiring fluency in the official language to vote or to be elected, and these forms of exclusion or disadvantages are often among the main factors leading to conflicts. It is not language itself – or religion itself in other cases – which causes conflict, but rather whether and to what extent governments exclude or disadvantage individuals because of their language or religion, which can lead to situations of tensions and even conflict.

Nationalist and separatist movements often are born following a period of, and find support and even an ideological basis for their activism in, perceived grievances that often involve language rights and issues. In other words, the denial of the human rights of minorities or indigenous peoples in the area of language rights (and other categories of human rights) will provide the fuel that may serve to inspire and propel the agendas of these movements. To give a recent example in Spain, the 2010 election results in Catalonia showed a fairly strong victory by *Convergència i Unió*, a more nationalistic political party than the previous Socialist Party in the *Generalitat*. This follows a Spanish Constitutional Court ruling¹³ shortly before the election which cancelled some of the autonomy and language provisions under a new autonomy statute which had been negotiated and approved by the national government in Madrid for the *Generalitat* of Catalonia. Indeed, given the scope of the ruling and the predominant role of its assignment to the Castilian (Spanish) language, it is likely to threaten many of the measures that had previously been put into place to ensure the rights to use and strengthen Catalan in that region. Among the results of this perceived threat to the Catalan language and identity: the largest demonstration in that region's history, with more than a million people in Barcelona protesting against the ruling of the Constitutional Court.

It is therefore suggested that the deeply-laid sources of conflicts in most countries experiencing ethnic or minority tensions such as Sri Lanka, Myanmar/Burma, Southern Thailand, Macedonia, Corsica, Indonesia, the Philippines, China, Pakistan and many others, can be linked in the early periods to discriminatory practices in employment, education and other violations of human rights of minorities and indigenous peoples as now understood in international law, often connected to language preferences. This hypothesis was tested by looking at ethnic conflicts involving language preferences in Asia.

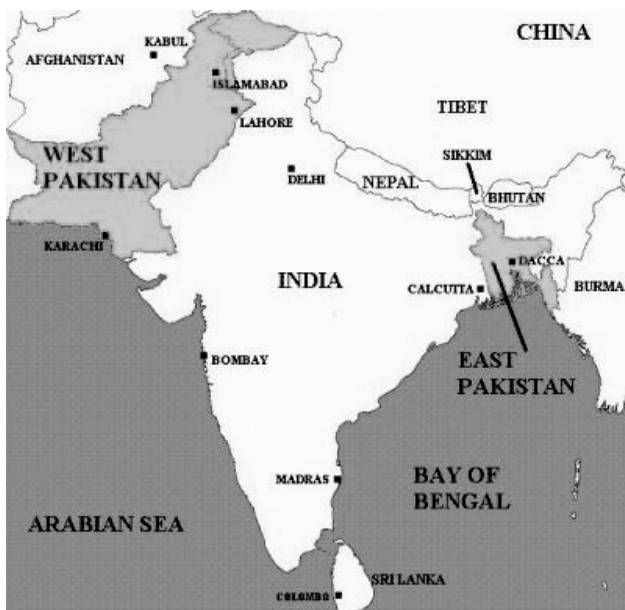
6. Case Studies: Language and Ethnic Conflicts in Asia

For it hath ever been the use of the conqueror to despise the language of the conquered and to force him by all means to learn his.
(Edmund Spenser, 1596)

Much research has been done in Europe on the causes of ethnic conflicts and even on the role state language preferences has played in these conflicts (Tollefson 2002; Belamaric 2003; de Varennes 1995). Far less has been published on this topic on Asian ethnic conflicts. The following examples will illustrate how, similarly to what has occurred in Europe, the non-respect of human rights in the area of language directly led to the appearance and evolution of the separatist movements in East Pakistan (now Bangladesh), Sri Lanka and Thailand.

6.1. Language Conflict in Pakistan and the Emergence of a New State

Figure 1: Pakistan in 1947 – East and West



Source: Pakistan in 1947 – East and West (2011)

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Freshly-independent Pakistan in 1947 was a strange creature: the new country was divided in two separate regions, East and West, on opposite sides of India. There was of course much more than just physical distances between the two: though the two regions shared a Muslim majority population, there were more importantly major linguistic and cultural differences, the more significant one being that while the vast majority of the East Pakistan population spoke Bengali, the West Pakistan population was much more heterogeneous and spoke, among other languages, Urdu, Pashtu, Punjabi and Sindhi. Ironically, while power was mainly concentrated in the west and the economic and political capitals of Lahore, Karachi, and Islamabad, East Pakistan may have had a slightly larger population than its western counterpart. Be that as it may, the army, police, judiciary and civil service, indeed most branches of government tended to be dominated by West Pakistanis, despite Bengalis being in reality almost a majority.

The origins of the tensions which would lead to the creation of a separatist movement, the Bengali Language Movement and resistance against the central state authorities first appeared in 1951–52 when the Pakistani government announced that Urdu and only Urdu would be made the country's exclusive national and official language. While many countries may only have one official language, in the context of East Pakistan such a language preference by the state had potentially extraordinarily serious consequences for the Bengali-speaking population of East Pakistan. For the most part, this population was largely not fluent in Urdu, which meant that such a policy could result in their virtual exclusion from many areas of employment and positions of power. To be more precise, approximately 98 per cent of the population in East Pakistan spoke Bengali, and most of them were not fluent in Urdu. This meant that they were not only disadvantaged by the government's decision to exclusively use Urdu: they were to be for all intents and purposes almost completely excluded from most jobs and positions in government. Rumbings, calls for changes to this policy and finally massive demonstrations – *hartals* – started to be held in 1952.

Figure 2: March on 21 February 1952 against Urdu as Pakistan's exclusive language



Source: Wikipedia (2011a)

The demonstration on 21 February 1952 resulted in the death of 12 students, killed by the Pakistani army, protesting against the language policies. This event galvanized the spirit and resistance of the Bengali people and led to the erection of the Shaheed Minar, the Martyrs' monument, near Dhaka Medical College where these students were killed. It is also known as the Language Monument and commemorates the struggle for the Bengali language. Eventually, continued violence and pressure led to Bengali being recognized in 1956 as the second official language of Pakistan, but in practice it was never fully implemented, and various governments chose to disregard even its rather symbolic status as second official language. Despite forming the majority of the country's population, the East Pakistani community remained vastly under-represented in the civil and military services, which still tended to use Urdu almost exclusively despite the stated position of Bengali as second official language. In these conditions of exclusion and disadvantage, the Bengali Awami League emerged stronger as a political force and would play a central role in the eventual independence of East Pakistan and its changing into Bangladesh. The 21 February is also remembered in Bangladesh as Language Movement Day and is a national holiday to commemorate the significance of language issues in this ethnic conflict, which led to East Pakistan eventually seceding and becoming an independent country. While there were certainly other factors that led to resistance, violence, war and eventually independence – including a refusal to recognize the electoral results which might have transferred political control to East Pakistan and the mismanagement and diversion of funds intended to assist in humanitarian aid to the victims of a devastating hurricane and floods – the initial central role of language here is indisputable.

In terms of language and human rights, the attempt to make Urdu the exclusive national language in the 1950s could – if it were to be analysed today under international human rights law – arguably be considered, discrimination on the ground of language for individuals who were fluent in Bengali.¹⁴ It was discrimination because it would have been unreasonable and unjustified, given that the Bengali-speaking population constituted about half of Pakistan's population, not to have the government use also the Bengali language, in addition to the national language Urdu, in government employment, state schools, the army and the police. More precisely, the impact of an Urdu-only policy in areas of state employment (army, police, civil service, etc.) would have meant the exclusion of most Bengalis from employment opportunities, since the vast majority of them lacked fluency in Urdu. In other words, the Urdu-only policy would have constituted discrimination by the government in practice in state employment, as well as in other areas such as state education because of the very serious consequences for more than half of the population of the country, to only

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use Urdu as the language of government was unjustified and unreasonable in the circumstances, and therefore discriminatory in international law. This does not affect its official status, only that the exclusive use of that language was excessive.

This is an area that is still developing in international law, but in terms of language use by a government and the right of non-discrimination, the need for reasonable and justified language preferences by a government would suggest that there must be some kind of “linguistic proportionality”: when there is a sufficiently large linguistic group involved, they have a right to have their language used to an appropriate degree in the institutions and activities of the State, including employment and education.

6.2. Sri Lanka: Not so Serendipitous in Language

Another example of the prominence of language issues and the relevance of the human rights of minorities in ethnic conflicts is the terrible tragedy of the civil war in Sri Lanka, a conflict which has lasted more than three decades now and resulted in tens of thousands of people, perhaps as many as 100,000, being killed.

Figure 3: Sri Lanka: darker shaded areas are regions where the Tamil population is concentrated



Source: Wikipedia (2011b)

Sri Lanka contains many of the same ingredients as obtain in the Bengali movement, though the Tamil-speaking population represents somewhat more than 20 per cent of the total population of the country.¹⁵ Similarly to the

Bengalis in Pakistan, the Tamil minority is fairly concentrated in a clearly distinct and traditional part of the country's territory, in this case the north and east of Sri Lanka. At independence in 1948, the Sri Lankan government was initially committed to having both Tamil and Sinhala as official languages, but this was never implemented. Relying on the Sinhala-speaking majority, the government eventually adopted only Sinhala as an official language along with English. English was removed as an official language in 1956 by another government more closely identified with the ethnic Sinhalese majority, and Sinhala remained as the country's sole official language.

In practical terms, through these laws and other policies, members of the Tamil minority were being increasingly excluded from many if not most positions in the civil service of the government. Tamils began to be disadvantaged in terms of access to jobs because of the linguistic preferences adopted by the government, since at the time – though that has since changed today with the Tamil language enjoying secondary official status – few Tamils were fluent in Sinhala. They were, however, often bilingual, but mainly in English and Tamil.

It must be admitted that the Sri Lanka government arguably had valid reasons to try to increase the status of the Sinhala language after it had been sidelined by British colonial authorities, but unfortunately in trying to buttress the language and privilege members of the majority, the Sinhalese government went too far. In terms of international human rights, the constitution, laws and policies, which for a period of time made the Sinhala language the only language of government and its services and employees, were unreasonable and unjustified in not allowing the additional use of the Tamil language in some areas.

While at independence in 1948 Tamils initially sought specific minority guarantees in the constitution (such as half the number of seats in Parliament or some other guarantees), more nationalistic movements were gradually initiated, demanding some form of autonomy. Eventually – because none of the earlier demands of the Tamil minority were being met – more radical segments of the Tamil population became convinced that there was no way they could trust the government controlled by the majority: some took this to mean that the only path left open to them was to have their own independent country – even if it meant using force to reach this goal. In other words, a violent ethnic conflict would eventually emerge as anger and frustration at the government policies that excluded or disadvantaged them in areas such as employment, education, and access to land. A new constitution in 1972 for example enraged the Tamil minority because it made Sinhala the only official language. This had been stated before in legislation, but confirming only Sinhala as an official language in the

constitution itself was perhaps the last straw since once enshrined in the country’s basic foundational law Sri Lanka was to be seen – legally and symbolically – as a nation with only one language.

By the early 1970s therefore, the march towards a violent conflict continued with the increasing feeling among many Tamils that the national government was treating them as second-class citizens, as the government’s language and education policies in particular was perceived as threatening their future and that of their children. Their demands initially were for laws and a constitution that reflected their concern at the growing “Sinhalisation” of the government and the country, but they did not yet call for secession. The first calls for an independent country for the Tamils appeared in May 1976 with the Tamil United Liberation Front (TULF). The violence had already appeared by then, and when the government started to change its language policies from about 1978 to start to remove some of the discriminatory measures, it was by then already a case of “too little too late”. There were some assassinations and attacks, but then in 1983 a small group of militant Tamils killed 13 Sinhalese soldiers. Riots broke out and in Colombo and other parts of the country groups of Sinhalese men killed perhaps 1000 Tamils in five days – five days during which the army and police did not seem to attempt the stop the massacre. These riots radicalised most Sri Lankan Tamils who organized into an army and it is then that a full blown war erupted.

From the point of view of international human rights law, it would seem fairly certain, because of the very serious consequences of many aspects of the language laws and other measures that so unfavourably excluded a large number of Tamil-speakers, that part of that country’s constitution and laws were discriminatory. The extent of the exclusion of Tamils from areas such as employment in the civil service over a few decades is in fact quite staggering, as shown in this chart:

Table 1: Proportion of Tamil- and Sinhala-speaking government employees 1946-2004

	Sinhala	Tamil
1946		
Judiciary	46,7%	20%
Civil Service	44,5%	28,9%
1980		
Entire Civil Service	85%	11%
2004 (estimate)		
Entire Civil Service	90%	8,5%

Source: de Varennes (2010, 93)

There were other forms of discrimination: various schemes made it easier for Sinhalese students to be accepted at university than Tamil students;¹⁶ land and assistance was mainly allocated by the government to Sinhalese settlers in areas perceived as part of the Tamil homeland (Peiris 1994); older Tamil employees of the government were fired or did not receive salary increases if they did not learn Sinhala quickly enough, etc. Even today, reports indicate that Tamil speakers who are not fluent in Sinhala are at a serious disadvantage in their dealings with the state in many parts of the country, and one could argue that this is still a degree of discrimination in some areas of government through the still unjustified and unreasonable language preferences of the state in practice. Government language policies are not always implemented, and many public institutions issue forms in Sinhala only or in Sinhala and English.

The slide towards ethnic conflict, and the growth of nationalist and separatist movement in Sri Lanka, as in Bangladesh, was therefore clear: continued discrimination such as the Sinhala-only rule and denial of the language rights of the Tamil-speaking population led to the civil war in Sri Lanka.

6.3. Language and Conflict in the Land of Smiles: Thailand

Finally and briefly, Thailand is the venue of a conflict involving language that is poorly known in the West, where it is usually subsumed – if considered at all – as involving a religious conflict because it pits Thai authorities against a Muslim minority, though the points of tension and conflict are probably more linguistic than religious.

Figure 4: Malay-speaking insurgency in the southern provinces of Thailand



Source: Wikipedia (2011c)

26 As in Pakistan and Sri Lanka, Thailand is the home of a quite large and territorially concentrated minority, some 5 – 6 million Malay-speaking Muslims, who represent 80 per cent of population in the country's south bordering Malaysia.

The history of this conflict includes the legacy of a malleable border between Thailand and Malaysia: indeed, southern Thailand and the present-day provinces of Narathiwat, Pattani and Yala, along with parts of western Songkhla, were only recently incorporated into Thailand (then Siam), namely after 1902. As one report on the historical roots of the conflict explains (Melvin 2007, 13):

The imposition of Siamese power was also accompanied by a range of measures aimed at strengthening Thai culture in the southern provinces. These were important causes of local discontent in the early and mid-20th century and a number of rebellions were launched. The use of education to promote Thai language and Buddhism and the key role of Buddhist monks in this system emerged as particular areas of contention. The effort to promote assimilation of the Malay Muslim communities in the South was particularly focused on displacing the *pondoks* (Muslim religious schools), which traditionally performed a central function in the reproduction of Malay Muslim culture and identity. One of the most controversial elements of the assimilation campaign was the 1921 Compulsory Primary Education Act, which required all children to attend state primary schools for four years and to learn the Thai language.

Though religious issues did contribute to the causes of this conflict, it is noteworthy how the Thai state's language preferences and restrictions probably contributed even more to the use of violence by some members of the Malay minority against the institutions of the state. This explains also the choice of some of the targets of the insurgents, which may at first seem surprising: since 2004, for example, more than 4,000 people have been killed, 120 public schools have been burned down and about 100 teachers have been murdered by ethnic Malay insurgents. The targeting of schools and teachers may initially seem odd, yet it can be seen as an attack on the symbols of the Thai language and culture and the Thai central government, since even though the Malay-Muslim population number about 80 per cent of the total in the southern provinces and 6 million of them use the Malay language on a daily basis, only Thai is the language of government, public education, and opportunity. There were of course other contributing factors to the separatist movement.¹⁷

To a large degree, it is the imposition of a single and exclusive language, Thai, as the language of education, of public health care, and of employment in the civil service which has resulted in both very poor academic results and low presence in almost all fields of employment involving the state – a choice field of opportunities in a developing country like Thailand. The end result of this

linguistic policy of exclusively preferring the Thai language is a degree of under-representation and exclusion in the southern part of the country which, in all likelihood, would be deemed unreasonable and unjustified in the circumstances. Thus, the distinction on the basis of language which the imposition of only Thai creates in that region could be deemed to constitute discrimination in international law, contrary to Article 26 of the International Covenant on Civil and Political Rights, along the same lines as occurred in *Diergaardt v. Namibia*, though there are significant differences between the two and such a result would require an expansion of the legal reasoning used in that case.

What is less uncertain is that the linguistic imposition of the sole use of the Thai language and the exclusion of the Malay language from any official use – with the ensuing disadvantages this caused for the about 6 million Malays in the region, combined with religious and other forms of grievances – created the conditions for violence and conflict in southern Thailand which have been percolating for decades. Almost all of the teachers, the police, the employees of the government in this region, despite the Malays numbering many millions, are occupied by ethnic Thai, not members of the large Malay minority. Indeed, this is confirmed when one takes a closer look to what appear to be the main demands of the rebels, though these are not always clearly articulated (Melvin 2007, 33):¹⁸

While there has been no definitive articulation of demands from the side of the insurgents, the pattern of attacks suggests that a set of long-standing political grievances are the main issues of contention in the conflict. These include a rejection by many in the South of the centrally imposed state education system; a strong sense of discrimination against Thailand's Malay Muslim population in employment; and the inability to use the local form of the Malay language in many — especially official — settings.

These examples – Pakistan, Sri Lanka and Thailand – point to an observable and consistent pattern: the denial of what would be considered today the human rights of minorities and indigenous peoples in international law, when they seriously exclude or disadvantage over a long period of time a significant proportion of the population – especially where this involves a large, traditional minority concentrated in one part of the country – such a denial has a good chance of creating the tinderbox conditions where the flames of conflict can easily erupt.

6.4. Rights, Grievances and the Causes of Ethnic Conflicts Worldwide

It would be simplistic to affirm that the violation of human rights is the cause

of ethnic conflicts. There are even observers who deny ethnic grievances have any direct effect on the emergence of violent conflicts. Nevertheless, there are numerous examples around the world which show that in many, and perhaps most, ethnic conflicts in the Americas, Asia, Africa and Europe, grievances surrounding the denial of the human rights of minorities and indigenous peoples, especially involving issues of discrimination in employment, education, land ownership and even the right to vote, to run for office or to become a citizen, often figure prominently in the initial stages leading up to violent conflict. The following examples on a number of these continents highlight some of the more obvious causes of these tensions:

Table 2: Discriminatory factors in rise of conflicts worldwide

State and Conflict	Root-causes of initial tension	Right(s) Involved
DR of Congo (Banyamulenge)	Denial of citizenship, employment opportunities and associated rights of the Banyamulenge minority	discrimination
China (Uighurs)	Displacement of Uighur language in most public institutions by Standard Chinese (Putonghua), under-representation of most Uighurs in public service employment, virtual elimination of Uighur as medium of education at university level, increasing replacement of Uighur by Putonghua at high school level, restriction on teaching of Islam to children, transmigration and land policies which favour Han Chinese and disadvantages Uighur	Non-discrimination, land rights, language use, education, employment in public service
Indonesia (Aceh)	Exclusion of the Acehnese language in most public institutions, under-representation of Acehnese in public service employment, transmigration and land policies which disadvantages native population	Non-discrimination, land rights, language use, education, employment in public service
Indonesia (Ambon)	Exclusion of the local languages in most public institutions, under-representation of native Ambonese in public service employment, transmigration and land policies which disadvantages native population	Non-discrimination, land rights, language use, education, employment in public service
Indonesia (Irian Jaya)	Self-determination, exclusion of the local languages in most public institutions, under-representation of native populations in public service employment, transmigration and land policies which disadvantages native population, non-recognition of the rights of indigenous populations, including traditional forms of land-ownership	Non-discrimination, land rights, language use, education, employment in public service, indigenous peoples rights

State and Conflict	Root-causes of initial tension	Right(s) Involved
Indonesia (West Kalimantan)	Exclusion of the local languages in most public institutions, under-representation of native populations in public service employment, transmigration and land policies which disadvantages native population, non-recognition of the rights of indigenous populations, including traditional forms of land-ownership	Non-discrimination, land rights, language use, education, employment in public service, indigenous peoples rights
Moldova (Transdnestr)	Replacement of Russian by Romanian in most areas of public life, increasing disadvantages and exclusion of Russian-speakers from employment opportunities in public and private sector	Language use, non-discrimination
Niger (Tuaregs)	Non-recognition of right to use minority language by public authorities including public education, under-representation of Tuareg population in public service employment, transmigration and land policies which disadvantages native population,	Discrimination, language use, employment in public service, education
Philippines (Mindanao)	Historical land and transmigration programmes favouring the influx of Christians in traditional Muslim territory,	Non-discrimination, land rights, language use, education, employment in public service
Spain (Basque Country)	Oppressive measures against Basque language and culture during Franco regime, abolition of previous autonomy arrangements	Non-discrimination,
Use of minority language by public authorities, freedom of expression	Exclusion of the local languages in most public institutions, under-representation of native populations in public service employment, transmigration and land policies which disadvantages native population, non-recognition of the rights of indigenous populations, including traditional forms of land-ownership	Non-discrimination, land rights, language use, education, employment in public service, indigenous peoples rights
Sudan	Forced Arabisation of minority southern populations, denial of human rights in the area of religion and language	Discrimination in employment and education, use of minority languages, freedom of religion, etc.
Turkey (Kurds)	Language policies which excluded until recently public and even private use of the Kurdish language,	Discrimination, denial of freedom of expression, repression of Kurdish language and culture
United Kingdom (Northern Ireland)	Widespread exclusion of Catholics from employment opportunities, housing, voting rules favouring Protestant majority at municipal level, etc. in 1950s and 1960s	Discrimination in housing, voting rights, employment by public authorities
Yugoslavia (Kosovo)	Abolition of autonomy status, massive dismissal of ethnic Albanians from public service employment, gradual exclusion of Albanian language from end of 1980s	Discrimination in education, employment and housing, right to use minority language

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While this list does not pretend to be exhaustive, it does among other things identify many conflicts where the state's language preferences have contributed directly to causing the conditions under which conflicts may appear. As the examples of Pakistan, Sri Lanka and Thailand show, this is probably due to the fact that language, in addition to the important position it occupies in the identity of many ethnic groups and its symbolic potential as a unifying banner and a link to a group's history and cultural continuity, also has direct and practical consequences for individuals in terms of employment and education.

7. Conclusion

And from His signs is the creation of the heavens and the earth, and the variety of your languages and colors; surely in this are signs for the learned.
(The Qu'ran – Surat ar Roum 30:22)

The violation of the human rights of minorities and indigenous peoples does not necessarily cause conflicts: it does however create conditions which nationalist or separatist elements can exploit, or where the situation could spiral out of control after some unforeseen incident. It seems that governments which breach the basic human rights of minorities and indigenous peoples, especially in relation to language because language carries with it power, economic and social opportunities, and do not respond to the serious grievances of a substantial proportion of their population but allow the situation to simmer over long periods of time, are preparing the way to a potential violent conflict. It is often when minorities or indigenous peoples are subjected to discrimination, especially in areas like employment or education, or are unable to use their language with public authorities in a way which is broadly speaking proportionate, that the situation can after a period of time erupt into violence.

Once a conflict has started, it becomes extremely difficult to extinguish, and complying with these rights may no longer be sufficient to turn the tide. But before violence has reached that level, before the ethnic groups have become completely distrustful of the state and the country has become divided and polarised, respect for these human rights may be enough to maintain a peaceful, democratic society based on the rule of law, but without, in the words of Alexis de Tocqueville 2000 [1835, 1840], the "tyranny of the majority".

Notes

¹ Poem by Mazisi Kunene from “The Ancestors and the Sacred Mountain”, quoted in Skutnabb-Kangas & Cummins (1988, 176).

² See for example this suggestion in Collier (2008, 21-25).

³ Language was not an infrequent marker of identity in the past, and thus served at times as a marker and even a rallying flag in a number of ethnic conflicts in history, some of which are not widely known, such as the Soweto Uprising in South Africa. The role of language seems to have become more prominent in all societies in the 20th and 21st centuries however, since language is not only a way of distinguishing individuals of different groups – of dividing the “us” from “them” – but also the privileged medium of communication, exchange and education in a world where literacy and the exchange of information at a faster and faster pace in at least one language is no longer only a luxury but a necessity. This brings with it the need to use and privilege at least one language – and is often a state-imposed language which does not necessarily always benefits all of its citizens.

⁴ The data used for this chart are presented with greater precision in Harbom & Wallensteen (2005).

⁵ Canada, Belgium, Ethiopia, India, post-Franco Spain, Switzerland and many other countries have adopted forms of federalism and autonomy which incorporate the multicultural and multilingual reality of their populations.

⁶ *De Civitate Dei, Epistula de libris de civitate dei*, circa 410. Liber XIX, c. VII. English translation: “But the imperial city has endeavored to impose on subject nations not only her yoke, but her language, as a bond of peace, so that interpreters, far from being scarce, are numberless. This is true; but how many great wars, how much slaughter and bloodshed, have provided this unity!” Saint Augustine, *The City of God* (circa 410), Book XIX, Chapter 7, p. 683.

⁷ *The Life of Constantine* by Clement of Ohrid, 9th century, reprinted in Kantor (1983).

⁸ The provision provides that, “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

⁹ Case “Relating to Certain Aspects of the Laws on the Use of Languages in Education in Belgium” v. Belgium. For more detailed information see European Court for Human Rights (1968).

¹⁰ For more detailed information see UN Human Rights Committee (1989/1993).

¹¹ Case J.G.A. Diergaardt (late Captain of the Rehoboth Baster Community) et al. v. Namibia. For more detailed information see UN Human Rights Committee (1997/2000).

¹² Judgment of 10 May 2001 (Grand Chamber), paragraph 251. For more detailed information see European Court for Human Rights (2001).

¹³ Sentència del Tribunal Constitucional 31/2010, de 28 de juny de 2010.

¹⁴ This would probably be the result if one were to apply the legal reasoning of the UN Human

Rights Committee in *Diergaardt v. Namibia*, but is also broadly consistent with the approach used by the European Court of Human Rights in the *Belgian Linguistic Case*.

