ACTA HISTRIAE

33, 2025, 4

UDK/UDC 94(05) ACTA HISTRIAE 33, 2025, 4, pp. 617-848 ISSN 1318-0185

UDK/UDC 94(05)

ISSN 1318-0185
e-ISSN 2591-1767

Zgodovinsko društvo za južno Primorsko - Koper
Società storica del Litorale - Capodistria

ACTA HISTRIAE
33, 2025, 4

KOPER 2025

ISSN 1318-0185 UDK/UDC 94(05) Letnik 33, leto 2025, številka 4
e-ISSN 2591-1767

Odgovorni urednik/ ***Direttore responsabile/ Editor in Chief:*** Darko Darovec

Uredniki/*Redattori/ Editors*: Žiga Oman, Urška Lampe, Boštjan Udovič, Jasmina Rejec

Prevodi/*Traduzioni/ Translations:* Cecilia Furioso Cenci (it.), Žiga Oman (angl.), Petra Berlot (angl./it.)

Lektorji/*Supervisione/ Language Editors:* Žiga Oman (angl., slo.), Cecilia Furioso Cenci (it.), Karry Close (ang.) , Yuri Barron (angl.)

Založnika/*Editori/ Published by:* Zgodovinsko društvo za južno Primorsko - Koper / Società storica del Litorale - Capodistria© / Inštitut IRRIS za raziskave, razvoj in strategije družbe, kulture in okolja / Institute IRRIS for Research, Development and Strategies of Society, Culture and Environment / Istituto IRRIS di ricerca, sviluppo e strategie della società, cultura e ambiente©

Sedež/*Sede/Address:* Zgodovinsko društvo za južno Primorsko, SI-6000, Koper-Capodistria, Garibaldijeva 18 / Via Garibaldi 18, e-mail: actahistriae@gmail.com; https://zdjp.si/en/p/actahistriae/

Tisk/*Stampa/Print:* Založništvo PADRE d.o.o.

Naklada/Tiratura/Copies: 300 izvodov/copie/copies

Finančna podpora/ ***Supporto finanziario/ Financially supported by:*** Javna agencija za znanstvenoraziskovalno in inovacijsko dejavnost Republike Slovenije / Slovenian Research and Innovation Agency

Slika na naslovnici/ ***Foto di copertina/ Picture on the cover:*** *Horus kot jezdec, ki premaguje sile zla. Egipt, 4. stoletje n. št. / Horus come cavaliere che sconfigge le forze del male. Egitto, IV secolo d.C. / Horus as a horseman defeating evil forces. Egypt, fourth century AD (source: Wikimedia Commons).*

Redakcija te številke je bila zaključena 30. decembra 2025.

Revija Acta Histriae je vključena v naslednje podatkovne baze / Gli articoli pubblicati in questa rivista sono inclusi nei seguenti indici di citazione / Articles appearing in this journal are abstracted and indexed in: CLARIVATE ANALYTICS (USA): Social Sciences Citation Index (SSCI), Social Scisearch, Arts and Humanities Citation Index (A&HCI), Journal Citation Reports / Social Sciences Edition (USA); IBZ, Internationale Bibliographie der Zeitschriftenliteratur (GER); International Bibliography of the Social Sciences (IBSS) (UK); Referativnyi Zhurnal Viniti (RUS); European Reference Index for the Humanities and Social Sciences (ERIH PLUS); Elsevier B. V.: SCOPUS (NL); DOAJ.

Navodila avtorjem in vsi članki v barvni verziji so prosto dostopni na spletni strani: https://zdjp.si.
Le norme redazionali e tutti gli articoli nella versione a colori sono disponibili gratuitamente sul sito: https://zdjp.si/it/.
The submission guidelines and all articles are freely available in color via website http: https://zdjp.si/en/.

UDK/UDC 94(05) Volume 33, Koper 2025, issue 4 ISSN 1318-0185
e-ISSN 2591-1767

VSEBINA / *INDICE GENERALE / CONTENTS*

Received: 2024-06-19 DOI 10.19233/AH.2025.23

SAINT GEORGE, THE DRAGON SLAYER: SACRALIZED VIOLENCE AND THE ALLEGORICAL UNION OF SACRED AND SECULAR POWER

Polona TRATNIK

Institute IRRIS for Research, Development and Strategies of Society, Culture and Environment, Čentur 1f, 6273 Marezige, Slovenia

University of Ljubljana, Faculty of Arts, Aškerčeva cesta 2, 1000 Ljubljana, Slovenia

University of Ljubljana. Faculty of Computer and Information Science, Večna pot 113, 1000 Ljubljana, Slovenia
e-mail: polona.tratnik@guest.arnes.si

ABSTRACT

This article examines the transformation of the legend of Saint George from an early Christian martyr into a militant dragon slayer and divine agent of order. It argues that this shift reflects broader cultural and theological changes in medieval Europe, where narratives increasingly framed conflict resolution through sacralized violence rather than symbolic mediation. By analyzing the legend as a structure of meaning, the study shows how Saint George came to embody a model of holy intervention that legitimizes the elimination of enemies as a form of cosmic purification. The dragon, as a symbolic adversary, externalizes chaos, heresy, and disorder, while the saint's action restores divine order. At the same time, the legend enacts an allegorical union of sacred and secular power, staging a mythic foundation for religiously sanctioned authority. The legend thus operates not as a literal prescription, but as a powerful narrative that mirrors and shapes collective imaginaries of legitimacy, sovereignty, and spiritual warfare.

Keywords: Saint George, dragon slayer, medieval hagiography, symbolic conflict resolution, religious violence, gift exchange, medieval iconography, sacrifice, structural anthropology

SAN GIORGIO, L'UCCISORE DI DRAGHI: VIOLENZA SACRALIZZATA E UNIONE ALLEGORICA DI POTERE SACRO E SECOLARE

SINTESI

Questo articolo esamina la trasformazione della leggenda di San Giorgio da martire cristiano delle origini a militante uccisore di draghi e agente divino dell'ordine. Si sostiene che tale mutamento rifletta più ampi cambiamenti culturali e teologici nell'Europa medievale, in cui le narrazioni tendevano sempre più a rappresentare la risoluzione dei conflitti attraverso una violenza sacralizzata piuttosto che tramite una mediazione *simbolica. Analizzando la leggenda come una struttura di significato, lo studio mostra come San Giorgio sia giunto a incarnare un modello di intervento santo che legittima l'eliminazione dei nemici come forma di purificazione cosmica. Il drago, in quanto avversario simbolico, esternalizza il caos, l'eresia e il disordine, mentre l'azione del santo ristabilisce l'ordine divino. Allo stesso tempo, la leggenda mette in scena un'unione allegorica del potere sacro e di quello secolare, istituendo una fondazione mitica per l'autorità religiosamente sancita. La leggenda opera così non come prescrizione letterale, ma come potente narrazione che riflette e plasma gli immaginari collettivi di legittimità, sovranità e lotta spirituale.*

Parole chiave: San Giorgio, uccisore di draghi, agiografia medievale, risoluzione simbolica dei conflitti, violenza religiosa, scambio di doni, iconografia medievale, sacrificio, antropologia strutturale

INTRODUCTION[1]

The legend of Saint George, one of the most enduring figures in the Christian imaginary, underwent a pivotal transformation in the eleventh century. Originally venerated as a martyr who resisted Roman authorities and suffered death for his faith, Saint George was gradually reimagined as a militant and missionary figure. During this period, new textual versions and visual depictions introduced the dragon episode: George appears as a mounted knight slaying a monstrous adversary, rescuing a princess, and demanding the conversion of a kingdom to Christianity. The legend thus does more than evolve, beginning to encode new models of conflict, divine intervention, and symbolic resolution. This transformation reflects broader shifts in medieval conceptualizations of sanctity and authority, including the growing emphasis on militant virtue, public affirmation of faith, and the saint's role as an agent of divine justice. Saint George is no longer a passive martyr but an active mediator of sacred violence. The dragon—often interpreted as a figure of paganism, heresy, or generalized evil—becomes an objectified adversary through which divine power can be visibly asserted. Rather than embodying Christian suffering, the saint comes to embody divine action: heroic conquest replaces martyrdom as the dominant mode of sanctification.

1 This article results from research conducted for the project N6-0268 *Political Functions of Folktales* and program P6-0435 *The Practices of Conflict Resolution between Customary and Statutory Law in the Area of Today's Slovenia and Neighboring Countries, Research of Sociocultural Dynamics Through Computer Folkloristics*, (with University of Berkeley, BI-US/24-26-034), and *Large Language Models for Digital Humanities* (LLM4DH, GC-0002), supported by the Slovenian Research Agency (ARIS), as well as *Centre of Excellence in Artificial Intelligence for Digital Humanities* (AI4DH, HORIZONCSA, Grant No. 101186647). The author thanks Jeremy Johns, Daniel Burt, The Khalili Research Centre of Oxford University, Barakat Trust, University of Edinburgh, Ekaterine Gedevanishvili, Jason Borges, Eva Schubert, and the Museum With No Frontiers, the Republic of Türkiye Ministry of Culture and Tourism, as well as Žiga Oman.

I argue that this narrative shift mirrors and supports eleventh- and twelfth-century developments in the Christian world, particularly the Church's use of religious narratives to legitimate violence and consolidate political authority. These reconfigured hagiographic traditions contributed to shaping the legal and ideological structures of Christian Europe by presenting divine justice as a model for worldly intervention. Saint George becomes a paradigmatic figure of mediated authority; not a neutral third party, but an active agent who resolves a supernatural threat and inaugurates a new socio-religious order.

SAINT GEORGE BEFORE THE ELEVENTH CENTURY: MARTYRDOM AND PASSIVE HOLINESS

The early versions of the legend of Saint George from late antiquity and early medieval hagiographies emphasize Saint George's role as a Christian martyr who endures persecution under Diocletian and serves as a passive model of divine endurance and faith. These narratives center on miraculous survivals and resurrections, mirroring the figure of Christ. One of the earliest attestations of the legend's existence appears in a proclamation by Pope Gelasius in 494 (Matzke, 1902, 464–535). *Church History*, written in the fourth century by Eusebius of Caesarea (Book VIII, Chapter V), is believed to refer to Saint George, although not by name.[2] The text describes a nobleman of distinction who, immediately after the publication of the imperial edict against the churches in Nicomedia[3]—when both Diocletian and Galerius were present—was moved by zeal for God and spurred by fervent faith to seize the edict and tear it to pieces, declaring it blasphemous and impious. For this audacious act, he suffered the expected consequences, but his spirit remained cheerful and untroubled until death. Early versions of the legend appear in the early seventh century, notably in the hagiography written by Theodore of Sykeon. Icons of Saint George also existed by this time, or even as early as the sixth century (Walter, 1995, 319). However, these do not yet depict the archetypal image of Saint George as he came to be known in later centuries—mounted on horseback and slaying a dragon.

2 "Another being taken up half dead, was cast aside as if already dead, and again a certain one lying upon the ground was dragged a long distance by his feet and counted among those who had sacrificed. One cried out and with a loud voice testified his rejection of the sacrifice; another shouted that he was a Christian, being resplendent in the confession of the saving Name. Another protested that he had not sacrificed and never would. But they were struck in the mouth and silenced by a large band of soldiers who were drawn up for this purpose; and they were smitten on the face and cheeks and driven away by force; so important did the enemies of piety regard it, by any means, to seem to have accomplished their purpose" (Eusebius, 1952, 326).

3 The Roman emperor Diocletian, who reigned from 284 to 305, carried out the largest persecution of Christians in the Roman Empire, also known as the Diocletian or Great Persecution. In 303, the Roman emperors issued a series of edicts rescinding the legal rights of Christians and demanding they comply with traditional religious practices. Persecution was greatest in the eastern provinces. The persecution of Christians ended in 313 with the Edict of Milan. The emperor Constantine I or Constantine the Great (Roman emperor from 306 to 337 CE) was the first to convert to Christianity. After 381, Christianity also became the only official and permitted religion of the Roman Empire.

In the early twentieth century, hagiographical scholars such as Hippolyte Delehaye, Karl Krumbacher, and Johannes B. Aufhauser aimed to reconstruct historically accurate lives of the saints. Their method involved eliminating later accretions to recover the original, authentic core of the narrative. Yet as Walter observes, "the earliest life had long been recognized to be fabulous, and a main preoccupation of those who later produced new versions was to make them historically more plausible" (Walter, 1995, 319). A hagiographic account of a saint's life is a narrative composed with a particular didactic intent. The primary aim of writing hagiographies was to convey a religious truth or moral lesson. Hippolyte Delehaye (1859–1941), himself a prominent hagiographer, reflected on the literary methods employed in such works.

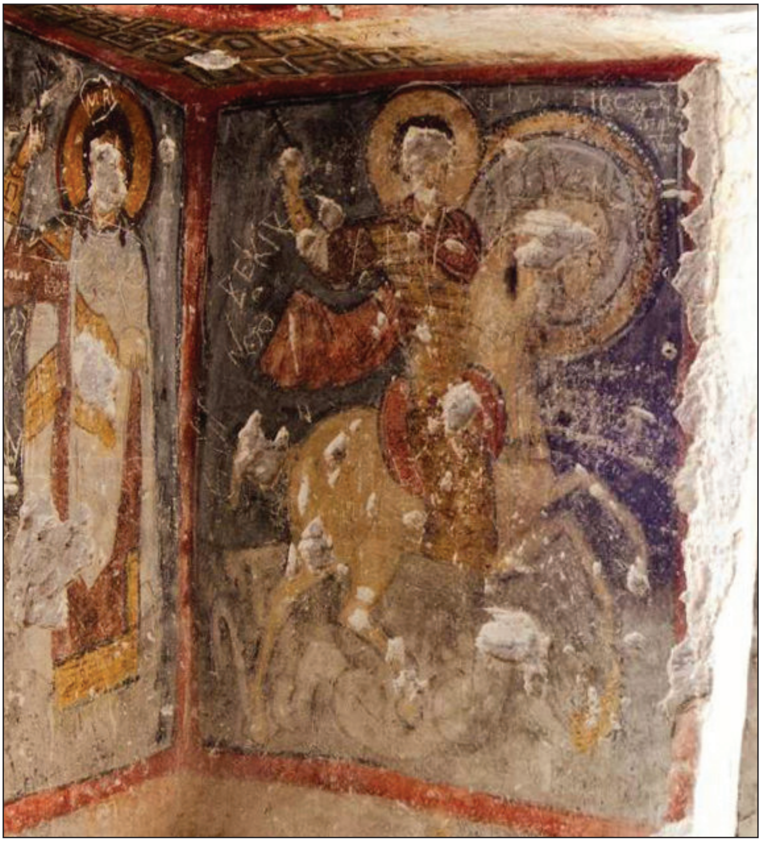

Fig. 1: Saint George slaying the dragon. Fresco from the Church of Saint Barbara in Soğanlı, Cappadocia, dated to either 1006 or 1021. This is considered the earliest known depiction of Saint George in combat with the dragon (source: https://www.foliamagazine.it/en/saint-george-dragon/).

He noted that some hagiographic texts constitute a distinct literary genre—imaginative fiction designed to teach a certain truth: "they are parables or stories designed to bring out some religious truth or moral principle" (Delehaye, 1962, 50). In the Middle Ages, he observed, history encompassed everything that was told or read in books. The hagiographer shared the historical sensibilities of his time but wrote with a clearly defined purpose that shaped the character of his work—not merely to inform or entertain, but above all to edify the reader, "to do them good." "And so a new form of literature is born," Delehaye concluded, "part biography, part panegyric, part moral lesson" (Delehaye, 1962, 53–54).

John E. Matzke identified numerous early versions of texts containing the legend of Saint George and classified them into distinct groups: apocryphal, canonical, later eastern apocryphal, and later western versions. The earliest version he found dates from the seventh to eighth centuries in Crete and Greece, and from the ninth century in Latin. He also traced early variants of the legend in Coptic, Syriac, and Arabic cultural contexts (Matzke, 1902, 466–481). According to the canonical version, George was born to Christian parents in Cappadocia. He came from a wealthy family; his father died when he was an infant, and his mother was a native of Palestine. The young man quickly rose in honor and esteem. Emperor Diocletian, who held dominion over the governors of the entire East, initiated a widespread persecution of Christians. After losing his mother at the age of twenty, George appeared at the emperor's court. Witnessing the atrocities committed against Christians, he distributed his wealth to the poor. On the third day of the Council, he rose and openly confessed his faith in the Christian God. He was tortured so severely that any other person would have died, but he recovered repeatedly. Witnessing these miracles, many people—including Empress Alexandra—converted to Christianity. In some versions of the legend, George is described as a Roman soldier. This trait was retained in the later versions that circulated after the eleventh century, in which George is portrayed as a military saint. For the Crusaders, the figure of George as a soldier was especially convenient, as it made him a fitting patron saint. The version most widely used in the Latin West from the eleventh century onward contains a long historical prologue that introduces the names of Diocletianus[4] and Maximianus (Matzke, 1902, 513). During Diocletian's reign, the Roman Empire was beset by invasions and internal unrest, prompting him to appoint Herculius Maximianus as co-ruler. Together, they committed their efforts to eradicating Christian heresy—Diocletian in the East and Maximian in the West. In this context, Datianus is portrayed as the principal antagonist of the martyr.

Early on, Saint George became one of the most venerated saints of the Western Church. In 491, Clotilda, wife of the Frankish King Clovis, dedicated the nunnery she had built at Chelles near Paris to his memory, while Clovis himself founded a monastery in his honor at Cambrai around the same time. In the sixth century,

4 Datianus or Dadianus, also Dacianus, king of the Persians Datianus ("ruler over the four quarters of the earth, with whom were four wicked kings, calls a council of his subordinates") (Matzke, 1902, 467–468).

Venantius Fortunatus praised the church of Saint George in Mainz, and Gregory of Tours built a church dedicated to him near Astoux in the diocese of Dax. In the seventh century, Chlothar III, king of the Franks, constructed a chapel in his honor at Noyon in Picardy, while Childeric II, king of Austrasia, founded a monastery of Saint George in Alsace, in a valley later known as the Valley of Saint George. The veneration of the saint also reached England at an early date. A monastery at Thetford was founded in his honor during the reign of King Canute (Cnut, king of England, 1016–35), and a church dedicated to his memory existed in Southwark during the Anglo-Saxon period. The collegiate church at Oxford was dedicated to him around 1074 (Matzke, 1903, 99–171). Early archaeological evidence of the cult of Saint George includes the church at Shaqrā, Syria, dedicated to him by Bishop Tiberinus in the sixth century. By that time, the cult had already spread to Syria, Arabia, Egypt, and Byzantium, as well as to southern Gaul. In the eighth century, Pope Zacharias (741–52) transferred the supposed head of Saint George from the Church of Saint John in the Lateran to the Church of Saint George in Velabro, and the saint began to be venerated in Rome (Whatley et al., 2004). Although there is ample evidence that Saint George was already venerated in the West before the Crusades, his cult enjoyed extraordinary popularity in Western Europe in the centuries immediately following them (Matzke, 1903, 150).

Fig. 2: Saint George and Saint Theodore, slaying serpents. Fresco from the Church of the Serpent (Yılanlı Kilise) in Cappadocia, dated to around 1070. The depiction reflects the emerging iconography of mounted military saints confronting monstrous adversaries (source: https://www.cappadociahistory.com/ © Jason Borges).

ICONOGRAPHIC AND HAGIOGRAPHIC TRANSFORMATION OF SAINT GEORGE TO A DRAGON SLAYER

George had been venerated as a saint since the fifth or even fourth century, but the dragon episode did not find its way into the legend of Saint George until the eleventh century in the East. The dragon motif indeed appears to be a later addition to the hagiographic tradition and visual iconography of Saint George, emerging only in the eleventh century in Cappadocia (the Church of Saint Barbara (Fig. 1) and the Church of the Serpent (Fig. 2)) and Georgia (hagiography), and afterwards iconographically disseminating into other parts of the Byzantine Empire (such as Siria, Palestine, Anatolia) (Fig. 3), Georgia (metal relief from Lighauri (Fig. 4), fresco from Adishi (Fig. 25)), Russia (fresco from Staraya Ladoga (Fig. 26)) and Norman Sicily (e.g. Palermo, Cappella Palatina (Figs. 5–8)[5]) in the twelfth century. By the thirteenth and fourteenth centuries, the motif had fully taken root in the West, particularly in book illustrations (e.g., in *Passio Sancti Georgii*, Verona, thirteenth century (Fig. 9), in *Legenda Aurea* (Figs. 10–11), and *The Book of Hours* (Fr. *livre d'heures*) (Fig. 12) in the fourteenth century), where it also includes the motif of the sacrificed and rescued princess.

Earlier representations of George, however, do not represent George as a dragon slayer. Yet, the figure of Saint George as a militant saint can be traced back even earlier: a notable ninth- or tenth-century icon from the Monastery of Saint Catherine on Mount Sinai shows George slaying a figure commonly interpreted as a Roman soldier or, in some readings, the Emperor Diocletian himself (Fig. 13). Additional examples from tenth- and eleventh-century Georgia—repoussé metal icons, such as those from Parakheti (Fig. 14), Nakuraleshi (Fig. 15), and Lebechina (Fig. 16),[6] as well as the fresco from the Church of Archangels of Ip'rari (Fig. 17) and the fresco from Adishi (Fig. 18) (where the iconography is not completely discernible)—further reinforce this martial image. In these cases, George is shown as a mounted warrior in elaborate lamellar armor, slaying a prostrate enemy beneath his horse. While the enemy is not explicitly identified, the iconography—especially in the Parakheti image, where the victim wears courtly robes—suggests imperial connotations and may allude to Diocletian or a generic persecuting ruler. These representations must be understood as a direct reference to George's martyrdom and confrontation with Roman imperial power. They portray the saint not as a miraculous dragon slayer but as a militant confessor confronting the earthly persecutor of true faith. Particularly striking is the Georgian fresco from Nakipari (ca. 1130) (Fig. 19), which shows George being tortured on a wheel—an iconography firmly rooted in martyrological tradition.

5 For a detailed study of iconography in Cappella Palatina, cf. Johns (2015).

6 For additional examples and discussion on the eleventh-century metal relief icons depicting Saint George slaying Diocletian, cf. Gedevanishvili (2025, 94–97).

The dragon motif thus signifies a meaningful shift in narrative and function. While early Christian and Byzantine representations emphasized the saint's suffering, piety, and confrontation with a known historical persecutor, the later inclusion of the dragon abstracts the enemy into a general embodiment of evil. George is no longer the passive sufferer of Roman violence but becomes an active agent of supernatural victory. With a beginning in the eleventh century, and universally until the thirteenth century, the narrative has been dramatically restructured: the dragon becomes symbolic evil, the princess a sacrificial victim, and Saint George the miraculous liberator of the princess and the empire.

The iconographic evolution of George as a warrior saint—rather than merely a confessing martyr—must be situated within the geopolitical tensions of the period. The frontier zones of the Byzantine Empire, especially Christian peripheries such as Egypt, Cappadocia, and Georgia, were regions marked by both religious and military contestation. These were contact zones where representations of militant saints responded not only to internal theological debates (e.g., iconoclasm) but also to shifting political boundaries and religious conflicts. It is telling that Saint George's early visual antagonists are Roman (Diocletian or generic Roman soldiers).[7] Only later does the dragon emerge as a symbolic adversary, eventually allowing for more abstract or allegorical representations of evil. While some later textual traditions begin to associate the dragon with Islam—particularly during and after the Crusades—there is little iconographic evidence that this identification was made explicit.[8]

It is also important to stress that this transformation follows a typological and symbolic lineage. The mounted dragon-slayer motif predates Christian iconography, as seen in votive tablets of the Thracian Horseman attacking a beast (e.g., second-century marble votive tablet from Stara Zagora, Bulgaria (Fig. 20)), depictions of Horus slaying a crocodile (e.g., fourth-century Egyptian

7 Cf. also Ivan Gerát's study of the transition of the figure of Saint George from an early anti-imperial symbol—such as the saint defeating Diocletian—into a highly politicized emblem of imperial authority, particularly under Holy Roman Emperor Maximilian I, who appropriated the saint's chivalric and crusading associations in both private devotion and public propaganda, though without relying on miraculous elements or traditional Catholic iconography (Gerát, 2019). Jonathan Good has also pointed out the changing political functions of Saint George by showing how, in medieval and early modern England, the figure of Saint George evolved from a royal saint into a broader national and military symbol, surviving even the Protestant Reformation while taking on new, sometimes secularized, meanings (Good, 2009).

8 For a representative example of later medieval romance literature conflating the saintly battle against evil with Christian conflict against Islam, see the Middle English *Sowdone of Babylone* (ca. 1380). Although Saint George does not appear as a character, the narrative adopts the militant ethos of Crusader hagiography, casting Saracens as adversaries of Christendom. Allegorical extensions of the dragon motif—while not literal in this case—were often mapped onto Islamic figures in Western narratives, especially through the orientalist trope of the "Sultan of Babylon." The hagiographic tradition of "the persecution of the early Church martyrs at the hands of Roman imperial authorities is conflated with the medieval conflict of Christianity and Islam enacted in the crusades" (Conklin Akbari, 2009, 203).

Fig. 3: Byzantine bas-relief of Saint George slaying the dragon, carved in steatite. Twelfth century (source: Wikimedia Commons).

plaques (Fig. 21)), a horseman in combat with a serpentine dragon (e.g., the tenth- or eleventh-century "Raqqa ware" figure with a serpent coiled around the left foreleg of the horse and biting the rim of the shield, Siria (Fig. 22)) or a (Roman) horseman slaying a barbarian (e.g., a Roman military tombstone from the fourth or fifth century from Great Britain (Fig. 23)). These iconographic precedents were reinterpreted and absorbed into Christian saintly narratives, particularly in regions with longstanding visual traditions of mounted divine or heroic figures. The familiar motif of a horseman vanquishing a monstrous serpent—rooted in pre-Christian symbolic systems—was thus appropriated and transformed.[9] By the tenth or eleventh century, the human adversaries formerly associated with military saints were increasingly supplanted by the dragon, which emerged as their principal symbolic antagonist in Christian iconography. This shift is evident both in Byzantine frescoes from Cappadocia and in Georgian stone reliefs such as the one at the Church of the Dormition in Martvili (Fig. 24), where mounted saints confront a serpentine creature. These images reinforce the saints' role not merely as military heroes but as cosmic agents of purification and divine order.

In the eleventh century, the legend was restructured: the princess was introduced as a sacrificial victim, the dragon as symbolic evil, and Saint George as the miraculous liberator. The earliest certain image of Saint George slaying a dragon is found in the Church of Saint Barbara in Soğanli, dating from 1006 or 1021, and in the Church of the Serpent (Yılanlı Kilise), where Saint George is depicted together with Saint Theodore, from around 1070, both in Cappadocia.[10] In these two cases, however, there is no princess. The motif of the rescue of the princess originates from Georgian hagiography, while the oldest Greek text, according to Walter, dates to the twelfth or thirteenth century (Bibliotheca Angelica 46). Walter also ascertained that the earliest depictions of Saint George on the horseback and the princess leading the dragon by her girdle toward the terrified people watching from the ramparts of the city can be found in several places in Georgia: Pavnisi (1158–84), as well as earlier in Bočorma (ca. 1100) and Adishi (late eleventh century (Fig. 25)),[11] as well in Ikvi (twelfth century) (Walter, 1995, 322). The motif of a princess leading the dragon by a belt iconographically appears fresco from Staraya Ladoga, Russia (1167) (Fig. 26).

9 Oya Pancaroğlu has drawn attention to the polyvalent iconography of the dragon-slaying horseman in both Christian and Muslim traditions, particularly in tenth-century Anatolia, where equestrian figures—potentially Saint George, Saint Theodore, or others—embodied multiple and often overlapping identities (Pancaroğlu, 2004). Sara Kuehn (2011) has likewise explored the theological and political roles of dragons in Christian and Islamic visual culture. These intersecting traditions allowed the dragon motif to mediate cosmological and ideological concerns across confessional lines. Heather Badamo (2023) further demonstrates how the image of Saint George functioned as a political and theological tool in the medieval East, adapting to diverse confessional and imperial settings—from Coptic Egypt to the Frankish Levant and the Crusader East—where the saint was enlisted as both protector of the faith and agent of ideological conversion. In her study of the medieval Adriatic city of Bar, Marina Odak has shown how the figure of Saint George not only functioned as a religious symbol but also became central to the visual construction of communal and ecclesiastical authority. His consistent representation on coins, seals, and church architecture underscores the strategic use of his image in expressing both autonomy and alignment with broader political powers, such as the Venetian Republic (Odak, 2024).

10 Some scholars identify the earliest representations of Saint George slaying the dragon as dating from the sixth century: Xožorna stele, Brdażori smaller stel and large stele of Brdażori, Georgia (Gedevanishvili, 2025, 89–91). However, these stonework depictions are highly stylized and difficult to distinguish from earlier classical motifs—a horseman frequently shown defeating a serpent or beast and the serpent as a surviving element of ancient mythologies. It remains unclear whether all such images were originally intended to depict George or whether they were retrospectively assimilated into his cult.

11 Ekaterine Gedevanishvili (2025, 148–160) further discussed the motif of the rescue of the princess in Georgia and presented more examples of frescoes with this motif.

The first attested narrative in which Saint George kills the dragon and rescues the princess, as well as saves the empire, is an eleventh-century Georgian manuscript preserved in the Greek Patriarchal Library in Jerusalem (Walter, 1995, 321). The story goes that a fearsome dragon was sent by God to a nearby lake because a godless emperor, the idolater Selinus, ruled in the city of Lasia. The emperor made many attempts to subdue the dragon, but in vain. The inhabitants of the city gathered to reproach the emperor for his ineffectiveness and to insist that he do something. The emperor suggested sacrificing children. When it was the emperor's turn, he sacrificed his only daughter, dressed as if for a wedding. The Lord wanted to perform a miracle in the name of Saint George. When George returned to his estate from Diocletian's army in Cappadocia, he stopped at the lake to water his horse. George met the princess and asked her which god was worshipped in her town. She answered him: Hercules, Apollo, Scamander, and Artemis. George asked God to perform a miracle and help him defeat the dragon. God agreed. The dragon appeared; George made the sign of the cross and asked the Lord to transform the wild beast into one that would be docile. The dragon fell at his feet. The saint tied it to the girl's belt, handed it to her, and told her to go to the nearby town. The people were frightened, but George calmed them down and demanded that they convert to Christianity. All of them professed their faith in Christ. George then drew his sword and killed the dragon. The people gathered and prostrated themselves at the feet of the saint and gave thanks to the Lord. Saint George sent for Bishop Alexander, who baptized the emperor, his court, and all the people, 45,000 in all. The emperor had a shrine built in honor of the saint, and Saint George went into the shrine and performed a miracle. Next to the altar, he made a life-giving spring flow, which is said to still perform miracles today (Walter, 1995, 321). This story does not mention the sufferings of George or his resurrections, nor his beheading.

The transition in Saint George's representation—from persecuted martyr resisting the Roman emperor to heroic mounted dragon slayer—reflects deeper theological and geopolitical transformations. It maps a shift from martyrdom theology to militarized sanctity, from concrete imperial enemies to abstracted cosmic evil, and from individualized suffering to triumphant intervention. This evolution mirrors the needs and anxieties of Christian communities on imperial borders, and it anticipates the use of Saint George as a crusading figure. Still, Aufhauser (1911, 27) pointed out that the murals depicting Saint George slaying the dragon in Cappadocia were painted many years before the First Crusade—those in the Church of Saint Barbara in Soğanli were painted at least seventy-five years earlier.

There were many ancient heroes and early Christian saints who protected mankind from vile beasts; even female saints were known to slay dragons (Walter, 1995, 320). In the sixth century, Venantius Fortunatus wrote a hagiography about his predecessor, Bishop Marcellus (who probably died in 436), who had several miracles attributed to him. The holy bishop drove away a serpent dragon that had been terrorizing the population of Paris. Using his supernatural powers, he first subdued the monster and then made it disappear in full view of the public (Le Goff, 1980, 160). C. Grant Loomis interprets the dragon creature in Christian hagiography as a symbolic representation of a pagan cult. The victorious battle usually signifies the eradication of the practices of an earlier

Fig. 4: Copper repoussé icon plaque depicting Saint George slaying the dragon, from Likhauri, Georgia. Twelfth century. This repoussé relief, crafted from hammered copper, likely served as part of a liturgical or devotional icon, possibly affixed to a wooden panel or used in a church setting. Such metal plaques were often produced in Georgian ecclesiastical workshops and feature stylized military saints as defenders of the faith, merging local artisan traditions with Byzantine iconographic models (source: Wikimedia Commons).

religion (Loomis, 1948, 65). Jacques Le Goff noted that "[t]he early medieval commentators on the Book of Revelation were led quite naturally to identify the dragon with the devil […] [or] the devil with the serpent of Genesis as well as with the dragon of the Book of Revelation" (Le Goff, 1980, 166). By contrast, the act of subjugation, as performed by Saint Hilary, who does not exterminate the serpents on an island, but only subdues them and allows humans to settle, makes Saint Hilary a "civilizing hero" and implies that once the dragon is tamed, a contract is made with it (Le Goff, 1980, 173).

Fig. 5

Fig. 6

Fig. 7

Fig. 5–8: Mounted dragon-slayer scenes from the muqarnas ceiling of the Cappella Palatina, Palermo, ca. 1143, "inspired by a Byzantine prototype" (Johns, 2015, 71). Panels depict richly dressed horsemen in combat with dragons in various stylized poses. Figures 6 to 8 feature halos and iconographic traits traditionally associated with Saint George, suggesting a Christian reinterpretation of the cosmological battle motif. These visual narratives, integrated into a royal Norman chapel, articulate a transcultural and theological symbolism of sacralized violence and support the allegorical union of sacred and secular authority. Images taken in 1989 under the direction of Robert Hillenbrand: Khalili Research Centre (University of Oxford), image no. ISL.15344, ISL.15431, ISL.15060, and ISL.16084. (© Barakat Trust and University of Edinburgh).

HISTORICAL CONTEXT: CRUSADES AND MILITARIZATION OF SAINTHOOD

The transformation of the legend of Saint George through the introduction of the dragon episode did not originate with the Crusades. However, it was during the Crusading period that the motif became widely popularized and standardized in Western Europe. Earlier visual evidence of the dragon motif appears already in the eleventh century in Cappadocia, predating the First Crusade. Furthermore, the figure of Saint George as a militant saint can be traced back even earlier: a notable ninth- or tenth-century example from the Monastery of Saint Catherine on Mount Sinai, as well as tenth-century repoussé metal icons from Georgia, depict George slaying a Roman soldier or, in some readings, Emperor Diocletian himself. Nevertheless, the Crusades—particularly marked by Pope Urban II's call to arms in 1095, the Siege of Jerusalem in 1099, and the growing militarization of sainthood—provided the historical context in which Saint George was elevated as the patron saint of Crusaders and the dragon-slaying narrative became firmly associated with Christian holy war.

According to Jay Rubenstein who explored the apocalyptic and eschatological imagination that animated early crusade narratives, the crusade meant "a new phase in God's plan" (Rubenstein, 2011, xi). "More fundamentally, the crusade helped to fashion a broader sense of Christian identity in an otherwise divided European homeland" (Rubenstein, 2011, xii). The dragon-slaying narrative of Saint George must also be understood within the broader symbolic economy of crusading ideology, where the figure of the saint functions as a legitimizing model of divinely sanctioned violence. Rather than viewing the Crusades simply as military campaigns aimed at territorial conquest or religious zealotry, recent scholarship interprets them as deeply rooted in symbolic representations of cosmic order and divine justice. The dragon in this context becomes a condensed signifier of heresy, infidelity, and ontological disorder. Saint George's act of slaying the dragon mirrors the rhetoric and logic of the crusader as a sacred agent: violence is transformed into purification, conquest into restoration. As such, the legend participates in a wider transformation of spiritual warfare into performative and institutionalized violence under ecclesiastical authority, shaping not only religious imagination but also political legitimacy in the high Middle Ages.

The transformation of the legend of Saint George corresponds to the transformation of Christianity from a pacifist to a militant religion, in which saints such as George legitimize holy war through their iconography and narratives. Le Goff associated the Crusades with Christianity's conversion to warfare, which is something of a paradox since the Christianity of the New Testament, like Jesus himself, was pacifist and anti-war. The pacifism of Christians was also one of the main reasons for their persecution by Roman emperors, as they refused to serve as soldiers (Le Goff, 2007, 93–95). In contrast, Jonatan Riley-Smith and Susanna A. Throop have claimed that the "Christian theology of violence evolved from its first century onward," even if, "[p]acifism had played some part in the early church" (Riley-Smith & Throop, 2023, 18). In recent decades, the crusades have been reinterpreted as a complex nexus of religious ideology, social mobilization, and legitimized violence. Andrew Jotischky has argued that the conceptualization of violence underwent a significant theological shift during the crusading period. While earlier Christian doctrine regarded all violence as inherently sinful and therefore requiring penance, the advent of crusading ideology redefined this stance. "Where once all acts of violence had been judged inherently sinful and thus required penance," he writes, "now certain prescribed acts of violence were not only permissible, but could actually form penances in themselves" (Jotischky, 2017, 28). This reframing of violence as a penitential act offered a powerful justification for religiously sanctioned military campaigns and helped to align spiritual merit with physical aggression. Within such a framework, the militant saint—like Saint George—no longer symbolized martyrdom through suffering, but divine justice through destruction. His actions became exemplary not of endurance but of redemptive violence, reflecting a broader transformation in Christian attitudes toward coercion, authority, and salvation.

Riley-Smith and Throop have emphasized the theological foundations of crusading, underscoring its deep entanglement with ideas of penitential warfare and holy violence. They have related crusading to the concept of the holy war and to "the concept of Christian punishment, the imposition of retributive justice on wrongdoers" (Riley-Smith & Throop, 2023, 21). Throop has shown that crusading rhetoric often framed military action as a sacred duty rooted in divine justice and accordingly "the First Crusade was perceived as an action more akin to vengeance (punishment) than to war" (Throop, 2011, 15). As Philippe Buc has shown, the Western Christian tradition developed a theological and symbolic framework that legitimized violence not only as a defense of the faith but as a sacred duty (Buc, 2015). Violence on the battlefield that was previously perceived as a sinful act had become acceptable with the crusade (Rubenstein, 2011, xii). Crusading ideology framed violence not as an aberration but as an act of penitence and divine justice (Riley-Smith, 2003, 19). Within this framework, the militant saint—such as Saint George—becomes a narrative device for enacting divine justice through sacralized violence. These campaigns mobilized affective imagery and hagiographic motifs—particularly of militant saints like Saint George—to legitimize conquest and the eradication of religious enemies. The militarization of Saint George's iconography, particularly in the Georgian and Byzantine traditions, is not merely symbolic but visually and materially embedded in representations of military power (cf. Tsurtsumia, 2011).[12]

Christopher Tyerman has emphasized that the Byzantine perspective on the crusades differed fundamentally from the Western Christian view. From the vantage point of the Eastern Roman Empire, the crusades appeared as one episode in a long history of regional power struggles, disruptions, and alliances—less singularly significant than in the West. Byzantium's diplomatic, military, and commercial exchanges with Western Europe predated the First Crusade and were marked by coexistence and mutual dependence as much as by rivalry (Tyerman, 2019, 48). Thus, the appearance of militant saints such as Saint George within both Eastern and Western traditions reflects overlapping but distinct cultural imaginations of holy war and divine intervention.

12 Recent scholarship on the Crusades has embraced a markedly interdisciplinary approach, moving beyond traditional historical or theological studies to include cultural, artistic, and anthropological dimensions (Jotischky, 2017, 6–7).

Fig. 9: Miniature from a Passio Sancti Georgii manuscript, Verona, second half of the thirteenth century. This Western manuscript illumination depicts Saint George as a mounted knight in chivalric armor, slaying the dragon with a lance. A crowned princess stands to the right, holding the dragon by a girdle—a motif that allegorically signifies her mediation and the union between secular and ecclesiastical power. The image exemplifies the Gothic narrative style and reflects the evolving iconography of the legend within Western Christendom (source: Wikimedia Commons).

John Matzke described how the Crusades gave new impetus to the veneration of Saint George. When the Crusaders set out to face the dangers of war, it was only natural that they should place themselves under the protection of those saints whose aid was recognized as particularly effective by the martyrs, who had themselves been soldiers. Though not the only one, Saint George was the most famous of these. There were others, such as Theodore of Amasea, Demetrius of Thessaloniki, and Maurice, who also became patron saints of this expedition from the beginning. Matzke described how the members of the crusading army were constantly reminded of Saint George, the saint of saints, throughout their journey to Jerusalem—with the church in Constantinople, on the Bosporus, then known as the Coat of Arms of Saint George, in Nicomedia, where the tenth persecution of Christians under Diocletian was centered, etc., all the way to Lydda-Diospolis, where he is said to have spent his youth. On their journey, the Crusaders were constantly reminded of the saint, who also supported the Crusades by his opportune appearance in times of need during the expedition, so that in 1098 and 1099 Saint George is said to have led the army to victory outside the walls of Jerusalem. "During the attack on the city, he appears to them dressed in a white armor, with a red cross, and under his leadership they climb the walls successfully, and drive out the Saracens on the fifteenth of July, 1099" (Matzke, 1903, 154). These traditions became more widespread during the twelfth century in various expeditions, especially the so-called Second Crusade, undertaken in 1144 under the leadership of Louis VII of France and Conrad III of Germany. During the Third Crusade (1189–1192), the saint's reputation was greater than ever, and by this time the English knights who accompanied Richard I learned to accept Saint George as their special protector (Matzke, 1903, 155).

Alban Butler's *Lives of the Saints* (1756) includes the legend of Saint George, which was best known in the later Middle Ages, that is, in the form in which it was presented in the thirteenth-century *Legenda Aurea* of Jacobus de Voragine (ca. 1260) (Butler, 1990, 148–150). George was a Christian knight born in Cappadocia, who one day, while riding in the province of Libya, happened to come across a town called Sylene, near which was a swamp. In it lived a dragon that envenomed the whole country. Locals had attempted to attack and kill the dragon, but his breath was so terrible that everyone fled. To prevent him from coming closer, they fed him two sheep every day, but when the sheep ran out, a human sacrifice had to be made. Now it was the king's turn to sacrifice his daughter. She went to her doom dressed as a bride. Saint George attacked the dragon and vanquished it with his lance. He fastened the maiden's girdle around the dragon's neck, and she led the monster captive into the city. "It followed her as if it had been a meek beast and debonair" (Butler, 1990, 149). George reassured the frightened people that if they would only believe in Jesus Christ and be baptized, he would slay the dragon. The king and all his subjects joyfully agreed and 15,000 men, excluding women and children, were baptized. The king offered George great treasures, but he refused them. Instead, he demanded attendance at church services and that the emperor show compassion for the poor. The legend is then explicitly placed in the context of the persecution of Christians by Diocletian and Maximilian. To set a good example, George boldly went into a public square and shouted, "All the gods of the paynims and gentiles are devils. My God made the heavens and is very God." (Butler, 1990, 149). Datianus arrested him, and torture followed. The "Savior" intervened by restoring Saint George to health. In de Voragine's version, George explained that he comes from

Fig. 10

a noble family from Cappadocia and that he took part in the wars in Palestine with the help of his god. In both de Voragine's (1941, 235–237) and Butler's versions, Saint George is ultimately executed by beheading.

In the fourteenth century, visions of the Saracens and their violence began to appear in connection with the legend of Saint George (Aufhauser, 1911, 27). The cult of the saint was still widespread in early modern Europe around 1500. The legend of Saint George even survived in Protestant areas after the Reformation, and Saint George, who was chosen as England's patron saint predominantly by King Edward III in the fourteenth century, has remained the patron saint of England (Burke, 1978, 149). Saint George was also venerated by the Turks, who declared him a spahi, a Turkish knight (Burke, 1978, 148).

The evolution of the legend of Saint George shows how it was adapted according to the current needs of society in different times and contexts. In texts written before the eleventh century, Saint George represented a devout Christian who dared to publicly declare himself a Christian in the context of the political oppression

Fig. 10 and 11: Miniatures from two fourteenth-century manuscripts of Legenda aurea (The Golden Legend): (10) St. George and the Dragon, Bibliothèque nationale de France, MS Français 241, fol. 101v, ca. 1348; (11) St. George and the Dragon, British Library, Royal MS 19 B XVII, fol. 109, ca. 1382. Both miniatures depict Saint George as a knight in contemporary armor bearing the cross of Saint George, slaying the dragon in the presence of the princess, who is shown leading the beast by a girdle. These scenes visually assert not only the saint's role as a divine warrior but also symbolize the allegorical union of ecclesiastical and secular power through the presence of the princess as a royal figure accepting Christian salvation and order (source: Wikimedia Commons).

of that religion in the Roman Empire, which cost him his life. The miracles that Saint George performed were gradually described in detail, especially his recovery from terrible torture. These miracles served to convince non-Christians to accept Christianity. In connection with the Crusades, George's profession as a soldier was emphasized, facilitating his adoption as the patron saint and even the leader of the Crusaders as a Christian military saint. The Georgian text from the eleventh century, in which the dragon and the maid are mentioned for the first time, emphasizes the erroneous belief of the emperor and the citizens, for which the Christian God punished them by sending the devastating dragon. It is again God who intervenes and resolves the situation by way of a miracle that leads the inhabitants to accept Christianity. The later version of the legend contained in Butler's hagiography does not state where the dragon came from. This opens this signifier up to interpretation, as the dragon could stand for different things. This version of the legend also restored the old episodes of torture. George's speech in Butler's version, as in de Voragine's version, explicitly condemns all other gods and declares the Christian God to be the only "Creator of the heavens and the earth" (de Voragine, 1941, 235).

In the episode of Saint George's battle with the dragon, the dragon is vanquished by the saint. Victory is associated with the conversion of the population to Christianity. There is no pact with the dragon as in the case of Saint Hilary. The dragon is beheaded, ultimately defeated, and slain. The danger is averted.Edward Said, in his influential study *Orientalism*, analyzed how Western cultural production—particularly in nineteenth- and twentieth-century British and French contexts—constructed the East as its inferior and exotic Other. Orientalism, as a discourse, functioned to reinforce Western dominance by portraying the Orient as static, irrational, and fundamentally different—an imagined Other against which Europe defined itself and justified its cultural and political hegemony. As Said put it, "European culture gained in strength and identity by setting itself off against the Orient as a sort of surrogate and even underground self" (Said, 1979, 3). In line with such a framework, the dragon in Christian legend could be interpreted—from a Western perspective—as an allegorical figure for the East, perhaps even for Islam, against which the Christian knight asserts moral and military superiority. Building on Edward Said's analysis of Orientalism, Gil Anidjar has shown that Christian Europe historically constructed both the Jew and the Arab as its constitutive enemies—the former as an internal theological threat, the latter as an external political adversary. According to Anidjar, this dual construction enabled the emergence of a European identity defined against both figures, thus revealing the deep entanglement of religion, politics, and the concept of enmity in Western self-understanding (Anidjar, 2003). However, more recent scholarship challenges the reductive assumptions of Orientalist theory by emphasizing the diversity and complexity of medieval European perceptions of the East. John V. Tolar showed that "European images of Islam and of the prophet Muhammad are anything but monolithic and are far from being invariably hostile" (Tolan, 2019, 15). Rather than a simple dichotomy between West and East, medieval representations often reflected a dynamic range of interpretations, shaped by theological, political, and intercultural encounters.

Fig. 12: Miniature of Saint George and the Dragon, from a book of hours, late fourteenth century. This illumination, rendered in the Gothic manuscript style, shows Saint George clad in full plate armor, piercing the dragon with a lance. A crowned princess watches from a distance, positioned beside a tree, further integrating the motif of royal lineage and spiritual salvation. Her presence once again signals the fusion of ecclesiastical and secular realms through the allegory of divine protection over the kingdom. The image reflects both the increasing chivalric iconography of the saint and the evolving narrative emphasis on the princess as a legitimizing figure (source: Wikimedia Commons).

GEORGE'S DISOBEDIENCE AND SACRIFICE

Sacrifice appears in various forms in the evolving legend of Saint George. In earlier versions—as well as in later compilations such as the *Legenda Aurea*—Saint George is portrayed primarily as a martyr who openly declares his Christian faith and remains steadfast during trial, even though it leads to torture. Despite being miraculously revitalized after his suffering, he ultimately pays for his faith with his life. In this version, George functions as a suffering witness, whose endurance and miraculous healing serve as proof of divine power and thus demonstrate the truth of Christianity. In the militarized medieval revision of the early Greek version (Pearse, 2020), by contrast, George is cast as a courageous military commander and a benefactor of the poor, who not only professes his Christian faith but actively resists imperial authority by refusing to offer sacrifice. This act again places him in the position of a victim—he is tortured, yet miraculously resists death, thereby confirming the presence of divine intervention and reinforcing the Christian faith among witnesses. In medieval variants featuring the princess and the dragon, the figure of the princess functions as a sacrificial victim offered to the gods. In the versions by Jacobus de Voragine and Alban Butler, George's slaying of the dragon leads to mass conversions, including that of the emperor's wife (the queen). Yet despite this triumph, George is still tortured and miraculously resists death until he is finally beheaded, securing his sanctity and final status as a Christian saint.

In the Latin version of the Greek passion of Saint George, the Roman emperor Datianus commands George to sacrifice: "advance and give sacrifice to Apollo who preserves the whole earth and governs the whole world […], or at least to Neptune, whom we say established the earth," to which George replies, "I do not worship those of whom you speak, the old serpent."[13] The narrative foregrounds a moment that carries broader ideological significance in the context of the late

13 Cf. the English translation (Pearse, 2020) of the Latin translation (BHL 3363) of the Greek passion of Saint George (BHG 670). Only a few leaves have been preserved of the latter. The fifth-century Greek version was likely much shorter, and above all, a martyrology text, focusing on George's suffering and perseverance in faith. Later Latin versions, especially from the ninth century onwards, were often expanded and reworked, with additions, miracles, long dialogues, and rhetorically exaggerated statements. The phrase *draconem inveteratum* (*hos, quae dicis, non adore, draconem inveteratum*) (Pearse, 2020, 4) does not come from the original text, but is probably a medieval addition, since the dragon does not yet appear in the fifth-century Passion. The episode with the dragon was not included in the legend until the eleventh century. This phrase is strongly allegorical and already includes the concept of the dragon as evil personified, which is not typical of early Christian Passions. It is also likely that the earlier George was more modest, presented as a pious martyr who humbly endures suffering and thereby testifies to the power of faith. Rhetorical belligerence and audacity towards the emperor (including insults and exaltation) characterize the later literary phase, where a heroic and even militarized transformation of the saint occurs.

Roman Empire. The demand for sacrifice was not primarily about theological conviction, but about political allegiance. Under Roman imperial policy, sacrificial rites functioned as rituals of loyalty. The correspondence between the Roman senator and administrator Pliny the Younger around 112 CE, during his tenure as governor of Bithynia and Pontus (in present-day northern Türkiye), and the Emperor Trajan, offers the earliest non-Christian testimony of how Roman imperial authorities viewed and dealt with Christians.[14] It shows that the Roman state was not primarily interested in private belief, but in public conformity: the act of sacrifice was a ritual test of political loyalty, not theological conviction. This context is vital for understanding the legend of Saint George, where the imperial command to sacrifice to Apollo, in this case, represents a demand for allegiance to the Roman cosmological and political order, which George's refusal directly defies. In this framework, sacrifice was a symbolic public act meant to affirm the participant's submission to Roman order, particularly to the divine authority of the emperor and the pantheon. George's refusal to offer a sacrifice must therefore be read not only as an act of personal faith but as a politically charged rejection of the ideological core of Roman imperial unity. His disobedience undermines the public religious performance that sustained imperial legitimacy. The legend thus frames the martyrdom not simply as a spiritual triumph, but as a confrontation with a system.

The figure of Saint George evolves from a sacrificial subject who attests to divine truth through personal suffering, into a militant agent who enforces divine justice through heroic intervention. This shift marks a broader cultural transition from martyrdom as testimony to action as legitimation, transforming the mode of resolving divine-human tension from symbolic self-sacrifice to active mediation. In this later configuration, Saint George steps in between the human community and the cosmic or political disorder that threatens it. He does not mediate between equivalent divine powers—he explicitly rejects the pagan gods as "the work of men."[15] Rather, he becomes an instrument of the one true Christian God, intervening in history to manifest divine authority and protect the faithful. In this sense, George's slaying of the dragon becomes not just a heroic deed, but a theological act: an assertion of Christian monotheism against polytheistic or chaotic alternatives.

14 In his *Epistulae* 10.96, Pliny the Younger seeks guidance from Emperor Trajan on how to deal with Christians, a group he admits he has not previously prosecuted. He explains that his procedure has been to interrogate suspected Christians, give them multiple chances to recant, and execute them if they persist in their faith. The Emperor Trajan (10.97, book X) responded: "These people must not be hunted out; if they are brought before you and the charge against them is proved, they must be punished, but in the case of anyone who denies that he is a Christian, and makes it clear that he is not by offering prayers to our gods, he is to be pardoned as a result of his repentance however suspect his past conduct may be" (Pliny, 1976, 291, 293). About the nature of the conflicts endured in the persecution, cf. also Eusebius (1952, 325–326).

15 "Those in whom you believe are not gods, but idols, deaf and blind, the works of the hands of men" (Pearse, 2020, 4).

Fig. 13: Icon of Saints Theodore and George, Monastery of Saint Catherine, Mount Sinai, ninth–tenth century. This early Byzantine icon, painted on wooden panels, depicts two mounted warrior saints—Theodore on the left, slaying a serpent-like dragon, and George on the right, spearing a human figure rather than a beast. The latter is commonly interpreted as a Roman soldier or, in some readings, as the Emperor Diocletian himself, thus signaling a more direct confrontation between Christian sanctity and imperial persecution. The visual pairing of the two saints emphasizes the military valor of the martyrs and the transition of saintly iconography from classical combat motifs to personalized spiritual warfare (source: Wikimedia Commons).

This shift in the narrative logic—from a test of faith and passive martyrdom to active intervention and miraculous military triumph—can also be understood through the lens of symbolic anthropology. The introduction of the dragon-slaying episode marks a significant shift in the hagiographic and visual tradition of Saint George, from a martyr who bears witness through suffering to an active agent who restores cosmic and social order through intervention. In earlier textual versions, George is commanded to perform a pagan sacrifice to Apollo, a typical loyalty test in the late Roman Empire, designed not to persecute indiscriminately, but to secure public acts of allegiance to the imperial religious order. As seen Pliny the Younger's *Epistulae* 10.97, Roman authorities were willing to release Christians who performed minimal ritual gestures—libations, incense offerings, verbal declarations—that demonstrated submission to the Roman gods and emperor. George's refusal to sacrifice was thus not only a religious stance but a political defiance, placing him at odds with the imperial ideology and casting him as a martyr figure.