¹⁵ Their exact proportion of the population remains uncertain and contentious. Not all people born in Sri Lanka automatically had citizenship of the country: a large percentage, perhaps around 5 per cent, were until recently not considered citizens because they were “Plantation Tamils”: workers brought by British colonial authorities from India to work on tea plantations and in other economic activities. In addition to these are the Moors: Muslim inhabitants who also had in large part adopted the Tamil language. They constitute around 7-8 per cent of the country’s population.

¹⁶ In 1974 the government of Sri Lanka put into place a “district quota” system in science and medicine admissions to universities to redress the low numbers of Sinhalese students in these programs. Each district had a number of reserved slots for students living within its boundaries. While seemingly non-ethnic since the system is based on geographical districts and not ethnic background, in reality this would guarantee admission of larger numbers of Sinhalese since, as the majority in the country, they also dominated a majority of districts. As a result the ratio of admissions of members of the Tamil minority dropped significantly from previous levels. In the 1980s, 60 per cent of university admissions were allocated on this basis, with the rest on individual merit.

¹⁷ See for example Walker (2005, 85): “Muslim Malays under Thai rule in the late 1960s and the 1970s identified some highly specific grievances as pushing them since the death of Haji Sulong nearer and nearer to secessionist revolt. One ever-deepening grievance was the Thai Government’s long-standing encouragement stepped up since 1968 of Thai settler migration to ready-built self-supporting villages in the South. A British journalist who visited South Thailand in late 1970 found that Muslim militants there regarded this as an effort to submerge the Malay population and make South Thailand a predominantly Thai area.”

¹⁸ See also along the same lines International Crisis Group (2005).

¹⁹ An extensive study reported Fearon & Laitlin (2003) is often quoted to this effect. Fearon and Laitlin subsequently modified their 2003 conclusion on this point on the basis of further research tended to raise doubts about their interpretation. Criticisms of their 2003 results pointed out for example that their measurement of what constituted discrimination in determining if grievances were a cause of ethnic conflicts was misleading, since it relied on whether a language of any group representing more than 5 per cent of the population was official or not. As any jurist should know, the designation of a language as official does not guarantee it will be necessarily used by state authorities. It is therefore not a reliable indicator as to whether there are still grievances on the ground of language involving that particular minority’s language and its use by authorities.

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ZAIRA VIDALI

The Socio-Political and Ideological-Cultural Elements of the Italian Nation and the National Minority Question in Italy

Law 482, Norms Concerning the Protection of Historical Linguistic Minorities, perhaps historically the most important law on national minorities in Italian history, was enacted in 1999. This article analyses the socio-political and ideological-cultural elements of the Italian nation that led to the increase in political attention to the national minority question in Italy that was required for such a law to have been accepted. The two endogenous socio-political elements are the definition of the Italian nation in the civic sense and its crisis, which was induced by the Northern League (*Lega Nord*), as well as its relationship with the ethnic elements of the Italian nationality, such as the Italian language and its dialects. There are two exogenous socio-political elements as well: the weakness of the Italian civic nation caused by the historic presence of socio-political divisions on the state territory; and the absence of the theme of nationality and ethnicity in the intellectual debate of the post-war democratic period. The conclusions seem to confirm that, thanks to the new debate about Italian nationality in the nineties, the theme of national minorities could become an element of the current political discourse in Italy.

Keywords: nation, national minorities, Italy

Družbeno-politična in ideološko-kulturna opredelitev elementov italijanske nacije in vprašanje narodnih manjšin v Italiji

Zakon 482, Določila za varstvo zgodovinskih jezikovnih manjšin, verjetno najbolj pomemben zakon o narodnih manjšinah v italijanski zgodovini, je bil izglasovan leta 1999. Prispevek analizira družbeno-politične in ideološko-kulturne elemente italijanske nacije, ki so pripomogli h krepitvi politične pozornosti za vprašanje narodnih manjšin v Italiji. Slednja je bila namreč potrebna za sprejetje zakona. Dva družbeno-politična endogena elementa zadevata opredelitev italijanske nacije v državljanskem smislu in njeno krizo, ki jo je povzročila Severna liga, ter njen odnos do etničnih elementov italijanske narodnosti, kot sta italijanski jezik in njegova narečja. Upoštevana sta tudi dva eksogena družbeno-politična elementa: šibkost italijanske nacije v državljanskem smislu zaradi zgodovinske prisotnosti družbeno-političnih ločitev na državnem ozemlju ter odsotnost intelektualnih debat o nacionalnosti in etničnosti v povojnem demokratičnem obdobju. Iz ugotovitev izhaja, da so tematike, povezane z narodnimi manjšinami, postale del tekočega političnega diskurza v Italiji zaradi nove debate o italijanski nacionalnosti v devetdesetih letih.

Ključne besede: nacija, narodne manjšine, Italija

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1. Introduction

The topic of the national minorities has not traditionally been in the forefront of modern Italy's policies and legislation, despite the fact that the Constitution of the Republic of Italy, in its article 6, defines the safeguard of linguistic minorities through special norms. In the late 1980s De Mauro (1987, XIII) observed that in Italy the linguistic diversity and the minority issue belonged more to the sub-culture and/or the realm of folklore rather than to intellectual debate. Any discussion on these themes sounded almost reactionary. The recognition of minority languages and the introduction of active policies for their safeguarding were equated with questioning the unity of the nation and even its very existence (Stolfo 2009, 207). Moreover, the claims of the various linguistic minorities for the safeguard of their languages and communities were perceived as an expression of localisms, reluctance to accept advancement in Italian terms and inclusion in the wider society. Most intellectuals perceived the minority issue as a problem of the past. They were persuaded that the world would become uniform and thus outgrow linguistic diversity. Development was seen as viable only if supported by the dominant cultural and linguistic values. Moreover, equality traditionally meant linguistic and cultural unification.

In the post-war period in Italy – as opposed to the 19th and beginning of the 20th century until the end of World War II – beside the specific theme of the national minorities, the broader concepts of nation, nationality and ethnicity were not at the centre of public opinion, of politics and of intellectual discourse. Up to the end of the previous century the literature about the Italian nation was indeed quite modest. At the European level in the same period new socio-political situations which started to concentrate national identities mainly on ethnicity were clear: they expressed a redefinition of the concepts of nation-state and sovereignty and were the subject of debate about asymmetrical models of accommodating the diversity of nationally and linguistically mixed regions (Keating 2007). They led also to forms of new nationalisms, ethno-nationalisms, ethnocentric regionalisms and xenophobia. These phenomena were familiar also to Italy. The electoral and political successes of the Northern League (*Lega Nord*) animated a new debate about the Italian national identity, especially from the point of view of the polemic against its political programmes to divide the northern part of the state from the rest. This issue also raised the question of the late political unification and of the late democratisation of the Italian nation, of the weak legitimacy of its institutions, of the lack of suitable leading cadres and of the role of the post-war anti-systemic Catholicism and socialism (Cartocci 2002, 15). In this framework intellectuals and the general public began to understand

38 that the lack of discourse about nationality at all levels was, as a matter of fact, a negative circumstance. The consequences were clear, for example, in the low level of social solidarity and civic sense, which are typical in Italy nowadays (Galli della Loggia 1996, 137–139).

It is no coincidence that specific national legislation about national minorities in Italy appeared in the 1990s, more than fifty years after the introduction of article 6 in the Constitution. The first attempts to develop legislation about minorities date back to the 1970s, when cultural and political groups, associations and movements for the recognition and promotion of minority rights gained attention on the political level. In that period several proposals were presented in parliament concerning both a framework legislation about minorities in Italy and specific laws for national minority communities, but none was approved (Stolfo 2005, 151). In 1999 law 482 introduced new norms for the safeguard of the historical linguistic minorities¹ in Italy. In the same spirit, in 2001, the Italian state voted through law 38 for the safeguarding of the Slovene linguistic minority in Friuli Venezia Giulia, a law which had been lobbied for by the Slovene national community in Italy since the 1970s.

Law 482/1999, Article 2, defines the safeguarded national minorities and minority languages in Italy, namely Albanian, Catalan, German, Greek, Slovene, Croat, French, Franco-Provencal, Friulian, Ladin, Occitan and Sardinian. The law does not thus comply with international and European legislation regarding dialects and languages of migrant communities.² At the same time it defines Italian as the official language of the republic as a sort of “protection of the majority against the protection of the minorities” (Stolfo 2009, 216). This provision is included in as it is not present in the Italian Constitution. Moreover, it stresses its priority and primacy in comparison with the minority languages, which do not have any official status on the national level. As they can be used in the public administration in the municipalities where the minorities are historically present they have, practically, a “partially official” status on the local level (Poggieschi 2009, 23).

Before the vote on Law 482/1999 was held, only three minorities in the border area had been recognized: the Francophone minority in the Valle d’Aosta Region, the German (and partially Ladin) minority in the Bolzano Province and the Slovene minority (in the Trieste and Gorizia area, but not in Udine) (Cisilino 2004, 105; Palici di Suni Prat 2002, 106, 2006, 639). Their legal status arose from the international agreements between Italy and their kin-states and, in the case of the Valle d’Aosta Region and the Bolzano Province, also from the special status of their statutes.³ The other linguistic minorities were mainly without any legal safeguard.

The approval of law 482/1999 was the outcome of a variety of factors. First, the Council of Europe and its most recent documents for the safeguard of national minorities and minority or regional languages applied pressure on Italy to acquiesce in the new European legal framework (Cisilino 2004, 101–104; Palici di Suni Prat 2000, 102, 2002, 106). Furthermore, there was the influence of other international provisions; for example, the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, which was approved in 1992 by the United Nations Organization in the spirit of article 27 of the International Treaty for Civil and Political Rights of 1966. Also at an internal level a new sensibility regarding similar themes was explicit. In the 1990s some regions began paying greater attention to the problem of ethnicity (Palici di Suni Prat 2000, 102, 2002, 102–106; Stolfo 2009, 178–179), adopting a series of laws in favour of regional languages and local dialects in the spirit of the safeguarding of cultural and linguistic heritage and the conservation of local identities.

Moreover, the socio-political situation during the same decade in Italy was a factor that made it easier for the national minorities to find their space on the political agenda as the theme of nationality and ethnicity became topical again. The Northern League party raised the question of the unity of the Italian nation and state and, as a reaction to this, a new intellectual and political debate about Italian nationality and its relation with the regional identities flourished.

The central research question of the present work thus regards the role of the concept of the Italian nation, as defined through its ideological-cultural and socio-political elements, as a factor influencing political attention towards the issue of national minorities. It can be therefore argued that the revival of the intellectual and political debate about national identity supported the inclusion of the national minority issue on national and local political agendas.

The analysis of the Italian nation and nationality will consider two endogenous aspects. The first is linked to the concept of the Italian nation in the civic sense. The second examines the relations between this concept and the ethnic elements of Italian nationality, such as language and dialects. The work then focuses on the analysis of two socio-political elements: first, the weakness of the Italian civic nation as a result of a historically influenced socio-political fragmentation of the national territory; and second, the fact that the theme of nationality and ethnicity was ignored at the level of intellectual debate in the post-war and democratic periods. These elements are exogenous as regards the Italian nationality, as they concern the context of the socio-political development of the state. Special attention will be given to the 1990s as relevant to the issue of the Italian nationality and nation-state, as well as to the issue of national minority protection.

40 2. Methodological Framework

This work is based on the study of the relevant scientific literature, mainly the works of those Italian authors who have discussed the theme of the Italian nation and nationality in numerous disciplinary fields: anthropological, linguistic, political, sociological and historical. Particular attention is devoted to the ethnic elements of Italian nationality, such as dialects and regional identities. Moreover, the analysis of the issue being researched is based on the scientific literature about national minorities in Italy, with particular focus on the legal aspects of how they are safeguarded.

The work is part of the research project “Management of Ethnic-Language Diversity: The Case of the Friuli Venezia Giulia Region”. The author developed the study within her PhD project at the Faculty for Social Sciences of the University in Ljubljana, carried out in the SLORI (Slovene Research Institute) institute in Trieste. Her activities in the ethnically-mixed borderland environment of Italy and Slovenia indeed favoured a wide review of the literature (mainly in Italian) in which the issue being researched has been discussed.

3. The Italian Nation as a “Lost Subject of History”

Because of various socio-political factors, after the Second World War Italian nationality became “the lost subject of history” (Banti 2000, IX; Galli della Loggia 1996, 19, 1998, 129). There was no space for any further development of the nation as a concept involving a common fate and solidarity among individuals (Cartocci 2002, 14). Sociologists and historiographers considered that the national identity did not need to be improved, as it was already a previously determined fact (Banti 2000, IX). Most Italian intellectuals thought that democracy did not need the concept of nation (Rusconi 1997, 35). Consequently, the same attitude prevailed also toward the other national identities present in the Italian state, such as those of national minorities.

In the new socio-political framework of the post-war democratic Italian state the priorities were the reconstruction of the country and the consolidation of a democratic society (Galli della Loggia 1998, 129). The 1960s and 1970s were characterized by social and cultural modernization, which led to a new model of social integration based on a new system of values, wherein consumerism and

the striving for individualistic well-being were in the foreground. The concept of nation was therefore limited to popular sub-culture and to literary-nostalgic forms of expression (Rusconi 1993, 17–18).

Despite its socio-economic post-war development, Italy did not manage to overcome its anti-modernity and its past (Bollati 1983, 201; Galli della Loggia 1998, 139). The Risorgimento itself unsuccessfully tried to create a new Italy in the sense of socio-political modernization. For this reason two stereotypes gained ground – on the one hand the belief that Italy was not modern enough and on the other hand that whatever modernization indeed took place was as a matter of fact harmful.

Beyond these factors, which were linked to the development of the modern Italian democratic country, the concept of nation in the post-war period posed difficulties because of specific historical reasons which did not allow a post-war clarification with regard to the collective and individual trauma and the different memories of the fascist period and of the resistance movement. National pride was still equated with fascistic nationalism. The concept of nation has never been set free from this idea on a conceptual or emotional level, and has never achieved a political, cultural and intellectual catharsis (Rusconi 1993, 13, 1994, 233; Chiarini 2003, 260). Mussolini's interpretation of nationalism as the ideology of a totalitarian régime caused a deep crisis in the Italian State and destroyed the positive charge that the idea of nation had developed during the Risorgimento (Galli della Loggia 1996, 3, 1998, 125; Rusconi 1994, 233, 1997, 52).

The events between 1943 and 1945 and soon after the war, which were marked by complicated relations between fascism and the antifascist resistance movements, are some of the reasons for the post-war lack of attention to national identity in political and social intellectual debate (Romano 1994; Rusconi 1993, 1995). The antifascist resistance movements were active in the central and northern parts of Italy, both against the military forces of the Third Reich that occupied those areas from 8 September 1943 till 25 April 1945, and against the Mussolini government that was re-established in the Republic of Salò in northern Italy (Santarelli 1989, 11; Ventrone 1998). The southern part of the State in that period was liberated by the Anglo-American allied forces and constituted an autonomous political entity with its capital in Brindisi.

At the level of the nation the armistice of Italy on 8 September 1943 represented a difficult collective trauma, as it led to the "death of the homeland" (Cartocci 2002, 14; Galli della Loggia 1996, 3, 1998, 125; Rusconi 1994, 233, 1997, 52, 72; Romano 1994, 159–160; Barbè 2000, 180). This was indeed the feeling of

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those Italians for whom the concept of nation was an integral part of political and ethical ideals that, with the armistice, drastically came to an end. This event also displayed the ethical and political weakness of Italians, provoking a series of questions regarding their identity as individuals and as a nation in the sense of a state community (Galli della Loggia 1996, 7, 1998, 126–128). The armistice also provoked the demoralization of many Italians, the beginnings of an attitude of despising themselves. The lost war indeed coincided with the end of the state, and this fact was not followed by any national therapy aimed at overcoming the trauma at a collective and intellectual level (Romano 1994, 159–160). After this event the intellectuals did not provide an answer to the problems of collective national identity and in the post-war years they instead offered party-oriented politics (Rusconi 1997, 72).

Furthermore, the Italian resistance movement against fascism and against the German occupation did not enter the collective memory at the level of individual citizens (Rusconi 1995, 9). The behaviour and motivations among the general population in the years 1943–1945 were heterogeneous and they therefore caused discordances at the level of collective identification with this significant event in Italy. In general, the Italian public never received an adequate explanation of this period, especially of the armistice and the resistance movement (Rusconi 1993, 46). In history schoolbooks the resistance movement was generally seen as a myth, whereas fascism was denationalized (Orfei 1994). Italian historiography in the post-war period was strongly conditioned by political ideologies (Soldani & Turi 1993, 13). The positive side of this situation was the civil growth of the history of ideas as a basis of a national tradition; but history was thus placed within the political limits of ideal constructions. The decay of political ideologies at the end of the 1980s reflected their simplification and ideological structure and re-opened the problem of the complexity of Italian reality.

At the level of the Italian historical conscience the unclear relation with fascism and the damage to national pride created an empty space that was easily filled by two main political powers, the Communist and the Catholic. Both movements were inspired by universality and internationality, and therefore there was no space for the concept of nation in their frameworks (Cartocci 2002, 14; Ruzza 2000, 182).

We shall also consider the post-war international scene, which was marked by a separation into two blocks that conditioned the activities of the Italian political parties and their approaches towards nationality and recent history. The post-war leading Christian Democratic Party was allied with the United States, which supported the Italian post-war reconstruction economically (Pieretti 1989;

Tullio-Altan 1997). The party also acted as the opponent of any influence by the Soviet Union, which had an important interlocutor in the Italian Communist party.

Also, the need to discuss the national theme was not a priority any more because of the conclusion of the issue of the Italian national borders. The Paris Peace Treaty of 1947 traced their definitive lines. Only the question of Trieste remained opened, and was solved later: first in 1954 with the international agreement within the London memorandum, and definitively with the Osimo treaty in 1975. In any case, the newly born international political balances in the logic of the division into two blocks did not yield any scope for Italy to break these agreements with the aim of changing the already-defined national borders.

In the post-war period the question both of the Italian nation and of the other national identities, such as those of national minorities, was marginalized because of the socio-economic needs for modernization and because of the incapacity to confront the historical events that took place during and after fascism. The intellectual and social framework therefore did not allow a free discussion of the theme of national minorities.

A revival of the national question began in the 1990s as a reaction to the new political and party movement of the Northern League, which aimed at the secession of the northern part of Italy (called Padania). A new wave of institutional patriotism arose during the Presidency of Carlo Azeglio Ciampi (1999–2006) who launched a “new pedagogy of the Risorgimento” (Caracciolo 2009, 8) and defined the official ideology of the Presidency of the Republic as being based on patriotism and the cult of the Constitution as a strategy against secessionist tendencies (Galli della Loggia 2011). This provoked an anti-secessionist debate which included reflections about the future of the Italian state and the Italian nation among politicians and intellectuals from various political backgrounds and orientations (Huyseune 2004). New attention was paid to Italian identity as well as to patriotic themes and behaviours. Although secession was considered out of the question, being both illegal and anti-constitutional, the anti-secessionist debate opened a new series of reflections on possible political and institutional reforms concerning the modernization of the Italian state.

44 4. The Civic Concept of the Italian Nation

At the level of Italian historical and socio-political thought the debate about what is Italy and who are Italians has been ongoing from the 19th century, focusing especially on the relation between Italy as a national state in the sense of a civic community and Italy as a cultural nation at the level of its ethnic elements. This distinguishes the political project of the Italian state from Italian ethnic identity (Bagnoli 2005, 48).

Ethnicity can be defined as a total of ethno-cultural elements, such as language, cultural traditions, ethno-anthropological features, forms of territorial settlement and socio-organizational characteristics (Rusconi 1997, 37). The nation in the civic sense, on the other hand, is made-up of socio-political elements — the means and abilities of political activity and the shaping of an autonomous national structure of a State. In Italy there are special relations between the ethnic elements of Italian identity and the Italian nation in the civic sense (Rusconi 1993, 31, 2000, 70). The civic nation is made up of citizens of different ethnic origins, originating from various regional or local identities. Nevertheless, the latter are at the same time connected in the sense of their specific common historical and cultural roots. They are united especially by their national identity with regard to political loyalty and membership in a united political community.

According to a number of Italian intellectuals, the Italian nation coincides with the foundation of the Italian Kingdom in 1861, as this date represents the beginning of Italian common history in the political sense⁴ (Ruggiero 1997, 29; Spadolini 1994, 12). This includes the traditional influence of the ideas of the French revolution and especially of the enlightened Jacobin model (Komac 1995, 879–881). The constitution of the Italian state meant the political unity of the territory named Italy, but it did not solve the problem of Italian identity in the sense of sharing common values, mentality and fate. During the process of unification, cultural homogeneity and unity were imaginary, being used for political purposes in order to justify political unity (Bagnoli 2005, 43; Ruggiero 1997). Thus a gap was created between the newly formed civic unity and the existing ethnic nonuniformity of Italian social reality. This is perceivable even today; for example, in debates about the federal organization of the nation and in the political phenomenon of the Northern League, which originated from the crisis of the Italian identity as an “imaginary community” (Anderson 1998).

The thought and tradition of Italian identity on an ethnic basis, as defined by Italian culture and language, are still alive. From this point of view the Italian

people was already developing in the period between the 13th and the 14th centuries, when Dante Alighieri was writing in the vernacular Italian language. The high development of art and science then represented the common traits of different administrative-political units of the Italian peninsula (Spadolini 1994, 5). Rusconi (1993, 33) speaks about a cultural nation, because the different separated and independent political centres of power felt mutually connected by history and culture. This culture was expressed by foods, drinks, religious and magical beliefs, languages, dialects, popular habits and games (Ruggiero 1997).

Some data deriving from recent sociological studies, cited immediately below, show that the division between the socio-political and historical-cultural understanding of the Italian nationality is still topical. This becomes clear in the research of a group of intellectuals from Turin on the theme of Italian identity (Diamanti 1996a, 543; Nevola 1996, 526; Rusconi 1996, 512–515). In a question about the definition of the nation, ethnic and cultural contents prevail, including the priority of historical memory and language over socio-political content. A very low percentage of the people interviewed related the concept of nation to the political dimension in the sense of participation and respect of civic rules. When speaking about the pride of being Italian, the answers relate mainly to culture, art, and history. The negative elements that emerged are political life, political class, bad administration, criminality, corruption and a poor civic sense.

Similar contrasting views towards the Italian nation are reflected in a survey on the theme of national pride made in the 1990s (Diamanti & Segatti 1994, 17–22). The results suggest that pride regarding Italian nationality is very widespread, but overlaps with different territorial connections. Also in this study, the stereotype of Italianity arises as a component of ethnical elements: creativity in arts and economics; a typical attachment to the immediate land of origin, expressed in the family, town and local community; a capability of improvising, meaning that an Italian can manage any situation. This double attachment to the local (the city, the region) and to the Italian nation in the cultural sense and a poor appreciation of belonging to the public and state institutions, is confirmed as well in a similar survey realized in 2008 (Diamanti, 2009).

5. Ethnic Elements of Italian Nationality: the Italian Language and Dialects

The Italian language and dialects are the basis of the ethnic elements of Italian nationality. At the level of the Italian cultural nation the Italian language represents

46 a connecting element between different local and regional cultural and linguistic contexts. The different dialects, which were spoken before Italian (which spread as the common language in the 20th century) embody the traditional cultural and linguistic diversity of the Italian peninsula.

Compared with other European realities, the relation between the development of the national language and the development of the national identity is complex. As Galli della Loggia (1998, 39–42) and Ruzza (2000, 170–173) observe, in Italy both processes developed in a more independent way than elsewhere in Europe. In France and Spain, for example, the national language grew as dominant language of the court, and spread through its use in state administration. In Italy the main language was generated particularly for cultural reasons and through the prestige of such authors as Dante, Petrarca and Boccaccio, who started to develop it in the 14th century on the basis of the Florentine dialect. However there were obstacles preventing the widespread development of this language. Latin had for centuries been the language of political and bureaucratic life. At the level of the Italian national identity language was therefore a secondary source of political identity.

In the 19th century there is no trace of a deep connection between national feelings and the Italian standard language. The process of the creation of a national state, national unification and national language was mainly led by élites⁵ (Ruzza 2000, 172–173). The Risorgimento itself appeared as a middle-class revolution, launched mainly by economic factors (Cafagna 1990, 159). Moreover, the process of the unification of Italy was the result of diplomatic work and political consultation rather than the expression of the mobilization of the people from the bottom (Ferrarotti 2000, 219; Tullio-Altan 1995, 114, 1999, 145). The masses remained, therefore, isolated from events during the political unification and, as a consequence, from the standard language (Porciani 1993, 394).

The state based on the model of the nation coinciding with one language was not created through unification, as linguistic nonuniformity was very high (Lanaro 1999, 84). In 1861 only 2.5 per cent of Italians could speak Dante's Italian language and the level of literacy was only 20 per cent (De Mauro 2005, 37; Vigo 1993, 39). During the period of unification the standard Italian language was spoken mainly by the members of the literate classes in the various regions, who could develop their mutual national sympathetic feelings through language (De Mauro 2005, 53). For this reason the Italian language – as opposed to the typical situation, when language is one of the most important elements of national identity – in this case was not a factor that could create among the general

population a feeling of belonging to the new state (Ruzza 2000, 168). The liberal governments of the time did implement the linguistic policy in the spirit of romanticism, stating that everyone should learn Dante's Italian. Nevertheless, as this was forced on people from above, it was ineffective (Lanaro 1999, 84).

The standard Italian language gained ground in the 20th century, when literacy spread and the use of the media developed at the same time (Ruzza 2000, 168). The standard language broke through during the period of fascism (Clark 1984, 244). Propaganda, films, radio and compulsory elementary education enabled the introduction of a standard language in the country and among the poorer people in the towns. The stress on the meaning of nation, history and authority in the framework of the fascist ideology increased the prestige of the language as a means of communication (Ruzza 2000, 174–175). After the fall of fascism the nationalistic ideas lost their relevance and the Italian language was no longer a tool that could shape Italians.

After the war, additional social factors arose, contributing to the progressive enforcement of the Italian standard language at a broader level. Internal migration and the consequent urbanization connected to industrialization in the 1950s were important elements supporting the gradual abandonment of the use of dialects (De Mauro 1991). Because of the needs of the market economy, people from the south began migrating to northern areas that were witnessing industrial development and therefore in need of a workforce (Ruzza 2000, 175). This economic process required an adequate level of linguistic homogeneity enabling communication at the workplace and in the marketplace.

Meanwhile, access to education became easier and, together with the bureaucracy of the public services and compulsory service in the Army, enhanced language unification (De Mauro 1991). At the same time television suddenly emerged as a force for linguistic propagation. This medium allowed contact with the standard Italian language to less educated and poor people as well as to those living outside urban areas. In 1958, 77 per cent of Italian families listened to radio and watched TV either at home or in public (De Mauro 1991; Ventrone 1998, 374–375). This represented a social revolution connected to the new "American way of life" based on consumerist behaviour imported from the United States together with the post war reconstruction programme (Scoppola 1997, 317).

Thus, a new form of standard Italian became the dominant colloquial language with a prestige and a meaning that had not been present in the past (Ruzza 2000, 175–182). Nevertheless, the dialects are still today the basic means of communication used by much of the population. We can observe a form of

diglossia, wherein the speakers switch from the standard language to the local dialect and back, depending on the various speaking situations (Ruzza 2000, 170–176). Indeed, Italy is very rich in dialects. Their variants differ considerably (the speakers of the dialects of the north cannot understand the speakers from the south). The dialects and regional identities were preserved in part because of incomplete social modernization after the war, which resulted in part of the population keeping local and regional identities rather than developing an Italian national identity (Bollati 1983; Galli della Loggia 1998; Rusconi 1993; Ruzza 2000).

In the 1990s regional belonging regained social prestige. The level of the vitality of regional dialects was indeed very low, but in some regions they began to be asserted in local cultural associations and schools. A legal basis for regional laws was created and allowed and supported the conservation of dialects and regional and/or local identities⁶ (Palici di Suni Prat 2002, 102–106; Stolfo 2009, 178–179). Moreover, the safeguarding of cultural heritage at the regional and local level resulted in the consolidation of the political roles of the regions, not to mention tourist promotion and economic growth.

In Italy the issue of safeguarding local dialects is also connected to the problem of safeguarding national and language minorities. Indeed, there are several examples of local dialects that are almost independent languages (for example the Venetian and the Sicilian dialects), and are safeguarded at a regional level. At the same time some legally recognized regional languages are still perceived as dialects by the public or do not have the social prestige that would grant them the sociolinguistic status of a language (for example, the Friulian and Sardinian languages). This situation is dynamic, as the processes of revitalization of different local dialects remains ongoing, opening new opportunities for their development in the sense of the formation of new regional languages. Nevertheless, there is also the risk that the legislation which is dedicated to linguistic minorities, could be debased to a lower level, as it is equated with interventions in favour of the safeguarding of dialects and local folklore (Palici di Suni Prat 2002, 102–106).

It is no accident, then, that the Italian state after the war avoided not only the issue of the settlement of the legal status of national minorities, but also the claims of safeguarding and protecting local dialects. The complicated relation between the minority issue and that of dialect was clear during the votes with respect to law 482/1999. The latter provoked sharp reactions among some intellectual and political groups, which claimed that some languages included in the law were dialects – for example, the Friulian and the Sardinian languages (Cisilino 2004 120; Palici di Suni Prat 2000, 104, 2002, 106–110). From this point of

view they believed that the law was therefore restrictive, as it would not take into account the real language and dialect varieties of Italy and of its regions (Brezigar 1999, 310). Criticism also regarded the case of excluded dialects which should be considered on the level of languages - for example, the dialects of Veneto, Piedmont and Lombardy.

6. Italian National Identity under the Influence of Socio-Political Fragmentation

The concept of the Italian nation developed from the very beginning on a territory characterized by typical socio-political fragmentation. Occurrent gaps mainly involve the different political-administrative and socio-cultural models, which were formed in an independent way and coexisted until the unification of the Italian nation in 1861. Some models are still visible today and they continue to influence the socio-political activities in Italy.

This long period of fifteen centuries of political fragmentation in Italy is defined by Galli della Loggia (1998, 59–61) with the term “a thousand Italies”. The Italian state was born after the political and social process of the unification of smaller independent units on the Italian peninsula before 1861 which had their own history – the Kingdom of Naples and Sicily, the Kingdom of Sardinia, the Papal state, the Grand Duchy of Tuscany, the Austrian territories, etc. (Spadolini 1994, 5). We observe three historical periods that marked the internal political and cultural fragmentation. The invasion of the Longobards in the 6th century separated the Italian peninsula into Germanic and Byzantine parts (Lanaro 1999, 95). During the Middle Ages a typical political separation saw the presence of opposed nation-towns and of the Papal state, which was connected to strong foreign powers (Ruzza 2000, 172). The period at the end of the 15th century is important, as on the Italian peninsula various wars were conducted against foreign armies. In this period the idea of Italian freedom in the sense of independence from foreign supremacy, of the balance between various local dukes and in the sense of a political union in the form of a federation, began developing.

The social dividing lines which derived from the political inheritance of the Italian peninsula remained strongly rooted during the Risorgimento (Banti 2000, 201–202), and was linked to the various political-military units that existed before unification. It survived despite the strong symbolic apparatus of the newly born Italian national state (Rusconi 1993, 33).

During the process of unification of Italy and during the first decades of the existence of the state a new crucial factor appeared, marking the socio-political fragmentation of the Italian nation, namely the competitive relations between the Church and the newly born state (Banti 2000, 201–202; Lanaro 1999, 87–88). The ecclesiastical hierarchies in the Vatican were usually hostile towards the lay Italian government and towards the process of unification, and therefore did not legitimize the new state (Galli della Loggia 1998, 157; Di Porto 2003, 30; Nani 2006, 218–219). Therefore, in Rome there were two authorities, both presenting themselves as Italian and Universal. An issue arose regarding which of the two powers had the right to national loyalty. It is difficult to estimate how much damage was caused on the institutional level by this situation. In any case the preserve of the Church had a negative influence on public opinion as the population was at the end of the 19th century completely Catholic.

A typical example of the historical socio-political fragmentation of the Italian nation that is strongly present even today, is the separation between the north and the south (Galli della Loggia 1998; Lepre 1994; Nani 2006; Ruzza 2000). In his analysis of the racist ideas and stereotypes in Italy at the end of the 19th century, Nani (2006, 101–103) observes that the idea of the duality of Italy was already strongly rooted within the intellectual tradition. It was founded on negative and lasting stereotypes of the different and inferior Italian south as opposed to the north. These stereotypes developed in the framework of the process of the unification of Italy, when two very different administrative-political units were united – the Kingdom of Piedmont and Sardinia and the Kingdom of the two Sicilies. The former developed a constitutional tradition and led the process of unification. In the latter authoritarian models prevailed because of the influence of feudalism, of which the subordination to the central power and the loyalty to dynasties was typical (Galli della Loggia 1998, 64–70). There was no rooted tradition of municipalism and of the independent government of towns; this tradition was, on the contrary, the basis of the political arrangement of the Italian north and centre. Moreover, the role of the south during the unification was controversial. On the one hand the local élites supported the creation of Italy, but on the other hand some were also oriented toward autonomy. A rebellion of the local population known as *brigantaggio* also spread, especially in Sicily (Romeo 1973, 370).

Similarly, Ruzza (2000, 174) notes that the unification of Italy was the result of the agreements and compromises between the political élites of the time in Piedmont and the aristocratic élites in southern Italy. The northern industrial élites gained a new market for their goods in exchange for legitimating the aristocratic élites in the south. This separation stimulated the development of the

entrepreneurial culture in the north and of the state assisted political élites in the south, and this caused long term cultural and political differences that are still evident today.

The socio-political fragmentation of Italy was not solved by the political unification in the 19th century or by the later development of the Italian nation in the fascist and, then, the democratic form of state (Banti 2000; Di Porto 2003; Galli della Loggia 1998; Lanaro 1999; Lepre 1994; Nani 2006; Rusconi 1993, 1994; Ruzza 2000; Spadolini 1994; Tullio-Altan 1995). It was simply removed both from political attention and from collective historical memory. For this reason ethnic identity as a symbolic form, which gives to its members the motivation for an active and satisfactory participation in the name of common values and a collective life, did not develop (Tullio-Altan 1995, 103).

A distinctive expression of the socio-political discordances within the Italian state is the phenomenon of the Northern league. This political movement is the index of the modern crisis of the Italian nation in civic and ethnic terms. Indeed, it works at the level of the construction of ethnic identities, which drive away the traditional Italian identity. Both Italy and the united political national concept are questioned.

According to Diamanti (1996, 7–12), the Northern league is a prism of different views of the wider Italian social, cultural, economic and political crisis. He ascribes to it the role of a laboratory that expresses some key issues of the modern Italian national state, such as the alienation of the citizens from state institutions, the weakness of social and territorial solidarity, the crisis of mass parties and of general political participation and the ineffectiveness of democracy. It is also the expression of the lack of transfer of the national culture and the historical memory of the Italian nation, which were not conveyed by schools, intellectuals or the media (Rusconi 1993, 35). But it is most of all the reflection of the crisis of the Italian north, where in the last twenty years specific areas developed economically and socially, but at the same time remained marginal at the level of political power compared to larger industrial centres (Diamanti 1996, 12–13). In accordance with the European region-oriented parties it offers a new interpretation of political citizenship at a regional or local basis (Rusconi 1993, 11). In this sense its nature and programme are markedly anti-state (Giordano 2000, 468).

The phenomenon of the Northern League has to be considered in the framework of the dissolution between 1991 and 1993 of the post-war party system based on the predominance of the Christian Democratic Party and its government

with the socialist and communist parties (Scoppola 1997, 449–539). A popular referendum in 1993 confirmed the change of the electoral system from a proportional and centre-oriented political system to a majoritarian one. Besides that, the Clean Hands (*Mani pulite*) investigation of the relations between various criminal mafia organizations and the leading political parties illuminated a profound institutional and moral crisis in the Italian political system. Moreover, the end of the Cold War's bipolar political and ideological division provoked a crisis in the Italian communist party and the opposition between the USA-oriented Christian Democrats and the Soviet Union-oriented Communist party no longer made sense. Consequently, the process began of constructing a new Italian left ideology with its own party and the Christian Democrat party witnessed its own demise. At the same time, this opened up space for new forms of political expressions, such as the Northern League and Berlusconi's right-wing party.

7. Conclusions

This overview shows that the understanding of Italian nationality in the last twenty years changed in such a way that greater attention to ethnic elements of regional identities and the revitalization of dialects makes sense. Moreover, new political powers, based on a regional logic, developed, and are embodied in the party of the Northern League. This led to the crisis of the Italian nation in the civic sense as a state-political unit which was already displaying internal breaches because of the different administrative-political history of its territories. At the same time a revival of patriotism took place. All this elements generated a debate about Italian nationality and the role of the Italian state in contemporary society and thus an intellectual democratic space where the national minority issue could be included and discussed.

In other words, a network of socio-political elements and cultural-ideological guidelines prevailed, so that the theme of national minorities could become an element of the current political discourse in Italy within a general new discussion of the issue of ethnic and civil views on Italian nationality. Thus, the research argument, namely that the concept of the Italian nation is a factor which influences the level of political attention towards the issue of the national minorities in Italy, appears confirmed.

Notes

¹ The term “historical linguistic minorities” is cited in article 6 of the Italian Constitution and in the national legislation for the safeguard of national minorities (Laws 482/1999 and 38/2001).

² Article 1 of the European Charter for Regional or Minority Languages states that dialects and languages of migrants are not considered regional or minority languages.

³ The Italian state is divided in 20 regions and each has a statute that regulates its activity and administration. Five of them (Sicily, Sardinia, Trentino Alto Adige which includes the autonomous provinces of Bolzano and Trento, Valle d’Aosta and Friuli Venezia Giulia) have special statutes due to economic needs, the presence of national minorities as well as their political and geographical position (borderlands or islands). These special statutes contain specific norms concerning autonomy on the administrative, financial and legal levels. The statutes of the Province of Bolzano and of the Region Valle d’Aosta have special provisions due to the presence of national minorities.

⁴ This thesis was developed most significantly by Benedetto Croce (1866-1952), one of the leading Italian liberal intellectuals, philosophers and historians who left their mark on Italian thought at the end of the 19th and in the first decades of the 20th century (Dizionario 1985, 181-205).

⁵ Among the Italian analyses of the Risorgimento, there are some, for example Banti (2000), Banti & Ginsborg (2000), Banti & Bizzocchi (2002), which oppose the theory about the Risorgimento as a phenomenon limited to the élites. They support the idea of this movement being a mass phenomenon.

⁶ The Emilia Romagna and Lazio regions approved regional laws for safeguarding local dialects and of the literary heritage written in dialect and for initiatives in research, education and the media (Palici di Suni Prat 2002, 102–106). The regional laws for safeguarding the dialects were also introduced by Sicily, Piedmont, Liguria and Veneto (Colussi 2009). The contents of these laws were connected to the problem of migrations from the various Italian regions in the world before and after the war, and to modern politics regarding the return of their descendants and for the conservation of links with the communities abroad. The Veneto and Marche regions, for example, started to lend financial support to cultural initiatives and activities for the preserving and safeguarding the identity of their emigrants throughout the world, for the consolidation of cultural relations with them and the economic and social inclusion of those migrants who were returning to Italy (Palici di Suni Prat 2002, 102–106).

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Cross-border Residential Mobility in the Context of the European Union: The Case of the Italian-Slovenian Border

The paper offers an insight into an emerging phenomenon of spatial mobility in EU internal border areas. The term “cross-border residential mobility” (CBRM) is suggested for this phenomenon. The phenomenon being studied, which has arisen under the momentum of European integration processes also in the Italian-Slovenian borderland, involves the movements of people who decide to buy real estate and move to the other side of the border, while maintaining at the same time strong relations with their place of origin. CBRM in this instance is the result of the suburbanization of Trieste, that is the progressive expansion of the urban fabric towards the rural territory of the Slovenian Karst; this has produced some concern in Slovenian public opinion. After an attempt to provide a theoretical framework for CBRM, the author presents the results of a survey carried out among 126 Italian citizens who have moved to the Slovenian Karst. The analysis of these empirical data allows us to obtain knowledge about a scarcely studied phenomenon and to verify the congruencies with the suggested theoretical framework.

Keywords: borders, cross-border mobility, transnationalism, suburbanization, Trieste, Karst

Mobilità residenziale transfrontaliera nel contesto dell'Unione europea: il caso del confine italo-sloveno

Il contributo prende in esame un emergente fenomeno di mobilità spaziale nelle aree di confine interne dell'UE, per la denominazione del quale si propone l'espressione “mobilità residenziale transfrontaliera” (MRT). Il fenomeno studiato, apparso sotto la spinta dei processi di integrazione europea anche nell'area italo-slovena, si riferisce ai movimenti prodotti da persone che decidono di acquistare casa e trasferirsi oltre confine, pur mantenendo costanti relazioni con il contesto di origine. La MRT è il risultato della suburbanizzazione di Trieste, processo che implica la dilatazione della città verso il territorio rurale del Carso sloveno, fintanto da generare un diffuso allarmismo nell'opinione pubblica slovena. In seguito al tentativo di fornire alla MRT una cornice teorica, l'autore presenta i risultati di un'indagine svolta tra 126 cittadini italiani trasferitisi sul Carso sloveno. L'analisi dei dati empirici permette di ampliare le conoscenze su un fenomeno ancora poco esplorato, oltre che di verificare le congruenze con i riferimenti teorici individuati.

Parole chiave: confini, mobilità transfrontaliera, transnazionalismo, suburbanizzazione, Trieste, Carso

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Čezmejna stanovanjska mobilnost v kontekstu Evropske unije: primer slovensko-italijanske meje

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Prispevek preučuje izviren pojav prostorske mobilnosti na notranjih obmejnih območjih EU, ki ga avtor opredeljuje s terminom »čezmejna stanovanjska mobilnost« (ČSM). Obravnavani fenomen, ki se pod vplivom evropskih integracijskih procesov vse bolj uveljavlja tudi v slovensko-italijanskem obmejnem pasu, zajema mobilnost ljudi, ki se odločajo za nakup nepremičnin in za selitev na drugo stran meje, hkrati pa ohranjajo trajne in intenzivne odnose z matičnim okoljem. V slovensko-italijanskem obmejnem pasu je ČSM rezultat suburbanizacije Trsta, tj. postopne širitve italijanskega mesta proti ruralnemu zaledju slovenskega Krasa, ki spodbuja široko razpravo znotraj slovenskega javnega mnenja. Po uvodnem poskusu oblikovanja teoretičnega okvirja za obravnavo ČSM, avtor v nadaljevanju predstavlja izsledke kvantitativne raziskave, ki jo je izvedel med 126 državljani Italije, priseljenimi na območje slovenskega Krasa. Analiza empiričnih podatkov želi prispevati k poznavanju doslej še skromno raziskanega pojava, hkrati pa preveriti skladnost z nakazanimi teoretičnimi premisami.

Ključne besede: meje, čezmejna mobilnost, transnacionalizem, suburbanizacija, Trst, Kras

1. Introduzione

Sembra esistere un consenso attorno all'idea che, perlomeno nel contesto dell'Unione Europea, gli ultimi decenni siano stati testimoni di un certo grado di erosione del potere statale e che i confini fra gli Stati siano divenuti sempre più permeabili (Perkmann & Sum, 2002). Anche se sarebbe eccessivo affermare che gli Stati-nazione siano in via di estinzione,¹ la mobilità attraverso le frontiere è ormai pratica comune per milioni di cittadini europei. Gli Accordi di Schengen, firmati a oggi da ben 28 Stati, hanno progressivamente eliminato i controlli doganali, permettendo alle persone di muoversi liberamente in tutto lo spazio comunitario. Tutto ciò naturalmente non ha allontanato la riflessione scientifica dallo studio dei confini, ma ha piuttosto spostato l'asse degli studi sulla trasformazione delle loro funzioni, in un'epoca caratterizzata dall'acuirsi delle interconnessioni su scala europea e globale. Nell'ambito dei *border studies* si è così sviluppato uno specifico ramo di ricerche espressamente rivolto allo studio della mobilità transfrontaliera, in particolare di quella dettata da motivi di lavoro (Fischer et al. 2000; van Houtum & van der Velde 2004; Ernste 2010) e di consumo (Bygvrå & Westlund 2004; Spierings & van der Velde 2008).

Agli sviluppi descritti sopra sono particolarmente interessate le regioni di confine situate a cavallo tra due o più Stati membri dell'UE, veri e propri laboratori per l'integrazione europea, dove l'intensità delle relazioni transfrontaliere dipende in gran parte dalle pratiche di mobilità intraprese degli abitanti di queste aree. Il presente contributo pone attenzione su una delle varie forme di mobilità

62 transfrontaliera attualmente in corso in dette regioni di confine, alla quale la letteratura internazionale ha finora concesso un'attenzione soltanto marginale. Il fenomeno oggetto di studio – per la denominazione del quale si propone l'utilizzo del termine “mobilità residenziale transfrontaliera” (MRT) – si riferisce ai movimenti prodotti da persone che decidono di acquistare casa e di trasferirsi sul versante opposto del confine, pur mantenendo al tempo stesso costanti relazioni con il paese di origine.

Nonostante in taluni contesti confinari la MRT si sia presentata in forma sporadica già nei primi decenni del Secondo dopoguerra, si può affermare che un impulso decisivo alla sua espansione sia pervenuto con l'accelerazione del percorso di integrazione europea dalla metà degli anni Ottanta. Le disposizioni finalizzate al perseguimento del Mercato comune hanno infatti facilitato l'acquisizione degli immobili in tutto il territorio comunitario, aprendo così la possibilità alle persone abitanti in prossimità dei confini nazionali di accedere agli immobili degli Stati limitrofi. Dopo le prime apparizioni nel tradizionale “cuore” dell'Europa (aree confinarie francesi, tedesche, olandesi, belghe, ecc.), con gli allargamenti del 2004 la MRT si è man mano estesa anche a Est del continente, spinta dalla liberalizzazione dei mercati nei nuovi Stati membri, soggetti in passato a forti restrizioni. Viste le profonde asimmetrie vigenti tra le regioni confinanti (nei prezzi degli immobili, nel costo della vita, nei regimi fiscali ecc.), retaggio di un passato in cui la frontiera ideologica ha funto da forte elemento di separazione e di distinzione, il trasferimento oltre confine si è reso – e in molte aree si rende a tutt'oggi – una pratica economicamente vantaggiosa.

Nel contesto dell'UE, i casi-studio sulla MRT finora sottoposti all'attenzione scientifica sono pochi e riguardano le regioni di confine tra Germania e Francia (Terlouw 2008), tra Olanda e Germania/Belgio (Strüver 2005; van Houtum & Gielis 2006; Gielis 2009), tra Slovacchia e Ungheria (Hardi 2009; Lampl 2010). Altri studi hanno esaminato l'influenza del mercato immobiliare nel determinare i flussi di *cross-border commuting*, per esempio nelle regioni di confine tra Svizzera e Francia (Bolzman & Vial 2007) o tra Germania e Danimarca (Hansen & Schack 1997). Sul portale web della Regione transfrontaliera Oresund si possono infine reperire alcuni dati statistici sui flussi di MRT tra Danimarca e Svezia (TendensØresund 2011).

Anche in una zona di confine dal passato burrascoso come quella tra Italia e Slovenia, la MRT è un fenomeno in forte espansione, a testimonianza delle profonde trasformazioni geopolitiche e socio-economiche che hanno segnato le recenti evoluzioni di queste terre. Le sue prime apparizioni risalgono al 2004, anno in cui la Slovenia ha aderito all'UE nonché liberalizzato il suo mercato

immobiliare, diventato accessibile a tutti i cittadini comunitari. Per gli abitanti di Trieste in particolare, città di confine per antonomasia, le soluzioni residenziali oltre confine sono improvvisamente diventate una realtà molto appetibile. Molti hanno così deciso di acquistare un'abitazione e di trasferirsi nelle vicine località della fascia confinaria slovena, in particolare nei villaggi rurali del Carso sloveno (*slovenski Kras*), area che offre un'elevata qualità residenziale, vista la presenza di ampi spazi verdi e di un patrimonio culturale invidiato a livello internazionale.

Il presente contributo si divide in due parti principali. Nella prima si tenterà di fornire alla MRT un adeguato inquadramento teorico, tenendo conto delle corrispondenze emerse tra le varie situazioni europee finora prese in esame. In particolare si propone di affrontare il fenomeno nell'ottica di due diverse prospettive analitiche, entrambe provenienti dalla disciplina sociologica: le teorie sulla suburbanizzazione e quelle sulle migrazioni transnazionali. Nella seconda parte l'attenzione si sposterà integralmente sul caso-studio italo-sloveno. In seguito a una breve introduzione sull'avvento e sulle evoluzioni della MRT in detta fascia confinaria, si esporranno i risultati di un'indagine quantitativa svolta tra 126 cittadini italiani trasferitisi sul Carso sloveno. L'analisi dei dati permetterà di acquisire informazioni su un fenomeno ancora poco esplorato in ambienti scientifici, oltre che di verificare le congruenze con i riferimenti teorici individuati nella prima parte del contributo.

2. Inquadramento teorico alla MRT

2.1. La MRT come fenomeno suburbano

Nei casi-studio europei finora presi in esame, la MRT è emersa sempre come prodotto di spinte centrifughe dalle cosiddette "città di confine" verso le periferie metropolitane situate in uno o più Stati limitrofi. Lo sconfinamento di agglomerati urbani quali Nijmegen (Olanda), Karlsruhe (Germania), Copenaghen (Danimarca) o Bratislava (Slovacchia) nelle zone periferico-rurali circostanti è sintomatico dell'avanzare dei processi di suburbanizzazione. La suburbanizzazione è un processo di deconcentrazione territoriale delle città ed è evidenziata dalla maggior crescita di popolazione nelle aree periferiche rispetto all'area urbana centrale.² Nelle periferie confluisce un'elevata quantità di popolazione cittadina che trasforma progressivamente le superfici rurali in sobborghi residenziali. Al mutamento nella morfologia del paesaggio si accompagna inoltre l'importazione di specifici stili di vita e modelli di comportamento.³

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Tra le cause per la MRT, gran parte sembrerebbero essere tipiche dei processi di suburbanizzazione: l'elevata densità abitativa della città; i prezzi più bassi degli immobili nelle aree periferiche rispetto a quelle urbane; l'evoluzione degli stili di vita a favore di abitazioni più ampie, decentrate e situate in prossimità di spazi verdi; il miglioramento dei collegamenti stradali e l'aumento della motorizzazione privata. In passato, l'espansione di molte città di confine europee era ostacolata da barriere di natura fisica (controlli doganali), amministrativa (restrizioni normative all'acquisto degli immobili nello Stato confinante) o mentale (diffidenza verso l'Altro oltre confine); con il progressivo affievolirsi di tali barriere, la suburbanizzazione ha finalmente trovato le condizioni per espandersi al di là dei confini amministrativi della città, che nel caso in questione sono anche confini amministrativi dello Stato.

La suburbanizzazione non è un fenomeno neutro ma può altresì provocare una serie di effetti collaterali. Il decentramento della popolazione nei nuovi spazi periferici comporta, per esempio, un notevole incremento della pendolarità casa-lavoro e del traffico automobilistico privato, con i problemi di inquinamento che ne derivano. L'elevato consumo di suolo, dovuto alla continua costruzione di nuovi edifici, implica ingenti costi connessi alla necessità di garantire ai nuovi insediamenti le infrastrutture. Il paesaggio rurale acquisisce una quantità sempre maggiore di elementi urbani, correndo il rischio di perdere l'originale identità, di trasformarsi gradualmente in un non-luogo (Augè 1992). Nei nuovi sobborghi residenziali si diffonde la cultura del privatismo che inibisce i contatti e gli scambi tra persone (Sennet 1970). Nelle situazioni di confine vanno poi considerate le ripercussioni che i flussi insediativi possono avere sulla struttura etnico-linguistica delle società riceventi. Il rischio dell'emergere di tensioni con le comunità autoctone nasce soprattutto qualora i nuovi arrivati non siano in grado di parlare la lingua locale, il che tende a produrre effetti di segregazione. I casi-studio tra Olanda e Germania o tra Slovacchia e Ungheria, per esempio, già evidenziano la nascita di piccole enclave suburbane, funzionalmente dipendenti dalle città di origine e poco integrate nel contesto socio-culturale di destinazione.