Fig. 14

Fig. 15

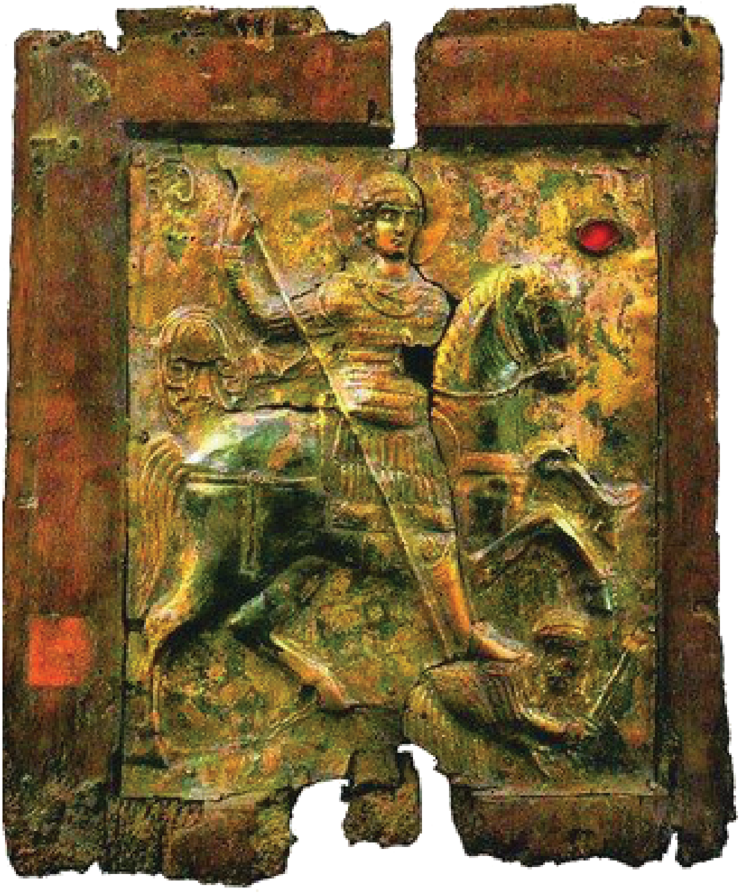

Fig. 14–16: Three repoussé metal icons of Saint George from medieval Georgia (tenth–eleventh century). These three metal relief icons, executed in the repoussé technique and mounted on wooden panels, stem from different regions of Georgia and represent the widespread cult of Saint George in the Caucasus during the tenth and eleventh centuries. In all three, Saint George appears as a mounted warrior, either slaying a dragon or trampling a human adversary—the latter likely symbolizing a pagan or imperial enemy, possibly Diocletian. These works blend Byzantine military iconography with local Georgian stylistic features and testify to Saint George's function as both military protector and ideological symbol of Christian dominance over worldly or pagan powers. Fig. 14: from Parakheti (late tenth century and George fully armed, holding a cross, and trampling a fallen figure in a classical "Roman" posture). Fig. 15: from Nakuraleshi, emphasizes the saint's lamellar armor, complete with rivets, and likewise presents him as a triumphant military figure. Fig. 16: from Labechina (eleventh century), depicts the saint spearing an enemy underfoot while turning his head to the viewer—a more narrative and dynamic gesture (source: Wikimedia Commons).

THE DRAGON AS A POLLUTING FORCE AND GEORGE AS A VICTORIOUS MILITANT MEDIATOR

Yet in the evolving tradition, particularly from the eleventh century onward, Saint George becomes increasingly portrayed as a militant figure, one who does not merely refuse sacrifice but slays the enemy, now recast symbolically as a dragon. This shift represents more than narrative embellishment. As suggested by Mary Douglas (2001, 7–29), the concepts of purity and pollution are central to how societies construct and maintain order. Holiness, Douglas argued, is not a universal category but a cultural mechanism that defines and protects boundaries between clean and unclean, sacred and profane, order and chaos (Douglas, 2001, 11). The dragon, in this cosmological system, functions as a polluting force—a being that transgresses the proper order of things. The saint becomes not merely a spiritual witness but a divinely authorized purifier, one who violently expels disorder to restore sacred balance. In this sense, Saint George enacts a social drama of purification: his militant gesture is both political and cosmological, legitimizing divine order through the visible defeat of chaos.

Ritual has a reinforcing role for social cohesion and cosmological meaning, highlighting the ritual power of purity systems and symbolic boundaries in the maintenance of social order (Douglas, 2003). Saints, accordingly, particularly those invoked in conflictual contexts, function as agents of boundary-making: between clean and unclean, sacred and profane, order and chaos. Saint George's refusal to sacrifice to the Roman gods—a symbolic act that would have signaled submission to imperial order—must thus be seen as a radical reaffirmation of a new cosmological hierarchy, in which Christian truth displaces imperial religion. His refusal reorders the symbolic cosmos. In this framework, the militant saint acts not only as a boundary-keeper but as a structural mediator between opposing forces—between earthly society and divine will, between Christian community and external threat, between purity and pollution. Thus, George's transformation from martyr to dragon slayer is not simply the product of medieval militarization or Crusader propaganda—it reflects deeper symbolic needs to visualize divine order through action, to assert Christian identity through conflict, and to reframe the notion of sacrifice as a cosmic intervention rather than passive suffering.

As Mircea Eliade argued, the opposition between cosmos and chaos is not merely symbolic but existential: threats to order—whether demonic, military, or otherwise—are experienced as existential dangers that risk plunging society back into a state of formlessness.

> *In Europe, during the Middle Ages, the walls of cities were ritually consecrated as a defense against the devil, sickness, and death. Then, too, symbolic thinking finds no difficulty in assimilating the human enemy*

> *to the devil and death. In the last analysis the result of attacks, whether demonic or military, is always the same—ruin, disintegration, death.* [...] [W]*e speak of the chaos, the disorder, the darkness that will overwhelm our world. All these terms express the abolition of an order, a cosmos, an organic structure, and re-immersion in the state of fluidity, of formlessness.* (Eliade, 1987, 49)

As Douglas has shown, the boundaries between purity and pollution serve to structure both cosmologies and societies (Douglas, 2001). While her anthropological framework was developed with reference to traditional ritual systems, its resonance extends into modern urban contexts. David Barnes's study of nineteenth-century Paris demonstrates how efforts to combat filth were not merely technical or hygienic, but deeply moral and political. Public sanitation emerged as a strategy for enforcing spatial, bodily, and class-based order—a "hygiene of separation and aeration" that aimed to eliminate dangerous mingling, contain excretions, and secure urban identity (Barnes, 2006). Although removed in time and context, such logics of purification and control echo the symbolic struggles found in medieval legends, where monsters threaten the spatial and moral order and must be expelled or slain to restore balance.

Eliade also emphasized the mediating role of religious figures who traverse symbolic worlds—earth and heaven, human and divine, chaos and order (Eliade, 1992). While George is not a shamanic figure in the strict sense, the evolution of his legend positions him as a mediator between divine justice and earthly disorder. In later variants, this mediatory role becomes militarized: George no longer mediates through suffering and martyrdom alone, but also through action—slaying the dragon, defending the innocent, and reestablishing divine order through symbolic violence. These anthropological frameworks illuminate the structural transformation of sacrifice in the hagiographic and visual tradition of Saint George. Initially, the saint's own body is the site of sacrifice, offered in testimony of faith. Later, the locus of violence shifts outward: the dragon represents the disorder to be expelled. This transposition marks not only a narrative evolution but also a theological one, where redemption is no longer achieved solely through submission but through victorious intervention.

This shift—from self-sacrifice to active intervention—can also be understood through the structural anthropology of sacrifice as elaborated by Claude Lévi-Strauss. In his analysis of sacrificial logic, Lévi-Strauss emphasizes substitution as its core principle: sacrifice operates as a mediating act between the human and the divine by substituting one element for another. The connection between these elements is not material but conceptual or symbolic. What is sacrificed mediates a reconciliation between the two realms—earthly and divine—through a moment of shared meaning. However, this mediation

Fig. 17: Fresco of Saint George slaying Diocletian, with the vision of Joshua. Church of the Archangels, Ip'rari, Georgia, 1096. This depiction from the Church of the Archangels in Iprari presents Saint George in the act of slaying a figure interpreted as Diocletian, the Roman emperor traditionally associated with the persecution of Christians. On the right, the Archangel Michael holds a drawn sword, evoking the apocalyptic or eschatological dimension of divine warfare. Above the main scene, fragments of an upper register likely represent the vision of Joshua, who in the Old Testament saw a celestial commander with a sword—a typological foreshadowing of Christian martial saints (cf. Gedevanishvili, 2023) (photo: Zurab Tsertsvadze. © Ekaterine Gedevanishvili).

is paradoxical: it first sacralizes the victim, then resolves tension through its destruction. Human action thus brings about a solution of the established continuity (Lévi-Strauss, 1966, 223–226). Applied to the legend of Saint George, we see a transformation of this structure. Initially, George himself is the victim, sanctified and destroyed as a witness to divine truth. But later, the dragon becomes the sacrificial substitute—a displaced victim whose destruction reaffirms the cosmic order. In this reading, the violence of the saint is not just heroic, but structurally redemptive: it restores balance through a ritualized act of substitution.

SACRIFICE AND VIOLENCE

Importantly, this shift toward militant mediation does not erase the original sacrificial function of the saint's own body. Even in later narratives such as the *Legenda aurea* or the Latin versions of the Greek *Passio*, George ultimately submits to martyrdom—often through beheading—thus reaffirming his role as a witness to divine truth through suffering. The structure of sacrifice remains, but it is extended: the saint first defeats disorder externally (the dragon), only to confirm his sanctity by once again becoming the offering. This dual structure—external victory followed by self-sacrifice—marks the enduring theological and anthropological depth of his legend.

The deeper logic of sacrifice, as theorized by René Girard, reveals its intrinsic relation to violence, understood not merely as an aberration but as a foundational force in the constitution of human societies. Sacrificial violence functions as a social mechanism that channels destructive potential into ritualized forms, thereby producing cohesion. According to Girard, the essential structure of sacrificial logic lies in substitution: Violence always seeks and finds a surrogate victim. The target of the fury is replaced by another one, which is "chosen only because it is vulnerable and close at hand" (Girard, 2022, 2). The sacrificial victim, ideally, is both innocent and intimately linked to the community—an internal member who nonetheless bears the burden of collective guilt. When animals are used, the chosen victim is typically that which holds the highest value in society. The herd represents a virtual duplicate of human society. The ritual victim is necessarily an innocent creature, "who pays a debt for the 'guilty' party" (Girard, 2022, 4). And it is God who supposedly demands victims (Girard, 2022, 7). So does the emperor from the eleventh-century Georgian legend believe. His sacrificed daughter functions as what Lévi-Strauss terms the "intermediary object" (Lévi-Strauss, 1966, 223): a mediating figure that absorbs and displaces collective guilt. From the meta perspective, which is presented to us, their "guilt" lies in their misbelief.

This sacrificial logic resonates with the mythic structures discussed by Mircea Eliade, particularly in the founding myth of Rome. The fratricide of Remus by Romulus marks not only the birth of the city but also the emergence of a collective religious anxiety—a memory of bloodshed that binds the community through guilt and responsibility (Eliade, 1984, 107–109). The sacrificial victim initiated the founding of the city of Rome, wherein the people took responsibility for the original murder. Girard recognizes the need for any community to be founded and organized based on violence. The community was able to delay this violence so that it became constructive and achieved a means of reconciliation (Girard, 1986, 94). Girard reads such episodes as paradigmatic: societies are founded upon acts of exclusionary violence that must then be ritualized to maintain cohesion. "The vicious circle of reciprocal violence, wholly destructive in nature, is replaced by the vicious circle of ritual violence, creative and protective in nature" (Girard, 2022, 163). Through such repetition, the original violence becomes hidden, aestheticized, and sacralized. Thus, sacrificial ritual functions both to delay violence and to render it socially productive, turning bloodshed into the basis of order and transcendence.

Fig. 18: Fresco of Saint George. Church of the Archangel, Adishi, Georgia, late eleventh century. This mural depicts Saint George as a mounted warrior saint clad in lamellar armor. Although the fresco is badly damaged, a human figure can still be discerned beneath the horse, with a clearly visible outstretched arm and head, indicating that the saint tramples a human enemy—possibly the emperor Diocletian—instead of the dragon known from later versions of the legend (source: Picryl, public domain).

Georgian hagiography from the eleventh century exemplifies the mythological logic of sacrificial substitution as theorized by Lévi-Strauss. In the legend, the emperor is held accountable for believing in false gods, and divine punishment comes in the form of a dragon that demands human victims. The emperor responds by seeking reconciliation through sacrifice; not by offering himself, but by displacing the penalty onto the community and, ultimately, onto his only daughter. The narrative thus dramatizes a reversal of Lévi-Strauss's sacrificial sequence, which typically moves from the most to the least appropriate surrogate (Lévi-Strauss, 1966, 224); here, the best possible substitute—princess—is saved for last, intensifying the symbolic tension. As the sole heir, the daughter represents dynastic continuity and reproductive futurity. Her sacrifice would signal the end of imperial lineage, governance, and societal regeneration—the end of the empire and a symbolic genocide. This sacrifice is therefore existential, and George is the last chance of the empire surviving.

The legend makes the limits of this sacrificial logic evident. Despite the escalation of offerings, reconciliation does not occur. The dragon remains unsatisfied, and the social order teeters on collapse. Into this failed sacrificial system steps Saint George—not as a substitute victim, but as a mediator in the structural sense described by Lévi-Strauss (1963, 224). Like mythic figures such as Raven or Coyote, George intervenes to resolve binary oppositions: paganism and Christianity, chaos and order, death and regeneration. His intervention displaces ritual appeasement with militant intervention. Where the emperor seeks peace through sacrificial compensation, George abolishes the need for sacrifice by eliminating its object—the dragon itself. Through this act, the Christian narrative reconfigures sacrificial logic: the locus of violence shifts from within the community to an external adversary. The dragon, once the recipient of offerings, becomes the target of annihilation.

This transformation marks a profound epistemic shift. The emperor, blinded by false gods, believes he can appease the divine with substitutionary victims. But the dragon is not a manifestation of the pagan gods—it is an agent provocateur, sent by the Christian God to expose the emperor's theological error. The sacrificial model fails because its premises are false: the wrong god, the wrong ritual, the wrong cosmology. The legend reveals the collapse of the pagan sacrificial paradigm and the emergence of a new theological and structural order. Saint George's intervention is not aimed at restoring balance but at enacting divine justice through eradication. Unlike Saint Hilary, who negotiated with serpents and permitted coexistence, George annihilates the adversary. This shift from mediation through sacrifice to resolution through elimination crystallizes a Christian vision of redemptive violence—one in which the mediator no longer facilitates reconciliation but redefines the very terms of conflict.

Fig. 19: Fresco depicting the torture of Saint George on the wheel, Church of Saint George, Nakipari, Georgia, ca. 1130. Unlike the widespread iconography of George as a victorious dragon slayer, this rare representation emphasizes his martyrdom under Roman persecution, highlighting his suffering rather than his triumph (source: National Agency for Cultural Heritage Preservation of Georgia; Picryl, public domain).

THE SACRIFICIAL BRIDE: ALLIANCE BETWEEN CELESTIAL KINGSHIP AND TERRESTRIAL RULE

The emperor's daughter from the eleventh-century Georgian hagiography, adorned in bridal garments and presented as a sacrificial offering, serves as a fulcrum of symbolic transformation within the legend of Saint George. Her offering is not merely an act of appeasement, but a gesture situated at the intersection of cosmology, sovereignty, and mythic structure. Drawing on Marcel Mauss's theory of the gift as a social mechanism that binds communities through obligation and reciprocity (Mauss, 1990), we can understand this act not as exchange between equals, but as a vertical transfer between human authority and divine power. The princess, as the most valued member of the society, becomes an "intermediary object" of yet another kind—a substitute that enables communication between otherwise irreconcilable realms (Lévi-Strauss, 1966, 223). Her status is intensified by her already outlined singularity: she is not just a royal daughter, but the only child, the heir, and the symbol of future regeneration. Drawing on Lévi-Strauss's structural analysis of kinship systems, we can understand the princess as a figure of the "woman-as-gift," whose exchange marks a shift in social structures (Lévi-Strauss, 1969, 65). In this case, the emperor's daughter is the supreme gift. However, this gift is not exchanged between human groups but across ontological realms. The sacrificial bride is not meant to create an alliance, but to end a regime. In contrast to traditional systems of kinship, where the exchange of women sealed alliances between human groups (Lévi-Strauss, 1969, 67), this exchange occurs across ontological realms: the princess is offered as a bride not to another lineage, but to the divine. This echoes Darko Darovec's application of Lévi-Strauss's theory to medieval diplomacy, where female figures often served as symbolic gifts to negotiate peace and legitimacy between feuding powers (Darovec, 2017). In this legend, however, the logic of the gift does not result in reconciliation but in rupture—her gifting is not a truce but a transfer of sovereignty. Yet this rupture does not negate the symbolic value of the princess; rather, it reconfigures it. Annette Weiner's concept of inalienable possessions helps us see how certain gifts, especially those involving women or sacred regalia, are never truly alienated. Even when surrendered, they retain symbolic ties to their origin, ensuring continuity of social identity and cosmic legitimacy (Weiner, 1992). The princess, as such, remains a vessel of dynastic meaning: her value is not extinguished by the gift but magnified within a new theological economy. What appears as a loss on one level thus reinforces legitimacy on another.

Maurice Godelier's complementary theory clarifies that certain gifts, particularly those offered in foundational moments, serve not to equalize but to restructure power asymmetrically (Godelier, 2002). The princess, although prepared for marriage, is never wed, precisely because the true union is not interpersonal but cosmological: the passage from pagan rule to Christian sovereignty. Her suspended marriage thus signifies a deeper transition, wherein divine order supplants imperial authority. The very suspension of that expected marriage intensifies the ideological weight of the gesture: the real union being enacted is between the old pagan order and the emerging Christian cosmos. Through her symbolic surrender, sovereignty is transferred—not to another human lineage but to divine rule. The princess, poised on this threshold, embodies a moment of liminality: a fragile and ambivalent transitional state between the old pagan order and the emerging Christian cosmology, between death and salvation, between the human and the divine. This liminal position is structurally essential for the narrative's transformation of disorder into a new sacred order.

The offering of the princess is not just a narrative device but a classificatory act: it separates false from true worship, chaos from order. This moment of rupture—when disorder is confronted by symbolic violence—is foundational for reestablishing cosmic order. The near-sacrifice of the princess thus enacts this rupture: it is through her liminal presence that a new cosmic hierarchy is inaugurated. The princess, as well as the saint, as elements of liminality, challenge the established structure and anticipate new order. Building on Mary Douglas's insights into the polluting and dangerous nature of that which eludes classification, Victor Turner expanded the

Fig. 20: Marble votive relief of a Thracian horseman. Stara Zagora, Bulgaria, second or third century CE. The relief depicts the so-called Thracian Horseman—an apotropaic and heroic figure widely venerated across the Thracian region, often associated with hunting, healing, and the underworld. He is shown in dynamic mounted motion, striking down a lion or wolf (in this case likely a prey animal). Typical iconographic elements include the raised weapon (spear or sword) and galloping horse. This cult image exemplifies the persistence of a pre-Christian mounted hero type, which would later be synchronized with the figure of Saint George as dragon slayer (source: Wikimedia Commons).

concept of liminality beyond mere disorder. While Douglas emphasizes anomaly and threat, Turner views liminality not only as dangerous but also as potentially productive, sacred, and transformative. Liminal states are not merely deviations from structure; they are zones of possibility, where new meanings, relationships, and social configurations can emerge. It is within this in-between space that Turner locates the phenomenon of *communitas*—a temporary suspension of hierarchical roles that allows for the reimagining of social order. Figures who inhabit such liminal spaces—victims, jesters, saints, or marginal communities—may appear weak or transgressive from a structural point of view, yet they can wield symbolic power capable of challenging or even renewing the dominant order (Turner, 1977, 95–111).

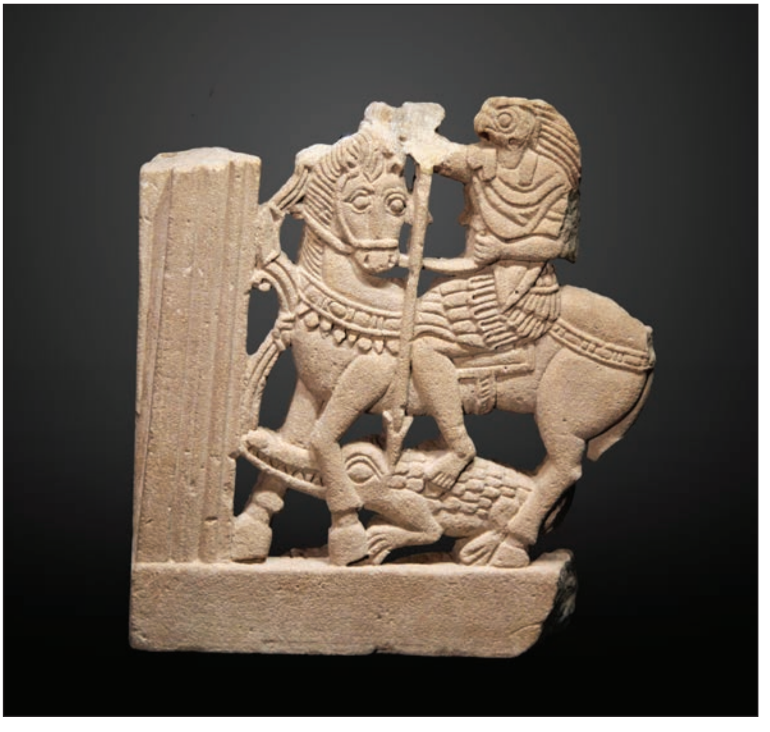

Fig. 21: Horus as a horseman defeating evil forces. Egypt, fourth century AD. This limestone relief shows the god Horus mounted on horseback, spearing a crocodile beneath him—an embodiment of chaos or malevolent forces, often associated with the god Seth. Horus wears a Roman military-style cuirass and a falcon-headed helmet, blending Pharaonic divinity with late antique imperial iconography. This early example of a mounted savior figure is a likely prototype for later Christian depictions of Saint George and other military saints (source: Wikimedia Commons).

The legend of Saint George can be understood as a narrative structure that seeks to resolve fundamental tensions, i.e., between chaos and order, paganism and Christianity, and political authority and saintly mission. As Lévi-Strauss observed, “mythical thought always works from the awareness of oppositions towards their progressive mediation” (Lévi-Strauss, 1955, 440), because “the purpose of myth is to provide a logical model capable of overcoming a contradiction” (Lévi-Strauss, 1955, 443). In this light, the legend functions as a symbolic resolution of otherwise irreconcilable realities: pagan sacrifice versus Christian martyrdom, civic duty versus divine allegiance, death versus miraculous regeneration.

Finally, the social implications of this mythic structure resonate with George Duby’s tripartite conception of medieval society—those who pray, those who fight, and those who labor (Duby, 1982). Saint George, in this scheme, exemplifies the unity of sacerdotal and martial functions. He acts not only as a divine agent but as a model knight, offering a blueprint for Christianized chivalric identity in the high medieval period, particularly in the Crusading context. The princess, meanwhile, becomes the emblem of the order he inaugurates: a living seal of the alliance between celestial kingship and terrestrial rule.

MEDIATION IN PRE-STATE AND MEDIEVAL SYSTEMS OF CONFLICT RESOLUTION

The eleventh-century transformation of Saint George into a dragon-slaying hero takes place against the backdrop of shifting models of conflict resolution in medieval Europe. In earlier societies, particularly those without centralized legal systems, disputes were often resolved through customary mechanisms involving symbolic gestures, substitution, and the intervention of a third party. In such systems, the mediator was essential—not as an enforcer, but as a figure who facilitated the reintegration of the parties into a shared social order.

Anthropologists such as Marshall Sahlins and Pierre Clastres have emphasized how these pre-state societies actively avoided the monopolization of force by institutionalizing rituals that dispersed power and redirected aggression. For instance, Sahlins, drawing from Mauss, described “ritualized peace-making” in segmentary societies, where violent tension was resolved through substitutional acts, such as gift exchange, ritual acts, and marriages, based on ritualized substitution (offerings) or balanced reciprocity as the classic vehicle of peace and alliance contracts (Sahlins, 2017, 154, 202–204). Clastres argued that many so-called “primitive societies” were consciously organized against the state—that is, they resisted the emergence of centralized political structures, privileging mechanisms that diffused authority and blocked the rise of coercive power (Clastres, 1989, 197–200). Within this context, the mediator is a liminal figure, often represented in cosmologies by birds—such as ravens or eagles—who mediate between the earthly and the spiritual, without acting through physical force. In iconography, such mediator figures are frequently associated with animal forms, masks, or totemic symbols, often positioned between antagonistic realms. For instance, in Indo-European traditions, birds like the raven are messengers between life and death (Ivanits, 1989, 93; Eliade, 1992, 176), humans and gods—as well as shamans act as spiritual intermediaries or messengers between the human world and the spirit worlds, evoking animal images as spirit guides, omens, and message-bearers (Eliade, 1992, 248). In Slavic and Norse folklore, such intermediaries are also found in mythic figures who do not intervene violently, but instead deliver messages, omens, or warnings—preserving balance rather than imposing judgment. Odin's ravens Huginn and Muninn are emblematic of such non-coercive intercession: they observe, report, and warn, but do not act violently (Turville-Petre, 1975, 57–59). These mythic intermediaries thus operate within cosmological systems that value symbolic communication over executive force.

The figure of Saint George, as he appears in the eleventh-century dragon-slaying episode, represents a radical break from this model. He functions not as a neutral third party but as a divine enforcer who resolves conflict through violence sanctioned by a higher order. Saint George does not mediate between human parties in a balanced manner, nor does he act through symbolic substitution. Instead, he embodies a new model of divine intervention: a direct, sanctioned use of force in the name of religious truth. The dragon, understood as a symbol of heresy, paganism, or pre-Christian religiosity, becomes the externalized object of destruction. Mediation is no longer a negotiated reintegration but a theologically legitimized act of annihilation, leading to enforced religious unity.

This transition can be interpreted through Claudio Povolo's analysis of early modern Italian judicial culture, particularly his distinction between what he calls liturgies of violence and liturgies of peace (Povolo, 2014). According to Povolo, violence is not necessarily a disruption of order but can be ritualized and legitimized when it serves a communal or religious function. Saint George's intervention exemplifies liturgical violence that is not chaotic but structured—a performative act aimed at purifying the community, culminating in mass conversion and miraculous redemption. His sword is not simply a weapon, but an extension of divine justice.

This shift also echoes broader institutional transformations occurring in twelfth-century Europe, particularly the codification of law and the emergence of statutory systems (cf. Le Goff, 1988). The compilation of the *Corpus Iuris Canonici* (cf. Berman, 1983, 146) and the Spanish *Siete Partidas* (cf. Grossi, 2010, 24, 33) represent landmark efforts to formalize customary and ecclesiastical practices into unified legal frameworks. These legal texts aimed to regulate not only secular disputes but also moral and theological deviations. In this sense, the legend of Saint George

Fig. 22: Horseman in combat with a serpentine dragon. Syria or Iran, tenth–eleventh century. This glazed ceramic figurine—likely from Raqqa, Syria—is an example of so-called "Raqqa ware". It depicts a mounted warrior with a raised sword, engaged in combat with a coiling dragon that wraps itself around the horse's leg and bites the rim of the rider's shield. The composition draws on visual schemes derived from Byzantine iconography, especially images of mounted saints such as Saint George or Saint Theodore, though here adapted within an Islamic artistic context. While the religious identity of the figure is no longer explicit, the motif retains the narrative core of the dragon-slaying horseman (source: © Museum With No Frontiers (MWNF) | Discover Islamic Art).

operates as a mythological parallel to this process: he enacts a model of dispute resolution that is no longer ad hoc or symbolic but codified, hierarchical, and absolute. Just as canon law sought to establish orthodoxy through legal clarity, Saint George embodies a juridified form of saintly authority, dispensing divine justice through violent intervention.

This logic stands in stark contrast to earlier Christian legends of conflict resolution, such as that of Saint Hilary, who subdued serpents without killing them, and allowed humans and beasts to share territory—a symbolic gesture of negotiated coexistence (Le Goff, 1980). Saint George, by contrast, kills the dragon outright. The threat is not neutralized but eliminated. Peace is not restored through compromise but through the erasure of the antagonist.

Fig. 23: Tombstone of a Roman cavalryman from Chester, England, fourth or fifth century. The relief depicts a mounted warrior triumphing over a fallen enemy, a composition characteristic of Roman imperial military iconography. Such imagery of equestrian dominance would later influence Christian representations of victorious saints, including Saint George (Grosvenor Museum, Chester) (source: Wikimedia Commons).

Fig. 24: One of the earliest stone reliefs depicting mounted warrior saints spearing a dragon can be found in the Church of the Dormition in Martvili, Georgia, dated to the tenth or early eleventh century. Likely depicting Saints George and Theodore, the scene combines martial heroism with divine sanction, as angels appear to crown the victors. This composition reflects an iconographic shift from historical adversaries to mythological ones, suggesting an evolving symbolic landscape in which the dragon embodies spiritual evil or chaos (photo: Zurab Tsertsvadze. © Ekaterine Gedevanishvili).

Secular narratives of the same period, such as the chivalric tale of Tristan, offer a revealing counterpoint. Tristan also slays a dragon and saves a princess, but his function is primarily dynastic and political—he serves as a human mediator between warring kingdoms. His heroism resolves interpersonal and geopolitical tensions, often through negotiation, alliance, or symbolic gift exchange. In contrast, Saint George operates outside the human realm of diplomacy; he is the executor of divine will. His presence erases the possibility of symmetrical negotiation and replaces it with vertical, unchallengeable authority.

The legend of Saint George marks a decisive transformation in the cultural logic of mediation. The traditional third party, once symbolic, ritualistic, and liminal, is replaced by a figure of sacralized violence, aligned with the centralizing structures of Church and Empire. The dragon-slaying becomes not only a narrative of heroism but a paradigm of religious conquest, wherein peace is achieved not through agreement, but through obedience and purification.

CONCLUSION

The transformation of the legend of Saint George from martyr to militant mediator encapsulates a wider cultural and institutional shift in medieval Europe—one that marks the transition from pacifist Christian ethics to a model of sacralized violence and centralized authority. As this article has shown, the eleventh-century dragon-slaying narrative is not a mere embellishment of an earlier saint's life, but a profound reworking of the symbolic structure of conflict resolution. The sacrificial logic, previously central to both mythic and customary systems of peacemaking, is displaced by a new paradigm: divine intervention through violence, the eradication of enemies rather than negotiated coexistence. Drawing on the theoretical frameworks of Claude Lévi-Strauss, René Girard, Pierre Clastres, and Claudio Povolo, we have seen how Saint George becomes a mythological agent of juridification. He replaces ritual substitution and intermediation with sanctioned destruction in the name of religious truth. This transformation mirrors a shift in legal culture, exemplified by the codifications of canon and secular law in the twelfth century (e.g., *Corpus Iuris Canonici*, *Siete Partidas*), which sought to stabilize social order through hierarchical norms rather than communal negotiation.

Fig. 25: The earliest depiction of the scene of St. George rescuing the princess (Gedevanishvili, 2025, 149) is to be found in the church of St. George of Hadiši / Adishi (Upper Svaneti). The fresco created in the late eleventh or early twelfth century represents the Miracle of Lassia (photo: Zurab Tsertsvadze. © Ekaterine Gedevanishvili).

Although the legend of Saint George does not function as a juridical text prescribing behavior, it operates as a symbolic discourse that shapes mentalities and provides moral justification for specific forms of violence. The dragon is not a real creature, nor is George a legislative agent; rather, the legend offers a narrative logic through which certain conflicts—especially religious or cultural—can be rendered meaningful and resolvable. Such hagiographic narratives do not dictate action in a legal sense, but they authorize imaginaries, legitimizing the eradication of perceived evil in the form of externalized others. In this way, they contributed to the ideological underpinnings of historical campaigns such as the Crusades, where myth and action became mutually reinforcing.

Unlike earlier mediators in customary or prelegal systems—figures who brokered peace through symbolic gestures, kinship exchange, or mythic animal intercession—Saint George is a militant enforcer of theological orthodoxy. He does not reconcile; he conquers. His sword is not an instrument of arbitration, but of purification. His victory is not over an adversary in a balanced dispute, but over an ontologically evil other, whether pagan, heretical, or later Muslim. In this sense, George represents a convergence of two major transformations: the institutionalization of Christian ideology into systems of coercive authority, and the narrative restructuring of hagiography to justify religious violence under the guise of divine mediation.

The image of the princess in bridal dress underscores this logic. As the ultimate surrogate victim, she signifies both the inadequacy of traditional sacrificial resolutions and the need for a higher, totalizing intervention. Her symbolic marriage to divine order via Saint George enacts a mythic submission of the polity to theocratic authority. The narrative thus collapses the boundaries between juridical, theological, and mythological orders: peace is no longer achieved by restoring balance within the community, but by aligning the community to an external, absolute mandate. The legend of Saint George ultimately becomes a prototype for a new model of social order, in which legitimacy derives not from communal consensus or symbolic mediation, but from violent revelation and doctrinal truth. This legacy would echo not only through medieval Christendom but into the very logic of crusading, colonization, and confessional state-building. The dragon slayer is thus not merely a medieval hero, but a cultural figure through whom Europe reimagines sovereignty, justice, and salvation.

Fig. 26: Fresco of Saint George slaying the dragon and rescuing the princess, Church of Saint George, Staraya Ladoga, Russia. Twelfth century. This is one of the earliest known depictions to include the princess, shown holding the dragon by a girdle. Far from being a passive observer, she plays a symbolic role in the ritual subjugation of chaos. The girdle, traditionally associated with purity and authority, signifies not only the taming of the beast but also the allegorical union between the ecclesiastical and secular powers. Her presence thus visualizes the sacred marriage between Church and Kingdom, affirming the saint's role as divine mediator and agent of cosmic order (source: Wikimedia Commons).

SVETI JURIJ, UBIJALEC ZMAJA: POSVEČENO NASILJE IN ALEGORIČNA ZDRUŽITEV POSVETNE IN CERKVENE OBLASTI

Polona TRATNIK

Inštitut IRRIS za raziskave, razvoj in strategije družbe, kulture in okolja, Čentur 1f, 6273 Marezige, Slovenija

Univerza v Ljubljani, Filozofska fakulteta, Aškerčeva cesta 2, 1000 Ljubljana, Slovenija

Univerza v Ljubljani, Fakulteta za računalništvo in informatiko, Večna pot 113, 1000 Ljubljana, Slovenija
e-mail: polona.tratnik@guest.arnes.si

POVZETEK

Prispevek obravnava preobrazbo legende o svetem Juriju iz zgodnjekrščanske zgodbe o mučeniku v srednjeveško pripoved o božjem bojevniku in ubijalcu zmaja. Ta sprememba, ki se v ikonografiji in hagiografiji utrjuje od 11. stoletja naprej, odraža širše kulturne in teološke premike, v katerih reševanje konfliktov preide iz simbolnega posredovanja k sakraliziranemu nasilju. Sveti Jurij ne nastopa več kot pasivni trpeči svetnik, temveč kot Božji zastopnik, ki z nasilnim posegom vzpostavi red. Zmaj postane simbol heretičnega ali poganskega kaosa, ki ga je treba izkoreniniti, da bi se znova vzpostavila božanska hierarhija. Takšna narativna struktura ne deluje kot dobesedno navodilo za ravnanje, temveč kot diskurzivni model, ki legitimira izključevanje, pokoravanje in versko čistost. Legenda o svetem Juriju tako postane simbolna matrica, prek katere se oblikujejo kolektivne predstave o oblasti, legitimnosti in svetem boju. Članek povezuje ta narativni prelom z vzponom križarstva, pri čemer sveti Jurij postane vzor bojevnika vere. Posebna pozornost je namenjena vlogi princese kot žrtvenega daru, ki simbolizira poroko med posvetno oblastjo in Cerkvijo.

Ključne besede: sveti Jurij, ubijalec zmaja, srednjeveška hagiografija, simbolno reševanje konfliktov, versko nasilje, darilna menjava, srednjeveška ikonografija, žrtvovanje, strukturna antropologija

SOURCES AND BIBLIOGRAPHY

Anidjar, Gil (2003): The Jew, the Arab: A History of the Enemy. Stanford, Stanford University Press.

Aufhauser, Johannes B. (1911): Das Drachenwunder des Heiligen Georg in der Griechischen und Lateinischen Überlieferung. Leipzig, von B. G. Teubner.

Badamo, Heather A. (2023): Saint George Between Empires: Image and Encounter in the Medieval East. University Park, Pennsylvania State University Press.

Barnes, David S. (2006): The Great Stink of Paris and the Nineteenth-Century Struggle against Filth and Germs. Baltimore, Johns Hopkins University Press.

Berman, Harold J. (1983): Law and Revolution: The Formation of the Western Legal Tradition. Cambridge, MA – London, Harvard University Press.

Buc, Philippe (2015): Holy War, Martyrdom, and Terror. Christianity, Violence, and the West, ca. 70 C.E. to the Iraq War. Philadelphia, University of Pennsylvania Press.

Burke, Peter (1978): Popular Culture in Early Modern Europe. New York – Hagerstown – San Francisco – London, Harper & Row.

Butler, Alban (1990): Butler's Lives of the Saints, Volume II. Westminster, Burns & Oates.

Clastres, Pierre (1989 [1974]): Society Against the State. Essays in Political Anthropology. New York, Zone Books.

Conklin Akbari, Suzanne (2009): Idols in the East: Representations of Islam and the Orient, 1100–1450. Ithaca, Cornell University Press.

Darovec, Darko (2017): Blood Feud as Gift Exchange: The Ritual of Humiliation in the Customary System of Conflict Resolution. Acta Histriae 25, 1, 57–96.

Delehaye, Hippolyte (1962): The Legends of the Saints. New York, Fordham University Press.

de Voragine, Jacobus (1941): The Golden Legend of Jacobus de Voragine, Part One. London – New York – Toronto, Longmans, Green and co.

Douglas, Mary (2001 [1966]): Purity and Danger: An Analysis of Concepts of Pollution and Taboo. London – New York, Routledge.

Douglas, Mary (2003 [1970]): Natural Symbols: Explorations in Cosmology. London – New York, Routledge.

Duby, Georges (1982 [1978]): The Three Orders. Feudal Society Imagined. Chicago – London, University of Chicago Press.

Eliade, Mircea (1984 [1978]): A History of Religious Ideas, Volume 2: From Gautama Buddha to the Triumph of Christianity. Chicago – London, University of Chicago Press.

Eliade, Mircea (1987 [1957]): The Sacred and the Profane: The Nature of Religion. Orlando – Austin – New York – San Diego – Toronto – London, Harcourt Brace Jovanovich.

Eliade, Mircea (1992 [1951]): Shamanism: Archaic Techniques of Ecstasy. Princeton – Oxford, Princeton University Press.

Eusebius (1952 [ca. 313–325]): Church History. In: Schaff, Philip & Henry Wace (eds.): A Select Library of Nicene and Post-Nicene Fathers, Series II, Vol. 1. Church History, Life of Constantine the Great, and Oration in Praise of Constantine. Grand Rapids, MI, Wm. B. Eerdmans Publishing Company, 73–387.

Gedevanishvili, Ekaterine (2023): Iprari Murals. Reading of the Scene of the Apparition of the Angel to Joshua. Convivium Supplementum: Exchanges and Interactions in the Arts of Medieval Europe, Byzantium, and the Mediterranean, 12, 2, 120–139.

Gedevanishvili, Ekaterine (2025): Chapter 2: St. George. In: Aleksidze, Nikoloz & Ekaterine Gedevanishvili (eds.): Warrior Saints in Medieval Georgian Art. Tbilisi, Giorgi Chubinashvili National Research Centre for Georgian Art History and Heritage Preservation, 84–219.

Gerát, Ivan (2019): Saint George Between Media and Functions. Radovi Instituta za povijest umjetnosti, 43, 37–46

Girard, René (1986 [1982]): The Scapegoat. Baltimore, The Johns Hopkins University Press.

Girard, René (2022 [1972]): Violence and the Sacred. London – New York – Oxford – New Delhi – Sydney, Bloomsbury Academic.

Godelier, Maurice (2002 [1996]): Some Things You Give, Some Things You Sell, but Some Things You Must Keep for Yourselves: What Mauss Did Not Say about Sacred Objects. In: Godelier, Maurice, Wyschogrod, Edith, Goux, Jean-Joseph & Eric Boyton (eds.): The Enigma of the Gift. New York, Fordham University Press.

Good, Jonathan (2009): The Cult of Saint George in Medieval England. Woodbridge, The Boydell Press.

Grossi, Paolo (2010 [2007]): A History of European Law. Malden – Oxford, Wiley-Blackwell.

Ivanits, Linda J. (1989): Russian Folk Belief. New York, M. E. Sharpe.

Johns, Jeremy (2015): Muslim Artists and Christian Models in the Painted Ceilings of the Cappella Palatina. In: Bacile, Rosa (ed.): Romanesque and the Mediterranean: Patterns of Exchange Across the Latin, Greek and Islamic Worlds c.1000-c.1250. London, Routledge, 59–89.

Jotischky, Andrew (2017): Crusading and the Crusader States. Abingdon – New York, Routledge.

Kuehn, Sara (2011): The Dragon in Medieval East Christian and Islamic Art. Leiden – Boston, Brill.

Le Goff, Jacques (1988 [1964]): Medieval Civilization 400–1500. Oxford, Basil Blackwell.

Le Goff, Jacques (1980 [1977]): Time, Work & Culture in the Middle Ages. Chicago – London, University of Chicago Press.

Le Goff, Jacques (2007 [2005]): The Birth of Europe. Malden – Oxford – Carlton, Blackwell Publishing.

Lévi-Strauss, Claude (1955): The Structural Study of Myth. The Journal of American Folklore, 68, 270, 428–444.

Lévi-Strauss, Claude (1963 [1958]): Structural Anthropology. New York, Basic Books, Inc.

Lévi-Strauss, Claude (1966 [1962]): The Savage Mind. London, Weidenfeld and Nicolson.

Lévi-Strauss, Claude (1969 [1949]): The Elementary Structures of Kinship. Boston, Beacon Press.

Loomis, C. Grant (1948): White Magic. An Introduction to the Folklore of Christian Legend. Cambridge (MA), The Mediaeval Academy of America.

Matzke, John E. (1902): Contributions to the History of the Legend of Saint George, with Special References to the Sources of the French, German and Anglo-Saxon Metrical Versions. Publications of the Modern Language Association, 17, 4, 464–535.

Matzke, John E. (1903): Contributions to the History of the Legend of Saint George, with Special References to the Sources of the French, German and Anglo-Saxon Metrical Versions. Publications of the Modern Language Association, 18, 1, 99–171.

Mauss, Marcel (1990 [1925]): The Gift: The Form and Reason for Exchange in Archaic Societies. London, Routledge.

Odak, Marina (2024): Representations of St. George on Coins Minted in the Medieval City of Bar. Acta Histriae, 32, 2, 225–246.

Pancaroğlu, Oya (2004): The Itinerant Dragon-Slayer: Forging Paths of Image and Identity in Medieval Anatolia. Gesta, 43, 2, 151–164.

Pearse, Roger (ed.) (2020): The Passio of Saint George: Original Apocryphal Form. https://archive.org/details/st-george-passio-original-apocryphal-form-2020 (last access: 2025-06-15).

Pliny (1976 [ca. 112]): Letter and Panegyricus in Two Volumes. Volume II: Letters, Books VII–X and Panegyricus with an English translation by Betty Radice. Cambridge (MA) – London, Harvard University Press – William Heinemann Ltd.

Povolo, Claudio (2014): La terza parte: mediatori, arbitri, pacieri, giudici: tra liturgie di violenza e liturgie di pace. Acta Histriae, 22, 1, 1–16.

Riley-Smith, Jonathan (2003 [1986]): The First Crusade and the Idea of Crusading. London – New York, Continuum.

Riley-Smith, Jonathan & Susanna A. Throop (2023): The Crusades. A History. Fourth Edition. London – New York – Oxford – New Delhi – Sydney, Bloomsbury Academic.

Rubenstein, Jay (2011): Armies of Heaven. The First Crusade and the Quest for Apocalypse. New York, Basic Books.

Sahlins, Marshall (2017 [1972]): Stone Age Economics. London – New York, Routledge.

Said, Edward W. (1979 [1978]): Orientalism. New York, Vintage Books.

Throop, Susanna A. (2011): Crusading as an Act of Vengeance, 1095–1216. Farnham – Burlington, Ashgate.

Tolan, John V. (2019): Faces of Muhammad: Western Perceptions of the Prophet of Islam from the Middle Ages to Today. Woodstock – Princeton, Princeton University Press.

Tsurtsumia, Mamuka (2011): The Evolution of Splint Armour in Georgia and Byzantium: Lamellar and Scale Armour in the 10th–12th Centuries. Byzantina Symmeikta, 21, 65–99.

Turner, Victor (1977 [1969]): The Ritual Process: Structure and Anti-Structure. Ithaca – New York, Cornell University Press.

Turville-Petre, Edward Oswald Gabriel (1975 [1964]): Myth and Religion of the North: The Religion of Ancient Scandinavia. Connecticut, Greenwood Press.

Tyerman, Christopher (2019): The World of the Crusades. An Illustrated History. New Haven – London, Yale University Press.

Walter, Christopher (1995): The Origins of the Cult of Saint George. Revue des Études Byzantines, 53, 295–326.

Weiner, Annette B. (1992): Inalienable Possessions: The Paradox of Keeping-While-Giving. Berkeley, University of California Press.

Whatley, E. Gordon, Thompson, Anne B. & Robert K. Upchurch (eds.) (2004): Saints' Lives in Middle English Collection. Kalamazoo, Michigan, Medieval Institute Publications.

Received: 2025-07-15 DOI 10.19233/AH.2025.24

CRIMINAL OFFENCES AGAINST LIFE, LIMB AND PROPERTY IN KOTOR (FIFTEENTH TO SEVENTEENTH CENTURY)

Jelena ĐURIŠIĆ
University of Donja Gorica, Faculty of Law, 81000 Podgorica, Montenegro
e-mail: jelena.djurisic2@udg.edu.me

ABSTRACT

This paper explores the history of criminal law of the Venetian-ruled city of Kotor from the fifteenth to the seventeenth century. The paper is primarily interested in the norms, punishments, and the application of the Venetian, municipal, and customary criminal law, with a specific focus on criminal offenses against life and limb and property. Drawing on the largely unexplored wealth of archival material preserved in the Historical Archives of Kotor, the paper foregrounds the history of public law in Kotor where the existing scholarship has tended mostly to study private law. By reconstructing from the hitherto unused archival sources the norms, the application, and the institutions of criminal law of the late medieval and early modern Kotor, the paper calls for a renewed, interdisciplinary approach to the study of the city's legal, political, and institutional history. The research specifically aimed to uncover original archival material related to criminal offenses against life and limb, as well as property offenses, punishment and its practical application. The findings reveal highly valuable and significant archival records, which have not been the subject of legal scientific research until now.

Keywords: Kotor, fifteenth century, sixteenth century, seventeenth century, Kotor Book of Statutes, criminal offences, punishment

DELITTI CONTRO LA PERSONA E IL PATRIMONIO COMMESSI A CATTARO (XV – XVII SECOLO)

SINTESI

Questo articolo esplora la storia del diritto penale della città di Cattaro sotto il dominio veneziano dal XV al XVII secolo. L'articolo si concentra principalmente sulle norme, sulle pene e sull'applicazione del diritto veneziano, municipale e consuetudinario, con un'attenzione specifica ai reati contro la vita, l'integrità fisica e la proprietà. Basandosi su un vasto e largamente inesplorato materiale documentario conservato presso l'Archivio Storico di Cattaro, lo studio mette in primo piano la storia del diritto pubblico nella città, *laddove la storiografia esistente si è prevalentemente occupata del diritto privato. Ricostruendo, attraverso fonti archivistiche finora inutilizzate, le norme, l'applicazione e le istituzioni del diritto penale di Cattaro tra il tardo medioevo e la prima età moderna, l'articolo invita a un rinnovato approccio interdisciplinare allo studio della storia giuridica, politica e istituzionale della città.*

Parole chiave: Cattaro, XV secolo, XVI secolo, XVII secolo, statuto, delitti penali, punizione

INTRODUCTION

This article explores the legal history of the late medieval and early modern Kotor (Cattaro in Italian), an urban commune with its own statute which, from its submission to Venice in 1420 to the Republic's end in 1797, functioned as capital of the Venetian province of Albania Veneta and was an important center on the border with the Ottoman Empire. More specifically, this article is concerned with the history of criminal law and punishment applied by the Venetian and municipal authorities in accordance with statutory law, Venetian legislation and local customs. The article is based on research conducted in the old Venetian archives of Kotor (now the Historical Archives of Kotor, a division of the State Archives of Montenegro), where I was able to find previously unknown records of several criminal procedures with relevant data. This research has yielded two important findings.

The first of these findings concerns the history of criminal law in the narrower sense. I was able to identify the presence of several forms of criminal punishment, as well as the state-sanctioned use of popular customary tribunals in the administration of criminal justice.

The second finding concerns more broadly the legal discourse of "custom" which often framed the administration of justice in general and of criminal justice in particular. The rhetorical appeal to well-established and time-honored customs as they had been historically applied in Kotor was an important civic and juridical discourse which bound the statutory, the Venetian and the *stricto sensu* customary law into a more or less coherent whole. In the first section of the article, I will offer an overview on relevant legal and historical scholarship which has thus far treated the history of criminal and customary law of Kotor as well as its political and administrative status under the Venetian Republic. In the second, I sketch the statutory law of the city as it relates to criminal law. In the third section, I discuss the archival material and reconstruct from them criminal procedures and punishments, as well as the attendant legal discourse in which their application was framed.

HITHERTO RESEARCH AND HISTORICAL BACKGROUND

Kotor's long history and heritage have been the object of continued and fruitful interest from historians and legal scholars (cf., e.g., Gelcich, 1880; Milošević, 2008; Sindik, 1950, 1953). The former have largely tended to focus on political history, noting the city's important commercial and diplomatic role for the medieval Nemanjić state in the Balkan hinterland, and on various regional lords who had flourished between its collapse in mid-fourteenth century and the advent of the Ottomans in mid-fifteenth (Ćirković et al., 1970a; 1970b). This intermediary and connective position between the hinterland and the Adriatic, as well as the Mediterranean and Central Europe, marked also the history of other Dalmatian cities in which the communal form of government arose in the twelfth and the thirteenth centuries (Raukar, 1980–1981). More recent scholarship reconstructed the fundamental role Kotor played in the transmission of Venetian mail to and from Istanbul from the early sixteenth to the late eighteenth century, serving as the junction between the overland and maritime routes along which the mail was carried (Dursteler, 2009; Molnár, 2014; Santoro, 2024). In the early seventeenth century, this critical position allowed Kotor to function as the headway for missionary activities; by the Roman curia aimed at Catholics in the Ottoman hinterland as well as at forging a union with the Orthodox hierarchy (Molnár, 2019). Kotor also played an important role in the Republic's east Adriatic defense system as one of modernized "artillery fortifications" along the coast and a point of naval presence, while members of the city's nobility actively participated in the Venetian administration as officers, recruiters, and intermediaries (Čoralić & Markulin, 2018).

Kotor's legal history is largely to be understood within the context of other East Adriatic cities with analogous forms of government and a shared legal culture. Dubrovnik (Ragusa in Italian) in particular influenced the development of the municipal law of Kotor, including its criminal law, in which a general overlap between norms, procedures, and customs is observable between the two cities (Gogić, 2018; Lonza, 2014; Ravančić, 2014). Similar overlaps are noticeable with the statutes of Brač, Split and Zadar (Brazza, Spalato and Zara in Italian, respectively). The Byzantine influence on the system of punishments in the East Adriatic communes was especially strong and lasting in Kotor (Gogić, 2018, 171). Venetian legal influences, traceable across the late Middle Ages, became fundamental after the city decided to submit to Venice in 1420, following a period of independent government from 1391. Notwithstanding these parallels, the legal scholarship on Kotor has tended, as noted by Nevenka Bogojević-Gluščević (2006, 101) in a paper on the city's criminal law, to focus on private legal matters while the public law aspect remains largely unexplored. Zoran Stojanović (2023, 93), the author of another important contribution to the subject, highlighted the same issue. This focus on private law is normally attributed to the uneven preservation of archival material related to public law, in particular for the earlier centuries of Kotor's history.

This gap is precisely what inspired the research behind this paper. My idea was to try to find in the surviving Venetian archival material in Kotor the data on the application of criminal law in Kotor from the beginning of Venetian rule in the early fifteenth century and throughout the early modern period. I was particularly interested in how Venetian law, the statute of Kotor, and local customs combined to form the municipal legal system. In the course of this research, I was able to locate original archival materials of which the existence and preservation were previously either unknown to or overlooked by scholars. This paper summarizes a part of the research results, focuses on criminal offenses against life and limb, as well as offenses against property, with particular emphasis how the perpetrators of such offenses were prosecuted and punished. As the criminal statutory law regulated only murder, I was also interested in how cases of vendetta (blood feud) were addressed. In this sense, the most important finding has been that, despite strict statutory provisions regulating the matter, the influence of customary law remained very strong. What I mean by customary law is what in Kotor's legal usage was referred to as *consuetudo*, the city's ordinary law, a term which, apart from signifying old and well-established legal institutes, customs, and procedures, could also be employed more broadly and figuratively as the sum of the city's legal and political system. The application of the *consuetudines* regarding vendetta were in the last instance sanctioned by Venetian state authorities. The customs were thus integrated into the municipal law of Kotor.

The main custom of this type was the Court of Good Men, a medieval institution which continued to be applied to certain criminal offenses also in the modern era. The Court was composed of equal numbers of arbitrators ("good men") appointed by each party involved, normally requiring twenty-four arbitrators for blood feuds. The arbitrators, usually local men of influence and experience in the matter, evaluated the facts of the case and determined the blood money to be paid by the culprit; non-monetary provisions in the form of godparenthood and blood-brotherhoods were also prescribed in order to strengthen the peace between the parties. The arbitration was usually preceded by the mediation of rural communal leaders who persuaded the parties to enter the process of peace-making. Aleksandar Solovjev has argued that by the eighteenth century the arbiters in these courts had come to function not merely as representatives of the parties involved (as in the medieval prototype of the court) but as jurors who examine evidence and rule by majority (Solovjev, 1947, 208–216). This custom, if uniquely present in Kotor's legal system among other Dalmatian cities, fits within broader patterns of blood feud in medieval and early modern Europe. Blood feud is a system of social control that regulates violence and leads towards the reestablishment of social equilibrium through dispute resolution (Ergaver, 2016, 126). The custom of blood feud and peace-making was widespread across the early modern world; in Montenegro, Albania, and some other neighboring areas, the practice continued at least until the end of the nineteenth century, and the oral tradition regarding the customs even longer (Ergaver, 2016, 126). The peace-making consisted of three phases and each phase included symbolic words, gestures, and objects that indicated a similar ritual structure to the one present in public contractual agreements in the medieval Europe. The similarities indicate common origins of some European legal traditions (Ergaver, 2016, 126). A comparative look at relevant documents across Europe suggested that a similar reconciliation ritual observed in the countryside and the wider vicinity of Kotor, Montenegro in particular, was also present in other European countries (Darovec, 2017, 82). In the case of Montenegro, as it was recorded in the ethnographic and anthropological studies at the turn of the nineteenth and the twentieth centuries (Boehm, 1984), the compromise and the reconciliation of the two feuding parties was reached by the public expression of humiliation, penance, and a plea for forgiveness, which were evidently elements of the customary system of conflict resolution in other European countries as well (Scotland, Iceland, France, Italy, Germany, the Balkans, etc.) (Darovec, 2018, 38; Carroll, 2023).