2.2. La MRT come migrazione transnazionale a breve distanza

La MRT è un fenomeno caratterizzato da un flusso bi-dimensionale, composto da un'unica migrazione permanente (il trasferimento di residenza da una sponda all'altra del confine) e da una miriade di migrazioni temporanee (il pendolarismo dei migranti tra i due paesi). I migranti tendono infatti a conservare relazioni quotidiane con le città di provenienza, dove generalmente mantengono il

lavoro, accompagnano i figli a scuola, visitano amici e parenti, trascorrono il tempo libero, usufruiscono di una serie di servizi. Van Houtum e Gielis (2006) parlano a proposito di migrazioni elastiche, in cui l'elasticità è il prodotto della costante interazione tra spinte centrifughe e centripete, da un modello di vita costantemente "sospeso" (*in-between*) tra l'al di qua e l'al di là del confine.

In linea con la direttrice di ricerca introdotta da Strüver (2005), si propone di approcciare la MRT all'interno di quella che è considerata la prospettiva teorica emergente nello studio delle migrazioni contemporanee: il transnazionalismo. Il transnazionalismo può essere definito come "il processo mediante il quale i migranti costruiscono campi sociali che legano insieme il paese di origine e quello di insediamento" (Glick Schiller et al. 1992, 1). Si tratta, quindi, di una forma di adattamento che non implica la rottura col contesto di origine ma che, al contrario, si avvantaggia proprio del mantenimento dei legami con esso. I transmigranti da un lato "conservano" nel proprio paese d'origine e dall'altro "costruiscono" in quello di destinazione, legami sociali, economici e culturali, mantenendoli in vita attraverso il confine. L'evento non determina lo stesso trauma del distacco che si viene a creare nelle migrazioni definitive e la scelta effettuata non è così cruciale per la vita dell'individuo (Ambrosini 2008).

Nelle regioni di confine, i flussi di MRT si distinguono dalle migrazioni transnazionali contemporanee in ragione della prossimità geografica che intercorre tra il paese di provenienza e quello di destinazione; a questo proposito è possibile parlare di transnazionalismo a breve distanza (Strüver 2005). Se, infatti, nella maggior parte delle migrazioni transnazionali la fluttuazione tra un "qui" e un "là" si esprime generalmente nella sfera virtuale (Vertovec 1999), l'elasticità dei migranti transfrontalieri ha una forte connotazione fisica. Vista la vicinanza tra i due poli migratori, il pendolarismo dei migranti transfrontalieri "è del tutto reale e tende ad avere atto su base quotidiana" (van Houtum & Gielis 2006, 195–196).

Nonostante parta da azioni individuali e familiari, il transnazionalismo dei migranti ha delle conseguenze macrosociali. A livello aggregato, il complesso delle attività e dei rapporti transnazionali può modificare le sorti delle città e delle nazioni a cui si riferiscono (Portes 2003). Assumendo tale prospettiva, anche le pratiche dei migranti a breve distanza potrebbero avere delle ripercussioni sulle future evoluzioni delle regioni di confine europee. Una possibilità è che tali contesti si trasformino in "spazi sociali transnazionali" (Faist 2000), composti da collettività che condividono una comune identità transfrontaliera. La questione è di valutare fino a che punto tali pratiche e identità siano veramente espressione di orientamenti transnazionali, o in quale misura vadano invece interpretati come

66 mere traslazioni di orientamenti nazionali, da parte di individui che si spostano oltre confine al solo scopo di massimizzare i vantaggi (economici) legati a tale scelta di vita.

3. La MRT nel contesto italo-sloveno

Nel contesto italo-sloveno, la MRT si è presentata come un elemento di forte novità, a testimonianza delle profonde trasformazioni geopolitiche e socio-economiche che hanno segnato le recenti evoluzioni di queste terre. Le vicende europee dagli inizi degli anni Novanta, innescate dall'inattesa fine della Guerra fredda, hanno prodotto un radicale rimescolamento delle carte in quella che da molti viene considerata come una delle frontiere più controverse del XX secolo europeo. L'evento ha segnato una forte accelerazione dei processi di integrazione europea, già affacciatisi nel corso dei decenni precedenti, ma che soltanto in questa fase storica hanno saputo diffondere un clima di maggior distensione nei rapporti tra i due Stati e le rispettive popolazioni.⁴ L'abolizione dei controlli doganali in seguito all'adesione slovena allo spazio Schengen ha inoltre rinvigorito i flussi di mobilità transfrontaliera, affiancando alle tradizionali forme di attraversamento del confine – legate principalmente a motivi di lavoro, consumo e svago – alcune pratiche di mobilità inedite.

L'emergere della MRT nell'area italo-slovena può essere interpretato proprio alla luce di tale lenta ma progressiva trasformazione nella percezione del confine, non più inteso (soltanto) come elemento di separazione o distinzione, ma sempre più (anche) come fonte di opportunità. Eppure, va osservato come la miccia ad aver scaturito l'improvvisa esplosione del fenomeno abbia una data ben precisa, il 1° maggio 2004, momento in cui la Slovenia entra ufficialmente a far parte dell'UE. Oltre all'innegabile valore storico dell'evento, che ha introdotto una nuova fase nei rapporti tra i due Stati all'insegna della "comune casa europea", qui ne vanno sottolineati soprattutto i risvolti pratici, quelli veramente capaci di incidere sulla vita quotidiana delle persone. L'entrata della Slovenia nell'UE ha infatti decretato la liberalizzazione del suo mercato immobiliare, che da una precedente condizione di chiusura è diventato ora accessibile ai cittadini di tutti gli Stati membri dell'Unione, pertanto anche a quelli residenti nel limitrofo territorio italiano.

Per gli abitanti di Trieste, il mercato immobiliare d'oltre confine è così di colpo diventato una destinazione residenziale molto appetibile. Nonostante a Trieste venga ormai da anni riconosciuto un elevato tenore di vita in rapporto alle altre

province d'Italia, essa è anche il distretto italiano con la minor superficie a fronte di un'altissima densità abitativa. In questo scenario, i villaggi rurali del Carso sloveno – situati a pochi chilometri dalla città, immersi nel verde e caratterizzati da un paesaggio culturale di rara bellezza, che si esprime in particolare nella sua tipica architettura rurale – hanno improvvisamente attirato le mire della popolazione triestina, in particolare delle giovani generazioni, che a fronte delle scarse soluzioni residenziali accessibili in provincia hanno visto nell'acquisto di una casa sull'altipiano la possibilità di migliorare considerevolmente la propria condizione abitativa.

Nella limitata porzione di fascia confinaria presa in esame dal presente contributo – che comprende la provincia di Trieste come punto di partenza dei flussi e i quattro comuni del Carso sloveno (Sežana, Divača, Hrpelje-Kozina e Komen) come loro punto di approdo – la MRT si presenta come un fenomeno unidirezionale, non soltanto perché la sua dinamica evolutiva tende a procedere da Ovest (Italia) verso Est (Slovenia), ma anche perché il fenomeno corrisponde all'espansione della città (Trieste) verso il suo *hinterland* (il Carso). I flussi residenziali si profilano quindi come avanzamento del processo di suburbanizzazione del capoluogo giuliano,⁵ che a fronte della spinta dei processi integrazione europea, ha trovato le condizioni per sconfinare in territorio sloveno (Figura 1).

Figura 1: Suburbanizzazione di Trieste verso il Carso sloveno



Fonte: Jagodic (2011)

La MRT nell'area oggetto di indagine è un fenomeno difficilmente quantificabile, in quanto i dati ufficiali disponibili sono pochi e per giunta incompleti. Per una sua quantificazione approssimativa si possono assumere come riferimento i dati ottenibili presso l'Ufficio di Statistica della Repubblica di Slovenia (*Statistični urad Republike Slovenije*), che presentano il numero di cittadini italiani trasferitisi sul Carso sloveno a cui è stato rilasciato il documento di residenza temporanea o permanente da parte delle Unità amministrative (*upravne enote*) locali. Secondo tali dati, presentati dalla Tabella 1, nel periodo tra il 2006 e il 2009 si sarebbero trasferite sul Carso sloveno 293 persone di cittadinanza italiana,⁶ ossia circa le metà (50,6 per cento) di tutti i trasferiti nella Regione Obalno-kraška (579) e meno di un terzo (29,8 per cento) dei trasferiti in tutta la Slovenia (983). Il comune più colpito dall'affluenza di cittadini italiani sarebbe Sežana, che nel periodo interessato avrebbe acquisito 212 nuovi residenti (SURS 2011).

Tabella 1: Numero dei cittadini italiani trasferitisi in Slovenia disaggregati per sesso ed unità geografiche selezionate

	2006			2007			2008			2009			Tot. 2006-2009		
	Tot	M	F	Tot	M	F	Tot	M	F	Tot	M	F	Tot	M	F
Slovenia	150	104	46	264	184	80	298	198	100	271	176	95	983	662	321
Reg. Obalno-kraška	67	42	25	163	110	53	186	124	62	163	102	61	579	378	201
Sežana	21	13	8	60	38	22	72	41	31	59	33	26	212	125	87
Divača	0	0	0	4	3	1	9	5	4	5	2	3	18	10	8
Hrpolje-Kozina	4	3	1	10	5	5	11	10	1	17	11	6	42	29	13
Komen	1	0	1	8	5	3	9	5	4	3	2	1	21	12	9
Totale Carso sloveno	26	16	10	82	51	31	101	61	40	84	48	36	293	176	117

Fonte: SURS (2011)

Essendo un fenomeno di recente apparizione, la MRT nell'area italo-slovena non ha ancora avuto il tempo di catturare le attenzioni degli ambienti scientifici. Le informazioni di cui si dispone allo stato dell'arte sono ristrette ad alcuni scritti che si limitano ad affrontare l'argomento dal punto di vista del suo impatto ambientale o urbanistico (Lah 2008; Prosen 2008). Per contro, come meglio si vedrà nella parte conclusiva dell'articolo, la MRT è stata fin dalle sue prime apparizioni oggetto di un'ampia attenzione mediatica, soprattutto sul versante sloveno. Al momento sono quindi le inchieste giornalistiche a rappresentare la principale fonte di informazione, anche se non la più attendibile, visto lo scarso approfondimento dei contenuti, le valutazioni spesso viziate da preconcetti ideologici, ma soprattutto la mancata considerazione del punto

di vista dei migranti, a cui vengono spesso attribuite proprietà non riscontrate empiricamente. Il presente lavoro nasce proprio dal desiderio di contribuire a colmare tale *gap* conoscitivo, portando a conoscenza alcune informazioni tratte da una recente indagine svolta tra i cittadini italiani trasferiti sul Carso sloveno.

4. Indagine tra i migranti transfrontalieri nel contesto italo-sloveno

4.1. Obiettivi e metodologia dell'indagine

L'indagine in merito è parte del progetto Mobilità residenziale transfrontaliera nel contesto dell'Unione europea: il caso del confine italo-sloveno, promosso dallo SLORI (Slovenski raziskovalni inštitut / Istituto Sloveno di Ricerche) e sviluppato dall'autore nell'ambito del dottorato di ricerche in *Transborder policies for daily life* presso lo IUIES (International University Institute for European Studies) di Gorizia (Jagodiec 2011). Scopo dell'indagine quantitativa è illustrare alcuni aspetti chiave di tali esperienze transfrontaliere, che per ragioni di limiti di lunghezza previsti per l'articolo saranno qui ristretti a sei blocchi tematici: profilo generale degli intervistati, provenienze e destinazioni geografiche, ragioni per il trasferimento oltre confine, pratiche e attività transnazionali, inserimento nella società ricevente e comportamenti linguistici nel contesto di approdo.

Per la raccolta delle testimonianze si è proceduto alla somministrazione di un questionario strutturato tramite utilizzo del metodo CAWI (*Computer Assisted Web Interviewing*). In assenza di dati esaustivi sull'universo di riferimento necessario alla strutturazione di un campione statisticamente rappresentativo, si è proceduto a individuare il gruppo di migranti transfrontalieri da coinvolgere nell'indagine tramite un campionamento a palla di neve (*snowball sampling*), tecnica di tipo incrementale basata sul presupposto che gli individui facenti parte della popolazione che si vuole studiare si conoscano tra loro e si segnalino reciprocamente. Nel complesso sono stati intervistati 126 soggetti, in rappresentanza di altrettanti nuclei familiari. Le interviste sono state realizzate nel periodo tra novembre 2010 e gennaio 2011.

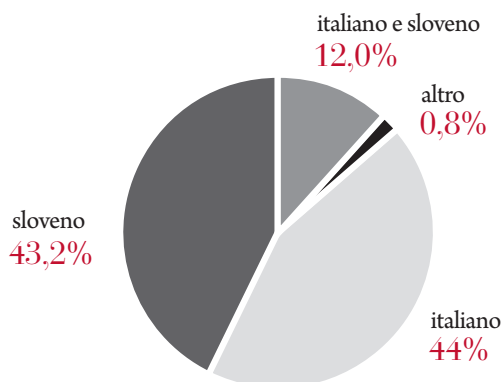
70 4.2. Analisi dei dati

4.2.1 Profilo generale degli intervistati

L'indagine ha coinvolto una lieve preponderanza di soggetti maschi (54,8 per cento) rispetto alle femmine (45,2 per cento). L'età anagrafica media degli intervistati è pari a 40,3 anni e conferma la descrizione della MRT come un processo sospinto da fasce generazionali tendenzialmente giovani. Il gruppo dei rispondenti presenta un elevato livello di istruzione, se si considera che nel 36,8 per cento dei casi si tratta di soggetti laureati e nel 58,2 per cento di diplomati. Gli intervistati sono per lo più persone occupate (88,9 per cento). Tenendo conto degli scaglioni previsti dal sistema italiano per l'Imposta sui redditi delle persone fisiche (IRPEF) è possibile osservare come il 46,8 per cento degli intervistati rientri nella fascia di reddito annuo lordo tra i 15.000 e i 28.000 Euro, mentre il 28,4 per cento non guadagni più di 15.000 EUR. Come si evince dalla dichiarazione dei redditi fornita dagli stessi intervistati, si tratta quindi di persone che si potrebbe far rientrare nel ceto medio della popolazione triestina.

Le origini linguistiche degli intervistati rivelano un emblematico equilibrio tra soggetti di madrelingua italiano (44 per cento) e soggetti di madrelingua sloveno (43,2 per cento) (Grafico 1). Pur non trattandosi, come detto, di un campione rappresentativo dell'universo studiato, il dato porta alla luce una caratteristica distintiva della MRT nell'area italo-slovena, ossia quella di essere un fenomeno in buona parte alimentato da cittadini italiani di lingua slovena, di fatto esponenti della minoranza autoctona slovena storicamente insediata nella provincia di Trieste. È chiaro che l'affiliazione linguistico-culturale con il contesto d'approdo funge da elemento propulsore per gli spostamenti di tali persone, agevolandone nel contempo il processo di inserimento nella nuova realtà abitativa.

Grafico 1: Lingua materna degli intervistati (N=125)



4.2.2 Provenienze e destinazioni geografiche

I dati relativi al comune di residenza degli intervistati prima del loro trasferimento in Slovenia (Tabella 2) segnalano un'egemonia pressoché totale di provenienze dalla provincia di Trieste (92,9 per cento). Che la MRT corrisponda allo sconfinamento della suburbanizzazione viene confermato dalla provenienza della maggior parte degli intervistati (56,8 per cento) dall'area cittadina. Pur tuttavia, la consistenza numerica dei provenienti dalle frazioni periferiche del Comune di Trieste e dagli altri comuni della provincia (Duino-Aurisina/Devin-Nabrežina, Sgonico/Zgonik, Monrupino/Repentabor, San Dorligo della Valle/Dolina e Muggia), che insieme rappresentano il 36,1 per cento del campione complessivo, indica una fase ormai matura del processo, in cui la prima cintura metropolitana (rappresentata dal Carso triestino) tende man mano a dilatarsi verso aree sempre più decentrate (rappresentate dal Carso sloveno e oltre), seguendo il modello insediativo della diffusione urbana.

Tabella 2: Comune di residenza degli intervistati prima del trasferimento in Slovenia

COMUNE	Prima del trasferimento in SLO	
	N	%
Trieste - zona città	71	56,8
Trieste - zona circondario	27	21,6
Duino-Aurisina / Devin-Nabrežina	12	9,6
Monrupino / Repentabor	2	1,6
San Dorligo della Valle / Dolina	2	1,6
Sgonico / Zgonik	1	0,8
Muggia	1	0,8
Tot. provincia TS	116	92,9
Altri comuni FVG	5	3,9
Altri comuni Italia	4	3,2
TOTALE	125	100

I dati riportati dalla successiva Tabella 3 segnalano come i migranti transfrontalieri tendano a confluire nei nuclei situati nelle immediate vicinanze del confine, al fine di rendere il più breve possibile il tragitto per Trieste, città che permane il centro gravitazionale della loro vita. Le preferenze insediative si concentrano nell'area municipale di Sežana (64,2 per cento), mentre l'affluenza nei restanti tre comuni risulta molto meno pronunciata (14,3 per cento di trasferimenti

72 nel comune di Komen, 10,6 per cento nel comune di Divača e 4,1 per cento nel comune di Hrpelje-Kozina). Tra le località/frazioni maggiormente prese di mira va evidenziato il primato di Sežana, unico insediamento carsico di dimensioni urbane, diventato nuova dimora per un terzo degli intervistati (33,3 per cento). Il secondo posto in graduatoria è occupato da Lokev (10,6 per cento), destinazione notoriamente gradita dalla popolazione triestina, in quanto immersa nel tipico paesaggio carsico e al tempo stesso facilmente raggiungibile da Trieste. Tra gli altri insediamenti maggiormente coinvolti vanno citati quelli di Divača (6,5 per cento) e Komen (5,7 per cento), mentre il resto degli intervistati risulta sparpagliato tra i vari nuclei di minori dimensioni sparsi lungo il territorio.

Tabella 3: Comune e località/frazione di attuale residenza degli intervistati

LOCALITÀ/FRAZIONE	N	%
Sežana	41	33,3
Lokev	13	10,6
Dutovlje	3	2,4
Križ	3	2,4
Prelože pri Lokvi	3	2,4
Brje pri Koprivi	2	1,6
Štorje	2	1,6
Tomaj	2	1,6
Štjak	1	0,8
Vrhovlje	1	0,8
Majcni	1	0,8
Dol pri Vogljah	1	0,8
Podbreže	1	0,8
Kazlje	1	0,8
Orlek	1	0,8
Šmarje pri Sežani	1	0,8
Lipica	1	0,8
Selo	1	0,8
Tot. Comune di Sežana	79	64,2

(continua)

LOCALITÀ/FRAZIONE	N	%
Komen	7	5,7
Štanjel	2	1,6
Kobjeglava	2	1,6
Gabrovica pri Komnu	2	1,6
Tomačevica	2	1,6
Brestovica pri Komnu	1	0,8
Gorjansko	1	0,8
Sveto	1	0,8
Tot. Comune di Komen	18	14,3
Divača	8	6,5
Dolnje Ležeče	4	3,3
Dolnje Vreme	1	0,8
Tot. Comune di Divača	13	10,6
Kozina	2	1,6
Hrpelje	1	0,8
Slivje	1	0,8
Ocizla	1	0,8
Tot. Comune di Hrpelje-Kozina	5	4,1
Kostanjevica na Krasu	5	4,1
Altro	3	2,4
TOTALE	123	100

4.2.3 Ragioni per il trasferimento oltre confine

Tra le ragioni che contribuiscono ad alimentare il processo di MRT, il caso-studio italo-sloveno presenta notevoli corrispondenze con le altre situazioni europee. I risultati dell'indagine rivelano a riguardo una chiara predominanza di due ordini di fattori. Il primo è quello economico, che si riflette principalmente nei prezzi degli immobili (o anche degli affitti) più bassi rispetto agli standard vigenti sul versante italiano del confine, sottolineati da quasi due terzi degli intervistati (61,1 per cento). Sarebbero quindi le asimmetrie transfrontaliere nel mercato immobiliare, e in misura minore anche nel costo della vita (23 per cento), a rappresentare le forze trainanti dei flussi insediativi. Una seconda categoria di fattori, di importanza altrettanto decisiva quanto la prima, viene invece individuata nelle tipiche motivazioni sottostanti alla domanda suburbana, che si riflettono nelle opportunità di risiedere in un'area con ampia disponibilità

74 di verde e di aria pulita (44,4 per cento), di possedere un orto o un giardino (34,9 per cento), di evadere dal contesto cittadino (24,6 per cento), di vivere in un'abitazione più grande (15,9 per cento) o di sperimentare in prima persona il peculiare modo di vita carsico (15,9 per cento).

Grafico 2: Ragioni che hanno determinato il trasferimento oltre confine (N=316)

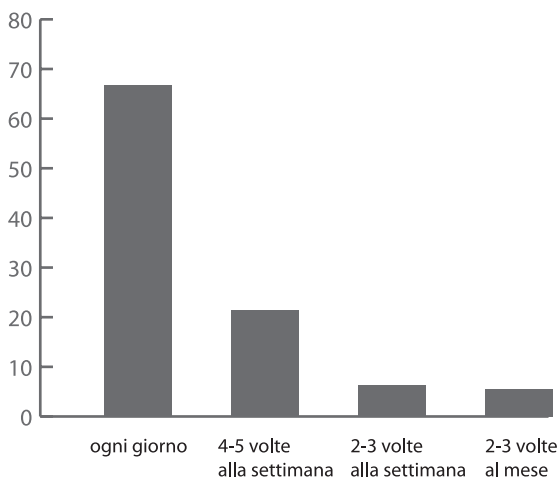


Nonostante la supremazia delle motivazioni economiche o di quelle antiurbane venga riscontrata praticamente in tutti i soggetti intervistati, l'analisi bivariata porta alla luce un diverso grado di risalto alle une o alle altre a seconda delle loro caratteristiche personali. Se è infatti vero che le motivazioni suburbane (presenza di verde e aria pulita, desiderio di possedere un orto/giardino, voglia di evadere dalla città) vengano enfatizzate molto di più dai soggetti provenienti dalla città (54,9 per cento, 43,7 per cento e 35,2 per cento) e di lingua italiana (52,7 per cento, 49,1 per cento e 30,9 per cento), è altrettanto vero che a risaltare l'incidenza delle motivazioni economiche, e in particolare del minor costo della vita in Slovenia, siano viceversa i soggetti provenienti dal circondario (35,6 per cento) e di lingua slovena (37 per cento). Si delinea in tal modo una distinzione sommaria dei migranti transfrontalieri in due categorie principali: la prima composta da una popolazione tendenzialmente urbana e italoфона, che ambisce a migliorare le proprie condizioni abitative rifugiandosi nella quiete e nelle virtù naturali dell'entroterra carsico, pur consapevole di trasferirsi in un ambiente diverso per lingua, cultura e modelli di vita; la seconda proveniente invece da un contesto (quello del Carso triestino) molto più affine a quello di approdo in termini sia ecologico-ambientali sia socio-culturali, per la quale lo sconfinamento rappresenta soprattutto la possibilità di mantenere lo standard di vita precedente, ma a un costo decisamente limitato.

4.2.4 Pratiche e orientamenti transnazionali

Si prenderà ora in esame il peculiare stile di vita intrapreso dai migranti transfrontalieri che, analogamente agli altri casi-studio europei visti in precedenza, si trovano in una condizione liminale, costantemente “sospesi” tra il paese di approdo (la Slovenia) e quello di provenienza (l'Italia). Come si evince dal Grafico 3, tale condizione si manifesta soprattutto attraverso i continui movimenti pendolari tra i due paesi. Si pensi, infatti, che ben due terzi dei rispondenti (66,7 per cento) dichiarano di oltrepassare il confine addirittura ogni giorno e che un ulteriore 21,4 per cento lo faccia per ben 4-5 volte la settimana. Si tratta, peraltro, di una popolazione totalmente dipendente dall'automobile, utilizzata nel 96 per cento dei casi come unico mezzo di trasporto per compiere tali tragitti.

Grafico 3: Frequenza degli attraversamenti del confine (N=125)

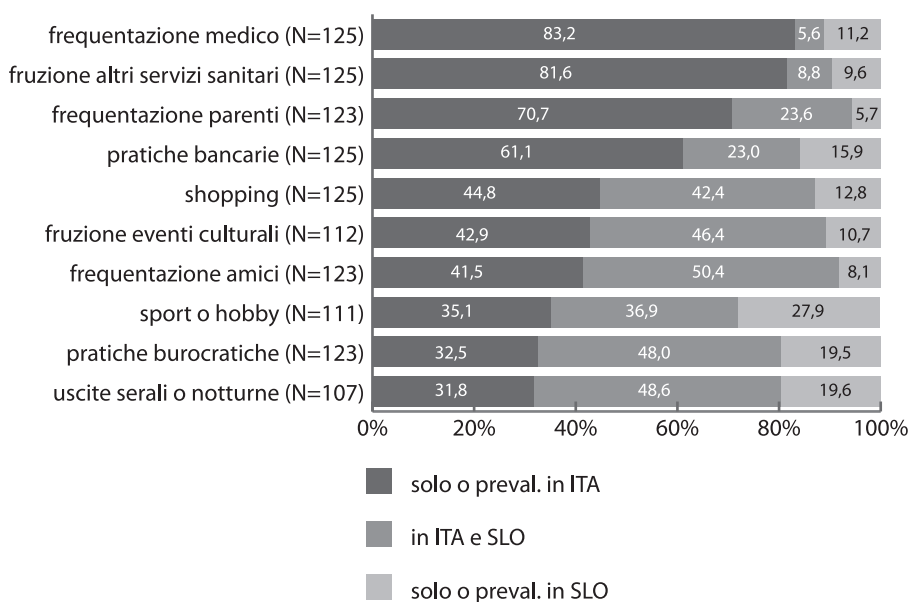


Il pendolarismo transfrontaliero dei migranti è in gran parte determinato dal mantenimento dell'occupazione precedente al trasferimento. L'86,6 per cento dei soggetti occupati continua infatti a lavorare in Italia, la stragrande maggioranza dei quali (74,4 per cento) lo fa nella provincia di Trieste. Per oltre due terzi degli intervistati occupati (68,7 per cento), la durata del tragitto casa-lavoro non supera i 30 minuti di tempo, da cui emerge una strategia localizzativa tesa a contenere le spese per la mobilità.