The custom was preserved throughout the centuries as both Venetian and Ottoman administration acknowledged the existing legal customs. This was because the customary peace-making often proved more efficient in settling cross-border conflicts than direct state involvement. The Venetian authorities on several occasions ordered the rural communities in the coastal area to make customary peace with their neighbors in hope of preventing vendettas from escalating, across or within their borders (Ergaver, 2017, 179). Therefore, the Venetian authorities in Kotor were well-acquainted with the legal customs of the communities in the district, which included the custom of vendetta and reconciliation (Ergaver, 2017, 179). In accepting the submission of local communes, whether that of the city of Kotor in 1421, or the rural community of the Paštrovići in 1423, the Venetian authorities respected local statutes (Mijušković, 1955, 15; Solovjev, 1933, 1–2). The fifteenth-century acts of pacification between parties recorded in the notarial register of Kotor testify that local groups were well able to resolve their disputes on their own through implementation of their legal customs of pacification (Ergaver, 2017, 198). It is impossible to say to what extent the Venetian authorities participated in the peace-making, but the parties involved still frequently took care to formalize their peace-making in the notarial office of Kotor for greater legal security. If this may be taken to testify to a degree of insubordination on the part of the local population (something which national historiography has tended to highlight)[1], it can just as well speak for the central position which the Republic's representatives occupied in mediating between divergent local interests.

The Venetian Republic encountered similar traditions of dispute resolution in its possessions in the Terraferma, where in the fifteenth century a similar duality in the legal tradition also existed. In Veneto, in the area of Vicenza and Verona, the nobility in the cities resolved their disputes according to statutory law, whereas inhabitants of their rural

1 This was an understanding of the nature of the popular criminal tribunals taken in Đorđe Milović's seminal collection of sentences issued by Courts of Good Men in criminal matters in the jurisdiction of Herceg Novi (Castel Nuovo) (Milović, 1953).

areas resolved their disputes according to the existing legal customs, but with the help and the presence of the town notary (Povolo, 1980; Ergaver, 2017, 126, 179; Zamperetti, 1980). In the course of the sixteenth and the seventeenth centuries, the Republic was able to impose centralization in the domain of penal justice over the subject cities of the Terraferma, breaking local opposition while preserving the outer form of local self-government (Povolo, 1980); it was the culmination of a long process in which medieval customary frameworks for handling conflict and blood feud were transformed from an affair between the parties and communities involved into an affair of the state (Povolo, 2014). In general, it was the Republic's approach in governing subject cities and territories to try to integrate the local law and customs within its own legal-administrative system: a "political and empirical" understanding of the law, which prized satisfactory and expeditious settlement of causes over "technical and doctrinal" application of the letter of the law, distinguished the Republic not only from the sovereigns who applied the Roman law but also from many of its own subject communities (Cozzi, 1980, 18). Similar arguments were made for fifteenth and sixteenth-century *Stato da Màr* and eighteenth-century Ionian possessions of the Republic (O'Conell, 2009, 75–96; Arbel 2013, 235–239). The Venetian Republic thus, while seeking to impose its own penal justice over subject communities, nevertheless continued to rely considerably on local mediation and local institutions, which was particularly the case in Albania Veneta.

THE KOTOR BOOK OF STATUTES

The legal system of the Kotor commune in the Middle Ages was based on written decisions of the city councils and customary law. This is supported by documents from the early period of Venetian rule of Kotor. Recognizing the importance of customary law in Kotor, the Venetians instructed their officials, whose competences included civil and criminal judicial authority, to apply customary law in cases where the Kotor Book of Statutes did not provide specific regulations for certain behaviors.

The statutory legal framework which the Venetian government promised to uphold was the outcome of a gradual evolution, across centuries, of Kotor's municipal self-government, aimed at regulating the social and economic life of its citizens and strengthening its institutions and administration (Gogić, 2018, 159). Most cities on the east Adriatic coast adopted their statutes in the thirteenth and fourteenth centuries. These statutes served not only as instruments of governance and the foundation of legal order but also as expressions of the communities' individuality and symbols of their autonomy. The Book of Statutes of Kotor were probably adopted in the early decades of the fourteenth century, their oldest parts dating to 1301; their template were the statutes of Dubrovnik, dating to 1272 (Milošević & Ćirković, 2009, 11). The statutes were revised and amended several times during the fourteenth century continuing until 1425. The revisions added to the existing statutory decisions new ones which were adopted in response to the evolving needs of city life (Milošević & Ćirković, 2009, 15). The final form of the statutes known to us dates to 1614. Shortly after the arrival of the new Venetian rector of the city, Zanfrancesco Dolfin, the municipal councils ruled on October 27, 1614, to print the text of the statutes. The stated goal was to preserve from decay the existing Book of Statutes, which contained the system of government "which our fathers created", thus ensuring its preservation for future generations (Milošević & Ćirković, 2009, 16).

As the Statutes' language suggests, Kotor's ruling class understood and sought to legitimize the city's legal system in "customary" terms. The Statutes were, in the ideology of that class, the work of generations, each generation preserving, modifying, and passing them on to the next one, sometimes by giving an explicit, written form to what by then had been self-understood and well-established customs of the city. Down to the very decision to print the Books of Statutes, these maintain a systematic distinction between the customs and the written law, *statuta et consuetudines*, between the norms which were prescribed by competent councils and officeholders in a written form and those which drew their force from general observance. But the unwritten norms could easily be given a written form through appropriate legal procedure, in addition to not losing their force and currency for the lack of such a form. The decision in the Book of Statutes of Kotor (codified in its Chapter 37) on advising in case of doubts in disputes not covered by Statute reads: "We establish that if a dispute arises between some people before the judges, and there is no provision about it in the Statute, the judges are obliged to consult with old men of the City. After consulting, they should end the dispute by judgment as they think is right based on ancient legal custom." In the language of political legitimacy of the medieval and early modern Kotor, customs, though technically distinct from and not infrequently contradictory to written law, were nevertheless an integral and adhesive part of the city's legal system, underpinning also the overall rhetorical defense of that system by the city elites. Kotor enjoyed a high degree of autonomy in the Middle Ages, which is also evident in its criminal law. The criminal law provisions contained in its Book of Statutes—a collection of decisions made by officeholders and councils—are not grouped or treated systematically but in response to specific problems and situations that those decisions sought to address (Stojanović, 2023, 93). Therefore, criminal law was an expression of that dynamic, incremental development of Kotor's legal system. Its provisions are scattered across various decisions made by officeholders and councils, which made it difficult to systematically study these provisions. In this sense, the paper will highlight some of the more prominent characteristics of criminal law from that period, including the conduct of criminal proceedings and punishments in Kotor. Focusing on personal and property injuries, I attempt to reconstruct not only the norms and procedures but also the practice of applying these provisions, comparing them with the neighboring areas by presenting a few interesting examples from the Paštrović and Grbalj areas, with a particular focus on the application of criminal law provisions in practice.[2]

2 Among the rare works examining the application of penal provisions in the Kotor Book of Statutes, an analysis of preserved court-notarial records from the first half of the fourteenth century reveals that fines were the dominant form of punishment during this period. Notably, the analyzed documents contain no instances or mentions of corporal punishment involving mutilation (cf. Stojanović, 2023, 93).

The Archival Material

In this section I will present the archival material that I was able to find in the old Venetian archive of Kotor. The material overwhelmingly dates either to the very beginning of Venetian rule of Kotor or to the seventeenth century. These two temporal points allow us to observe the continuities in the application of criminal law and the accompanying legal discourse. This archival material not only covers the two main groups of criminal offenses studied—crimes against life and limb, and property crimes—but also includes other offenses such as espionage and crimes "against the army and the service", which were severely punished by the Venetian state. Taken together, these cases testify to a parallel application of Venetian, statutory, and customary law in criminal procedures and punishments.

The provisions addressing criminal conduct and its sanctioning are well-represented in the Kotor Book of Statutes. Thus, in addition to the extensive list of proscribed criminal behaviors, there was a still broader and more varied system of sanctions. This system reflects multiple intertwined influences, including customary law, the legal system of Kotor's various sovereigns and the communal laws of other cities (Ćirković & Milošević, 2009b, 73). This is an aspect of Kotor's municipal law that has, perhaps, attracted most scholarly attention. Notably, the Book of Statutes, dedicates its chapter 92 to the subject of homicide, detailing rules on punishment based on the social status of both the victim and the perpetrator (Ćirković & Milošević, 2009b, 73).

The use of the customary Court of Good Men is recorded from the very beginnings of Venetian rule. In a murder case from 1435, Milin Nenadich was fatally struck by Miladin Jurasevich, who was subsequently murdered. Following the homicides, the two parties agreed to make peace and appointed twenty-four arbitrators to render a verdict. The arbitrators required Novac, the son of Miladin, to marry Xivana, the daughter of Milin. The verdict also required the defendant and his descendants to pay 500 perpers to the heirs for the victim (DACG, IAK, SN VI, 553).

From another case of homicide, from 1439, again settled by a court of arbitrators, we have records that the municipal enforcement officer collected 200 perpers as a fine. This amount was collected from the perpetrators Radissa Dobrich and Milich Petroevich from Lastva in the countryside of Kotor, who were responsible for the homicide of Radissa Radognich and Mikaz Jurgevich (DACG, IAK, SN VI, 809).

In the records of another case from 1440 we read that in the lodge of the municipal office, in the presence of rector Albano Segredo (Milošević, 1977, 164) and the proveditor (*provveditore*, overseer) for Istria, Dalmatia, and Albania, Morosini, representatives of two families made peace after a homicide. The arbitrators, chosen by the parties from among community elders and notables, questioned the members of one family from Paštrović and reached a verdict that settled the blood feud. This decision was confirmed by the proveditor and the municipal judges (DACG, IAK, SN VI, 935).

In 1440, Ceriepp Maruscovich from Zeta received 150 perpers as blood money from Ostojica Mathievich, his father's killer, in the presence of rector Segredo and the judges. The payment, a part of the compensation prescribed by the arbitrators, served as a gesture of reconciliation with the perpetrator (DACG, IAK, SN VII, 8).

At the other end of our timeframe, the Venetian archives preserve the minutes, the verdict, and the list of "good men" who in 1688 judged and ruled on a homicide. The Court of Good Men, consisting of twenty-four arbitrators, found the defendant guilty and sentenced him to pay eight "blood monies" each equivalent to sixty reals, totaling 480 reals. Additionally, he was sentenced to a godfatherhood and a blood-brotherhood with the victim's family, both of which entailed expenses in money and gifts (DACG, IAK, UPM V, 257).

Wounds inflicted in a fight or attack were adjudicated by the same sort of procedure. The punishment for such offenses depended on the severity of the injury (Ćirković & Milošević, 2009b, 73). Records of one such case, from 1712, attest the procedure identical to that followed in cases of murder. The parties involved chose, according to the custom, individuals among the "good men" to adjudicate the dispute. After deliberation, the judges rendered their judgment at the monastery of St. Nicholas, by which one party was condemned to pay "blood money" in the value of one *brazo* (cubit) of purple-colored cloth (*paonazzo*) and, moreover, to reimburse the wounded person for the expenses for medicines and the surgeon. The judgment also prescribed the bestowal of godfatherhood, along with one scarf and one silver ducat as its common monetary equivalent (DACG, IAK, SN CXXXIII, 195).

In addition to the norms that prescribed punishments for offenses related to physical harm, including those as severe as homicide, the Kotor Book of Statutes also included provisions for punishing behaviors such as insulting someone, which could involve causing minor bodily injuries (Gogić, 2018, 174–175). Thus, plucking someone's beard was fined with 10 perpers, as this act not only involved physical assault but also elements of great humiliation and insult. Additionally, insults were categorized into two types: those involving physical actions and those involving words. Insults with physical actions were subject to double the punishment compared to those with words. Insulting someone with offensive words was punishable by a fine of three perpers (Ćirković & Milošević, 2009b, 74). However, if the insult occurred in a court setting, the fine was increased to 10 perpers. Insulting a judge or notary while they were performing their duties was punishable by a fine of 50 perpers. The most severe punishments were prescribed for attacks on the prince and his procession (Ćirković & Milošević, 2009b, 74).

According to the provisions of the Book of Statutes, anyone who killed a citizen of Kotor who had resided in the city for ten years was subject to the capital punishment by hanging. Similarly, this provision applied if a foreigner killed another foreigner. However, if a citizen killed a resident of Kotor who had not lived in the city for ten years, the murderer would be fined 500 perpers

(Ćirković & Milošević, 2009b, 73–74). If a resident of Kotor or another person killed a foreigner, the punishment, according to the statutory provisions, would be reciprocal or equivalent to the punishment that a resident of Kotor would receive for the same offense (Ćirković & Milošević, 2009b, 73).

And while death sentences were commonly commuted, records show that some of them were indeed carried out. Thus Iana, the widow of Vuleta, of Krtoli, stipulated in her will to be buried in the village Church of St. John and bequeathed, among other things, 15 thalers to the church of Our Lady on the Island near Krtoli for the soul of her deceased husband Vuleta, who had been executed in accordance with a verdict (DACG, IAK, SN LXXII, 1005). It is unclear from the testament's meager wording who, and in accordance with what laws, condemned Iana's husband to death, and what punishment was inflicted upon him, though most likely it was a sentence by the extraordinary proveditor. But even where more detail is known, as in the veredicts of Venetian and municipal authorities or in those of the Courts of Good Men, much remains unclear, e.g. in which cases the Courts of Good Men were convened and in which statutory norms were directly applied. Though the former institute was commonly used in adjudicating causes between Venetian and Ottoman subjects, it was widely used between Venetian rural subjects as well. What is clear is that statutory and Venetian law was applied alongside the "customary" one in punishing certain offenses.

Two further cases that I was able to find are also very important for the analyzed topic. In the first case, criminal proceedings were conducted against two soldiers who attempted to escape to Ottoman Bar, the first city across the border. One soldier was sentenced to death, while the other received a seven-year sentence as a galley slave (DACG, IAK, UPM XI, 529–546). The second case involved Raso Dabcevich and Luca Braich, from Brajići, who were tried for the homicide of Simon C., their superior in the military company under captain Bolizza at the Trojica fort. They tried to escape but were caught on the run; Raso was beheaded during the pursuit, while Luca was captured, tried in Kotor, and subsequently hanged (DACG, IAK, UPM XI, 547–571). As soldiers in the Venetian army these local men were tried by the extraordinary proveditor, who was the competent military authority in Albania Veneta, subject to the general proveditor in Zara. Interestingly, during Luca's interrogation in the Kotor prison in, Raso's severed head was shown to Luca so that he could ascertain the identity of his companion. The head was thereafter publicly exposed *sù la pietra del bando* at the city's pillory, in testimony of the punishment; it was still on display when the day after Luca himself met his own punishment on the same spot (DACG, IAK, UPM XII, 571).[3] It is worth remembering here that these men, members of a local community which customarily settled homicice through Courts of Good Men, would not have been subject to capital punishment had they not been soldiers.

3 Cf. Povolo (2017) on how banishment in the course of the sixteenth century acquired a new harshness and a new function in the exercise of the state's penal justice.

In the criminal proceedings against Jovan Sacotich who was accused of espionage on behalf of the "Turks", the proveditor's Court, after conducting a search, found him guilty of espionage. Given that he had previously served a sentence for similar offenses, he was sentenced to eighteen months of galley slavery (as a rower) and to three years of exile from Herceg Novi (Castel Nuovo) and other areas (DACG, IAK, UPM IX, 5.) Also, the verdict sentenced the fugitive soldier Carlo Battista Mariano to ten years of galley slavery for the crime of deserting from the army and abandoning his guard post (DACG, IAK, UPM IV, 331–332). In the criminal proceedings against Nicolo Dufila, who was charged with the homicide of Irdian Bieloglav, threats to his superior, and desertion from the army, he was sentenced by a verdict dated October 20, 1693, to three years of galley slavery with iron shackles on his feet. If he was unable to serve this sentence, he was to serve a prison sentence of five years (DACG, IAK, UPM XI, 100–148).

The earliest references to punishment by mutilation for theft can be found in a document from 1203, which represents the oldest known medieval examples of such regulations along the eastern coast of the Adriatic (Gogić, 2018, 181). The practice, established by the early thirteenth century in the legal systems of Kotor, Korčula (Curzola in Italian), Dubrovnik, and other Dalmatian communes, has Byzantine and Venetian antecedents. Among offences against property, theft was the primary object of statutory penal regulation (Gogić, 2018, 181). The Kotor Book of Statutes, similar to other statutes of the Adriatic, stipulates corporeal and monetary punishment in relation to the status of the perpetrator and the victim. In this sense, the perpetrator of lower social status was punished with more severe corporal punishment and lower monetary fine, while the perpetrator of the higher social status could not receive corporal punishment and could only have been fined. The higher social status of the victim meant harsher punishment. Hence, the heavy punishment for some property offenses, such as theft, may have been proportional to the status of the perpetrator and the victim. A thief caught in the act faced severe punishment: removal of both eyes or a fine of 500 perpers. Amputation was also outlined in other sections dealing with theft, specifically for cases where the thief was unable to pay the prescribed fine (Ćirković & Milošević, 2009b, 74). The literature also indicates that the severity of the punishment for theft was proportional to the value of the stolen item. For theft of items of lower value, punishments included flogging and branding. In historiography dealing with criminality, much has been written on punishment as a social message communicated in various ways, among other things, by using a convict's body as a medium, such as face branding and other forms of mutilation (Lonza, 2014, 59). For the theft of more valuable items, penalties ranged from removing one eye and severing the right hand to removing both eyes and both hands for the most severe cases. If the same person was caught again, the punishment would be increased by one degree. For the third offense, the prescribed punishment was hanging (Ćirković & Milošević, 2009b, 74). A fine of 24 perpers was imposed for violently breaking into a house and stealing items, along with the obligation to return the stolen goods (Ćirković & Milošević, 2009b, 74).

In 1690, criminal proceedings were conducted against two soldiers, Michiel Vilaroe (from Spain) and Andrea Massa (from Milan), who were stationed at the Kotor Presidium. They were accused of "qualified theft" for breaking into the apartment of the Kotor noble Marin Buchia during his absence and stealing the items listed in the criminal charges. During the investigation, their guilt was confirmed. The court sentenced M. Vilaroe to three years of galley slavery, which could be converted into banishment or incarceration if he failed to serve the sentence. A. Massa was sentenced to remain in prison until he had compensated Marin Buchia for what had not yet been settled (DACG, IAK, UPM IX, 9).

The research also uncovered a verdict in which the extraordinary proveditor found bannerman (*alfier*) Michiel Vilevoi guilty of theft and sentenced him to three years of Venetian galley slavery, bound in shackles, as well as to paying litigation costs (DACG, IAK, UPM IX, 805). Again, the extraordinary proveditor was punishing soldiers under his direct command. Another verdict was issued in absentia against Zuanne Punos, Stiepan Radusinovich, and Mattio Gargosto, who were convicted of robbing small Christian-owned ships. They were sentenced to twenty years of exile or, if captured, ten years of galley slavery. They were not to be released even after serving their sentences until they collectively and individually paid for the damages in solidum (DACG, IAK, UPM IX, 3v). In the criminal proceedings conducted in 1690 against Stiepaz Vuletin from Budva and Petar Bogović from the Paštrovići territory, the defendants, along with ten accomplices, pretended to be assisting the crew of a shipwrecked Venetian vessel, of the Marciliana type, owned by patron Mattio Zombarini, near the coast of Budva or Paštrovići on January 23, 1690. Instead of helping, they committed piracy, stealing various items, breaking into a safe, taking 89 silver ducats, and then discarding the safe into the sea. After the trial, the court sentenced them to exile for three years or, if they were caught, to prison for six months (DACG, IAK; UPM IX, 7).

These sources testify that the punishment of galley slavery—rowing on a galley in chains—was practiced despite not being prescribed by the provisions of the Kotor Book of Statutes. It is a clear example of the direct application of Venetian criminal law administered by the representatives of the Venetian state.

The above cases also show that the strict application of Venetian criminal law could be mitigated with alternative punishments. In addition to galley slavery, sentences often provided the possibility of serving fixed prison terms if the primary punishment could not be enforced due to incapacity or other reasons. In one such sentence, from March 3, 1686, the extraordinary proveditor sentenced two soldiers to eighteen months of galley slavery in shackles or, as an alternative, to three months in prison without light; if they escaped, they were be considered *ipso facto* banished, i.e. bandits (DACG, IAK, UPM IV, 160v):

> *Che li constituti Gregorio Franich et Zorzi Saletich* [?] *ambi soldati della Galeotta Podgorizza* [under the command of an officer surnamed Podgorizza] *siano mandati seruire sopra una Gallera de Condannati per huomeni da remo con ferri à piedi giusta*

gl'ordini della Camera dell'Armamento per mesi disdotto, et in caso di innabbilità star debbano in priggion serata alla luce per mesi tre continui, dalla qual fuggendo siano e s'intendano banditi da questa Città, e Giurisdi[zione] *da queste Bocche à quelle.* (DACG, UPM IV, 160–162)

This case reflects the Republic's pragmatical approach to punishment, particularly during wartime, when the soldiers were offered the possibility of serving a shorter term in the province rather than being banished or sent to galley slavery.

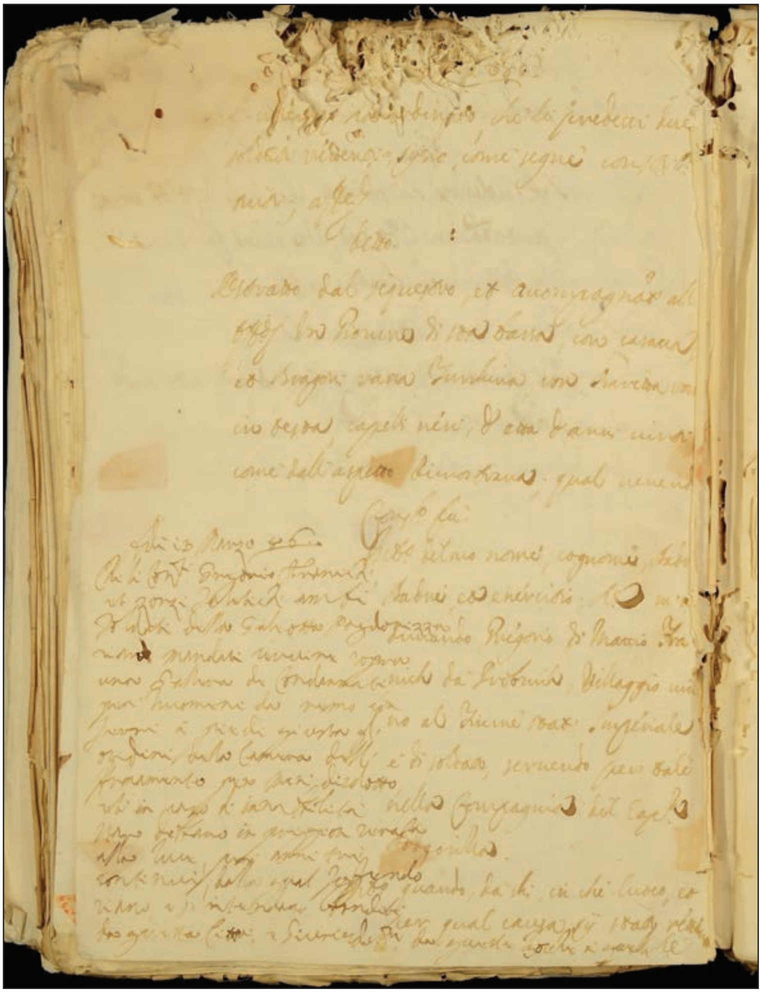

Fig. 1: The page recording the sentence of the extraordinary proveditor in the Franich-Saletich case (DACG, IAK, UPM IV, 160).

The social development and daily life of the Kotor commune required the strict sanctioning of all socially harmful behaviors. During the analyzed period, Kotor encountered numerous challenges that posed a threat to the city's stability and the safety of its inhabitants. Consequently, the authorities imposed strict punishment for any actions classified as criminal. Violations of long-established rules and disruptions to social and legal order weakened the Kotor commune and exposed it to dangers that the authorities were determined to prevent.

The Kotor Book of Statutes placed significant emphasis on regulating the conduct of court proceedings. Thus, in accordance with the statutes' provisions, legal proceedings were initiated either by the prosecutor or the injured party. However, in cases involving serious criminal offenses, the proceedings were always conducted ex officio, as these matters were considered in the public interest of the city (Marinović, Vukotić & Drakić, 1998, 86).

Court Procedure

The cases of Venetian extraordinary proveditors acting in an investigative and judicial capacity abound, particularly since their old archive in Kotor is rather well preserved. Let us consider some of them as they cast light on the application of Venetian criminal law. On March 26, 1688, the extraordinary proveditor Pietro Duodo conducted a military review based on the instructions he had received from the general proveditor, his superior stationed in Zadar, the supreme civil and military authority over the Venetian East Adriatic possession. On that occasion, he noticed the torn flag of Captain Pozzo di Borgo's military company and immediately ordered that criminal proceedings be initiated against the unknown perpetrator of the crime. After hearing the witness and the testimony of the accused, Corporal Pietro Maria Arbitrici from Corsica admitted during his interrogation that he, along with other soldiers from his company, decided to tear apart the company's flag. Amidst the ensuing commotion, they managed to break the flagpole. The ensign defended the flag, and the captain thwarted the plan with a few blows, preventing it from being fully carried out. The court then emphasized the full gravity of the crime, stressing the malicious desecration—*lèse-majesté*—and tearing apart of the Doge's flag. After this, the defendant altered his testimony, attempting to justify his actions by claiming that he grabbed the flag to prevent it from being damaged further. At the end of his revised statement, he argued that it would be unfair for him to bear full responsibility and blame for actions that were carried out by the entire group. On the same day, March 26, 1688, through an expedited procedure, Arbitrici was sentenced to death by firing squad based on his confession to the crime. On March 27, 1688, the imposed death sentence was commuted to eighteen months as a galley slave. In the event of an escape from the galley, Arbitrici would face an additional five years of exile from the entirety of the Venetian dominion (DACG, IAK, UPM IX, 121–122).

Another criminal case, 1684, is worth considering here. The extraordinary proveditor, acting upon reliable information that counterfeit money was in circulation, and that the "crime of counterfeiting money" had been committed, ordered an official hearing of the innkeepers, as well as other witnesses. After reviewing the recorded statements, the proveditor issued a decision to detain a French woman and her two tenants, as well as to order a search of their apartment. After their arrest, a report on the search was submitted, stating that several counterfeit coins had been found. Upon receiving the results of the apartment search, the proveditor ordered the hearing of the detained individuals. After the hearing, the proveditor commissioned an expert assessment to determine the authenticity of the disputed money. On this occasion, Jovan Babić was summoned to provide his expert opinion. The proveditor also ruled that the defendants were to submit their defense within three days, allowing them to plead against the charges. The proveditor later noted that the defendant Piere Legransa, a private in the Venetian army, failed to comply with the summons to submit his defense within the deadline. Consequently, the defendant was summoned again, requiring him to submit his defense including possible motions within three days, under threat of legal consequences. Upon the verbal request of the defendant's attorney, the proveditor ordered that a complete copy of the criminal proceedings be provided to him. Subsequently, the copy was handed over. In addition, the proveditor instructed Legransa to propose any supplementary measures for his defense, if he deemed them necessary, and to submit his proposal within three days. Legransa complied, stating that the counterfeit scudi were already in circulation before his arrival in Kotor, and that one had even been found in his military company. To support this claim, the defendant proposed that Captains Giacomo Sale, Bastian Pauletti and Rinaldo Soarvo be called as witnesses in the ongoing proceedings (DACG, IAK, UPM IV, 231). While the outcome of this criminal procedure was not found in the examined archival material, the way the case was handled provides valuable insight into the conduct and course of criminal proceedings during the period in question.

It is also important to note that the Kotor Book of Statutes contains numerous provisions that protected citizens in court. For example, a provision from 1373 appointed four court lawyers tasked with representing parties in legal proceedings (Ćirković & Milošević, 2009a, 65). It is also noted that, in this and certain other cases, the suspect was allowed to present his defense by swearing an oath in front of a specified number of individuals (Ćirković & Milošević, 2009b, 74). Enforcement and collection of fines and costs were requested immediately after the judgment was rendered the regulations on contumacy were designed to protect the interests of plaintiffs, but the Book of Statutes imposed much stricter rules for ignoring court summons in criminal cases compared to private law disputes. In criminal proceedings, the consequences of non-attendance could not be corrected afterward; the imposed sentence remained in effect, as the judgment became final and enforceable upon its adoption (Ćirković & Milošević, 2009a, 65).

According to the provisions of the Kotor Book of Statutes (Chapter 118) in force at the time, a person who killed another in (legitimate) self-defense would not be punished but had to pay some restitution to the victim's family. Similarly, a person who killed a robber during a break-in would also not be punished (Ćirković & Milošević, 2009b, 73).

Regarding sanctions, it is concluded that in nearly all the analyzed judgments where individuals were sentenced to galley slavery, a prison sentence was also imposed as a substitute in case the primary sanction could not be executed due to incapacity or inability.

The research also uncovered evidence of other imposed sanctions. For example, in the case of a young soldier from Istria who deserted from his company, the punishment of flogging was prescribed (DACG, IAK, UPM XI, 449–451). Additionally, in a criminal case against Giuseppe Ivancevich he was punished with three blows with a rope (DACG, IAK, UPM XII, 329a). Furthermore, it is interesting to note that, although not specifically mentioned in the provisions, in a case against two soldiers for a public argument and near-fight, the punishment was imposed that they should spend two hours on the (wooden) horse (DACG, IAK, UPM XI, 438–445).[4]

Finally, it is important to mention the institute of guarantees, which frequently appears in the analyzed files. For instance, several *harambašas* (*hajduk* leaders) requested the release of Vido Perovich from Risan (Risano in Italian), offering their guarantee to ensure his appearance at every court summons. What followed is the decision granting the aforementioned request, on the condition that the listed individuals provide a "security deposit" (surety) of 100 ducats. There is a statement from an individual who, under the surety of 100 ducats, guaranteed that Vido Perovich would respond to any court summons if released (DACG, IAK, UPM VI, 127.) Additionally, Nico Marcov, Trippo Andriin, Giano Radov, Ivan Marcov, Giano Liessccov, Nico Trippov and Stipo Niccov from Krtole (Cartolli in Italian), from the city of Kotor acted as the main guarantors for Nicolo, son of Vlatcco Gianccov who was sentenced to eighteen months of galley slavery. They were guarantors for his debt of 500 ducats and guaranteed that he would not escape (DACG, IAK, SN LXXI, 473).

A significant number of provisions in the Book of Statutes were dedicated to the who acted as both judicial and political heads of the commune. In this context, considerable attention was given to ensuring their objectivity, as the judges lacked formal legal training and education (Ćirković & Milošević, 2009a, 63). Their authority was based on their exceptional personal reputation and their mandatory status as members of the nobility.[5] According to the provision from 1347, no one was allowed to seek justice while serving as a judge. During the Venetian period, it was also prohibited for a judge to adjudicate cases involving

4 *Cavalletto* in Italian, a torture device signifying either the rack or perhaps the wooden horse.

5 For more on this, cf. Sindik (1950) and Marinović (1957).

family members or individuals with whom they had financial obligations. The judges were elected for terms ranging from six months to a year and always rendered their judgments in the presence of a notary. On the other hand, judges were protected by law, and a severe punishment was imposed on anyone who offended a judge or councilor, regardless of whether they were in office at the time or not (Ćirković & Milošević, 2009a, 63).

In the context of analyzing the provisions of criminal proceedings from that time, it is important to note that, according to ancient custom, the extraordinary proveditor had the prerogative to suspend further criminal proceedings by issuing an act (decision) on the Day of St. Tryphon, the patron saint of Kotor. Evidence of criminal proceedings has been found in relation to the complaint of Captain Simon Podgorizza, including criminal records and a medical certificate in which surgeon Tullio Smacchia testified that he treated Podgorica for severe wounds inflicted by a cold weapon. On the same day, June 20, 1684, the proveditor issued a decision to initiate criminal proceedings for this crime and to formally hear the injured Captain. During the hearing, the Captain requested that the eye-witness Vuchsan Ceclich, who was present when he was "treacherously" wounded by Vuchsan Vuchsanovich and Antonio Marcoevich, also be heard. After considering the request, the proveditor ordered that the proposal be added to the case file and that the witness be heard, approving also the proposal to supplement the evidence by hearing additional witnesses. The proveditor issued a decision ordering that they be summoned by public notice, with the obligation to present themselves within eight days. They were to appear at the court to give their testimony and answer for the criminal offenses of wounding a man and causing bodily injury. Shortly after, the extraordinary proveditor of Kotor, based on his prerogatives and at the request of the Admiral and the entire Navy, decided to suspend further proceedings in this criminal case (DACG, IAK, UPM IV, 92). There was also a case in which the proveditor Pietro Duodo ordered the suspension of criminal proceedings against J. M. This decision was made by accepting the request submitted by the Kotor Navy and its Admiral on the Day of St. Tryphon (DACG, IAK, UPM IX, 851–852). There are also records of another instance where the proveditor determined that further prosecution of the criminal proceedings against Nicolo Davidovich and Marco Coiovich should be suspended. This decision was made on the Day of St. Tryphon, at the request of the Navy and its Admiral, in accordance with the ancient custom granting the extraordinary proveditor the prerogative to pardon criminals on this day (DACG, IAK, UPM IX, 885v).

In scholarly literature regarding the strictness of criminal proceedings and punishment by the Venetian authorities, it is noted that the remedy was brought by the institution that "ordered a stay in judicial proceedings" during the celebrations in honor of the city's patron, Saint Tryphon. Each year, on February 3, the Venetian government allowed, at the request of the Grand Council of Kotor or the Navy, full pardons and permitted the return of two exiles or bandits. However, it is also noted that the Venetian authorities were cautious regarding criminal offenses of a political nature, especially in cases where the return of an exile who had committed such an offense could provoke new unrest in Kotor (Milošević, 1948, 304). The Venetian government in Kotor and Albania Veneta was concerned with striking a balance between guaranteeing justice to its subjects and satisfying divergent local interests, while maintaining discipline over its armed forces.

CONCLUSION

This article addresses the early modern public law of Kotor, more specifically its penal law, for which historians and legal scholars so far tended to focus on private law (Bogojević-Gluščević, 2006, 101). Given that the application of criminal law in practice during the analyzed period has not been studied until now, this article, firstly, offers insights into the criminal law norms and institutions, and their application in early modern Kotor. Secondly, the article highlights an important feature of Kotor's legal system, namely that with respect to criminal offenses against life and limb—primarily homicide—despite strict statutory provisions regulating this matter, the influence of customary law long remained very strong. Consequently, judgments in cases of homicide were often issued by Courts of Good Men consisting of twenty-four arbitrators (or fewer, depending on the gravity of the offense), appointed by the conflicting parties, to make peace (*pacificatio*) between them and determine the amount of blood money. Parallel to the perseverance of local norms and institutions, the Venetian archives of Kotor allow us to follow the direct application of Venetian penal law by the Republic's extraordinary proveditor. Kotor's case thus fits the wider pattern observed in Venetian possessions in Terraferma, where the state was able to gradually impose its penal system and procedures while nevertheless preserving local legal frameworks and coopting legal mediation. It is beyond the scope of this article to determine whether the centralizing or the centrifugal forces prevailed in the early modern Kotor and its surroundings, but it is clear that the state, the municipal, and the customary law lived in a delicate symbiosis. This article has drawn only a tiny fraction of the inexhaustible wealth of the old Venetian archive in Kotor as a means of inviting deeper and more comprehensive research.

In conclusion, the examination reveals that there exists considerable archival material on the application of criminal law and punishment in Kotor for the analyzed period. These findings, alongside others which outside of the scope of this article, point to the fruitfulness legal historical research in the archives of Kotor.

KAZNIVA DEJANJA ZOPER ŽIVLJENJE, TELO IN PREMOŽENJE V KOTORJU (15.–17. STOLETJE)

Jelena ĐURIŠIĆ
Univerza Donja Gorica, Pravna fakulteta, 81 000 Podgorica, Črna gora
e-mail: jelena.djurisic2@udg.edu.me

POVZETEK

Članek proučuje zgodnjenovoveško javno pravo Kotorja, natančneje njegovega kazenskega prava, medtem ko sta se zgodovinska in pravna znanost doslej osredotočali predvsem na zasebno pravo. Glede na to, da vprašanje uporabe kazenskega prava v praksi v analiziranem obdobju do sedaj ni bilo raziskano, članek najprej ponudi vpogled v norme in institucije kazenskega prava ter njihovo uporabo v praksi v zgodnjenovoveškem Kotorju. Drugič, članek izpostavlja pomembno značilnost kotorske pravne ureditve, in sicer da je kljub strogim zakonskim določbam običajno pravo ohranilo zelo močan vpliv pri sankcioniranju kaznivih dejanj zoper življenje in telo, predvsem uboja. Posledično so sodbe za uboj pogosto še vedno izdajala sodišča dobrih mož, sestavljena iz 24 arbitrov (ali manj, odvisno od teže kaznivega dejanja), ki so jih imenovale sprte strani, da bi med njimi dosegle pomiritev (pacificatio) in določile krvnino. Vzporedno z vztrajanjem lokalnih norm in institucij nam beneški arhivi v Kotorju omogočajo spremljati, kako je izredni providur Republike v analiziranem obdobju neposredno uporabljal beneško kazensko pravo. Primer Kotorja se tako ujema s širšim vzorcem, ki ga je opaziti na beneških posestvih v Terrafermi, kjer je država lahko postopoma uveljavljala svoj kazenski sistem in postopke, hkrati pa ohranjala lokalne pravne okvire in kooptirala pravno mediacijo. V okviru tega članka ni mogoče ugotoviti, ali so v zgodnjem novem veku v Kotorju in njegovi okolici prevladovale centralizacijske ali centrifugalne sile, vendar je jasno, da so državno, komunsko in običajno pravo živeli v občutljivi simbiozi. Ta članek predstavi le majhen delček bogastva starega beneškega arhiva v Kotorju, da bi spodbudil globljo in celovitejšo raziskavo tega izjemno pomembnega gradiva o uporabi kazenskega prava in kaznovanja v Kotorju v analiziranem obdobju in doslej ni bilo predmet raziskav. Raziskava je odkrila dragocene podatke o izreku kazni galjotstva, ki v kotorskih statutih ni bila predvidena vrsta sankcije.

Ključne besede: Kotor, 15. stoletje, 16. stoletje, 17. stoletje statut, kazniva dejanja, kaznovanje

SOURCES AND BIBLIOGRAPHY

Antović, Jelena (ed.) (2009): STATVTA CIVITATIS CATHARI – STATUT GRADA KOTORA: Knjiga I, fototipsko izdanje originala iz 1616. godine; Knjiga II, prevod originala iz 1616. godine sa naučnim aparatom. Kotor, Državni arhiv Crne Gore.

Arbel, Benjamin (2013): Venice's Maritime Empire in the Early Modern Period. In: Dursteller, Eric (ed.): A Companion to Venetian History, 1400–1797. Leiden, Brill, 125–254.

Bogojević-Gluščević, Nevenka (2006): Krivična djela prema odredbama srednjovjekovnog kotorskog Statuta. Boka, 26, 101–113.

Boehm, Christopher (1984): Blood Revenge: The Enactment and Management of Conflict in Montenegro and Other Tribal Societies. Philadelphia, University of Philadelphia Press.

Carroll, Stuart (2023): Enmity and Violence in Early Modern Europe. Cambridge, Cambridge University Press.

Cozzi, Gaetano (1980): La politica del diritto nella Repubblica di Venezia. In: Gaetano, Cozzi (ed.): Stato e società nella Repubblica Veneta (sec. XV–XVIII). Rome, Jouvence, 17–152.

Ćirković, Sima, Bogdanović, Dimitrije, Korać, Vojislav, Maksimović, Jovanka & Pavle Mijović (1970a): Istorija Crne Gore, Knjiga druga, Od kraja XII do kraja XV vijeka, Tom prvi, Crna Gora u doba Nemanjića. Titograd, Redakcija za istoriju Crne Gore.

Ćirković, Sima, Božić, Ivan, Bogdanović, Dimitrije & Vojislav Đurić (1970b): Istorija Crne Gore, Knjiga druga, Od kraja XII do kraja XV vijeka, Tom drugi, Crna Gora u doba oblasnih gospodara. Titograd, Redakcija za istoriju Crne Gore.

Ćirković, Sima & Miloš Milošević (2009a): Sudije i sudstvo, *STATVTA CIVITATIS CATHARI* – Statut Grada Kotora. In: Antović, Jelena (ed.): STATVTA CIVITATIS CATHARI – STATUT GRADA KOTORA. Kotor, Državni arhiv Crne Gore, 63–66.

Ćirković, Sima & Miloš Milošević (2009b): Zločini i kazne – Krivično pravo, STATVTA CIVITATIS CATHARI – Statut Grada Kotora. In: Antović, Jelena (ed.): STATVTA CIVITATIS CATHARI – STATUT GRADA KOTORA. Kotor, Državni arhiv Crne Gore, 73–75.

Čoralić, Lovorka & Nikola Markulin (2018): Kotorski plemić Benedikt Paskvali (1704–1790) – zapovjednik mletačkih prekomorskih pješačkih postrojbi. Acta Histriae, 26, 2, 393–423.

Darovec, Darko (2017): Blood Feud as Gift Exchange: The Ritual of Humiliation in the Customary System of Conflict Resolution. Acta Histriae, 25, 2, 57–96.

Darovec, Darko (2018): Vendetta in Koper 1686. Koper, založba Annales – Zgodovinsko društvo za južno Primorsko.

DACG, IAK, SN – Državni arhiv Crne Gore (DACG), Istorijski arhiv Kotor (IAK), Sudsko – notarski fond (SN).

DACG, IAK, UPM – Državni arhiv Crne Gore (DACG), Istorijski arhiv Kotor (IAK), Upravno – politički spisi vanrednih providura Mletačke Republike (UPM).

Dursteler, Eric R. (2009): Power and Information: The Venetian Postal System in the Mediterranean, 1573–1645. In: Ramada Curto, Diogo, Dursteler, Eric R., Kirschner, Julius & Francesca Trivellato (eds.): From Florence to the Mediterranean: Studies in Honor of Anthony Molho. Florence, Olschki, 601–623.

Ergaver, Angelika (2016): Reconciliation in the Custom of Blood Revenge; Mediation, Arbitration and the Rituals of "New Testament" Between the Feuding Parties in the Montenegrin and the Albanian Customs. Acta Histriae, 24, 1, 101–130.

Ergaver, Angelika (2017): "First my Brother, then a Blood-taker, then my Brother Forever". The Efficiency of the Traditional Peace-making Custom in Early Modern Age Montenegro and the Role of the Venetian Authorities in the Peace-making Process. Acta Histriae, 25, 1, 179–206.

Gelcich, Giuseppe (1880): Memorie storiche sulle Bocche di Cattaro. Zadar, The Press of G. Woditzka.

Gogić, Miljan (2018): Političko i društveno uređenje Kotora u drugoj polovini XII i XIII vijeku (PhD Thesis). Belgrade, Univerzitet u Beogradu, Filosofski fakultet.

Lonza, Nela (2014): On Cutting off Noses and Pulling out Beards: Face as a Medium of Crime and Punishment in Medieval Dubrovnik. In: Ravančić, Gordan (ed.): Our Daily Crime, Collection of studies. Zagreb, Hrvatski institut za povijest, 59–72.

Marinović, Ante (1957): Razvitak vlasti u srednjovjekovnom Kotoru. Zagreb, Historijski zbornik, 10, 1–4.

Marinović, Svetislav & Vukotić, Ratko & Marko Dakić (1998): Crnogorsko sudstvo kroz istoriju. Cetinje, Obod.

Marković, Savo (2012): Review: Antović, J. (ur.) (2009): STATVTA CIVITATIS CATHARI – STATUT GRADA KOTORA: Knjiga I, fototipsko izdanje originala iz 1616. godine; Knjiga II, prevod originala iz 1616. godine sa naučnim aparatom. Kotor, Državni arhiv Crne Gore – Acta Histriae, 20, 3, 535–546.

Milošević, Anton (1948): Kako se vladalo od davnina u Kotorskoj Republici i u kasnija vremena u Kotoru (na osnovu arhivskih podataka i raznih istorijskih izvora) (1). Podgorica, Istorijski zapisi, 5–6, 288–305.

Milošević, Miloš & Sima Ćirković (2009): O Statutu grada Kotora, STATVTA CIVITATIS CATHARI – Statut Grada Kotora. In: Antović, Jelena (ed.): STATVTA CIVITATIS CATHARI – STATUT GRADA KOTORA. Kotor, Državni arhiv Crne Gore, ,11–27.

Milošević, Miloš (1977): Vodič kroz arhivsku građu: sa sumarnim inventariuma muzejskih i crkvenih fondova i zbirki. Kotor, Istorijski Arhiv Kotor.

Milošević, Miloš (2008): Boka Kotorska, Bar i Ulcinj od kraja XV do kraja XVIII vijeka. Podgorica, CID.

Milović, Đorđe (1953): Prilog proučavanju krivičnih sudova dobrih ljudi u Komunitadi topaljskoj (Mletački period). Cetinje, Istorijski institut Crne Gore.

Mijušković, Slavko (1955): Statuta civitati Cathari: Poglavlja o predaji Kotora Veneciji. Kotor, Godišnjak Pomorskog muzeja, III.

Molnár, Antal (2014): A Forgotten Bridgehead Between Rome, Venice, and the Ottoman Empire: Cattaro and the Balkan Missions in the Sixteenth and Seventeenth Centuries. Hungarian Historical Review, 3, 3, 494–528.

Molnár, Antal (2019): Confessionalization on the Frontier: The Balkan Catholics Between Roman Reform and Ottoman Reality. Interadria, Culture dell Adriatico.

O'Conell, Monique (2009): Men of Empire: Power and Negotiation in Venice's Maritime State. Baltimore, The Johns Hopkins University Press.

Povolo, Claudio (1980): Aspetti e problemi dell'amministrazione della giustizia penale nella Repubblica di Venezia. Secolo XVI–XVII. In: Cozzi, Gaetano (ed.): Stato, società e giustizia nella Repubblica Veneta (sec. XV–XVIII), vol. I. Rome, Jouvence.

Povolo, Claudio (2014): Faida e vendetta a tra consuetudini e riti processuali nell'Europa medievale e moderna. Un approccio antropologico-giuridico. In: Ravančić, Gordan (ed.): Our Daily Crime, Collection of Studies. Zagreb, Hrvatski institut za povijest, 9–58.

Povolo, Claudio (2017): La Pietra del Bando. Vendetta e Banditismo in Europa tra Cinque e Seicento. Acta Histriae, 25, 1, 21–56.

Ravančić, Gordan (2014): Rhythm of Crime in a Medieval City – Example of Dubrovnik. In: Ravančić, Gordan (ed.): Our Daily Crimes, Collection of Studies. Zagreb, Hrvatski institut za povijest, 73–101.

Raukar, Tomislav (1980–1981): Komunalna društva u Dalmaciji u XIV stoljeću. Historijski zbornik, XXXIII–XXXIV (1), 139–209.

Santoro, Michele (2024): Reti clientelari e trasmissione di informazioni: le Bocche di Cattaro tra Venezia, Roma e Costantinopoli (sec. XVI–XVII). In: Orlando, Ermanno & Gherardo Ortalli (eds): Dimensioni istituzionali del Commonwealth veneziano. Venice, Istituto Veneto di Scienze, Lettere ed Arti, 397–413.

Sindik, Ilija (1950): Komunalno uređenje Kotora: od druge polovine XII do početka XV stoleća. Belgrade, Naučna knjiga.

Sindik, Ilija (1953): Zbornik izveštaja o istraživanjima Boke Kotorske I. Srpska akademija nauka i umetnosti, 103.

Solovjev, Aleksandar (1933): Dušanov zakonik kod Paštrovića, Belgrade, Arhiv za pravne i društvene nauke, XXIII (2)/XXVII (XLIV).

Solovjev, Aleksandar (1947): Studije iz istorije našeg narodnog prava u XVIII veku. Sarajevo, Glasnik Zemaljskog muzeja u Sarajevu, II (nova serija), 207–240.

Stojanović, Zoran (2023): Razvoj krivičnog prava u Crnoj Gori sa osvrtom na vizantijsku pravnu tradiciju. Podgorica, Glasnik odjeljenja društvenih nauka – CANU, 85–140.

Zamperetti, Sergio (1980): Per una storia delle istituzioni rurali nella terraferma veneta: il contado vicentino nei secoli XVI e XVII. In: Gaetano, Cozzi (ed.): Stato e società nella Repubblica Veneta (sec. XV–XVIII), vol. II. Rome, Jouvence.

Received: 2024-12-05 DOI 10.19233/AH.2025.25

STATE-MAKING IN THE OTTOMAN PERIPHERY: TANZIMAT REFORMS IN THE SANJAK OF BAYEZID IN THE MID-NINETEENTH CENTURY

Erdal ÇİFTÇİ
Mardin Artuklu University, Vocational Higher School, Department of Architecture and Urban Planning, 47060, Istasyon, Artuklu, Mardin, Türkiye
e-mail: erdalciftci@artuklu.edu.tr

Hakan KAYA
Ağrı Ibrahim Çeçen University, Faculty of Letters and Science, Department of History, 04100, Merkez, Ağrı, Türkiye
e-mail: hkaya@agri.edu.tr

ABSTRACT

The Ottoman centralization process, which began in the early nineteenth century, attempted to homogenize various administrative, judicial, and societal aspects of the state and life. In the Empire's eastern peripheral regions, the system of indirect rule, governed by local hereditary dynasties, prevailed but gradually came to an end. The shift towards an imperial-national direct state sphere necessitated the implementation of new regulations and institutions in these outlying regions. This paper explores the application of centralization reforms in the hereditary sanjak of Bayezid, located on the Ottoman eastern frontier adjacent to the Iranian and Russian Empires during the mid-nineteenth century. The state-making efforts did not merely involve the removal of local dynasties; it also entailed the multifaceted imposition of state rules and structures, establishing direct governance across various domains. This study examines how these new regulations were implemented, both successfully and to a limited extent, in Bayezid during the 1850s and 1860s, the initial decades of the reform period in the region. Additionally, the paper challenges the prevailing literature by arguing that not all hereditary dynasties resisted the reforms aimed at establishing a direct state sphere.

Keywords: Ottomans, Kurds, periphery, reforms, administration

LA CREAZIONE DELLO STATO NELLA PERIFERIA OTTOMANA: LE RIFORME DEL TANZIMAT NEL SANGIACCATO DI BAYEZID A METÀ DEL XIX SECOLO

SINTESI

Il processo di centralizzazione ottomano, che cominciò all'inizio del diciannovesimo secolo, cercò di omogeneizzare vari aspetti amministrativi, giuridici e sociali dello stato e della vita. Nelle regioni periferiche orientali dell'impero, il sistema di governo indiretto, retto da dinastie locali ereditarie, prevalse, ma gradualmente si avviò *al tramonto. Il passaggio a una sfera statale diretta imperial-nazionale necessitava dell'aggiunta di nuove regolamentazioni e istituzioni in queste regioni periferiche. Questo contributo esplora l'implementazione di riforme centralizzate nel sangiaccato ereditario di Bayezid, collocato sulla frontiera orientale dell'impero, adiacente agli imperi iraniano e russo, durante la metà del diciannovesimo secolo. Le azioni di consolidamento dello stato non comprendevano solo la rimozione di dinastie locali; comportavano anche l'imposizione multiforme dei regole statali e strutture, stabilendo un governo diretto su vari domini. Lo studio esamina come furono implementate queste nuove normative, con successo seppur in misura limitata, a Bayezid durante gli anni '50 e '60 dell'Ottocento, i primi decenni del periodo di riforme nella regione. Inoltre, l'articolo contesta la letteratura prevalente, sostenendo che non tutte le dinastie ereditarie resistettero alle riforme volte a stabilire un controllo statale diretto.*

Parole chiave: ottomani, curdi, periferia, riforme, amministrazione

INTRODUCTION[1]

The Bayezid Sanjak[2] derives its name from its central city, Bayezid, situated at the confluence of the Ottoman, Iranian, and Russian empires. It is characterized by fertile landscapes, such as Eleşkirt and Diyadin, nourished by the Murat River. The region was home to a heterogeneous population, consisting of both settled communities and powerful nomadic tribes, and is marked by harsh winters and mild summers, offering suitable pastures. The region was ruled by a local Kurdish dynasty under Ottoman control from the late sixteenth to mid-nineteenth century, with its sphere of influence at times extending to northern Lake Van in the south, Hınıs and Tekman in the west, Iranian Maku in the east, and the domains of Kars sanjak in the north. Similar to their earlier resettlement of tribes in the Balkans, the Ottomans promoted the settlement of the Süleymani Kurdish tribal confederation, originating from the Diyarbekir region, in their traditional summer pastures as a strategic measure to defend the region against Safavid incursions. As the most powerful clan among the Süleymanies, the chiefs of Bisyan strengthened their influence, eventually becoming the hereditary rulers of Bayezid sanjak until the mid-nineteenth century (Çiftçi, 2018; Kaya, 2020).[3]

1 We would like to thank Metin Atmaca for his valuable feedback and suggestions, and Tolga Korkusuz for his assistance in creating the map.

2 A sanjak was a main administrative district in the Ottoman Empire, part of a hierarchical system of governance, positioned between an *eyalet*/*vilayet* (province) and a *kaza* (sub-district).

3 The only exception to this was the appointment of Çeçenzade El-Hac Hasan Ağa, the steward of the Erzurum governor, during the extraordinary period of the war years from 1821 to 1823 with Qajar Iran. (BOA, HAT 764/36069,1236/1821).