Del resto, il desiderio di mantenere una forte continuità con la vita svolta in precedenza non emerge soltanto nella sfera del lavoro ma coinvolge tutta una

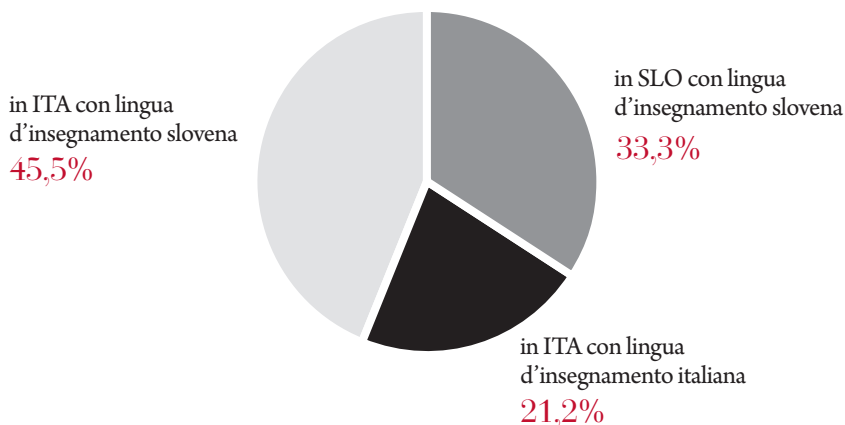
76 serie di attività svolte dai migranti nell'arco della vita quotidiana (Grafico 4). Tale orientamento centripeto si rende evidente nel mantenimento di relazioni con l'Italia sia di tipo strumentale (fruizione dei servizi sanitari, pratiche bancarie, shopping, partecipazione a eventi culturali ecc.), sia di tipo socio-affettivo (visite ai familiari, frequentazione di amici, uscite serali o notturne).

Grafico 4: Pratiche e attività transnazionali degli intervistati



Un ulteriore indicatore per valutare l'orientamento transnazionale dei migranti riguarda il paese (e la lingua) di istruzione dei loro figli. Tra i nuclei familiari coinvolti nell'indagine con figli in età pre-scolare o scolare (26,6 per cento del campione complessivo) si evidenzia una larga preponderanza (66,7 per cento) di iscrizioni alle scuole in Italia, di cui la maggior parte in istituti con lingua di insegnamento slovena (45,5 per cento) e una parte minore in istituti con lingua di insegnamento italiana (21,2 per cento). Benché due terzi dei nuclei familiari abbiano quindi di fatto mantenuto la continuità con il sistema formativo precedente, non va tuttavia ignorato il rimanente 33,3 per cento che ha altresì deciso di iscrivere i figli alle scuole locali, situate nelle varie frazioni del Carso sloveno (Grafico 5).

Grafico 5: Tipo di scuola materna o elementare frequentata dai figli degli intervistati (N=33)



È importante, perlomeno a parere di chi scrive, sottolineare l'elevata propensione tra i nuclei familiari di lingua italiana a scegliere per i propri figli un'istruzione nella lingua del nuovo ambiente di vita: lo sloveno. Si pensi, infatti, che nel 42,9 per cento dei casi, i figli delle unioni italofone frequentano scuole slovene in Italia e nel 21,4 per cento le scuole slovene locali, mentre soltanto il 35,7 per cento ha optato per la continuità con la scolarizzazione in lingua italiana. Benché, come si è visto in precedenza, tali famiglie continuino ad avere un orientamento ben fisso verso l'Italia nella loro *routine* quotidiana, si può tuttavia scorgere in esse un'esplicita volontà di vedere i propri figli istruiti nella lingua del nuovo contesto di residenza.

4.2.5 Inserimento nella società ricevente

Attraverso una successiva batteria di *item* si è proceduto a raccogliere informazioni relative al livello di inserimento dei migranti nel nuovo ambiente di vita. In generale, tra i soggetti interpellati viene rilevata un'elevata soddisfazione per la scelta di essersi trasferiti oltre confine, testimoniata dal 70,6 per cento di persone dichiaratesi molto soddisfatte e dal 27 per cento di persone abbastanza soddisfatte. A conferma di tale diffusa soddisfazione interviene anche l'intenzione degli intervistati di risiedere in Slovenia per un tempo piuttosto lungo. Si noti, infatti, che oltre la metà di essi (50,8 per cento) si dica intenzionata a restare sul Carso sloveno per sempre, accompagnata da un ulteriore terzo (32,5 per cento) che pianifica di risiedervi per molto tempo.

I migranti percepiscono di essere ben inseriti nel nuovo contesto di vita, dove tendono a instaurare legami soprattutto nella sfera del vicinato. Minore, ma

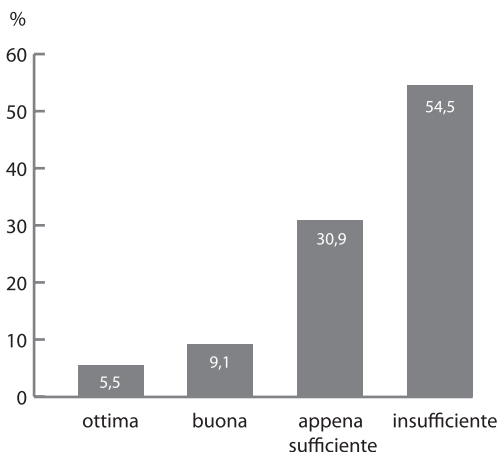
78 non per questo evanescente, è invece la propensione a frequentare persone tra la comunità autoctona (soltanto il 15 per cento degli intervistati dichiara di non frequentare alcun suo membro), come pure a prendere parte alle festività locali (soltanto il 27,7 per cento dichiara di non avervi mai preso parte o che non le conosce).

Un dato significativo riguarda la scarsa diffidenza percepita dai migranti da parte della popolazione locale (sottolineata dal 69,5 per cento degli intervistati), fotografia di una realtà del quotidiano in cui autoctoni e immigrati tenderebbero a convivere in modo apparentemente tranquillo. Va tuttavia evidenziata, al tempo stesso, una quota non trascurabile di migranti (18,4 per cento) che dichiara di essersi già trovata di fronte a episodi particolarmente spiacevoli, quota che comprende soprattutto soggetti di lingua italiana. I casi di intolleranza nei confronti dei nuovi arrivati si manifestano quindi con maggior frequenza qualora questi ultimi non siano capaci di comunicare nella lingua locale, elemento che evidentemente è in grado di urtare la sensibilità di alcune frange della popolazione autoctona.

4.2.6 Comportamenti linguistici nel contesto di approdo

In effetti, una delle questioni più controverse emerse finora nel dibattito pubblico sloveno attorno ai flussi di MRT riguarda proprio la (supposta) scarsa conoscenza della lingua slovena da parte della maggior parte dei migranti italofoeni. Del resto, tali presupposti sembrano trovar conferma dagli stessi esiti dell'indagine, visto che ben l'85,5 per cento degli intervistati di lingua italiana giudica la propria conoscenza dello sloveno insufficiente o appena sufficiente (Grafico 6).

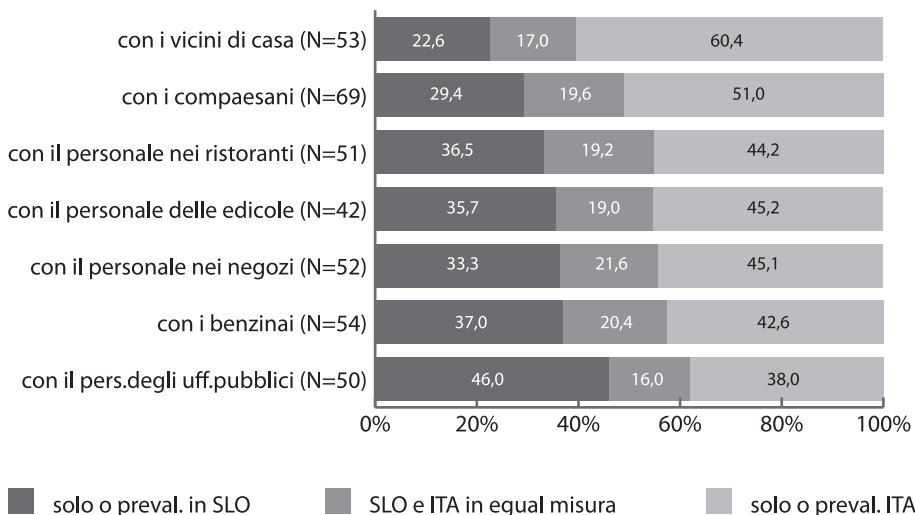
Grafico 6: Conoscenza della lingua slovena tra gli intervistati italofoeni (N=55)



Tra gli intervistati italofoeni che ammettono lacune nella conoscenza dello sloveno, soltanto uno su cinque (20,5 per cento) ha iniziato sistematicamente a studiarlo prendendo lezioni private o frequentando un corso. Quest'ultimo dato segnala come la conoscenza dello sloveno di fatto non rappresenti una necessità di primaria importanza nella vita quotidiana dei migranti transfrontalieri, e ciò in virtù di due ragioni: da una parte, poiché riescono a sopperire ai propri bisogni appoggiandosi a Trieste o ad altre località in Italia; dall'altra, poiché nel nuovo *habitat* sembrano ottenere un'elevata disponibilità della popolazione locale a interagire in italiano.

Tale seconda ipotesi appare peraltro ricevere supporto dai risultati dell'indagine, che in una specifica sezione del questionario prevedeva la verifica dell'uso quotidiano delle due lingue – slovena e italiana – nelle varie situazioni comunicative relative al nuovo contesto di residenza. Dal Grafico 7 si evince, infatti, come in tutte le situazioni indicate i migranti italofoeni ricorrano spesso alla lingua italiana, siano queste ultime informali (rapporti con il vicinato e con la popolazione locale) o formali (rapporti con i commercianti, con il personale nei supermercati, con i tabaccai, con i gestori di bar e ristoranti, con il personale presso i distributori di benzina). Particolarmente indicativo è l'elevato ricorso all'italiano nei rapporti con il personale degli uffici pubblici (nel 38 per cento dei casi), nonostante il quadro normativo nazionale vieti espressamente agli operatori impiegati nella pubblica amministrazione di utilizzare una lingua diversa dallo sloveno nei rapporti con l'utenza.

Grafico 7: Usi linguistici degli intervistati italofoeni nelle varie situazioni comunicative



È evidente, quindi, che nella comunicazione con gli alloctoni italofoeni una buona parte della popolazione locale, che è di norma in grado di parlare italiano, tenda ad adeguarsi linguisticamente all'interlocutore. Tale comportamento potrebbe derivare da una parte da un atteggiamento di cordialità verso i nuovi arrivati, ma dall'altra sembra anche riflettere quel complesso di inferiorità storicamente radicato nella cultura slovena, in cui altre lingue vengono spesso poste sul piedistallo proprio a discapito della lingua materna (Novak Lukanovič 2007).

5. Conclusioni

Da questa breve esposizione di dati empirici riferiti al caso-studio della MRT nel contesto italo-sloveno si può osservare una serie di corrispondenze con le altre situazioni confinarie europee, che sembra giustificarne la trattazione nell'ambito dei riferimenti teorici individuati. Che si tratti di una progressiva suburbanizzazione della città di Trieste viene infatti confermato da una serie di indizi: dalle provenienze dei migranti intervistati, dalle loro scelte residenziali, dalle motivazioni sottostanti al trasferimento oltre confine, dalle modalità di rapportarsi tanto al contesto di origine quanto a quello di approdo. Lo stile di vita dei migranti transfrontalieri triestini, costantemente "sospeso" tra i due paesi di riferimento, legittima inoltre l'inquadramento della MRT nell'ottica concettuale del transnazionalismo; un transnazionalismo a breve distanza, che si distingue per privilegiare le relazioni con il paese di provenienza, ma che presenta anche alcuni elementi facenti presagire a una graduale integrazione dei migranti nel nuovo tessuto socio-culturale.

Pur tuttavia, il caso-studio italo-sloveno mostra anche alcuni tratti specifici, che in qualche modo lo distinguono dalle altre situazioni europee. Tra questi va rimarcato, per esempio, il ruolo attivo svolto dai membri della minoranza nazionale slovena in Italia nel dar propulsione ai flussi transfrontalieri. Allo stato dell'arte sono infatti proprio questi ultimi a rappresentare i veri, se non addirittura unici interpreti della peculiare condizione *in-between* propria dei transmigranti, che si riflette nel regolare utilizzo delle due lingue (slovena e italiana) e nel confrontarsi ogni giorno con le innumerevoli differenze tra le due culture nazionali di riferimento. Sarà compito delle future ricerche cercare di comprendere quali possano essere le evoluzioni di tali esperienze transnazionali e quali le loro implicazioni a livello identitario. L'ipotesi che si potrebbe avanzare è che il sentimento di appartenenza a uno stesso spazio vissuto (lo spazio transnazionale) possa nel tempo prevalere sull'identità localista o nazionale, che è tipica di molte regioni di confine e che è spesso fonte di tensioni o conflitti intergruppo.

L'elemento che più di altri rende il caso-studio italo-sloveno singolare va tuttavia individuato nella sua elevata ridondanza mediatica. Fin dalle sue prime apparizioni, la MRT è stata infatti oggetto di un ampio dibattito pubblico, sviluppatosi all'interno società ricevente. A tenere animata la discussione ci hanno pensato soprattutto le Iniziative civiche locali (la *Civilna iniciativa Kras* e la *Civilna iniciativa za Primorsko*), la cui *mission* coincide con "la salvaguardia del Carso in quanto patrimonio nazionale, naturale e culturale della Slovenia" (CI Kras, 2011). Le due Iniziative civiche hanno intrapreso una vasta campagna di sensibilizzazione sui potenziali effetti negativi connessi con l'avanzamento della MRT in un territorio fragile come quello carsico, individuandoli nella sfera ambientale (minaccia per le specificità morfologiche e geologiche del Carso in seguito all'elevato consumo di suolo per la costruzione dei nuovi complessi residenziali), urbanistica (contaminazione del paesaggio rurale con elementi contrari ai principi dell'architettura locale), sociale (effetti di *gentrification* con conseguente esclusione delle fasce deboli locali dal mercato immobiliare locale) ed etnico-linguistica (rischio di una progressiva "italianizzazione" del territorio). La protesta ha raggiunto il suo culmine nel gennaio del 2011, quando le due Iniziative hanno posto una petizione al Governo sloveno, affinché quest'ultimo richiedesse alla Commissione europea una clausola di tutela per il mercato immobiliare di tutta l'area confinaria. A prescindere dalla posizione assunta dal Governo, protesa a evitare la richiesta formale all'UE per attuare piuttosto dei provvedimenti di tutela nell'ambito della vigente normativa nazionale, l'iniziativa in merito – pur sostenuta da una serie di istanze legittime – rappresenta a parere di scrive un passo indietro rispetto al percorso di europeizzazione intrapreso dall'area italo-slovena nel corso degli ultimi decenni.

Per concludere, la MRT si presenta come un fenomeno affascinante e controverso nel contempo, in quanto porta alla luce una serie di contraddizioni implicite allo stesso concetto di integrazione europea. Da una parte, rappresenta un interessante laboratorio di integrazione transfrontaliera dal basso verso l'alto, poiché contribuisce a trasformare il confine-barriera in uno spazio condiviso, in cui si incontrano diversi linguaggi, culture e stili di vita. D'altra parte, l'improvviso incontro tra diversità precedentemente separate da un confine percepito come forte elemento di contrapposizione può condurre a un'alterazione troppo rapida degli equilibri preesistenti, al punto da far riemergere tensioni o conflitti che si credevano ormai sopiti. L'esempio della MRT è quindi emblematico di come gli sforzi intrapresi dall'UE per l'integrazione delle proprie regioni di confine non necessariamente si traducano in una transnazionalizzazione dello spazio confinario, ma possono anche comportare la reiterazione di appartenenze e lealtà nazionali, innalzando in tal modo nuovi muri e nuovi confini.

Note

¹ Più che di estinzione, Keating (2007) parla di trasformazione degli Stati-nazione, entità oggi indebolite nelle loro precedenti funzioni di regolazione sociale e formazione di identità, nonché incluse in un nuovo ordine europeo che divide la sovranità e incoraggia la nascita di sistemi normativi multipli.

² Considerata da alcuni autori come una fase del “ciclo di vita” delle città (van den Berg et al. 1982), dagli anni Settanta ad oggi la suburbanizzazione ha prodotto una radicale trasformazione dei territori che circondano molte agglomerazioni urbane europee, vedi per esempio Parigi, Bruxelles, Copenaghen, Francoforte, Zurigo ecc.

³ L'insieme di questi modelli ha riscosso un notevole interesse da parte della ricerca sociologica, che per differenziarli sia da quelli tradizionalmente associati alla città, sia da quelli tipicamente rurali, ha introdotto il neologismo di *suburban way of life* (Sennet 1970, Castells 1972).

⁴ Per un'analisi esaustiva delle evoluzioni e dell'impatto dei processi di integrazione europea nel contesto transfrontaliero italo-sloveno cfr. Bufon (2002, 2008, 2010); Gasparini & Del Bianco (2008); Gosar (2009).

⁵ La suburbanizzazione di Trieste non rappresenta una novità, tant'è vero che affonda le proprie radici già nei primi anni del Secondo dopoguerra. Nel corso degli anni si è così assistito a una trasformazione del paesaggio culturale del circondario triestino, in cui si è venuta a creare una situazione di non facile convivenza tra elementi endogeni (cultura rurale di origini slovene) ed elementi esogeni (cultura urbana di origini italiane).

⁶ Bisogna tuttavia considerare che un ampio segmento dei migranti transfrontalieri non ha (ancora) proceduto a regolarizzare la propria posizione giuridica nei confronti del nuovo paese, risultando pertanto ignoto alle autorità slovene. Una quantificazione della MRT basata sui soli dati ufficiali ha quindi dei grossi limiti, in quanto descrive soltanto una parte dell'universo di riferimento complessivo.

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MATJAŽ KLEMENČIČ

The Austrian Policy towards Elementary Bilingual Education in Southern Carinthia and its Changes between 1958 and 1988

The article deals with the Austrian policy towards bilingual elementary education. After World War II Austria introduced compulsory elementary bilingual education within almost whole territory of Slovene indigenous settlement in southern Carinthia. Soon after the State Treaty for the Re-establishment of an Independent and Democratic Austria of 1955 was signed the German nationalists sharpened their demands that parents should decide on the language of education of their children. As a result of this pressure the compulsory bilingual elementary education was abolished in 1958. Author deals with the debates in Austrian parliament which led to the passage of new minority school law in 1959, which worsened the positions of Slovene minority. The second part of the article deals with debates and procedures when this law was changed again in 1980s. The changes did not achieve the aims of those who proposed them. The political circumstances after the fall of Berlin Wall and increased importance of Slovene language as one of the official languages of EU again increased the interest in Carinthia for bilingual education.

Keywords: Carinthian Slovenes, ethnic/national minority, minority protection laws, bilingual education

Avstrijska politika do osnovnošolskega dvojezičnega izobraževanja na južnem Koroškem in spremembe leta med letoma 1958 in 1988

Prispevek obravnava avstrijsko politiko do obveznega dvojezičnega šolstva na Koroškem. Po drugi svetovni vojni je Avstrija uvedla obvezno dvojezično šolstvo na skoraj celotnem območju avtohtone poselitve Slovencev na južnem Koroškem. Kmalu po podpisu Pogodbe o obnovi neodvisne in demokratične Avstrije leta 1955 so nemški nacionalistični krogi zaostriili zahteve, da bi o učnem jeziku svojih otrok odločali starši. Na njihov pritisk je koroška deželna politika leta 1958 odpravila obvezno dvojezično šolstvo. Avtor nato obravnava zakonodajne postopke v koroškem deželnem zboru in v avstrijskem parlamentu, ki so leta 1959 privedli do sprejema novega manjšinskega šolskega zakona, ki je slovenski manjšini zelo poslabšal že pridobljene pravice. V nadaljevanju je obravnavano spreminjanje tega zakona v 80. letih 20. st. Te spremembe pa namena predlagateljev niso dosegle. Spremenjene politične okoliščine po padcu berlinskega zidu in naraščanje pomena slovenščine kot enega uradnih jezikov v EU so povečale tudi zanimanje za dvojezično izobraževanje.

Ključne besede: koroški Slovenci, etnične/narodne manjšine, manjšinska zaščitna zakonodaja, dvojezično izobraževanje

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1. Introduction

Bilingual education in southern Carinthia has always been the cause of conflicts between the German-speaking majority and the Slovene-speaking minority of the province and especially after 1848 when the Slovenes started to become politically aware of their interests as a modern European nation and these interests started to overlap with the interests of the Greater German nationalists (Berchtold 1967; Cvirn 1995, 73–82). These tensions were also caused by the fact that, until 1938, the bilingual utraquistic schools served primarily as a means to make children learn German as quickly as possible (Ude 1955; Hassler 1959; ÖRK 1989; Kurz 1990, 120; Oblak 1990). Even in 1934, there were 78 Slovenian-German bilingual utraquistic schools where they taught 12,027 children (Suppan 1983, 160). During the Nazi period the Slovene language completely disappeared from schools. After the World War II, with the introduction of compulsory bilingual elementary education in almost the entire bilingual region of Southern Carinthia Austria formally demonstrated a positive political will to tackle the old German-Slovene contradictions. The State Treaty for the Re-establishment of an Independent and Democratic Austria (also known as the Austrian State Treaty – AST) of 1955, in the second paragraph of Article 7 states that Austrian citizens of Slovene and Croatian national minorities in Carinthia, Burgenland and Styria are “entitled to elementary instruction in the Slovene or Croat language and to a proportional number of their own secondary schools” (BGBl 1955, 727). However, in the field of minority protection Austrian legal practice did not follow the requirements of the AST (Pleterski 1960, 7–99; Stuhlpfarrer 2004, 39–58). The reason for this, especially in the field of education, was the fact that almost no denazification took place in Carinthia. The provincial governor of Carinthia Hans Piesch in 1946 stated that if the denazification were to be completed in the field of education in Carinthia, they would have to close all schools (Knight 1998, 531–558; Tributsch 2005, 81–83; Wakounig 2008, 172–177).

2. The Abolition of Compulsory Bilingual Elementary Education

Opponents of bilingual education loudly demanded from 1949 onwards the introduction of the so-called parental right, i.e., that the parents would have the right to decide on the language of instruction of their children (Malle 1998, 511–513). Individual protests of German nationalists against bilingual education took place already in 1946 (Fräss-Ehrfeld 2005, 123). Until 1956 only the Socialist

Party of Austria [*Sozialistische Partei Österreichs* – SPÖ] rejected such changes and then – out of fear of losing votes at the elections – itself succumbed to the demands of the German nationalists (Zorn 1976, 127–128; Nečak 1985, 100–101).

Opponents of bilingual elementary education in Southern Carinthia organized school strikes and forced both government parties, i.e., the SPÖ and the Austrian People's Party [*Österreichische Volkspartei* – ÖVP] to file a proposal of new bill on bilingual elementary education in Carinthia on 11 September 1957. According to this proposal minority education in the elementary schools [*Volksschule*] and in school grades five through eight [*Hauptschule*] would in accordance with the article 7 of AST fall under the jurisdiction of federal authorities, while the establishment of the school networks would fall under the jurisdiction of provincial authorities. The proposal also foresaw the establishment of a secondary school with Slovene as the language of education and additional education for teachers who taught in the Slovene language, and it regulated the optional teaching of Slovene language in compulsory elementary education and in secondary schools. The proposal dealt with the supervision of these schools. It defined members of the Slovene national minority as those Austrian citizens who recognized themselves as members of minority. The recognition of the membership of minority was a matter which officials could neither deny nor review in any way. Both federal and provincial legislators were to make sure that no pupil would attend school in the Slovene language or be taught Slovene as a compulsory subject without the consent or expressed will of his or her legal representatives. On the other hand, in accordance with this proposal all pupils in the linguistically mixed area of Carinthia – if their legal representatives so requested – would receive instruction in one of the schools in which the education took place only in the Slovene language, or in schools in which instruction was in German and Slovene, or in schools with German as the language of education in which classes with Slovene language of education would be organized. In schools with Slovene as the language of instruction German would be taught as a mandatory subject for six hours a week. In schools with Slovene and German as the languages of instruction, in the first three grades the language of instruction was to be to quantitatively the same in Slovene and in German. From the fourth grade onwards this instruction would take place only in German, while Slovene would be taught for three hours a week. The proposal also provided for additional training for teachers who taught in Slovene, and also the termination of the validity of the decree on compulsory bilingual elementary education of 3 October 1945 (SP 1957, 201–300).

German nationalists stepped up their efforts to abolish compulsory bilingual elementary education in southern Carinthia, in particular after the beginning of May 1957, when the Minister of Education Heinrich Drimmel sent a decree

establishing the Slovene Federal High School in Klagenfurt/Celovec to the Provincial School Council of Carinthia (Verordnungsblatt 1957, 1). In order to somewhat calm passions, two deputies to the Austrian parliament, Walther Weissmann (ÖVP) and Max Neugebauer (SPÖ), on 20 November 1957 proposed to the Austrian Parliament a new draft of the law on bilingual education in Carinthia, and this was discussed in the Subcommittee on Minority Education in Carinthia (SP 1958–59). Despite these attempts by the Austrian government, German nationalists with the support of the ÖVP and the Freedom Party of Austria [*Freiheitliche Partei Österreichs* – FPÖ] managed to force the Governor of Carinthia Ferdinand Wedenig (who presided over the Provincial School Council of Carinthia) to abolish the decree on establishment of bilingual education that had been issued in 1945 (Verordnungsblatt 1959a, 31). Due to nationalist pressure on parents, most of the children de-registered from bilingual instruction. 10,588 children were withdrawn, while only 2,186 registered for bilingual instruction (Barker 1984, 234; Glantschnig 1998, 524; Domej 2000, 36–42). Most of those registered were children from economically and socially independent farm families and from the families of craftsmen and traders, who could resist the various pressures (Tributsch 2005, 79–98; Nečák 1985, 117–120).

Carinthian Slovenes reacted sharply to the decree of “abolition from compulsory Slovene school” (Wakounig 2008, 181), as the German nationalists called it. Part of German-speaking population condemned the campaign against bilingual education; among them were two deputies to the Austrian parliament, Ludwig Weiß (ÖVP) and Max Neugebauer (SPÖ) (Neugebauer 1958, 5). Since the Austrian parliament had not passed the new minority school law by autumn of 1958, the Provincial School Council of Carinthia issued a new decree on 11 November (Verordnungsblatt 1959b, 32), which enabled the renewed registration of pupils for bilingual education. Due to continuing German nationalist pressures, on the basis of this decree only 213 pupils reregistered out of the 10,588 pupils who had already been withdrawn (Glantschnig 1998, 524). In reality, then, the registration of children for bilingual education essentially amounted to a statement by the parents about their ethnic identity. German nationalist propaganda proclaimed the inferiority of Slovene language, making this kind of statement by the parents difficult (Suppan 1991, 397–425). Although the proportion of pupils with Slovene mother tongue in the bilingual territory in 1958 was still around 40 per cent, there remained only 19 per cent registered for bilingual education (Fischer 1980, 208–212).

The Board of Education of the Austrian Government did not discuss the draft of the Minority Education Law, which had been submitted in November 1957, until 11 March 1959 (SP 1958–59, 601–665). The proposal, *inter alia*, foresaw a special

law concerning an official census of the minority – yet to be passed by the Austrian parliament – on the basis of which the network of bilingual schools would be established. Until then the network of schools as it was in place at the beginning of the school year 1958/59 was to be used. Therefore the proposal foresaw also a three-year transitional period, which would allow the provincial legislature to establish a network of schools, where the Slovene language could be taught and used as teaching language, taking into account the results of the official minority census (SP 1959, 4114–4115).

When the members of the Austrian parliament discussed the Minority School Law they simultaneously discussed a law governing the official language of the courts in relation to Paragraph 3 of the Article 7 of AST. In doing so, the lawmakers limited the extent of the territory on which the Slovene language could legally be used in courts additionally to German, i.e., only to the three (Eisenkappel/Železna Kapla, Bleiburg/Pliberk, Ferlach/Borovlje) of the nine judicial districts in the Slovene ethnic territory of Carinthia (BGBl 1959b, 609–610). A discussion of both laws was held on 19 March 1959. In the discussion Ludwig Weiss (ÖVP) defended the so-called right of parents as well as the establishment of a secondary school in Carinthia with Slovene as the language of education. On the other hand, Johann Kopenig (KPÖ) rejected the new school law and requested several changes to the benefit of minority. He demanded that Austria use the same criteria for protection of Slovene minority in Carinthia as it had requested for the German-speaking minority in South Tyrol. It is interesting to note that members of other parties interrupted Kopenig several times with various insults (SP 1959, 4117–4121). In this discussion, also, the issue of the validity or invalidity of the theory of the existence of Windisch as special language came to the fore in discussion about Dr. Weissmann's speech. Ernst Fischer (KPÖ) as a linguist stated that Windisch was a Slovenian dialect (SP 1959, 4114–4126). FPÖ deputy Helfried Pfeifer requested that the Law should be valid only after a special minority census took place and even then only for the communes in which there were more than 25 per cent or even more than 30 per cent of Slovenes (SP 1959, 4140). By a special resolution, the members of the parliament demanded that the Government propose a Law on a special minority census by 30 June 1960 (SP 1959, 4117).

The new Minority School Law for Carinthia finally abolished the regulation on compulsory bilingual education of 1945. In principle, it provided only for schools with instruction in German. Only those pupils who were registered by their parents and lived in municipalities where there were bilingual schools at the beginning of the school year 1958/59 were allowed bilingual education (BGBl 1959a, 605). The minority school law also included another clause that was unfavorable for the Slovene minority: "The settlements in which bilingual elementary schools and

high schools [grades five to eight] will be created (...) will be determined on the basis of data which will come from an official determination of minorities” (BGBl 1959a, 606).

This official determination of minorities took place on 14 November 1976, when the Austrian authorities with the census of special kind tried to determine the size of minorities in the whole territory of Austria. Due to a successful boycott of the Slovene minority and low participation of majority population the ensuing data could not be used for the implementation of the minority school law or any other minority protection law (Klemenčič & Klemenčič 2008, 99–114).

3. Changes in Bilingual Education in the 1980s

In practice the Minority School Law of 1959 fulfilled the wishes of the German nationalists. Therefore until the 1980s they did not demand any changes in minority education. The German nationalists were probably also very happy with the continuing decline in the percentage of pupils who attended bilingual elementary education, which by the school year 1976/77 decreased to 13.45 per cent (Klemenčič & Klemenčič 2010, 342–343). Once this percentage in the early 1980s began to rise again, the *Kärntner Heimatdienst* (KHD), through its newsletter *Ruf der Heimat* began to escalate resistance against bilingual elementary schools and spoke out with slogans such as “Only German teachers for the German Carinthian schoolchildren” (Kukovica 2004, 95–96).

Table 1: Children Registered in Bilingual Education in Southern Carinthia, 1959/60–1989/90

School year	Total Pupils	Registered in bilingual education		Preschool education	Elementary school in Klagenfurt/Celovec
		Number	Per cent		
1959/60	10,325	1,994	19.31	0	0
1964/65	11,070	1,602	14.47	0	0
1969/70	10,544	1,485	14.08	0	0
1974/75	8,978	1,292	14.39	0	0
1976/77	8,461	1,138	13.45	0	0
1979/80	7,435	1,065	14.32	0	0
1984/85	5,821	1,070	18.38	19	0
1989/90	5,664	1,134	20.02	44	41

Source: Klemenčič & Klemenčič (2010, 342–343)

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Given past experience, it was clear that the political parties in the Carinthian provincial assembly eventually would succumb to the requirements of KHD. The draft of the new law on minority education was submitted to the Carinthian provincial assembly at the end of November 1983 by the Carinthian FPÖ. It stipulated the elimination of German-Slovene classes in the first three years of the elementary school. It would allow the existence of these schools only in the area of the then 13 municipalities in which the Decree on the official language of the 1977 recognized Slovene as an official language (Unkart 1988, 21–28).

While the Carinthian political parties pushed for early debate in the Provincial assembly to settle the issue of minority education in southern Carinthia, the KHD and the *Kärntner Abwehkkämpferbund* progressively escalated their positions with respect to the new proposal and requested separate classes. The territory of validity of the new school legislation would be determined by the results of the Census of special kind of 1976 and the existence of requests for bilingual education in the school year 1983/84. The pre-condition for Slovenian class would be at least ten registered pupils. From schools where applications would not reach this number, pupils would be chauffeured daily to the nearest school with a Slovenian class. Under such conditions the number of schools with bilingual instruction would fall from 81 to 45. In schools where for several years there had not been a sufficient number of applications, bilingual instruction would simply be canceled. The head of the KHD, Josef Feldner, announced a collection of signatures to a petition that would call for a Carinthian “cross-party referendum on fair regulations of the Carinthian school question” (Feldner cited in Unkart 1988, 29–44). The KHD filed a request for a referendum to the Election Office of the Carinthian Government in June 1984. The KHD gathered almost 34,000 signatures (8.9 per cent of the eligible voters in Carinthia), which was sufficient for the FPÖ to require a debate on the issue of bilingual schools on behalf of KHD in the Carinthian Provincial Assembly (Stritzl & Koffler 1984, 3).

Carinthian Slovenians rejected the proposal of the KHD and the FPÖ. Its implementation would, they argued, be contrary to the Austrian Constitution (NT 1984a, 1). The campaign for the elimination of bilingual schools found echoes also outside Carinthia; experts stated that the KHD and FPÖ proposals were against the will of the Slovenian minority in Carinthia; that bilingual education should not be changed and that “Article 7 of the Austrian State Treaty does not foresee any connection between minority rights in education, territorial validity of the official language usage and bilingual localities’ signs” (NT 1984b, 4; Hudobnik 1984, 5). Even members of the delegation of experts from Switzerland, Germany and Finland who visited Carinthia at the end of September said that “didactic and pedagogic requirements can not justify German nationalist circles’ demands

for segregation of German-speaking children from Slovene ones” in Carinthian schools (KZ 1984, 4).

Under international and domestic pressure, the Austrian government established a legal and educational commission of experts to examine the state of bilingual education in Carinthia (KN 1984, 2), but its endeavors did not bring about any significant progress. Therefore, the Carinthian provincial assembly in April 1986 established a special political party commission led by the head of Carinthia’s Constitutional Services Dr. Ralf Unkart. From the 22 representatives of political parties and Provincial School Board, the six selected for the working group produced a new proposal for a model of minority education by the end of May, also known as the Carinthian pedagogical model. This model maintained common schools but provided for the segregation of classes for the German-speaking monolingual pupils on the one hand and, on the other, for pupils in bilingual Slovene and German-speaking classes whose parents wished that their children attend bilingual classes. In the classes in which there would be at least seven bilingual or at least seven monolingual children the classes would be held in one classroom, but with two teachers (Unkart 1988, 105-112; Devetak et al. 1988, 15-17). The Carinthian pedagogical model was unanimously endorsed by the Carinthian provincial assembly meeting on 26 February 1987 (Unkart 1988, 122).

The representatives of Carinthian Slovenes refused to accept this new model of bilingual education. The leader of the Carinthian department of minority schools, Dr. Valentin Inzko Sr., assessed the Carinthian pedagogical model as a model of segregation using linguistic criteria, which was contrary to the findings of the profession and to the provisions of Article 7 AST (KZ 1986, 4). Notwithstanding, the leaders of the SPÖ, the ÖVP and the FPÖ in the so-called minority school summit on 11 November 1986 in Vienna agreed that the Carinthian pedagogical model would serve as the basis for further negotiations (Lehofer 1986, 1-2). Carinthian Slovenes reacted to this decision with indignation. It did not help much that in parliamentary elections in late November 1986 Carinthian Slovene Karel Smolle, was elected to the Austrian parliament. Smolle already in his inaugural address pointed out that the Austrian Parliament should not become an “executive body of anti-minority groups” and urged deputies to “reject the proposals which advocate the segregation of schoolchildren” (Smolle cited in SP 1987, 218-225).

Members of the Federal Commission on Bilingual Education met for the first time on 16 March 1987 in Vienna. The Commission consisted of representatives of the Carinthian Government, the Chancellor’s Office, the provincial school board, the educational commission of Carinthian provincial assembly, experts at the Ministry

of Education, Arts and Sports and experts appointed by the National Council of Carinthian Slovenes (NSKS) and the Federation of Slovene Organizations (ZSO). Although the commission members had hoped that their work could be done without pressure, the Carinthian parliamentary parties required a decision as soon as possible. On 24 September 1987 they even confirmed a special schedule, according to which the new law on minority education would be enforced already in the school year 1988/89 (KTZ 1987a, 1, 5). The members of the Federal Commission met on 30 September 1987 in Vienna to discuss the final form of the interim report. They reached consensus in most of the points; however some questions relating to parallel bilingual classes and second teacher remained unresolved (KZ 1987, 4). Despite these disagreements, the provincial governor of Carinthia Leopold Wagner convened a meeting of the leaders of parliamentary parties and representatives of the Carinthian Slovenes, and tried to reach a so-called historic compromise. The representatives of Carinthian Slovenians declared themselves willing to compromise, but certainly not willing to agree on the segregation of children (SV 1987, 1).

When the search for the solution to the problem moved from the experts into political circles, the leaders of Austrian political parties did not resist the proposal imposed on them by their Carinthian branches. The representatives of the SPÖ, ÖVP and FPÖ on 18 November 1987 in Klagenfurt/Celovec signed a special three-party agreement which supported the Carinthian pedagogical model (VZ 1987a, 8). Such a decision upset those who supported the bilingual education in Carinthia. On the day after the adoption of this model mass protests already took place, especially in Klagenfurt/Celovec, Graz, and Vienna. On 26 November 1987 the demonstrators occupied the building of the Carinthian provincial government (VZ 1987c, 6, 7). Some Austrian politicians critically assessed the Carinthian pedagogical model. The Austrian Minister of Education, Hilde Hawlicek, mentioned the possibility of changes to the points of agreement in the parliament, since "changes in bilingual schools in Carinthia are not Carinthian, but a federal case" (Hawlicek cited in VZ 1987b, 5). Chancellor Franz Vranitzky at a 11 December meeting with representatives of the Carinthian Slovenes agreed to discuss the issue in the parliamentary subcommittee on education (KTZ 1987b, 4–5). Despite the peaceful tone of the Carinthian Slovenes, protests continued. The largest took place on 19 December 1987 in Vienna, where about 7,000 people protested in front of the building of the Chancellor's office (Die Presse 1987, 17). The protesters requested: (1) cancellation of the decision of the three political parties on minority education, (2) annulment of the Carinthian pedagogical model, (3) resumption of negotiations within the framework of the expert commission in Vienna, (4) consideration of the positions of the University of Klagenfurt/Celovec experts and bilingual teachers, and (5) participation of

representatives of the Carinthian Slovenes in all negotiations (Devetak et al 1988, 136–137). The demonstrations were widely reported by the press, also in German and French speaking countries (FAZ 1987, 8; Liberation 1987, 21; NZZ 1987, 4; SDZ 1987, 8).

The SPÖ, ÖVP and FPÖ introduced a statutory proposal to amend the law on minority education in parliament on 22 March 1988. It provided for the establishment of separate classes for seven or more children whose parents registered them in bilingual education. The proposal also introduced an assistant teacher into bilingual class for up to 14 hours per week. S/he would have the same powers as the teacher. The proposal also provided for additional classes for pupils with a poor command of the Slovene language, which would be introduced only if there would be at least three pupils who asked for it. Additional pedagogical training courses were provided at the Education Institute, whereas a language course in Slovene for assistant teachers would be only on a voluntary basis. The law would apply only to those municipalities where there had been bilingual education in the school year 1958/59 (Antrag, 1988).

In addition, Smolle introduced a proposal to amend the law on minority education on 22 March 1988. It was a proposal from the Carinthian United List [*Koroška enotna lista* – KEL], the only political party of Carinthian Slovenes which envisaged the division of a class if there were ten pupils registered for bilingual education, but in this division the linguistic criteria should not be decisive. The system of employing an assistant teacher was to be tested in a five-year period in any classroom with more than six pupils registered in bilingual education. An assistant teacher should have the same qualifications as a teacher and should be competent in both German and Slovene. Only in extreme cases would it be sufficient for an Assistant teacher to have passed the final high school exam (*matura*) in the Slovene language, or to have passed a two-semester final-level Slovene language course. Bilingual instruction should be carried out also at the pre-school level, and the law was expected to apply in those municipalities which were included in the Regulation on Compulsory Bilingual Education in 1945 (NT 1988b, 2–3). Interestingly, this proposal was positively assessed by the expert on minority issues, Felix Ermacora, who was an ÖVP deputy. Ermacora also wanted to become a member of the Subcommittee on Minority Education; but when his fellow party members found out the position he represented, they blocked his participation in the subcommittee. The ÖVP then appointed to this subcommittee two deputies, who otherwise were engaged with the problems of agriculture (NT 1988a, 2).

Leopold Gratz, the President of the Austrian Parliament, sent the proposal of the three parties and the petition from the KEL to the subcommittee on bilingual

education. The first meeting of the subcommittee took place in mid-April 1988. Smolle spent an hour and fifteen minutes explaining the position of the umbrella organizations of Carinthian Slovenians, the Rectors' Conference, etc. He pointed out that in the interim report, consensus had not been reached in three points only, and noted that the proposal of the SPÖ, ÖVP, and FPÖ did not follow even the unanimously accepted points of the interim report (NT 1991, 15).

The second meeting of the parliamentary subcommittee on bilingual education on 28 April took the form of consultations with various experts. Among others invited were Reginald Vospernik (NSKS), Marjan Sturm (ZSO), Josef Feldner (KHD), the district school inspector Franz Wiegele, Ralph Unkart, etc. Sturm did not attend the consultations in protest because Haider invited to this conference the President of the KHD, Feldner (NT 1988c, 15). Prof. Peter Gstettner, Head of the Department of General Pedagogy at the University of Klagenfurt/Univerza v Celovcu, explained that Feldner's participation at the meeting showed that debate on new minority school law represented no more than "an attempt to liquidate common bilingual education" (NR 1988, 292; KTZ 1988a, 2).

At its meeting on 31 May the subcommittee on minority education adopted a proposal for a new minority school law. Smolle's forecast "that he was ready to support the new school law, if the Carinthian provincial government agreed in writing to the changes proposed by him and Andreas Wabl from Green Alternative List which would substantially alter the wording of the 'Carinthian pedagogical model'" (KTZ 1988b, 1–2) was a great surprise for part of the Austrian public, but even more for some of the Carinthian Slovenes. In question were in particular the qualifications of the assistant teacher. While the Carinthian pedagogical model did not provide for an assistant teacher to have proficiency in the Slovene language, Smolle requested that the priority for employment as assistant teacher would be given to a teacher with bilingual qualifications, so that a higher qualified teacher could displace a less qualified teacher (i.e., a bilingual teacher could displace a monolingual). The same rules should be applied for the appointment of headmasters of bilingual schools. He proposed also the three-year probationary period for the implementation of the new school model, which would be monitored by a special commission of the Ministry of Education, Arts and Sport (KTZ 1988b, 1–2).

Smolle's decision to support the new minority school law met with firm rejection by that part of the Carinthian Slovenes which had gathered around the ZSO. At a press conference at the headquarters of the ZSO Vladimir Wakounig said that "the four-party pact (...) means the humiliation of the Slovene people and democratic Austrian German speakers, who strongly oppose segregation" (Wakounig cited

in Lukan 1988, 2). The *Slovenski vestnik* wrote with respect to Smolle's action that "with his signature (...) he not only ridiculed himself, but also enabled the other three [political] parties to confirm the bill" (SV 1988a, 2).

Austrian politicians at the provincial and federal level described the compromise agreement of the parliamentary subcommittee on minority education as a historic compromise "without winners and losers" (KTZ 1988c, 1–3). It was positively assessed also by some of the Carinthian Slovenes, those who gathered around the NSKS, although they emphasized that the bill was not the "optimal solution" (NT 1988c, 2). On the other hand, the representatives of the ZSO expressed their outrage and resolutely refused this decision, which was "for the Slovene minority fateful, because it represents a historic intervention" on what was left of Carinthian Slovenes (KTZ 1988d, 2). Also, the Carinthian provincial government and the KHD did not agree to all points of the proposal of the parliamentary subcommittee (KZ 1988, 4).

The parliamentary debate on the new minority school law took place on June 8, 1988. Johann Wolf (ÖVP) presented the report of the parliamentary minority education subcommittee regarding the law (SP 1988b, 7258–7260). The first discussant was Smolle (in SP 1988b, 7260), who began his speech by saying:

To me this is the most difficult moment since I've been in Parliament. I think I decided for this most important political step in the interest of the Slovene ethnic community [*Volksgruppe*] and also in the interests of other ethnic communities in Austria. I shall support the minority school law, although I do not agree with the contents of this law.

Smolle then discussed all the then-obtaining problems of recognized minorities in Austria. He assessed the minority policy of Austrian government as completely inadequate. As he spoke, the parents of bilingual pupils protested at the gallery, as they were not satisfied with Smolle's support of the proposed bill. The presiding officer temporarily interrupted Smolle's speech and threatened to empty the gallery. Smolle (in SP 1988b, 7263) then continued:

I think that the Slovenian ethnic community protests /.../ about this issue are more than justified, since the political parties /.../ did not behave in exactly the most exemplary way; on the contrary, I had to /.../ fight for every little change, as if it were an important state political issue.

Smolle then read a letter from the parents' initiative "for joint bilingual instruction – against any segregation" (cited in SP 1988b, 7264–7265), in which the proposed law was labeled "a serious blow against democracy and all those who are committed to the common teaching of children and a tolerant cultural climate of

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equality and values of mutual respect in Carinthia.” Among other things, the letter stated that “the law met the requirements of the Carinthian FPÖ and *Heimatsdienst* for the segregation of children according to language criteria, and openly showed support for policies which intended to bring about ‘the pure German character of Carinthian province.’” In this regard, they reiterated a statement by Jörg Haider, that Carinthia will become “free only when it will be a purely German Land.” At the end of the letter the parents’ initiative asked all members of the Austrian Parliament and Smolle not to support the current bill.

Smolle then continued and spoke at length about how the new minority school law came into being and the consequences of this law which would be disastrous for Slovene minority. He said (in SP 1988b, 7263) that

[w]e were unable to get into the bill /.../ something that actually should be obvious, namely that the teacher, if he comes to the bilingual class to conduct effective, modern teaching, should have to understand the language of children, even if he is ‘only’ – with quotation marks – the second or assistant teacher.

In the last part of his long speech, Smolle (in SP 1988b, 7274–7276) explained why he will vote for the new minority school law, which was far from the wishes of the Carinthian Slovenes:

There are two reasons why, despite all the concerns I give my consent to this law and I hope you understand that my position is really difficult. First, I want to remain faithful to my word, for my willingness since the consensus /.../ led to significant positive changes, although the biggest weaknesses of the Law, namely the segregation and poor qualification of the second teacher, remain. /.../. I want to say in this house quite clearly: I wish to start a new dialogue on the minority question in Carinthia and throughout Austria, and I hope that you will accept this offer /.../ seriously /.../. Therefore I appeal to the presidents of the political parties, to the Parliament, to the provincial governments and to federal government to finally begin a new dialogue with the ethnic communities [*Volksgruppen*] /.../. I tried and I shall try to remove the minority issue from the provinces. We might, for example, begin making /.../ a new all Austrian minority school law /.../ I hope – no, I more than hope – for a new dialogue.

Because minority education had always been a burning topic, ever since the enactment of mandatory bilingual education in southern Carinthia in 1945, but even more so from 1958 onwards, over 50 members of the Parliament participated in the debate. The first discussant after Smolle was former Federal Chancellor Fred Sinowatz (SPÖ), who among other things said (in SP 1988b, 7276–7281):

This law is not unproblematic /.../. Nevertheless, it seems to me that this day was a good day for the Austrian Parliament, as we will /.../ adopt a very significant change in minority school law; the law has encouraged the thinking of Austrians far beyond the

directly affected ethnic community; the law has prompted heated debate not only by those directly affected, but almost more so by those who are not directly touched by its consequences / .../. Almost completely ignored by the public is that from Paragraph 10 of the minority school law something was omitted, i.e., the census of minorities. This is something that – rightly – disturbed the minority / .../ I find it very important /.../ to what extent public opinion sympathizes with the concerns of the Slovene minority. Anyone who has followed this must say: This was something new! /.../ It was very good progress.

Jörg Haider (in SP 1988b, 7276-7281) who as the leader of the FPÖ was one of the main initiators of the new minority school law, said:

The core of this Agreement is that in the future there should be an assistant teacher for those children whose parents have not registered them in bilingual classes; /.../ there should be the possibility for the establishment of parallel classes according to the language of instruction, provided that the number of children registered in bilingual education has met or exceeded the number seven, as well as the basis for new classes if the number of children reaches 20 / .../. In this way we also achieved a situation in which precisely in the linguistically mixed area it is not easy to threaten the smaller school units, which are now even better preserved.

Also very interesting was the contribution of Felix Ermacora from ÖVP (in SP 1988b, 7332–7334), who pointed out:

The debate and the morning event in the galleries very clearly demonstrated what it is actually all about. Here it is about one of the political issues of ethnic communities, namely the question of whether an integrated school model serves better than a model of segregated schools or the mixed model which we have before us / .../. With reference to those who spoke against the bill, let me say that I do not see the proposed solution as one that would be directed against human rights or solution that would be contrary to the Austrian State Treaty. I think that in our political discussions we need to discuss the problem of assimilation and integration / .../, which should not be discussed in terms of law. Discussions in this direction I consider to be simply incorrect. International minority law leaves it to states /.../ how to regulate the rights of minorities in the education area. Respected must be only one thing: the minority must be protected, at the same time the right of parents [*to choose the language of education of their children*] should be guaranteed. The right of parents was included in one of the agreements entered into by Austria. In the UNESCO Convention against Discrimination in Education explicitly the right of parents in terms of language use can be found / .../. Personally, I think that /.../ it would be beneficial for the young German-speaking Carinthians to exploit the opportunity and to learn a Slavic language in an easy way. This is my personal opinion on this issue.

After stormy debate, the new minority school law for the southern Carinthia was passed. The essential features were the maintenance of common classes and the reduction of the maximum number of children in bilingual classes to 20. At the insistence of Carinthian branches of Austrian political parties, this law did

102 not require any knowledge of Slovene language on the part of assistant teachers. However, under the new law candidates for assistant teachers who had passed a course in Slovene language have advantage in employment over other candidates (BGBl 1988a, 2457–2459; BGBl 1988b, 2459–2460). These changes, which occurred shortly before the vote on the bill, brought about the support for the new law by half of the members of the Green Alternative, among them Karl Smolle (NT 1988c, 17). While the NSKS supported Smolle's decision, although this law by no means constituted a satisfactory solution, the ZSO strongly rejected this law because children were divided using linguistic and ethnic criteria (SV 1988b, 2).

4. Effect of Changes in Minority Education Legislation

The Minority School Law for Carinthia in 1988 represented one of the largest political interventions in minority education and the discussion of the problem far exceeded Carinthian and even Austrian borders. According to Vladimir Wakounig (1988, 121–122)

[d]iscussion on the segregation of children /.../ somehow redefined the boundaries between the majority and the minority, which means that belonging to a language no longer corresponds to the traditional relationship between majority and minority. The minority overnight found support from all those German-speaking structures and German-speaking individuals who have acted against public school segregation and pushed for bilingual education /.../. We may propose the thesis that in the discussions on bilingual education part of the Carinthian population became emancipated and abandoned certain ideology that had been determined by Carinthian politicians.