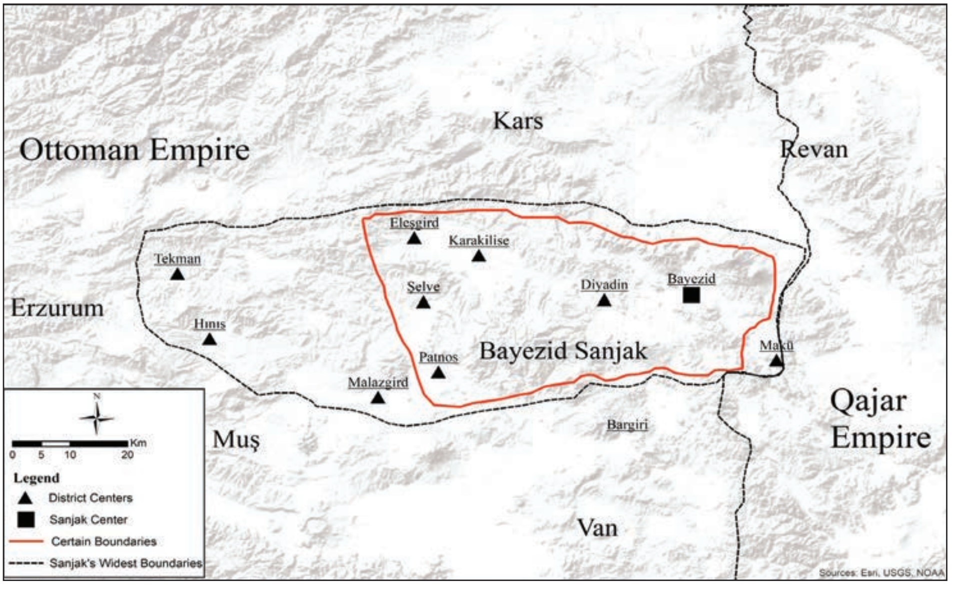

Fig. 1: Boundary of the Bayezid Sanjak in the early nineteenth century.

The Ottomans applied their flexible and negotiable administrative approach, which played a significant role in the establishment of the dynasty, particularly in remote regions, with Bayezid being one of them (Agoston, 2003).[4] Şeref Khan, the hereditary ruler of Bidlis and a chronicler, does not refer to the rulers of Bayezid but to the Süleymani tribal confederation, which, after conflicting with their emirate in Silvan, resettled in Bayezid, making sense since the sanjak of Bayezid was only recently established when Şeref Khan wrote his book in 1596 (Şeref Han, 2016). The Ottoman eastern provinces, particularly those located along the Safavid border, were under indirect rule during the early modern period, characterized by the terms hükümet and *yurtluk/ocaklık* sanjaks, which have been studied less until more recent times (Alanoğlu, 2022; Bayraktar, 2015; Atmaca, 2013; Kaya, 2018; Çiftçi et al., 2022; Özok-Gündoğan, 2022). Bayezid was one of the yurtluk/ocaklık sanjaks where the Ottomans ensured the administration by the local hereditary dynasty, unless no heirs remained. The central government rarely maintained registers and lacked precise knowledge of the revenues of the sanjak, but it held the authority to redistribute some fief revenues to others (BOA, KK. d, Nr. 266, 1633, 88–92; Ayn Ali Efendi, 2023, 51, 88, 140; Sofyalı Ali Çavuş, 1992, 15, 32–34; Çelebi, 2009, 326). Ottoman archives contain limited sources from the early modern period, suggesting that the local dynasty managed the administrative, judicial, and fiscal structure under the

4 For an example from Ottoman Albania showing how Ottoman rule enhanced the privileged status of Albanian tribes in the early modern period, cf. Kola (2017).

oversight of the centrally appointed provincial governors in Erzurum. Most sources focus on taxes paid to the imperial treasury, security concerns with neighboring empires and nomadic tribes, and intra-dynastic conflicts. Beyond that, the Ottomans did not closely monitor the internal administrative, fiscal, and judicial structures of the sanjak, nor did they attempt to penetrate it, as sources provide no details on these sanjak's inner matters.

This study examines how the system of this indirect rule ended around the mid-nineteenth century in Bayezid and how the Ottomans, through the Tanzimat (reform, reorganization) policies, transitioned the sanjak into direct rule as part of their modern imperial state-making process (Barakat, 2023, 2–10).[5] The term "state-making" is broad in scope, as it encompasses the standardization of state rule throughout the empire, including the Bayezid sanjak, which has not been studied specifically. This article will focus on these aspects of the imperial state-making process in relation to the Bayezid sanjak, located in the Ottoman eastern periphery, including the benefiting from and eventual elimination of local dynasties, the homogenization of administrative rule, infrastructural reconstruction, control of wandering groups, the introduction of new taxes, customs, and quarantines, as well as the border-making process and its patrols (Ateş, 2013, 34). This paper will discuss how these processes were applied and their success or limits in the context of one Kurdish hereditary dynasty, in Bayezid, during its early stages, and how they became effective after three centuries of indirect rule.

This study aims to contribute to the literature by providing an additional example to further elaborate on the ongoing discussion regarding how reform reached to the edges of the Ottoman Empire as well. The implementation of the Tanzimat in these hereditary sanjaks has mostly been discussed by focusing on the uprisings of the locally powerful Kurdish dynasties (Çadırcı, 1997; Gencer, 2010). It was suggested that these groups fiercely protected their fragile autonomy, a statement that is accurate for some powerful *hükümet* sanjaks of Cizre, Müküs, Baban and Hakkari (Eppel, 2008). However, this study focuses on a different example: the last ruler of Bayezid, who did not oppose the reforms and instead embraced a gradual implementation of centralization. Rather, the central government supported him for his earlier Tanzimat practices, a period we refer to as the transitional phase, which continued until his forced abdication in 1849. In addition, this was not unique to Bayezid's case; many Kurdish hereditary rulers played a similar role, serving as hereditary yet centrally appointed leaders, symbolizing both the old order and the new reformist rule during the late 1840s.

The first section will analyze this period, along with the developments during the first half of the nineteenth century that led to the sanjak's decline into poverty. Secondly, it will examine how the multi-faceted process of state-making unfolded in the domain of this peripheral sanjak during the first two decades following the elimination of hereditary rule, which was itself a part of the homogenizing the administration process. This study will also explore the extent to which the sanjak's multiple spheres, its sub-districts and tribal areas, confronted the reforms. This discussion will show

5 For a discussion on the "modern imperial-state making process" in southern Syria, western Jordan, and eastern Palestine, cf. Barakat (2023).

Table 1: Some of the last hereditary Kurdish rulers in the Ottoman East with centralized titles before their exile.

Place	**Last Ruler**	**Title**	**Time**	**Exiled to**	**Sources**
Bayezid	Behlül Paşa	Kaymakam	1845–49	Erzurum	See this article
Baban	Abdullah Paşa	Kaymakam	1847–51	Istanbul	(Atmaca, 2013,176)
Palu	Abdullah Bey	Müdür	1845–50	Tekirdağ	(Alanoğlu, 2017, 334, 339)
Bohtan	Izzeddin Şir Bey	Mütesellim	1847–48, 1849–50	Istanbul, Mosul	(Atmaca, 2022, 360; Öğün, 2010, 54–60; Kardam, 2011, 363)
Hakkari	Nurullah Bey	Müdür	1847–49	Crete	(BOA, C.DH. 51/2540, 1263/1847)
Muş	Şerif Bey	Kaymakam, Müdür	1845–48	Diyarbekir, Damascus	(Duman Koç, 2018, 136, 153, 156)

that the Tanzimat's approach in the Bayezid sanjak was both negotiable and coercive at times. Rather than being solely top-down, these reform practices were sometimes requested by the local rulers or by council members similar to some other Ottoman provinces (Köksal, 2015, 107–108). It will be argued that the state-making process was not a sharp beginning or end but a prolonged period of gradual implementation, shaped by the local responses, sometimes blending the old with the new, lasting until the empire's end; thus, this study focuses on the earlier stages of the process.

A PERIOD OF TRANSITION IN THE BAYEZID SANJAK: THE LAST HEREDITARY RULER OF THE "DYNASTY OF ENFORCEMENT AND CONTROL" AND REFORM

By focusing on specific hereditary sanjaks in the Ottoman East, it highlights the tension between a modernizing central government and local hereditary rulers who resisted reforms, leading to conflict and rebellion. However, this interpretation tends to overgeneralize the situation, as the first requirement for implementing the reforms in the environment was to reach a consensus at local level as well (Findley, 2014, 210). Many hereditary rulers negotiated the implementation of Tanzimat reforms, though some resisted and some not, within their sanjaks during this transitional period in second quarter of the nineteenth century, with the application of new regulations often shaped by local responses (Duman Koç, 2018, 97–110, 136–150; 2021; Çiftçi, 2022a; Özok-Gündoğan, 2022, 20, 132–156; Alanoğlu, 2017, 342). Rather than a well-defined policy, the Tanzimat was applied on an ad-hoc, case-by-case basis. While most reactionaries were exiled, some were not, and those deemed compatible with the reforms took on roles in implementing them through a mix of old and new practices. Some Kurdish dynasts continued to serve under centralized Ottoman rule, both in their own regions or in other Ottoman sanjaks, such as the members of the Bohtan and Baban Emirates, which resisted the reforms at the beginning (Atmaca, 2013, 176). Bayezid was one such sanjak, where its last hereditary ruler, Muhammed Behlül Paşa, held power. During his tenure the new regulations began to be implemented, spanned from the 1830s to 1849, and his status underwent a transformation as the region transitioned toward the direct rule. However, this transformation was flexible and gradual, with the last ruler being incorporated into the direct rule of the imperial state-making process. This section will examine how Bayezid responded to the reforms, with a focus on the last hereditary ruler and the socio-political conditions of the sanjak in the first half of the nineteenth century, prior to the implementation of the Tanzimat.

Muhammed Behlül Paşa was described as a member of a dynasty characterized by its "enforcement of authority and control" (*zabta ve rabta muktedir hanedan*) over the population, notables, and tribes of the region (BOA, İ. MVL 34/609, 1257/1841). Since his ancestors was in rule in Bayezid since the sixteenth century, this gave power and legitimacy to him controlling the masses. His temporal loyalty and compatible nature stemmed from his sanjak's relative vulnerability to military incursions, in contrast to other powerful hereditary rulers in the Ottoman East. Thus, despite occasional dismissals from his post and periods of captivity as a prisoner of war, he maintained authority over Bayezid over three decades, spanned from 1814 to 1849.

Muhammed Behlül was most likely born in one of the sub-districts of Bayezid, as his father, Mahmud Paşa, was appointed to the administrative posts of Hınıs or Tekman in the early nineteenth century by Behlül's grandfather, İshak Paşa, who was one of the most prominent and influential figures of the dynasty, constructed one of the finest palaces in Ottoman territories, a symbol and spatialization of the accumulated power and prestige inherited from his ancestors (BOA, C.DH. 187/9309, s.d.). Wagner describes the monumental palace after his visit to Bayezid:

> *The deserted palace of Bajasid is one of the handsomest in the Turkish empire, and surpassing in solidity the Seraglio of Stamboul. Even in its present ruinous condition, it offers quite a royal appearance, with its cupolas, columns, and walls of red marble.* (Wagner, 1856, 63)

His father, Mahmud, was the last powerful figure of the dynasty; however, his son, Muhammed Behlül, lacked comparable influence and ultimately became a salaried official within the Ottoman bureaucracy and lately dismissed from power

Fig. 2: The palace of the hereditary dynasty of Bayezid, completed in the late eighteenth century, has been restored at its current site (photo by: Erdal Çiftçi, 2014).

in 1849 (BOA, MVL 32/30, 1265/1849; İ.MVL 160/4616, 1265/1849; Brant & Glascott, 1840, 422). Behlül's rule was extraordinary, as he fought in three wars—the 1821–1823 Ottoman-Iranian, the 1828–1829 Ottoman-Russian, and the 1853–1855 Ottoman-Russian—during which he was captured and exiled to Tehran and Tbilisi, only to be reinstated after each captivity (Averyanov, 2010, 109). In 1849, Behlül was compelled to undergo forced settlement in Erzurum with his entire family, as the Tanzimat reforms gradually led to the dismissal of most hereditary rulers.

Behlül's uncle, who ruled Bayezid from 1806 to 1814, was replaced due to fabricated accusations of mental illness from Erzurum, with Behlül assuming his position after a compulsory payment of 300 purse piasters to the provincial treasury (BOA, HAT 1364/53898, s.d.; HAT 481/23548, 1229/1814). Although no conflicts occurred during the transfer of office in Bayezid, Behlül's uncle allied with the Iranians and launched several attacks on the city, which were suppressed before he surrendered to Erzurum, where he died under suspicious circumstances (BOA, HAT 796/36910, s.d.; HAT 1314/51224, s.d.). Behlül's rise to power, facilitated by the amount he offered and approved by the governor of Erzurum, followed a common practice during this period, where dynastic members who made the highest bid and maintained strong relationships were granted power in Bayezid. Up until 1820, limited data suggests that Behlül maintained his hereditary status, with no intervention from the central government, indicating that hereditary rights were upheld at the local level.

The year 1820 marked a significant turning point for the Bayezid Sanjak, as it never regained its previous prosperity. Intra-dynastic conflicts persisted, compounded by the Iranian wars of 1821–23 and the Russian wars of 1828–29, during which the population of the city and surrounding villages dwindled, and its monumental infrastructure, including the palace and castle, were destroyed. This time a member of the dynasty, ruler of Eleşkirt, Abdulhamid Paşa, was supported by the governor of Erzurum in 1820 and a high amount of payment paid the local bureaucracy 500,000 piasters receiving debt from tribal chiefs and Iranian Khan of Revan (BOA, KK.d. 4832, 1239/1824).[6] Same fabricated causes were instrumentalized by governor of Erzurum, Hüsrev Paşa, to take Behlül from power that the latter had secret relations with the Iranians and Iranian tribes (BOA, HAT 826/37443, 1233/1818). The situation escalated disorder in the sanjak, particularly with the governor of Erzurum receiving payment from Abdulhamid Paşa to appoint him to Bayezid, which led the Iranians to begin raiding Ottoman lands in 1820. (BOA, HAT 825/ 37413, 1235/1820; HAT 783/36618, 1239/1824; İnalcık, 1999, 42). Both sides engaged in conflict through their tribal allies, such as the Zilan and Sepki tribes, to whom each dynastic member was connected by marital ties, with each side accusing the other of killings, pillaging, and kidnappings (BOA, HAT 1/18,1235/1820; Koç, 2020, 64, 84). In addition, the local clergy supported their respective factions, with the clergy of Bayezid backing Behlül and accusing his rival, while the clergy of Eleşkirt supported Abdulfettah Paşa and denounced Behlül. However, after attempting to buy some time, Behlül Paşa peacefully vacated his post and eventually settled in Erzurum (BOA, HAT 1/18, s.d.; HAT 826/37436, 1236/1821; HAT 764/36069, 1236/1821).

Between 1821 and 1824, Bayezid was under Qajar occupation. Although the governor of Erzurum removed Behlül from power, he was sent with a small force hopefully to organize resistance against the Iranians but switched sides, complying with the Qajars and being taken to Tehran as a war captive for about a year (BOA, HAT 795/36863, 1238/1822). In 1824, the Ottomans reinstated him as ruler of Bayezid again. However, during the Russo-Turkish War of 1828–29, Behlül was captured by the Russians and taken as a war captive, while the Russian forces destroyed the city’s infrastructure, caused a plague, and deported Armenian craftsmen and villagers upon retreat. These wars, along with escalating tribal banditry, severely damaged the city’s economy and stability.[7] In 1834, after a raid on an Iranian caravan traveling along the Silk Road trade route that passed through Bayezid by the Celali tribe, which

6 Repairing three castles in Bayezid after the Iranian war of 1821–23 cost 130,000 piasters, which shows that a payment of 500,000 piasters is quite high (BOA, HAT 904/39702, 1240/1825).

7 “Since the Bayezid sanjak is also ruined and devastated, it is of no benefit to me […] the Bayezid sanjak is completely destroyed” (BOA, HAT 782/36598, 1239/1823).

nearly sparked an Ottoman-Iranian war, Behlül lost his independence, and Bayezid came under the control of the governors of Erzurum (Brant & Glascott, 1840, 422). Although Behlül remained as the ruler of Bayezid, he was now responsible for transferring 80,000 piasters annually to Erzurum as a tax collector, a role he himself offered his resignation in 1842 (BOA, İ.DH 59/2938, 1258/1842). It was the first step of Tanzimat's influence that hereditary rule in Bayezid was intervened and their hereditary status was decreased to a tax collector in practice.

The application of Tanzimat in Bayezid was a long process of gradual application. Sometimes returning to the traditional hereditary rule was possible, therefore, the 1830s and 1840s should be addressed as a transitional period both indirect and direct rules were switched or co-existed. What we can see on the case of Bayezid that Behlül was a quite negotiable member of the dynasty, open to the new rules. Although he wanted to preserve his hereditary rights, he did not resist, as the central government depended on his cooperation, particularly in maintaining order and enforcing the new tax rates, as well as in the formation of the sanjak's council. Therefore, it still needed a dynasty of enforcement and order (*zabta ve rabta muktedir hanedan*) to implement direct state sphere in practice, therefore, when Behlül offered his resignation in 1842, it was not accepted, his hereditary rights were restored between 1842–45. The governor of Erzurum, therefore, rejected taking Behlül Paşa from his post explained the cause:

> *The method of governance in that region is based on those whom they regard as their associates and of the same kind, whom they consider part of the ancient dynasty (hanedân-ı kadim), according to the clear indication of rank and necessity. Since the procedures of his change and alteration are not easily understood among the tribes and clans, it would inevitably lead to a disruption of the administrative order.* (BOA, İ.MVL 34/609, 1257/1841)

These references show that the prestige and power of hereditary rulers, particularly over the tribes of the region, necessitated the empire to retain the last hereditary ruler during this transitional period.

In 1838, during the British consul to Erzurum Brant's visit to Bayezid, a battalion was already long before established in the city, likely in 1835, as an extension of Tanzimat reforms (Brant & Glascott, 1840, 421). However, the battalion commander was under Behlül's orders, had no power and faced numerous obstacles, according to his own account. Brant likely referred to the Third Battalion of the Anatolian Army's Sixteenth Regiment, as their monthly pay was problematic, and they were permanently stationed in the sanjak's center (Çakaloğlu, 2001, 51). Texier also mentions that the Ottomans stationed an imperial battalion in Bayezid's center to suppress any possible uprisings. However, he notes that the Kurds were not intimidated by them, rendering the soldiers largely ineffective (Texier, 1842, 130–132). While details are scarce, by 1842, at least 600 imperial soldiers were stationed in Bayezid, receiving a monthly payment of 16,000 to 18,000 piasters (BOA, C.AS. 423/17531,1257/1842;

ML.MSF.d. 3032, 1257/1842; ML.MSF.d. 3153, 1257/1842; ML.MSF.d. 2882, 1257/1842). This was a new development in the transitional period, as the sanjak had previously lacked permanent imperial army presence; instead, hereditary rulers relied on allied tribal cavalry for their security. Therefore, it can be asserted that security issues were the first area where Tanzimat practices were implemented in Bayezid during the transitional state-making process in the sanjak.

By 1845, when the new administrative rule was set to be implemented in Bayezid, the region had already been under war-torn, dire, unstable, and economically devastated conditions similar to some Ottoman provinces (Anderson, 1984, 325). Several travelers have described this situation in their accounts; in 1838, when Brant visited the city, he describes that:

> *It is now in a most dilapidated and ruined state, the bazars are wretched and ill supplied, and the place does not wear the appearance of commercial activity. The people appear an uncouth and ill-disposed race, and have contracted the rude manners of the Kurd tribes by which they are surrounded, and with which they are in constant contact.* (Brant & Glascott, 1840, 418–419, 428)

According to Brant, the sub-districts of Bayezid—Eleşkirt and Diyadin—were similarly affected, being under the rule of Behlül's brother and son, and shared the same dire conditions. Carl Ritter similarly depicted the conditions in the center of Bayezid in 1843, noting abandoned houses, a deserted market, dirty streets, and a diminished population of around 200 Armenian Christians and 300–400 Kurdish Muslims, caused by wars, banditry, and plague. Despite its nominal dependency on Erzurum, Ritter observed that Behlül still maintained a form of independence in practice since as Ottomans also described "being in a state of dispersion, it was unable to govern the officials, viziers, and military commanders sent from outside (of sanjak)" yet (BOA, HAT 783/36618, s.d.; Ritter, 1843, 338–348). Therefore, the Ottomans addressed Behlül as "the dynasty of enforcement and control" and continued to reappoint him to the post (BOA, İ.MVL 34/609, 1257/1842).

The earthquake in Mount Ararat in 1840 further worsened the conditions in Bayezid, causing numerous fatalities and damaging most of the houses and the palace (Karakhanian et al., 2004, 207–212). According to Wagner, who visited Bayezid in 1847, Behlül Paşa had to leave his magnificent palace and settle in a regular house. He provides important information that the Tanzimat reforms were beginning to be implemented in Bayezid with the establishment of a council:

> *He* [Behlül] *was seated on his divan, surrounded by Turks and Koordish chiefs. The whole audience- chamber was filled with armed men, including some moustachioed Koords of really terrible aspect, who might have stood models for Salvator Rosa. Behlül Pacha was an insignificant thin man of fifty, lacking Turkish grandeur and Oriental tact, even observable in Koords.* (Wagner, 1856, 61)

In 1845, as part of the Tanzimat reforms' centralization efforts, local councils were established in several hereditary sanjaks in the Ottoman East as well, including Bayezid and its provincial center, Erzurum.

Bayezid's provincial center, Erzurum, was incorporated into Tanzimat reforms in 1845, with the appointment of a marshal and a treasurer (*defterdar*), the establishment of a provincial council, and the implementation of income registrars (*temettu*) (BOA, İ.MVL 64/1224, 1261/1845; A.DVN. 12/5, 1261/1845; İ.DH. 97/4852, 1261/1845). The Governor of Erzurum was instructed to oversee the control of tribes, the security of the borders, passport controls, and demographic registers. In neighboring and other provincial centers, such as Erzurum, Van, and Trabzon, there was significant resistance to the new Tanzimat regulations, particularly due to the government's policy of confiscating land grants revenues of *sipahi*s on behalf of landowners (Çiftçi, 2022a; Pinson, 1975, 104, 116–117).[8] However, no collective resistance was encountered in Bayezid, likely due to the hereditary ruler's strong control over the population (BOA, C.DH. 299/14948, 1261/1845). Same year an Ottoman document summarizes the transition period to the Tanzimat rule in Bayezid "the Bayezid sanjak was annulled as a *yurtluk ocaklık*, and in return, it was enacted with the request and consent of its administrator (Behlül Paşa), with a salary being provided" (BOA, BEOAYN.d. 392, 1261/1845, 145). Behlül, rather than resisting the formation of the council, on the contrary accepted his role as a salaried official, responsible for collecting and transferring taxes to the central treasury. Behlül no longer retained his previous legitimate rights to control the sanjak's administration and receive its revenues; instead, he became a salaried official, receiving a monthly 6,000 piasters (BOA, ML.MSF.d 6628, 1261/1845; Çadırcı, 1997, 614). In contrast to other hereditary rulers, such as Emin Paşa of Muş and those in Cizre, Hakkari, and Mahmudi, Behlül did not resist the process similar to rulers of Palu, Eğin, Çermik (Alanoğlu, 2017, 342).[9] Though he did not go to this assignment, he was even appointed as *kaymakam* of Van to suppress the revolt against the Tanzimat reforms (BOA, İ.MSM. 49/1231, 1261/1845). As part of this new homogenizing administrative-judiciary restructuring, the sanjak of Bayezid was headed by him, who served as *kaymakam*, along with a judge (*naib*), a mufti, a treasurer, a chief scribe (*mal ve tahrirat kâtibi*), seven elected Muslim members, and one or two representatives of the Armenian community (*kocabaş*).[10] In fact, a local traditional council already existed in

8 "The *sipahis* and the holders of fief of Van will be easily converted into cavalry soldiers of the organized forces, and they will be tasked with performing their duties and training according to their fiefs" (*Van'ın sipahi ve erbab-ı tımarı berice suhuletle süvariy-i asâkir-i mansureye tebdil olunub tımarına göre edây-ı hizmet ve talime mübâşeret ettirileceği*) (BOA, HAT 718/34245).

9 Although some hereditary rulers resisted the reform, other family members of these hereditary rulers continued to stay in power as mediator for some more years as well.

10 The concept of the council was very similar to how the Tanzimat reforms were intended to be implemented (cf. Akiba, 2009, 190; BOA, ML.MSF.d 6628, 1846).

Bayezid, as Pierre Amédée Jaubert, who jailed in the palace in 1804, noted that Behlül's father, Mahmud, was surrounded in his court by clergy and tribal leaders, who engaged in discussions and decision-making on matters concerning the sanjak (Jaubert, 1821, 32). Therefore, while the council itself was not a new phenomenon, the difference this time was the appointment of some officials from outside the province, and the council's role now represented direct control and governance by the central government, albeit with the Tanzimat reforms applied only to a limited extent. Armenian representatives in the local council were also not a new phenomenon in the sanjak, as the treasurers of sanjak rulers were often Armenians who likely participated in the divan during the period of hereditary sanjak administration. The two sub-districts (*kaza*) of the sanjak, Eleşkirt and Diyadin, continued to be administered by *müdür*s, Behlül's son and brother, each receiving a monthly payment of 1,000 piasters as well. A doctor was paid 1,000 piasters, while twenty police (*zabtiye*) officers received 20 piasters each in the sanjak center. Other salaried officials included the treasurer, chief scribe, accountant, and treasurers for sub-districts (*sandık emini*) (BOA, ML.MSF.d 6628, 1262/1846). While the treasurer and scribes were appointed from outside the sanjak, the elected Muslim members were mostly from the local clergy or notables, as indicated by their seals, which lacked names.

During the period of 1845–49, the annual total tax assigned to Bayezid ranged from 140,000 to 180,000 piasters, which Behlül and the new local council were responsible for transferring to the provincial center—double the amount Behlül had to pay between 1835 and 1842 (BOA, ML.MSF.d 6628, 1262/1846; C.ML. 579/23765, 1268/1851). However, later sources suggest that these amounts were often not properly collected, and their records were sometimes not submitted. As a salaried hereditary official with exclusive rights to collect the tithe, Behlül faced no competition in bidding, and in 1847, the imperial center was informed that much of the revenue was spent on the sanjak's expenditures in response to taxation requests.[11] Population and income registers were not conducted in Bayezid as in some other provincial centers, even after the post-Behlül era. This was due to the predominance of nomadic tribes and the region's strategic position, known as a "sensitive" (*nazik*) region, prompting the Ottoman government to avoid provoking the local population. In addition, in 1848, a locust invasion struck the city of Bayezid, further decline its demographics and revenues (BOA, MVL 28/2, 1264/1848; A.MKT 142/8, 1264/1848). Consequently, security concerns took priority over the new order's financial issues in the sanjak, and the matter was negotiated on the issue. However, the revenue collected was transferred to the provincial center after 1845, and the hereditary rule officially lost its financial control over the sanjak's income. This was a key development in making a direct state-sphere in the region during the transitional period.

11 Behlül received the auction for tithe collection in 1848 for around 105,000 piasters, which was a substantial raise from 80,000 in the previous years (BOA, A.MKT. 115/85, 1264/1848; İ.DH. 175/9407, 1264/1848).