The demands of the German nationalists for the cessation of bilingual education, despite the adoption of the new Law, only consolidated bilingual minority education. This is demonstrated by the increase in the proportion of registered children in bilingual education in the elementary schools which by the school year 2010/2011 increased to 43.96 per cent (LSR 2010). Various factors influenced this increased interest in bilingual education: (1) the negative attitude of the greater part of the majority population towards the demands of German nationalists to divide children on the basis of language; (2) the European policy of multiculturalism and multilingualism; (3) social and political changes in the states of Central and Eastern Europe; and (4) the entrance of Austria and Slovenia into the EU (Klemenčič & Klemenčič 2010, 343–344). In this connection we have to emphasize that German nationalists in the past linked the Slovene language with Communism and as such also with the language of the enemy number one of Carinthia. This

negative propaganda had for a long time negative effects on parents' decisions to register their children in bilingual education. It took until the process of European unification to include Austria and Slovenia, for the myth of the Slovene language as a culturally lower language to begin to be destroyed (Wakounig 1990, 79–97); since that time there have been some positive developments in the field of minority education in southern Carinthia. Thus, on the basis of private initiatives since the end of the 1970s, the Carinthian Slovenes formed several bilingual kindergartens; public bilingual kindergartens were established in some municipalities (Divjak Zalokar 2010). In 1990, the Constitutional Court decided that bilingual education can be implemented also outside of the area of minority education of 1945. Already in 1989 private bilingual elementary school in Klagenfurt/Celovec was organized by Hermagoras Society; in September 1991 also a public bilingual elementary school was started in the same city. In these bilingual schools German and Slovene as languages of instruction are alternating in public bilingual elementary school daily, and in the private bilingual elementary school which was organized by the Hermagoras Society weekly. In the 2000/2001 school year bilingual instruction was extended to the fourth grade of elementary school (Klemenčič & Klemenčič 2010, 468–469). In the 1990s the bilingual Commercial Academy in Klagenfurt/Celovec was established in addition to the Secondary School in St. Peter/Št. Peter near St. Jakob im Rosental/Šentjakob v Rožu which developed into the Technical College of Business.

5. Conclusions

Changes in legislation with respect to elementary bilingual education in Southern Carinthia at the end of 1950s meant the end of compulsory bilingual education and an ethnic differentiation among the parents of the children concerned, because registration for bilingual education was considered also a declaration of the ethnic identity of their parents. Under the circumstances the passage of this law worsened the situation of the Slovene minority in Carinthia and it was the first in the series of laws which the Austrian Parliament passed during the next six decades and which legally and actually worsened the situation of the minority, although they were passed to fulfill Article 7 of the Austrian State Treaty. Changes in the late 1980s did not have consequences which were desired by those who suggested them. The political circumstances after the fall of the Berlin Wall, the establishment of the independent Slovene state and the inclusion of Austria and Slovenia in the EU caused the circumstances to be changed, and also the attitude towards Slovene language was altered, as it became one of the official languages in the EU and this increased its value. Also German-speaking parents to a greater extent

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than previously began to register their children in bilingual education. This led to increases in the percentage of children registered for bilingual education to almost 44 per cent. Due to poor prior knowledge of Slovene, the question of quality of instruction is now important, and it would be useful if the new model of weekly or daily alternation of the language of instruction, as used by the two bilingual elementary schools in Klagenfurt/Celovec, were to be used also elsewhere in bilingual schools in southern Carinthia.

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MAJA VESELIČ

Managing Religion in Contemporary China: the Case of Islam

Focusing on the example of Islam, this article examines the legal development and practical implementation of religious policy in the People's Republic of China (PRC) since 1978, with emphasis on the last decade. The author first identifies the main principles guiding contemporary PRC management of religion and scrutinizes some of the key legal concepts, e.g., "normal religious activities". She then critically assesses the 2005 Regulations on Religious Affairs, before highlighting how the loose legal formulations allow identical or similar religious beliefs and activities to be treated differently in practice. This is achieved by comparing state attitudes to issues of training religious professionals, religious participation of minors, religious expression of state employees and students, and freedom of religious press in the cases of the Hui and Uyghur ethnic minorities. The author concludes that despite China's supposed attempt to introduce the rule of law into the management of religion, the distinction between legal and illegal religious activities remains circumscribed by the question of political loyalty.

Keywords: China, Islam, religious policy and regulation, Hui, Uyghur

Upravljanje verskih zadev v sodobni Kitajski: primer islama

Pričujoči članek na primeru islama ter s poudarkom na zadnjem desetletju obravnava pravni razvoj in praktično implementacijo verske politike v Ljudski republiki Kitajski (LRK) od leta 1978 dalje. Avtorica najprej opredeli glavna načela, ki vodijo sodobno kitajsko upravljanje verskih vprašanj, ter preuči nekatere ključne pravne koncepte (npr. "normalne verske aktivnosti"), potem pa kritično oceni še Pravilnik o verskih zadevah iz leta 2005. Avtorica primerja odnos države do problematik usposabljanja verskega osebja, verske participacije mladoletnih oseb, veroizpovedi državnih uslužbencev, dijakov in študentov ter svobode verskega tiska v primerih huijevske in ujgurske etnične manjšine. S to primerjavo pokaže, da ohlapne pravne formulacije v praksi omogočajo različno obravnavo identičnih ali podobnih verskih prepričanj in dejavnosti. Avtorica sklene, da je ločnica med zakonitimi in nezakonitimi verskimi dejavnostmi v LRK še vedno začrtana okrog vprašanj politične lojalnosti, kljub domnevnim poskusom uvedbe vladavine prava v upravljanje verskih zadev.

Ključne besede: Kitajska, islam, verska zakonodaja, Huiji, Ujguri

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1. Introduction

Like most other things, the Chinese religious landscape has changed profoundly since the start of the reform period in 1978. Painted negatively during various political campaigns from the late 1950s on, and banned during the Cultural Revolution, religion has re-emerged as increasingly significant social force. The population census of the People's Republic of China (PRC) does not enquire about religious affiliation and no nationally representative surveys have been carried out on the topics of religion and religiosity. Thus, there is no precise information about the number of religious believers in the country. Official estimates in the white paper *Freedom of Religious Belief in China* (1997) speak of some 100 million believers. Nevertheless, according to one fairly reliable study conducted between 2005 and 2007, 31.4 per cent of those aged 16 and above, or about 300 million people, in China are religious (Wu 2007). Three Horizon Research Consultancy Group surveys conducted in the same time period found that only 14–18 per cent of adult population proclaimed religious affiliation, the largest number of whom profess themselves as Buddhist (Grim 2008). However, the study has an urban bias and is thus only representative for a half of China's adult population. A differently structured 2005 Pew poll found that "approximately three-in-five Chinese express belief in the possible existence of one or more supernatural phenomena, religious figures or supernatural beings that are often associated with Confucianism and popular forms of Chinese folk religion" (Grim 2008).¹

The fastest growing religion in China is Christianity. While the data provided to Pew by the Chinese Embassy in the United States in 2006 claim 21 million registered Christians (making a 50 per cent increase from the 1997 white paper), other estimates speak of an additional 50–70 million unregistered Protestants participating in underground house churches and 7 million unregistered Catholics (Grim 2008). Muslims, who are the focus of this article, number around 20 million people. Official figures are achieved by adding up the population of the 10 minority ethnic groups that traditionally believe in Islam, and no serious estimates suggest more than 25 million people.

These numbers may seem surprising, given the party-state's poor reputation for its treatment of religious believers and practitioners. The harshest scrutiny of China's religious policy comes from various human rights groups, foreign governments and academics. The most common points of criticism include oppressive attitudes to the Tibetan and Uyghur minorities (where religious

issues are inextricably tied up with ethno-political ones), state interventions in internal church doctrine and organization, restrictions on religious participation of minors, restraints on religious publishing and media, and the demand that religious organizations and personnel actively promote state and party economic and political policies. Many Chinese researchers of religion, too, are highly critical of the current policy and I have heard various scholars lament on several occasions that despite the tremendous political, economic and social shifts China has undergone in the past three decades, only its ethnic and religious policies (*minzu he zongjiao zhengce*) still remain the same as in the 1950s. The long-awaited 2005 national administrative Regulations on Religious Affairs (RRA) were expected to remedy this grave situation. While most commentators consider them to be “old wine in new skins” (Ying 2006, 347), others find cause for optimism in subtle linguistic differences in the text of RRA, such as the omission of the word management from the title of the administrative regulation, or the placement of stipulations that protect religious freedom before those that restrict it (Tong 2010a, 2010b).

This article examines old patterns and new trends in the contemporary state attitude towards religion, by focusing on the state management of one particular religion: Islam. By comparing the implementation of religious policies in the cases of the Hui and Uyghur – two different ethnic groups which both traditionally profess belief in Islam – it attempts to demonstrate that despite the endeavours towards increased transparency, the state management of religion still remains motivated by crude political goals of support for state policies and loyalty to the ruling régime. In what follows I first discuss the basic principles guiding Chinese religious policy since the beginning of reform and opening up. I pay particular attention to the role assigned to religion in building a harmonious society – the main ideological project of the current leadership. I then briefly assess to what extent these principles are reflected in the RRA. Finally, I analyse the authorities’ unequal treatment of Muslims who engage in identical religious activities, to argue that the legality and illegality of such activities are not defined by law, but by the perceived threat particular groups pose to the social and political stability of the country.

2. Guiding Principles of Contemporary Religious Policy

In 1982, a document entitled *The Basic Viewpoint and Policy on the Religious Question during Our Country’s Socialist Period* (reproduced in English in

MacInnis 1989, 9–26) was made public and remains the key policy basis to this day. Generally known as the Document 19, it was first discussed by the Central Committee of the Communist Party of China (CPC) in 1978 and then circulated as an internal party document. In it the leadership concluded that disappearance of religion was a slow process and that the excesses of Cultural Revolution only turned people against the party. Readopting the religious policies of the 1950s, the document re-established the distinction between five proper religions (*zhengjiao*) – Buddhism, Daoism, Islam, Catholicism and Protestantism – on the one hand, and the superstitious beliefs (*mixin*) on the other. Soon thereafter, national patriotic religious associations, which were set up in 1957 to work as intermediaries between the party-state and respective religious communities, resumed their work. Document 19 clearly reflects the main concern of the party-state in relation to religion, namely, its fears of religion's mobilizing power and its challenge to the party-state's authority; but at the same time the document also recognizes religion's potential usefulness for society and for international contacts.

2.1. Five Characteristics of Religion

The Document 19 returns to the five characteristics (*wu xing*) of religion that were first suggested in the 1950s by Zhou Enlai and the theoretician of religion Li Weihan. According to them religion is a complex, mass-based, long-lasting phenomenon, which has implications both for ethnic relations within China and for China's international relations (MacInnis 1989, 9–26). As Ye Xiaowen, the former head of the State Administration for Religious Affairs (SARA) of 12 years, explains: long-term nature is the basis of religion, mass nature its key and complex nature its uniqueness (Ye 2007, 132–158). These characteristics mark a break with traditional Marxist thinking as they acknowledge the long-term presence of religion within socialism, its renewing and reinventing potential and recognize that it can neither be eradicated nor developed through political force (Ye 2007, 133). Ye (2007, 174–177) goes on to argue that work on religious affairs must therefore facilitate the mutual adaptation of religion and socialism and regard the masses of believers as a positive force in society.

The other two characteristics – ethnic nature and international nature – could in his view be subsumed under mass nature and complex nature respectively (Ye 2007, 158–159). They, however, are of particular importance in considering the position of Islam in China. Since almost all Muslims belong to one of the ten religious ethnic minorities, i.e. “ethnic minorities in which nearly all the people believe in one particular religion” (MacInnis 1989, 22), in regions of high Muslim concentration Islam enjoys special protection against Christian proselytizing.

Such measures are taken by local authorities in order to avoid creating tensions and consequently threatening the national unity (Fällman 2010, 959).² This alignment of ethnicity and religion also means that religious practices can be defended as the customs (*fengsu xiguan*) of particular minorities. On the other hand, Frederik Fällman (2010, 955) is right to observe that contrary to the constitutionally guaranteed rights, “[w]ith ethnic definition you are, as a religious believer in China, not free to change your faith. / ... / Paradoxically, only the non-religious Han can easily choose to become Buddhist, Daoist or Christian.”

Islam’s international character, on the other hand, as in the case of Christianity and Buddhism, is considered to pose a threat to China’s stability, because it can make Muslims vulnerable to foreign infiltration and manipulation (MacInnis 1989, 23-24). Nevertheless, especially in China proper, Islam is generally viewed with less suspicion than Christianity, despite the fact that the global discourse of the war on terrorism is now commonly used by authorities to rationalize the violent handling of conflicts in Xinjiang (Millward 2010, 348). This is due to the anti-Western-imperialist sentiments China shares with many Muslim-majority countries and the lack of political influence of Islam in China in more recent historical periods (cf. MacInnis 1989, 23–24).

2.2. Normal Religious Activities

Freedom of religious belief in China, and protection from discrimination based on it, are guaranteed by Article 36 of the current Constitution as is also, somewhat unusually, the freedom not to believe in religion.³ The state protection, however, is not extended to all religious practices (Constitution of the People’s Republic of China 1982):

The state protects normal religious activities (*zhengchang zongjiao huodong*). No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination.

The formulations are repeated in the RRA as well as in sections of other laws and regulations that touch upon religious rights, for example Criminal Law (*Zhonghua renmin gongheguo xingfa*). Thus, questions arise as to what are normal religious activities, what constitutes the disruption of public order and whether the freedom of religious belief also includes the right to freely practice religion. As the case study of Islam will demonstrate below, this arbitrary character of the legal terms allows those with power to interpret them to define them according to the particular needs of each situation. Legal religious activities are circularly

defined – as those that are not illegal – but this does not imply that they may not be considered as such at some point in future.

Moreover, in recent years a discursive variation has been introduced, running from the permitted normal religious activities of proper religions through less dangerous forms of superstition to the abnormal religious activities and evil cults/heretic sects (*xiejiao*) (the latter also becoming a legal term). On the positive side, this was accompanied by the reversal of many of the state's negative positions on local temple cults, ancestor worship, geomancy and numerous other practices usually subsumed under the term popular religion (*minjian xinyang*). At the same time notions of orthodoxy and heresy can also be used to interfere with the inner affairs of the officially recognized religions. The demarcation line between the two, then, is “not based on heresy in relation to the doctrines and practices of particular established religions, but on general notions of moral and social order” (Palmer 2008, 131). In this respect the party-state actually follows its imperial and republican predecessors (cf. Yang 1961), the difference today being only that it can also rely on the universalist academic discourse of social science, which, too, speaks of religions, sects and cults. However, while Western scholars perceive *xiejiao* as a form of religion, most Chinese academics support the CPC imposed reading, according to which religion and *xiejiao* are diametrically opposed. Hence, suppression of cults is not seen as an infringement on religious rights (Palmer 2008, 131–132).

To sum up, religious policy in China in the past three decades has been guided by pragmatism. Document 19 recognized that religion is an important social force that will remain present for a long time, even as China continues to develop its socialist society. In previous decades, religion – and even more so superstition – were perceived as an obstacle to modernization. As a shift from this binary opposition towards the triangle of religion-superstition-cult suggests, the state is now mostly interested in religion's implications for political and social stability.

2.3. Harmonious Society and Adaptation of Religion to Socialism

Religion, then, is no longer alien in 21st century China, but the party-state is still very much concerned about the relations between religion, society and political stability (Ying 2006, 350–351). The main political slogan and goal of the current leadership is building a harmonious society (*hexie shehui*) and religious organisations have both a great potential and a responsibility to contribute to this process. In Fällman's words (2010, 951–952), “the CPC sees religion as a

strategic resource and requests, or rather demands, that ‘patriotic’ religious groups and people go all out to support economic development social progress and to promote harmony.” President Hu Jintao himself mentioned religion in his report at the 17th CPC congress in 2007, saying that “we will fully implement the Party’s basic guidelines for religious work [i.e. work on religious affairs] and bring into play the positive role of religious personages and believing masses in promoting economic and social development” (Hu 2007). This sentence was – together with the notion of scientific development – then included first into the amended CPC constitution and now also is mentioned in the new five-year plan (the 12th) under the heading of “Promoting the construction of socialist political civilization – development of socialist democratic governance” (Zhonghua renmin gongheguo jingji he shehui fazhan di shier ge wunian guihua gangyao 2011).

The religion that authorities speak of, however, is religion adapted to the socialist society. This notion was put forward in 1993 by then president Jiang Zemin. He clarified that adaptation requires of religious believers “to be patriotic politically, support socialism and support the leadership of the Communist Party, and at the same time to change religious systems and teachings which are not adaptable to socialism, and to serve socialism using certain positive factors in religious doctrine, rule and ethics” (Jiang 1993, cited in Ying 2006, 360). Put differently, religious teachings must be adapted to socialism, their doctrine must be revised, if necessary, and this has to be done by the religious organizations themselves. Among the most salient endeavours in this vein are the national campaigns of (Christian) theological construction (*shenxue jianshe*) and (Islamic) interpretation of scriptures (*jiejing*), both of which are led by national patriotic religious associations. The former was initiated in 1998 by Bishop Ding Guangxun of the China Christian Council. Its main focus is on establishing correct views on theology and of the Bible. It includes de-emphasizing the differences between religious believers and non-believers, as well as watering down unsuitable Christian beliefs. In principle all exclusivist teachings, including the core Protestant concept of justification by faith, are considered problematic (Fällman 2010, 962–963; Kung 2010, 19). The project of reinterpreting the Islamic scriptures began in earnest in 2001 and it is directed by the Steering Committee of Islamic Affairs of the China Islamic Association.

2.3.1 Harmonizing Islam – Interpretation of Scriptures

The ongoing critical engagement with and exegesis of the Quran, the Hadith and other sources of Islamic doctrine in light of contemporary social challenges has

been taking place since the earliest periods of Islam. In principle, then, the project of (re)interpretation is nothing out of the ordinary. It can, as its advocates claim, be “positively understood as a responsible attempt at doing contextual theology. / ... / On the other hand, [however,] it can be seen as theological dressing for a process that is essentially political in nature” (Kung 2010, 19).⁴

In an interview to mark its decennial, Imam Chen Guangyuan (cited in Ye 2011, 5), the head of the China Islamic Association, explains what motivated the project:

First of all, some imams and *manlas* [students in mosque education] have a relatively low level of cultural knowledge. Their understanding and commentaries on scriptures, their comprehension and analysis of religious doctrine are neither deep nor thorough enough. For these reasons, in recent years they have not been able to connect in their sermons to the social reality of our country. They are either still using the old methods of several centuries ago, recounting ancient stories that are far removed from real life, or they indiscriminately assume things coming from Arab Islamic countries to be reflections of the actual roots. As a result, they are not able to explain the positive meaning and role of religion in contemporary social life, nor can they properly explain how to solve the real problems and challenges Islam is facing in our country.

As most Chinese Muslims have only a basic knowledge of Islam and are not able to pursue deeper understandings on their own, sermons are the most important vehicle for the dissemination of religious doctrines and religiously sanctioned commentaries of general affairs. According to Chen (*ibid.*), it is therefore “easy to mislead the broad Muslim masses” and he specifically highlights claims of orthodoxy and holy war. Indeed, the main output of the project are compilations of 46 new sermons, which have been published in Chinese and Uyghur and 800,000 volumes of which have been distributed to mosques free of charge. In the interview, Chen (*ibid.*) further states that the interpretation was guided by the principles of loving one’s country and loving one’s religion (*aiguo aijiao*), unity, adherence to the middle way, auspiciousness of two worlds (this world and the other world),⁵ respect for tradition and drawing on positive concepts from Islamic schools of thought internationally.

The references to the political slogans of loving one’s country and loving one’s religion and ethnic unity already echo the political overtones of the campaign, but the speech by a top Politburo member best reveals that the true purpose of the interpretations rests in legitimizing party policies, as well as in reducing social and political contradictions and conflicts. Said Jia Qinglin (cited in Wu & Hu 2011), the fourth highest person in the Politburo (and the one responsible for religious topics) and the president of the Standing Committee of People’s Political

122 Consultative Conference at the decennial celebration this April:

Under the close attention and loving care of the central authorities and **with the correct guidance and strong support** of the relevant ministries and departments, the work of ‘interpretation of scriptures’ has achieved fruitful results. It has effectively promoted and developed that positive thinking in Islamic doctrine which is **suitable for socialist society** and refuted the ‘three evil forces’ [terrorism, separatism, radicalism] that are distorting Islamic teachings into fallacies (emphasis added by author).

Moreover, supporting religious circles to “mine and develop the harmonious concepts in religious doctrine, religious culture and religious ethics, to advocate and practice the concept of religious harmony, in order to contribute to the promotion of social harmony” is also stated as one of the main tasks of the State Administration for Religious Affairs in 2011 (SARA 2011). Sermons, then, reflect so-called correct and authoritative view of Islamic doctrine which is in line with party-state goals. Furthermore, the Measures on Confirming the Qualifications of Islamic Religious Personnel (Yisilanjiao jiaozhi renyuan zige rending fa 2006) stipulate a close familiarity with their content as one of the requirements for obtaining credentials. The project confirms two significant shifts in understanding the management of religious affairs. First, the focus of control is directed from religious instruction to the content of religious discourse. Second, control is delegated to religious communities themselves, more precisely, to the national patriotic religious associations. It is difficult to assess the success of these projects. Even though many Chinese Muslims agree at least with some of the ideas and interpretations which the New Sermons are hoped to push forward, the project itself is discredited because of its strong political connotations. As Jonathan Lipman observed at a roundtable before the U.S. Congressional Committee on China, the process itself, in any case, slowly leads to the formation of two versions of Islam: the official state one and the ordinary one (CECC 2004).

3. Regulations on Religious Affairs

As stated in the introduction, the Regulations on Religious Affairs, adopted in 2004 and effective as of 1 March 2005, are the first comprehensive set of national-level administrative regulations on religious affairs in China.⁶ Although many had hoped that the final document would be proclaimed as national law (*fali*), thereby giving the right to interpret it to the National People’s Congress, it eventually became an administrative regulation, promulgated and interpreted by the State Council (i.e., government).

Previously, religious affairs were administered through two types of legal documents. First, there were several national-level regulations and measures dealing with individual issues, such as the administration of religious venues. Second, provincial-level regulations were in place, but they differed greatly in the rights and duties prescribed for religious organizations, venues and personnel. As a recent comparison of the RRA stipulations with the old provincial statutes demonstrates, the latter tended to be more restrictive and interventionist, explicitly demanding that religious organizations be patriotic and support socialism or even requiring religious personnel to accept the leadership of CPC (Tong 2010a, 385–390). In this sense RRA presents a welcome move towards transparent and non-arbitrary norms and provides integration with other national laws and regulations. It further includes provisions for administrative appeals, judicial contest and sanctions against officials. While it circumscribes the power of government agencies in managing religion (especially on the local level), reduces the number of types of approval required of religious organizations and venues, and sets clear deadlines for approval procedures, it still requires the mandatory registration of all religious organizations and religious venues, the annual re-certification of the latter (although in a much simplified way)⁷ and state approval of religious publications.

Although the RRA does not mention the five normal religions, the requirements listed for setting up religious organizations (Chapter 2) and religious venues (Chapter 3) make these almost impossible for other religions (cf. Ying 2006, 360–362). The actual management of religious affairs even more demonstrates this to be the case. For example, recently the Shouwang house church in Beijing, a registered social organization but not a religious body, re-applied for approval to hold religious activities in its newly acquired property, but had its request turned down, because it had not done so through the national patriotic association of the Three-Self Patriotic Movement Committee of the Protestant Churches in China (TSPM). Joining the TSPM is thus clearly a prerequisite of registration, and one that implies subjecting an independent church to outside control in terms of clergy. All in all, this can be considered an indication that government does not consider religious personnel as entirely the internal affair of religious organizations.⁸ Although Article 4 of the RRA stipulates “that religions shall adhere to the principle of independence and self-governance” this only refers to interference from abroad.

Finally, the RRA also addresses several other issues. It reserves the right to establish religious colleges only for national patriotic religious associations (Article 9) and permits the organization of Hajj only to the China Islamic Association (Article 11). In terms of religious publications (Article 7), it

absolves religious organizations from seeking government approval for internally disseminated materials, as long as they do not contain anything that jeopardises intra- or inter-religious harmony and relations between believers and non-believers, promotes religious extremism or evil cults and violates the principle of religious self-governance. On the other hand, religious publications for public distribution must undergo a regular censorship procedure. Finally, the RRA recognizes the rights of religious organizations to property (Chapter 5) and requires their consent in demolishing buildings and sites of religious venues.

4. Implementation in the Case of Islam

The Hui and the Uyghur are the two largest of the ten officially recognized minority ethnic groups in China that traditionally follow Islam. They have a very different ethnic, cultural and historical background. Approximately 7.2 million Uyghur live almost entirely in China's largest, western-most administrative unit – Xinjiang Uyghur Autonomous Region (XUAR). They are Turkic speakers, with close historical and contemporary connections to Central Asia. Many of them harbour negative feelings towards the Chinese government and its policies and see themselves as holding no influence at all on the way the XUAR is governed. For these reasons, nationalist feelings remain strong even among those Uyghur who would never participate in independence movement groups, some of which advocate their cause with violence. On the other hand, the Hui, who are the descendants of Arab, Persian and Central Asian traders, soldiers and craftsmen who settled in China from the 7th to 14th centuries and intermarried with local inhabitants, uniformly perceive themselves as a part of China. They number over 9.8 million and are spread all over the country's vast territory, but the largest communities are found in the Northwest provinces of China proper – Ningxia, Gansu, Qinghai. They speak various dialects of Chinese or, in few cases, the languages of other ethnic groups they live intermixed with. For most part they are culturally closer to the Han, although they have, to various degrees, maintained their Islamic traditions.⁹ Thus, no matter how strict in their religious observance, the Hui oppose any sort of separatism (based on Islam or not) that would lead to the dissolution of China. Although the Hui and Uyghur share a belief in Islam, religion presents a fairly weak identification point for the two groups (e.g. CEEC 2004), which was also confirmed in my doctoral research on a university campus with large Hui and Uyghur student bodies. Hui, particularly those in Northwest China, where communities are more concentrated and religious, often view Uyghur as bad Muslims, since many of them drink alcohol and smoke. Conversely, Uyghur view Hui as too sinicized, almost Han.

Being managed by the same sets of religious regulations and measures, the religious activities of both ethnic groups should in theory be treated in the same way. Nevertheless, since the state began to legitimize its religious control by claiming the tight link between religiosity and separatist tendencies in the 1990s, the Uyghur have continuously faced bans and strict control of their religious activities.¹⁰ In contrast, the Hui remain freer in their religious expression. The differences, however, vary not only according to ethnic group, but also by locality. While proscriptions are strictly upheld in the more religious Southern Xinjiang, the same activities may be silently tolerated in the less religious Eastern part of the region (cf. Rotar 2006).¹¹ Despite the slogans of governing religion based on law, then, the management of Islam is guided by other criteria. I will support this argument by addressing the most conspicuous cases of different, even contradicting implementation of religious regulations among the Uyghur and the Hui. The most sensitive issues concern the training of religious personnel, the religious participation of minors, the religious expression of state employees and students, and the religious media.¹²

4.1. The Patriotic Training of Religious Professionals

Religious professionals – imams and scholars – are in the centre of attention of authorities because of the great influence they exert over believers. In turn, they themselves seek to influence if not dictate what knowledge is imparted to religious students and common believers. Although formulations of ideological support for party were excluded from the RRA, the first requirement of Measures on Confirming the Qualifications of Islamic Religious Personnel is for them to “love the homeland, uphold the socialist system and party leadership, obey the state laws, and protect national unity, ethnic solidarity and social stability”. The “religious devotion, respect for religious doctrine, upright moral conduct, evidently high mastery of Islamic ethics, deep love for Islamic profession, enthusiasm for serving Muslims” come only second (Yisilanjiao jiaozhi ren yuan zige rending fa 2006). Reports from Xinjiang in the mid-2000s mention obligatory participation of imams in weekly meetings at local Religious Affairs Bureaus to discuss the texts of their Friday sermons and their patriotic religious training on Islamic terrorism. While the topics of sermons were prescribed, the exact wording was left to individual improvisation (Rotar 2004, 2006). Although the issue of sermons arises in other parts of China, too, meetings where cadres advise what to preach are usually conducted only at the times of particular events (local, national, global) or at certain stages of various political campaigns, and not on such an intensive regular basis. The above mentioned Compilations of New Sermons are part of same efforts and may indicate either the rising concern about

126 Muslims all over the country and/or a somewhat softer approach to the patriotic education of imams.

Furthermore, since 2001 special re-education and training sessions of clerics have been held in Xinjiang. Religious professionals attend meetings where they listen to speeches by Party and government officials and where they are tested, orally and in writing, on regulations pertaining to religious activities. The purpose of the training is to fight the three evil forces – international terrorism, ethnic separatism and religious extremism – which are perceived as the greatest threat to the stability of Xinjiang and China, and to form “politically reliable, intellectually accomplished and morally able” patriotic clerics (Wu 2009). Reminiscent of Cultural Revolution-era self-criticisms, these sessions also include exchanges of experience, where participants are asked to present detailed accounts of difficulties and incidents of illegal religious activities they have encountered during their work (such as holding illegal religious classes, using illegal books, inviting clerics from another locality without prior approval or failing to warn authorities of the illegal religious activities of others).

Designed as loyalty tests, these confessions place imams in a double bind: if they are not precise enough, they are seen as insincere about opposing separatism; if they admit mistakes, they are considered guilty of violating regulations. The imam’s attitude is evaluated and recorded in his personal file, which is kept by a local religious affairs bureau (HRW 2006b, 51). The first two cycles of the training programme included 43,700 participants (possibly including repeat participants), while the current cycle (2009-2012) is to provide training for another 29,000 religious figures (Wu 2009). In a speech in which XUAR chairman Nur Bekri announced plans for the third cycle, he said it would be directed at Muslim religious personnel (Baikeli 2008). In some places, imams and locally influential Muslims are also required to take part in similar several-day re-education trainings immediately after their return from the pilgrimage to Mecca.

Another recent development in the management of Islam in Xinjiang concerns female religious figures known as *büwi* in Uyghur. The term refers to women who wash corpses and perform rites at the homes of the deceased, but it may also broadly encompass women with certain level of religious knowledge who are able to provide religious instruction. Following the recommendations of the 10th XUAR People’s Political Consultative Conference, local governments have been educating *büwi* about central religious policy and regional regulations as a means to curb women’s participation in illegal religious activities, such as underground proselytizing (CECC 2009c). In one township in Kashgar district participants

also signed a pledge according to which they would refrain from “wearing veils or long dresses, teaching religious texts to students, and forcing other individuals to participate in religious activities” (ibid.).

4.2. The Religious Participation of Minors

Neither RRA nor the Law on the Protection of Minors (Zhonghua renmin gongheguo weichengnianren baohufa 1991) mentions the religious freedom of minors or the right of parents to ensure religious and moral education of their children. XUAR’s 1993’s Implementing Measures for the Law on the Protection of Minors (Xinjiang Weiwuerzu zizhiqu shishi “Weichengnianren baohufa” banfa 1993), however, prohibited parents or guardians from permitting minors to be engaged in religious activities, which amounted to a total ban on children’s religious activities (CECC 2009a). This restriction was applied evenly throughout the XUAR. In Southern Xinjiang, especially in Kashgar and Hoten, notices were put up in mosques forbidding children from entering them and in Hoten mosques were even guarded by police during Friday prayers to ensure the prohibition was upheld (Petersen & Rotar 2006; Rotar 2006). Since the 23 types of religious activities banned by the XUAR government also include private religious classes (UFD 2008), instruction at home is a highly contentious issue. In 2005, police raided the home of an Uyghur woman Aminam Momixi, who was at that time teaching the Quran to 37 students between the ages 7 and 20. She was charged with the illegal possession of religious materials and subversive historical information. Her students were also detained, some of them only released upon paying staggering fines of 7,000 to 10,000 RMB (HRW 2006a).

In 2009 a new XUAR Regulation on the Protection of Minors (*Xinjiang Weiwuerzu zizhiqu weichengnianren baohu tiaoli*) came into effect. While a draft reportedly retained the restriction on parents permitting the religious participation of their children, the final version only kept the stipulations that “no organization or individual may lure or force minors to participate in religious activities” and that they “may not use religion to carry out activities to obstruct compulsory education” (CECC 2009a). So far, it is not reported what effect, if any, the looser formulations actually have on the freedom of religious participation of minors. In any case, formulations are still broad enough to allow also for more restrictive interpretations. In Northwest China where Hui communities are large and tight-knit, there are few restrictions on the participation of minors. Elementary religious courses for children are held in the evenings or during school vacations in mosques and in private homes. Moreover, private Muslim kindergartens where children learn about the tenets of Islam and proper behaviour are becoming increasingly popular.

A separate but related issue concerns the setting up of and student enrolment in private semi-religious schools. Since the late 1990s a number of so called Sino-Arab schools opened up throughout Western and Central China. These privately established secondary schools combine modern Arabic language instruction, religious curriculum and a small selection of general or vocational courses. Although not necessarily affiliated with mosques, they are often built in their vicinity. According to *Methods on Establishing Religious Schools and Colleges* (Zongjiao yuanxiao sheli banfa 2007) they accept students who finished their 9 years of compulsory education, normally at the age of 16. In practice, some of the students are younger. No such schools operate in Xinjiang. Some Uyghur and Hui from the XUAR therefore send their teenage children to religious schools in China proper; yet, especially Uyghur students are often forced to return, when local authorities are pressured by those at a higher level. During my fieldwork I heard of an instance when local authorities in Linxia, one of the most important Islamic centres in China, suddenly gathered all Uyghur students in mosques and private schools and sent them home, but the Hui from the XUAR were allowed to stay. Furthermore, I knew of a case where an Uyghur female graduate from a university in China proper was not able to get a job as a math teacher in this same city despite the need for such teachers. She wanted to stay in a place where she could freely express and practice her religion, but was turned down because the school principal thought there would likely be complications due to her ethnicity. This brings us to another sensitive issue.

4.3. The Religious Practice of Students and State Employees

State employees in Xinjiang, such as officials and teachers, are pressured not to publicly express their religious beliefs, observe religious holidays or participate in mosque activities and the students are forbidden to do so on the grounds that it interferes with the regular teaching process (UFD 2008). Cadres, Party members, teachers and students are not allowed to pray in their place of work or study, nor may they participate in Friday prayers in mosques. Even individual prayer in the privacy of one's home or dormitory can be considered problematic. The methods applied for achieving this goal include scheduling compulsory meetings at prayer times, the supervision of students during vacations, and campaigns to reduce religious consciousness (CECC 2009b).

On the other hand, during my fieldwork in Lanzhou I observed teachers, students and cadres not only participating in religious activities, but also organizing weekly group study sessions on the university grounds. Furthermore, while modern colourful head veils are a common sight in the university campuses of Northwest

China, a student in Xinjiang would be expelled and a teacher would risk losing her job should she don a headscarf. Many Uyghur university students who covered their hair while studying in China proper often lamented the fact that they would not be able to act as observant Muslims once they returned to the XUAR if they were to work in a state institution or company. This is also in stark contrast with state practice in certain highly symbolic situations. For example, as the China Islamic Association head confirmed in an interview, during annual sittings of the “two congresses” (National People’s Congress and Chinese People’s Political Consultative Conference) Muslim representatives are provided with praying schedules, washing bottles, prayer room and prayer mats (Guo 2011).

Similarly, students and state employees in Xinjiang are under the threat of being dealt with severely should they observe the fast. During Ramadan they are forced to eat in schools or at work. Often the opening hours of cafeterias are temporarily adjusted in such a way that they close before breaking the fast in the evening (Rotar 2006). Visits to students’ homes and the enforced signing of so-called stability responsibility forms by which schools, teachers and parents commit to maintaining safety and stability during Ramadan have also been reported (CECC 2010). Sometimes the ban on fasting also includes families of Party members (CECC 2010). “Forcing others to fast or use the fast as an excuse to interfere in their normal production, business operation and social activities” is in fact one of the 23 religious activities listed by XUAR government as illegal (UFD 2008). Reports from 2009 and 2010 show that some local governments order restaurants and other business to stay open during the holiday, thus upholding their duty to engage in business (CECC 2010). With such measures, the authorities systematically violate the religious rights of large groups of people.

4.4. The Religious Media

Another issue of pressing concern for both the state and Muslims is that of the religious press. In China, every publication is subject to censorship approval before it is assigned a book or periodical number and can thus be published officially. The importation of religious literature is also under tight control. The RRA exempts religious organizations from the censorship procedure, when publications are intended for internal distribution (see the above section on RRA). The Linxia Hui Autonomous Prefecture in Gansu is one of the centres of the Islamic press in China, and books printed there include legal as well as illegal ones. Many of them are pirated translations of foreign works on the Quran, the Hadith, the life of Muhammad, or contemporary Islamic debates on piety, society, politics and economics. Moreover, throughout the Northwest popular

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local magazines are published. They cannot be bought in bookstores; they are either delivered by mail or obtained through personal networks. Often they disappear or are forbidden after a couple of issues. Articles cover various religious topics and report on the lives of Muslims at home and abroad. They are written and edited by volunteers and financed through donations. Although they tend to be published illegally (i.e., they are not submitted to the censorship process), the local authorities mostly tolerate them, at least for a short while, since they are distributed privately.

Again, in XUAR the access to religious publications is extremely limited since they can only be sold in specially designated places. Furthermore, only a set number of approved publishers may publish materials on Islam and only authorized provincial-level religious organizations may apply to publish religious materials (CECC 2006). Not only the distribution but also the possession of illegal religious literature is strictly punished and it is one of the most common accusations in arrests of Uyghur activists. Reports confirm that in 2010 and 2011 Xinjiang authorities continued the campaign to “Sweep Away Pornography and Strike Down Illegal Publications”, but with a special emphasis on religious and political items and so-called reactionary materials that authorities deem are from organizations connected to the above-mentioned three evil forces (CECC 2011). They confiscate whole shipments, books and audio-visual materials on sale in shops and markets as well as those in private possession (*ibid.*). According to a report from 2007, the number of confiscated so-called illegal religious propaganda materials in the region in 2006 exceeded 11,500 copies (CECC 2008).

5. Conclusion

Looking at some of the most pressing issues for Muslims in China today, this article sought to demonstrate how different the government attitudes can be towards the Hui in China proper, the Hui in the XUAR, the Uyghur who are studying or working in China proper and the Uyghur in the XUAR, each according to their perceived threat to the political authority of the CPC. Those communities that are seen as cooperating or posing less of a challenge are treated more tolerantly, while those that are seen as resisting are oppressed. Even though the activities in question may be exactly the same (for example, a student wearing a headscarf), they can be labelled legal in one situation and illegal in another one. What allows the state to adopt such contradictory attitudes is the lack of unambiguous definitions of key legal terms, such as what constitutes

normal religious activities (*zhengchang zongjiao huodong*). In the absence of an independent judicial body or other organ that could make decisions in cases of different, even competing interpretations of these loose terms, the regulations offer the government a broad scope for manipulation instead of limiting the scope of its action. The comparison of the Hui and the Uyghur, who are subject to the same legislation, but not the same treatment, documents how the state instrumentalizes laws for political repression. This can also largely explain why breaking the law is found more often among certain groups or in certain parts of the country.

On a more positive note, the CPC's fears of the mobilizing power of religion and the challenge it could present for its ideological monopoly are more and more often weighed against the positive influence of religious individuals and organizations on the social and economic development of the country. Religious contributions to creating a "harmonious society" are exemplified and encouraged in the provision of social services such as education, health care, care of the elderly, especially after the state has (partially) withdrawn from these fields. Moreover, religious philanthropic organizations are particularly lauded for their projects of poverty and disaster relief. These changes, however, should not be considered as a challenge to the secular nature of the Chinese state. The leadership still promotes atheism and science as the only true paths to modernization and both the definition of what is religion and what are appropriate public religious activities remains exclusively under the state's purview. Despite some recent improvements, religious policies and practices of the PRC thus remain shaped around the question of political loyalty, perceived, as Potter (2003, 26) points out, not only in terms of support for the state policies, but also as a contribution to the creation of the CPC's broader political legitimacy.

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¹ The reason for such discrepancies in numbers lies not only in methodologies of particular surveys, but also in a very specific Chinese understandings of religion (*zongjiao*) and belief (*xinyang*), the discussion of which is well beyond the scope of this article.

² One such regulation in the Xinjiang Uyghur Autonomous Region (XUAR) is issued neither by the XUAR government nor by its Religious Affairs Bureau, but rather by the XUAR United Front Department, a party organ (Fallman 2010, 959).

³ Freedom of religious belief has been included in all constitutions since the establishment of the People's Republic of China in 1949 (i.e., the constitutions of 1954, 1975, 1978 and the current one of 1982 with the most recent amendments in 2004).

⁴ Compare this to revisions of the Hadith conducted by the Department of Religious Affairs in Turkey (Pigott 2008) or plans to start programmes of Islamic theology in German universities (Stosch 2010).

⁵ Meaning that one should not only perform good deeds for other-worldly rewards, but one is first required to do the best one can in this world.

⁶ For a more detailed overview of religious policy during the entire reform period see, for example, Potter 2003.

⁷ The 1996 Methods for the Annual Inspection of Religious Venues (*Zongjiao huodong changsuo niandu jiancha banfa*), which were abolished by the RRA, required religious venues to undergo an evaluation by the local religious affairs bureaus in the first quarter of every year. They had to complete a standard seven-category evaluation form and request a signed endorsement from basic local government agencies. A long list of loosely defined violations was designed to give maximum discretionary authority to local religious affair bureaus to terminate the legal status of a religious venue (Tong 2010a, 386). Article 36 of the RRA now only requires of religious venues to submit and make public an annual financial report on its income and expenditure as well as on the acceptance and use of donations.

⁸ This is not to mention the determination of the reincarnation of Tibetan Buddhas and the ordination of Catholic bishops, for which the RRA stipulates additional requirements (Article 27).

⁹ The variation in assertion of Hui identity in different parts of China has been described in Gladney (1991).

¹⁰ The resistance toward the state grew considerably since the policies towards Uyghur changed from discrimination to segregation and cultural assimilation in the 1990s. Some of it took a violent form. They include protests in Baren (close to Kashghar) in 1990, Ghulja/Yili in 1997, a bus bombing in Ürumchi that same year and recent protest in July 2009.

¹¹ Interestingly, for the Hui the situation seems to be the opposite. It is my impression that local authorities in places of high Hui concentration, which also tend to be more religious, allow more latitude for sensitive activities (such as the proselytizing of foreign nationals).

¹² For Xinjiang, most information is taken from compilations of case studies published online by watch groups and commission reports. References to the Hui in China proper are based on first-hand observations and second-hand reports collected during my 14-month doctoral fieldwork in Gansu and Qinghai provinces (2005-2007) and a recent 9-month post-doctoral research stay in China.

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Dr Fernand de Varennes is Professor at the Ethiopian Civil Service University in Addis Ababa, and Visiting Professor at Peking University Faculty of Law in Beijing. A former Director of the Asia-Pacific Centre for Human Rights and the Prevention of Ethnic Conflict, he is also the founding Editor-in-Chief of the Asia-Pacific Journal on Human Rights and the Law. Dr de Varennes is recognised as one of the world's leading legal experts on language rights and has written two seminal works on this topic: *Language, Minorities and Human Rights* (1996) and *A Guide to the Rights of Minorities and Language* (2001) and was awarded the 2004 Linguapax Award (Barcelona, Spain) in acknowledgement of his outstanding work in the field of linguistic diversity and multilingual education. He has also held the prestigious Tip O'Neill Peace Fellowship at INCORE (Initiative on Conflict Resolution and Ethnicity) in Derry, Northern Ireland. He also has extensive international recognition for his research work on international law, human rights, minorities and ethnic conflicts and has worked with numerous international organisations such as the United Nations' Working Group on the Rights of Minorities, UNESCO and the OSCE's High Commissioner on National Minorities on these issues. He has published five books and over 150 scientific articles and reports in twenty-five languages.

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Zaira Vidali

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Zaira Vidali has a degree in Political Science from the University of Trieste, Italy, and is a PhD candidate at the Faculty for Social Sciences of the University in Ljubljana, Slovenia. She is working on a dissertation on the management of ethnic and language diversity in the Friuli Venezia Giulia region in Italy. She is employed at the Slovene Research Institute SLORI in Trieste as a researcher and project manager for cross-border cooperation programmes between Italy and Slovenia. Her major fields of interest are: national minorities and their rights in Italy and Europe with special focus on the Slovene national community in Italy; diversity management in the public administration of multilingual and multicultural border areas with special attention to the Friuli Venezia Giulia region; and youth participation and associations among the Slovene national community in Italy.

Zaira Vidali je diplomirala iz političnih ved na Univerzi v Trstu, Italiji, in je doktorska študentka na Fakulteti za družbene vede Univerze v Ljubljani, kjer pripravlja disertacijo o upravljanju etnične in jezikovne različnosti v deželi Furlaniji Julijski krajini. Zaposlena je na Slovenskem raziskovalnem inštitutu (SLORI) v Trstu kot raziskovalka in vodja projektov v okviru programov za čezmejno sodelovanje med Slovenijo in Italijo. Njeno raziskovalno delo obsega: narodne manjšine in njihove pravice v Italiji in Evropi, posebno pozornost pa posveča narodni skupnosti v Italiji; upravljanje različnosti v javnih upravah na večjezičnih in večkulturnih mejnih območjih in še posebej v deželi Furlaniji Julijski krajini; mladinsko participacijo in društva v slovenski narodni skupnosti v Italiji.

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Devan Jagodic has a PhD in Transborder Policies for Daily Life from the International University Institute for European Studies (IUIES) in Gorizia, Italy. Since 2004 he has been cooperating with the Slovene Research Institute – SLORI in Trieste, Italy. The main fields of his research activity are socio-cultural phenomena in border and ethnically mixed areas, the sociolinguistic aspects of groups in contact, and questions related to national minorities, with specific attention to the Slovenian minority in Italy.

Devan Jagodic je doktoriral iz Čezmejnih politik za vsakdanje življenje (Transborder policies for daily life) pri Mednarodnem univerzitetnem inštitutu za evropske študije (IUIES) v Gorici, Italiji. Od leta 2004 sodeluje s Slovenskim raziskovalnim inštitutom – SLORI v Trstu. Predmet njegovega znanstvenega raziskovanja so družbeno-

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Matjaž Klemenčič

Matjaž Klemenčič is Professor of History at the University of Maribor. During the last decade he also regularly taught graduate and undergraduate courses at the University of Primorska/Littorale in Koper/Capodistria and the University of Ljubljana. He also served from 2000 till 2008 as President of the Scientific Council at the Institute for Ethnic studies in Ljubljana. He is author or coauthor of 9 books and over 150 scholarly articles. He deals with the history of US immigration, in particular Slovene settlements in the US, the history of the dissolution of Yugoslavia and the history of the Slovene ethnic minority in Austria. His recent publications include, with Mitja Žagar, *The former Yugoslavia's diverse peoples: a reference sourcebook (Ethnic diversity within nations)*. Santa Barbara, Ca.: ABC-CLIO, 2004; with Karl Pugelj, Jim Pugel and other Slovenian pioneers of Pueblo, Colorado, (*Ethnicity*, no. 6). Ljubljana: Inštitut za narodnostna vprašanja: = Institute for Ethnic Studies, 2009; and, with Vladimir Klemenčič, *Die Kärntner Slowenen und die Zweite Republik: Zwischen Assimilierungsdruck und dem Einsatz für die Umsetzung der Minderheitenrechte*. Klagenfurt, Ljubljana, Wien: Mohorjeva založba, 2010.

*Matjaž Klemenčič je redni profesor zgodovine na Univerzi v Mariboru. V zadnjem desetletju je predaval podiplomskim in dodiplomskim študentom tudi na Univerzi na Primorskem/Università di Littorale v Kopru/Capodistria in na Univerzi v Ljubljani. Med letoma 2000 in 2008 je bil predsednik Znanstvenega sveta Inštituta za narodnostna vprašanja v Ljubljani. Je avtor ali soavtor devetih knjig in več kot 150 znanstvenih člankov. Ukvarja se z zgodovino priseljevanja v ZDA, še zlasti s slovenskimi naselbinami v ZDA, zgodovino razpadanja nekdanje SFRJ in zgodovino slovenske narodne manjšine v Avstriji. Med njegovimi publikacijami v zadnjem času velja omeniti *The Former Yugoslavia's Diverse Peoples: A reference Sourcebook (Ethnic Diversity Within Nations)*, Santa Barbara, CA: ABC Clio, 2004 (skupaj z Mitjo Žagarjem); *Jim Pugel and Other Slovenian Pioneers of Pueblo, Colorado (Ethnicity; 6)*, Ljubljana: Inštitut za narodnostna vprašanja/Institute for Ethnic Studies, 2009 (skupaj s Karlom Puglom); in *Die Kärntner Slowenen und die zweite Republik: Zwischen Assimilierungsdruck und dem Einsatz für die Umsetzung der Minderheitenrechte*, Klagenfurt, Ljubljana, Wien: Mohorjeva založba, 2010 (skupaj z Vladimirjem Klemenčičem).*

Maja Veselič

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Maja Veselič (PhD in Anthropology) currently teaches at the Department of Asian and African Studies, Faculty of Arts, University of Ljubljana. She has published articles on questions of ethnicity and religion in modern and contemporary China, with particular focus on Islam and Muslim ethnic minorities. Her other research interests include the transmission of knowledge, global Islamic movements, and constructions of multiple modernities.

Maja Veselič je doktorica etnologije in je trenutno zaposlena kot asistentka na Oddelku za azijske in afriške študije Filozofske fakultete Univerze v Ljubljani. Objavila je več člankov o vprašanih etničnosti in religije na Kitajskem, predvsem o islamu in muslimanskih etničnih manjšinah. Raziskovalno se ukvarja tudi s problematiko prenosa znanja, globalnimi islamskimi gibanji ter konstrukcijami multiplih modernosti.

142 Guidelines for Contributors

General

The editorial board of **Treatises and Documents, The Journal of Ethnic Studies** welcomes the submission of scholarly articles in the field of ethnic and minority studies, especially on racial and ethnic relations, ethnic identity, nationalism, xenophobia, the protection of (ethnic, national, linguistic, religious, and other) minorities, migration, multiculturalism and related subjects. The journal is particularly interested in discussions regarding ethnic and minority issues in the so-called Alpine-Adriatic-Pannonian area and all comparative studies, which include – only partially or as a whole - this geographic area. This area comprises the Alpine arc, the hinterland of the eastern Adriatic and Pannonian Basin. More technically, this area includes the following countries: Albania, Austria, Bosnia and Herzegovina, Croatia, Czech Republic, Italy, Germany (especially the southern part), Hungary, Kosovo, Montenegro, Romania, Serbia, Slovakia and Slovenia. Also Macedonia and Bulgaria may be interesting cases.

Three issues of the journal are published every year, usually in April, September and December.

Articles that are submitted must be original, unpublished material and should not be simultaneously under consideration - either in whole or in part - for publication elsewhere.

The journal encourages the submission of articles in English, since this enables authors to present their ideas and work to a broader public. However, articles in other languages – with a special emphasis on the Slovenian language – are also welcome. The abstracts of the articles are always published in the language of the article and in English.

Authors who do not have native or equivalent proficiency in English must prior to submission have the article read by someone with this proficiency. This step ensures that the academic content of your paper is fully understood by journal editors and reviewers. Articles which do not meet these requirements will most likely not be considered for publication.

Manuscripts should be submitted in electronic form and must include:

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144 Referencing Style

The **Harvard author-date system** of referencing must be used for bibliographical references in the text and in the alphabetical list of references at the end of the article. Authors should ensure that all and only those references cited in the text appear in the list of references. General bibliographies should not be provided. Authors must also follow the requirements regarding referencing style and format as presented in the table of examples, available at the journal's website (<http://www.inv.si>).

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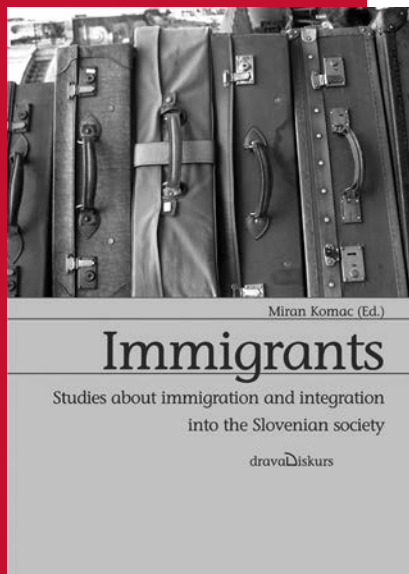
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