By benefiting from the discourse and rationale of Tanzimat, some council members of Bayezid secretly complained Behlül Paşa and his son to the provincial center, accusing them of acting against the rules of Tanzimat in late 1848. According to their accusations, Behlül exchanged posts with his son—formerly the ruler of a sub-district of Bayezid—who, without official approval, assumed control of the sanjak center. They arbitrarily appointed unqualified favorites to the council and dismissed anyone questioning their decisions. Tribes were over-taxed for their wintering and fodder taxes and some tribes even escaped to Iranian lands. The accusations also included claims that over-taxed villagers were subjected to forced labor, and that bribery was widespread within the sanjak administration. When Armenian villagers from Arzab (Sağlıksuyu) mentioned the exemption from taxation granted by the Sultan due to the locusts, Behlül's son responded, "I will do it, let your sultan ask me" and they were beaten by the Paşa's Armenian treasurer (*sarraf*), Bedros, and sent back to their villages. The judge (*kadı*) of the city was also accused of bribery and corruption, acting against not only Tanzimat reforms but also Sharia law (BOA, MVL 30/30, 1265/1849; MVL 227/30, 1265/1949; İ.MVL 148/4199, 1265/1849; A.MKT. 197/57, 1265/1849; A.MKT.MVL 13/45, 1265/1849). The governor of Erzurum emphasized the necessity of removing them from office, as old habits die hard: "Since they will not abandon their ancient customs; and, whenever they find the opportunity, they will begin committing various injustices and acts of oppression against the people and tribes" (BOA, MVL 227/30, 1265/1849). Although Behlül denied the accusations of over-taxation, his son acknowledged the drudgery, and bribery was regarded as a customary practice for receiving presents, while some tribal chiefs were accused of having corrupt habits during their escape to Iran. Although the accusations were made in late 1848, the investigation continued for nearly a year. Upon confirmation by the Governor of Erzurum and the Marshal of Anatolia, Behlül was removed from his post, and his entire family, along with his men, were peacefully relocated to the provincial center in Erzurum. Although the accusations were dismissed, Behlül and his entire close family were not allowed to return to Bayezid. During his time in Erzurum, he became involved in political affairs and even participated in the Crimean War (1853–55), during which he was captured for the third time. He resided in Erzurum for the remainder of his life, until his death, receiving a monthly stipend of 3,000 piasters in recognition of his older hereditary rights over the sanjak revenues, which had been appropriated to the imperial treasury (BOA, A.MKT. 197/57, 1265/1849; A.MKT. MVL 13/45, 1265/1849; MVL 32/30, 1265/1849; MVL 229/36, 1265/1849; İ.MVL 160/4616, 1266/1850).

The year 1849, marking the exile of the last hereditary ruler despite his salaried position, represents a significant shift in the long-term process of making direct state formation in the Bayezid sanjak; however, the transitional period already introduced new administrative, financial and security regulations to the region. Although the new rules initially needed the hereditary ruler, their implementation was hindered by the persistence of old habits, ingrained over three centuries of administrative rule. The following section will show that the process of making an imperial direct state sphere in Ottoman Bayezid was a lengthy one, continuing after 1849 with many obstacles; however, during the first two decades in 1850s and 1860s, this process was overseen by centrally appointed sanjak rulers and council members.

MAKING DIRECT STATE-SPHERE IN THE PERIPHERY: THE SANJAK OF BAYEZID IN THE 1850S AND 1860S

Direct administration without any intermediaries commenced in Ottoman Bayezid after 1849, and from that year onwards, no intermediary role was attributed to the Bayezid's hereditary dynasty. Although this marked a significant administrative shift in Bayezid, the transitional period appears to have prevented the emergence of a power vacuum within the administration of the sanjak.[12] The Ottoman archives contain numerous documents from 1849 onward, indicative of the commencement of direct rule in the sanjak. Prior to this date, the scarcity of documents points to the period when the local hereditary rule dominated the sanjak. This evidence illustrates that Bayezid further came under the direct control of Ottoman rule, without dynastic intermediaries. This section examines how the early two decades of direct rule were practiced and pursued in Bayezid and its domain. Initiated by Behlül Paşa, this gradual process over time signified a broader phenomenon of territorial state formation in Bayezid. It not only involved the dismissal of hereditary dynasts but also encompassed a multifaceted application of various practices. Therefore, this section will examine how the local council, under the central appointment of sanjak ruler, attempted, succeeded, or failed in the application of administrative and fiscal policies in the environs of the Bayezid sanjak during the early decades.

The first centrally appointed ruler of the sanjak was a local noble from a sub-district in Erzurum, followed by an officer from the Anatolian Army, who were both appointed as deputy sanjak ruler (*kaymakam vekili*) to Bayezid in 1849. However, since it was against the Tanzimat reforms for a soldier to hold a bureaucratic post, Feyzullah Bey was centrally appointed to the sanjak and became the first centrally appointed *kaymakam* (sanjak ruler) in 1850 (BOA, İ.MVL 160/4616, 1266/1850; HR.MKT. 34/19,1266/23, 1850). Following this date, sanjak rulers were centrally appointed and regularly changed approximately every two to four years. In some cases, they were dismissed from their posts due

12 Some scholars argue that following the elimination of hereditary rulers a power vacuum emerged in the region, while others contend that the transitional nature of the period prevented such a development. In this context, each case warrants specific consideration. For instance, during the rule of Bayezid and Palu, the transitional implementation of the Tanzimat reforms prevented the emergence of a power vacuum, whereas in some regions, the religious elite, particularly the class of sheikhs, rose to power (Özok-Gündoğan, 2022, 170–173; Klein, 2011, 60, 77, 140; Atmaca, 2013, 80, 171, 181, 189).

to abuses of power or a desire for reassignment to other sanjaks. The Armenian community also sought to leverage the Tanzimat discourse, requesting the reappointment of Bayezid's deputy *kaymakam*, as under his rule, some Armenian families had returned from Iran and Russia to settle in Bayezid, following the suppression of tribes. (BOA, MVL 116/85, 1852; MVL 228/1, s.d.; HR.MKT. 27/12, 1849; Ueno, 2013, 99). However, this request was not applied due to the Ottomans' pro-tribal policy as it will be elaborated below. Sanjak rulers continued to preside over the local council of Bayezid sanjak, while scribes and elected local members (*aza*) occasionally changed over time. Two local Armenian representatives remained in their posts but frequently missed meetings for unknown reasons. In 1858, the Patriarch in Istanbul requested the appointment of a local Armenian, Bedros, to the council, indicating that the presence of local community representatives was not a smooth process. Ali Kemali Efendi was addressed as mutasarrıf in 1868, following the 1864 provincial regulation, after being appointed as kaymakam in 1867 (Salnâme-i Devlet, 1868, 105).

However, the judge (*naib*) and mufti of Bayezid consistently retained their positions in the 1850s despite the frequent turnover of *kaymakams*. This suggests that the two clerics likely established power and prestige in the sanjak long before the reform councils, which were predominantly established during the Tanzimat period, similarly as in other regions (Findley, 2014, 209). Hacı Efendi, the sanjak judge who often acted as deputy sanjak ruler, held the position until at least 1857, although his appointments were not regularly recorded (Salnâme-i Devlet, 1857, 67). However, the position of the Bayezid judge was merged with that of the judge of Erzurum from the same year (*Erzurum'a mülhak*) (BOA, A.MKT. MHM. 110/60, 1273/1857). Most likely, their appointments were made from Erzurum during this period, until 1867, when Ali Rıza Efendi was centrally appointed as Judge of Bayezid (Salnâme-i Devlet, 1858, 75). The direct appointment of the judge began just before the implementation of the 1864 provincial regulations. Until the full application of these regulations in 1867–68, there were gradual changes in the governance of the sanjak, with most official positions, particularly scribes, being appointed incrementally according to state and provincial yearbook records.

The sub-districts of the Bayezid sanjak, namely Eleşkirt, Diyadin, Karakilise, Tutak, Hamur, and Patnos, were governed by *müdür*s until 1868 when they became *kaymakams*. While Eleşkirt and Diyadin consistently maintained their status as *kaza*s, the others occasionally attained *kaza* status or were downgraded to village governance. Rulers of these sub-districts were appointed by the *kaymakam* of Bayezid as old habit during the reform age, received a monthly salary, and were supported by a few police officers acting as *zabtiyes*; however, no scribes were appointed to the sub-districts until 1861. Therefore, the administration in the sub-districts remained relatively non-bureaucratic until the mid-1860s, and their rulers sometimes faced accusations of corrupt governance (BOA, A.MKT.UM. 488/45, 1277/1861; A.MKT.UM. 31/55, 1266/1850; A.DVN

65/67, 1267/1851). The rulers of sub-districts were often tribal chiefs or local notables, while the central administration of the sanjak was primarily staffed by outsiders, although less powerful posts within the sanjak administration were also open to locals. For example, Ali Ağa, the sanjak's population registrar, was a notable figure (BOA, A.MKT.NZD 158/54, 1271/1855; A.MKT.UM 25/12, 1266/1850; İ.MVL 222/7492, 1267/1851; İ.DH. 301/19061, 1270/1854; İ.DH. 340/22401, 1272/1856).

The Tanzimat reforms announced by the Ottoman central government were not immediately applied in the sanjak, but were implemented several years later. For instance, the application of the 1858 land registry could only be implemented after 1861, when a scribe was appointed upon the request of the council from below (BOA, A.MKT.NZD. 321/86, 1276/1860; A.MKT. NZD. 372/18, 1278/1861). In the same year, the council still repetitively forced the central government to receive authorization for making a government building, a courthouse and barracks for soldiers. As mentioned above, the 1864 provincial regulations were implemented in Bayezid after 1868 as well. While the central government primarily directed the Bayezid council to implement tax increases and provide quotas for drafted soldiers, the local council mostly sought authorization for an increased budget to cover its bureaucratic functions and essential needs. Therefore, at the beginning of the 1850s, fewer people were paid directly by the government, despite continuing their jobs; for example, some clergy who had been compensated during the time of the hereditary rulers remained unpaid. As was the case throughout the empire, the most problematic aspect of implementing the reforms in Bayezid was the economic difficulties (BOA, MVL 626/22, 1278/1862; MVL 234/70, 7 ZA 1266/1850; Findley, 2014, 186).

One of the most significant challenges in consolidating Bayezid as a state entity was its tribal-dominated population. The tribes residing in the sanjak were predominantly nomadic and militarized, with their cavalry forces frequently poised to switch allegiances in response to increased impositions or encroachments on their autonomy. The Council of Bayezid sought to settle and tax the tribes by leveraging the authority of tribal chiefs, attempting to secure their loyalty through monthly payments, the bestowal of ceremonial robes, and the granting of decorations and titles (BOA, İ.MVL 160/4616, 1265/1849; MVL 241/4, 1267/1851; MVL 331/105, 1268/1852; A.MKT. UM. 592/95, 1278/1862). The Council of Bayezid, unable to afford the cost of expensive robes, occasionally had *kaymakams* cover the expenses from their own revenues (BOA, A.MKT. UM. 59/44, 1267/1851). Moreover, some of these tribal chiefs were appointed as *müdür* of sub-districts (*kazas*) in an effort to consolidate control (BOA, MVL 239/46, 1264/1848; MVL 241/6, 1267/1851; A.MKT.UM 47/75, 1267/1851). Since the early 1850s, tribes were administratively represented by their chiefs, with the tribe director (*aşiret müdürü*) serving as an intermediary between the sanjak administration and the tribal subjects, including tribes such as Zilan, Celali, Heyderan, Ademanlı, and Sepki (BOA, İ.HR 61/2959, 1266/1850). This represented a shift toward the expanding state sphere in dealing with the tribes, a role previously managed by the hereditary rulers. The settlement policy was secondary in Bayezid, as the primary focus was on securing the loyalty of the tribes and ensuring their alignment with the Ottoman side. For instance, many tribes fled to Iranian territories when Behlül was deposed, spurred by rumors that the new regime would exile the chiefs as well (BOA, İ.MVL 160/4616, 1265/1849). As both the Iranian and Russian governments implemented similar policies, all parties were in a race to secure the loyalty of the tribal populations. Despite the limited success of settlement efforts and conscription of the tribes, they continued to pay their animal, wintering, grazing, and fodder taxes, albeit with delays and limitations (BOA, A.AMD. 18/46, 1266/ 1850). During this period, tribal chiefs acted as street-level bureaucrats, serving as tribe director who officially represented the Ottoman state, particularly in handling border disputes with the Iranians (BOA, A.MKT.UM. 21/9, 1266/1850; MVL 582/29, 1275/1859.). However, until the Hamidian period in the late nineteenth century, tribe-state relations remained fragile and fluctuated over time. Tribes, unable to secure loyalty to the state, would have struggled to graze and winter their herds in Ottoman lands, illustrating how the state imposed subjecthood on these nomadic societies. This "Ottomanness," as an imperial subjecthood, marked the expanding reach of the state within this frontier sanjak.

Establishing an imperial border was a significant territorialization process within the framework of the Tanzimat reforms. Defining a clear-cut boundary for the Sanjak of Bayezid in relation to the Iranian and Russian empires was one of the key challenges faced by the council during this period as well. The local hereditary dynasty had not established a fixed boundary but instead relied on fluctuating markers to demarcate the sanjak's borders. The Ottomans suggested that the Iranian region of Maku and its environs had been granted to Iranian Cafer Khan by Behlül Paşa's father, Mahmud Paşa, as part of a dowry when he married the khan's daughter, highlighting that the sanjak's boundaries were not fully under the control of the central government during the hereditary rule of the local dynasty (BOA, İ.HR. 65/3194, 1266/1850). Establishing the boundary of the Sanjak of Bayezid effectively meant defining the borders of the Ottoman state, particularly in light of ongoing territorial disputes with the Iranian Maku khans, who sought to expand their influence over the region and its tribal populations to control and collect their taxes.[13] After the abolition of some other hereditary Kurdish dynasties in the region in 1847, the Ottoman and Qajar Empires signed the Treaty of Erzurum in the same year, agreeing to establish clear boundaries between their territories. By the 1850s, representatives from both states worked along the entire border, from the Black Sea to the Persian Gulf, to implement and enforce these

13 In 1850, the Iranian Khan of Maku collected taxes in the region near Bayezid, around Mount Ararat. Cf. notes on Fig. 3 for further details.

demarcations. As part of this process, the Council of Bayezid was responsible for defending the sanjak's territories from Iranian encroachments, especially in the northern and southern regions of Bayezid, in Tanbat and Kızıldize, which involved commissioning engineers to survey and delineate the boundaries while also providing financial support and security for these efforts. Two engineers were requested from the Imperial Engineering School to draw maps of the sanjak, which illustrates their deployment to the region (cf. Fig. 3) (BOA, İ.HR. 65/3194, 1266/1850; HR.MKT. 33/80, 1266/1850; ML.MSF.d. 9719, 1270/1854). To push the Iranians and their tribal allies back from these two villages, some chiefs of the Celali tribe were settled there to protect the disputed lands, and when Tozo Ağa was killed in an attack on Kızıldize village, his son assumed responsibility for defending the area (BOA, İ.HR.75/3634, 1267/1851; A.MKT. UM. 592/95, 1278/1862; Koç, 2020, 214–215).[14] The establishment of both the sanjak and imperial boundaries intersected and were applied during the same period when direct rule was enforced. As part of the efforts to create a state sphere, security forces became more effective, though still insufficient to prevent cross-border defections.

One of the key reforms was conscription, whose rules evolved over time, with the 1846 Regulation for Drawing Lots (*Kur'a Nizamnamesi*) representing an attempt by the Tanzimat government to regulate and increase the number of conscripted soldiers (Zürcher, 1998, 440; Çadırcı, 2008, 65–87). The practice of drawing lots to conscript soldiers was not implemented in the Sanjak of Bayezid until 1860 due to the region's strategic location and the dominance of its tribal population. This conscription also excluded the tribes in the environs of the Bayezid sanjak, and an attempt in 1858 led many "horrified" tribes to flee across the borders, seeking refuge in the Iranian and Russian empires, as reforms were not easygoing, especially for the tribes. However, an exemption fee (*iane-i askeriye*) was collected from the Armenian settled population; for instance, in 1856, a total of 80,000 piasters was collected for 2,832 individuals (BOA, A.MKT.MHM. 139/20, 1275/1858; A.MKT.MHM. 218/85, 1277/1861; C.DH. 183/9102, 1272/1858). A battalion remained stationed in the center of the Bayezid Sanjak, with police forces (*zabtiye*) deployed in both Bayezid and its sub-districts. In 1853, the police force numbered fifty, having previously been twenty during Behlül's tenure, though a subsequent request was made to increase it to eighty (BOA, MVL 338/26, 1270/1853). In cases where problems arose in sub-districts, with few *zabtiyes* and officers from the central sanjak or provincial center were temporarily assigned to these areas (BOA, MVL 355/62, 1274/1857). Under these circumstances, the center of the sanjak remained relatively safe; however, travel between the sanjak center and its sub-

14 According to Koç, the Iranians also allied with other Celali clans, and in fact, separate Celali clans clashed in Tanbat and Kızıldize to capture these territories for their respective allied states, demonstrating that the tribes acted as proxies on behalf of their imperial allegiances.

Fig. 3: Drawing the boundary of the Sanjak of Bayezid in 1850 for the first time also meant defining the imperial boundary as well (BOA, İ.HR. 65/3194, 1266/1850).

districts remained hazardous, with the situation unchanged from the 1840s. A record from 1853 indicates that any area located thirty minutes away from the center of Bayezid by horse was considered unsafe (BOA, A.MKT.MVL 60/15, 1269/1853). To address this issue and manage border crossings, a field commander (*kır serdarı*) was appointed during the summer months, when nomadic tribal movements and banditry intensified. In the 1850s, an elected member of the Bayezid council was assigned to this role, accompanied by thirty-five *zabtiye* officers (BOA, MVL 354/104, 1274/1857). As mentioned above, the Bayezid council was therefore compelled to negotiate with the tribal chiefs, because security between the city center and its sub-districts—particularly near the borders—could not be maintained without the involvement of the tribal leaders, especially the tribe director (*aşiret müdürü*). Thus, during the 1850s and 1860s, while the sanjak center was more effectively controlled by centralized security forces, its surroundings were still managed with these tribal street-level bureaucrats as intermediaries. During the Hamidian era, security was further enforced through the deployment of Hamidian tribal cavalry units, which, in practice, exacerbated the situation (Klein, 2011).

Making a state sphere in Bayezid required improved roads, as the Silk Road from the Iranian Tabriz passed through Bayezid, reaching Erzurum, Trabzon, and Istanbul. The primary concerns during this period were the safety of traders, who were frequently attacked by tribes, and Russia's redirection of trade to its Black Sea ports (BOA, A.MKT.43/29, 1262/1846). As the Ottoman road network deteriorated throughout the nineteenth century, the renewal of this trade route became increasingly critical, with the Reform Act of 1856 underscoring the imperative to address this pressing issue (Özkan, 2014, 194). The British consul in Erzurum warned that the Ottomans should renew their roads between Trabzon, Erzurum, and Bayezid, as an annual 30,000 *lira* could be received from taxes on European products traveling to Iran via this route (BOA, MVL 56/43, s.d.). Despite numerous requests for road renewal and progress, improvements were seldom achieved. In 1851, there were requests to repair some bridges in western Bayezid, requiring three purses and 8,000 piasters, but no sources confirm that this work was carried out (BOA, A.MKT. MVL 42/25, 1267/1851). Although the Erzurum–Bayezid route also required approximately a thousand purses of piasters for renewal (BOA, A.MKT.43/29, 1262/1846; A.AMD 82/58, 1274/1858), most attention was directed toward the more mountainous Erzurum-Trabzon road. As a result of budget constraints, the deteriorating condition of the Erzurum-Trabzon route, and competing requests from the sanjak or province, little progress was made on the Bayezid trade route during the 1850s and 1860s.

Establishing a quarantine in Bayezid was essential, as it was one of the main trade routes in the Ottoman Empire, aimed at controlling the spread of probable epidemics during the period of centralization. From the 1830s, Sultan Mahmud II led the establishment of quarantines throughout Ottoman territories to effectively control the spread of infectious diseases (Sarıyıldız, 1994, 334; Atmaca, 2020). The Ottomans established numerous quarantines along the borderlands, with Bayezid tasked with monitoring epidemics in Iran (Panzac, 2011, 230). Although it is believed that a quarantine was established in Bayezid in 1840, it appears that this may have been a temporary measure, implemented only during the occurrence of an epidemic in the region (Çalışkan, 2020, 5, 9). In 1850, an order was given to establish a quarantine in Kızıldize village, located in the Bayezid region. However, until its construction was completed, the "governor's mansion"—most likely the ruined palace of Bayezid—was to be used as the quarantine center for the Bayezid sanjak (BOA, A.MKT.MVL 31/83, 1266/1850). By 1858, it seems no permanent building had yet been constructed for the quarantine. It was reported that the tents of soldiers were being borrowed for this purpose, despite a quarantine having already been established in the 1852 (BOA, ML.MSF.d 9544, 1268/1852). Trade caravans were required to wait up to ten days at the Bayezid quarantine, but since the Russians did not impose similar waiting periods on traders, it was noted that caravans might prefer to use the Russian route, leading to periods when the quarantine measures were not enforced (BOA, HR.MKT 219/39, 1274/1857; İ.MVL 387/16905, 1274/1858; İ.HR. 173/9430, 1276/1859; Kaya & Pulat, 2022, 44). In certain years, the Iranians opposed the establishment of a quarantine in Kızıldize village due to territorial claims, but the Ottomans, maintaining control, proceeded with its implementation.(BOA, HR.MKT. 242/4, 1274/1858). In 1861, a director (*karantina müdürü*) and a doctor were paid a monthly salary. By 1863, the Kızıldize quarantine had been established, and payments were also initiated for a scribe and some guards (BOA, ML.MSF.d 16799, 1280/1863). As can be seen, the establishment of a quarantine took place during this period, with its full functionality developing gradually, and its creation being linked to tribal intermediaries and border issues.

During the early modern period, no imperial customs duties were levied in Bayezid as it was under the local hereditary rule. All traders passing through the region paid the local hereditary rulers as well, with the revenues belonging them (BOA, A. DVNSAHK.ER.d. 4, 1177/1764, 326). Imperial customs duties were imposed under direct administrative control in the region, specifically in provincial centers, Erzurum and Trabzon. The origin of the first customs duties applied in Bayezid remains unclear, but it most likely began with the establishment of the quarantine in the Bayezid sanjak in 1850s. Customs duties were not collected here; instead, commercial goods were inspected and sealed before customs duties were imposed at the provincial center in Erzurum, which was further inland within the Ottoman Empire. Regarding customs duties, Bayezid did not function as a customs point until the establishment of the Republic of Turkey, though sanjak authorities played a role in safeguarding the duties to be collected in Erzurum during this period (Pulat, 2024, 327).

The entry of the Tanzimat reforms into the Bayezid sanjak can be regarded as tantamount to the allocation of taxes, aside from its administrative restructuring. The collection of taxes in Bayezid increased, but it was often inefficiently implemented, with delays and amounts falling short of the designated targets, while being more closely monitored by centralized authorities and subject to negotiation regarding expenditures and unforeseen occurrences. As noted earlier, the last local hereditary dynast assumed the role of a tax collector, responsible for collecting the tithe (*öşür*) and some other taxes, but appointed individuals at his discretion to serve as tax-farmers (*deruhdeci*) for other taxes (BOA, MVL 25/33, 1264/1848). In 1852, according to the Bayezid council, the first appointed *kaymakam*, Feyzullah Bey, collected 500 purses (250,000 piasters) in taxes over two years following the dismissal of the last hereditary ruler, a feat that was emphasized as a success (BOA, MVL 253/71, 1268/1852). Similar to the dominance of the Damascus council members over the auctions they controlled, after Behlül Paşa's removal from Bayezid, most of the tax collectors, primarily local notables from Erzurum, came from outside the region (Thompson, 1993, 462). The various types of taxes in the sanjak were awarded to the highest bidding tax farmers through auction. It appears that the Erzurum provincial administration conducted the necessary auctions for the Bayezid sanjak in a top-down manner in some years. In 1857, Rıza Bey, and in 1859, Hacı Nuri Bey, both notables from the province of Erzurum, were granted the rights to collect taxes (BOA, ML.VRD.d 2944, 1274/1857; ML.VRD.d. 3203, 1277/1860). In 1860, the Marshal of the Anadolu Army secretly informed the rulers of Erzurum that another notable, Hacı Ali Bey from Erzincan, had offered an additional thousand piasters to secure the tax-farming rights, competing against three associates in Erzurum. The marshal ordered the bidding process to be bypassed, suggesting the possibility of corrupt practices (BOA, A.MKT. MHM. 217/1, 1277/1861). It can also be observed that tax collection rights were allocated belatedly, as Armenian goldsmith Vatinis received the rights to collect cattle taxes for the year 1863, five years after the designated year, since taxes for any given year could be collected several years later (BOA, MVL 648/86, 1280/1863). Collecting cattle taxes from tribes was particularly problematic, as many tribes, like the Celali and Sepki in 1864, defected to Iran or Russia to avoid taxes. As a result, Vatinis was unable to pay the promised amount, and the assigned taxes were not properly collected in the Bayezid sanjak. Similarly, taxes for guild licenses (*esnaf tezkiresi*) were not enforced in Bayezid, as the region was considered "sensitive" in the 1850s (BOA, A.MKT.MHM. 145/87, 1275/1859).

Some other significant modernizing and centralizing practices related to communication technology and education were implemented in the Bayezid sanjak at a later stage than in the central provinces of the empire. Telegraph lines were first established in the Ottoman Empire in 1855 during the Crimean War to facilitate communication between its allies, with the network initially expanding in the European provinces of the empire (Lewis, 2018, 7). One of the important provisions of the 1856 Reform Act was to enhance communication with the provinces and sanjaks, but this objective was not achieved in Bayezid until the late 1860s. Sources indicate that the first telegraph lines in Bayezid were established in 1868, connecting the sanjak to the provincial centers of Erzurum and Van (BOA, İ.HR. 232/13714, 1285/1868). Rıza Efendi was appointed as the first telegraph director in Bayezid in 1868, together with a clerk, who had been working at the provincial telegraph center and was also assigned to this position in Bayezid (BOA, A.MKT. MHM. 426/59, 1285/1868). The telegraph network, which significantly expanded the state's presence in the region by reducing communication and orders, once requiring several days of travel between the provincial center and the sanjak, to just a few minutes, became effective in the 1870s.

One of Tanzimat's centralizing missions occurred through establishing modern imperial schools, imposing a centralized curriculum throughout the empire, along with the delay caused by the initial inability to break the religious institutions' traditional monopoly over education (Findley, 2014, 184). Until the late 1860s, the Bayezid sanjak lacked centralized educational institutions, with education primarily provided through traditional Islamic madrasas or mosques for the Muslim population, and through churches and monasteries for the Armenian community. In 1858, the council of Bayezid reported to the Ministry of Endowment (*Evkaf Nezareti*) that since the dismissal of Behlül Paşa in 1850, the madrasas, mosques, and their scholars, preachers, and janitors in Bayezid had not been receiving payment (BOA, A.MKT.MHM. 125/83, 1274/1858). This indicates that Behlül Paşa personally covered the monthly stipends for these institutions during his tenure, but following his dismissal, some of the traditional Muslim education in the sanjak lost its funding. In 1862, the *kaymakam* of Bayezid, noting the region's "deprivation of civilization" and widespread illiteracy, proposed establishing a secondary school (*rüşdiye*) in the sanjak center, to be funded by local notables for construction and supported by the sanjak's treasury for monthly salaries. A modernizing and pragmatic approach, the *kaymakam*'s extraordinary efforts emphasized that educating the population would lead to increased agricultural productivity and, consequently, a doubling of tax revenues for the imperial treasury. However, the Supreme Council of Education in Istanbul rejected and postponed the offer, citing too few students and the absence of traditional primary schools (*sıbyan mektebi*) in the sanjak (BOA, A.MKT.UM. 549/74, 1278/1862; MVL 626/52, 1278/1862).

Even in the provincial center of Erzurum, the first secondary school was established in 1864 with the support of local "people of wealth" (*ashab-ı yesar*) (BOA, MVL 682/58, 1281/1864). The first modern centralized school in Bayezid, a secondary school (*rüşdiye*) established in 1868, was built with the support of local "people of wealth and devotion" (*ashab-ı yesar ve hamiyet*), a teacher, a local from Erzurum, was appointed, and annual expenses were covered by 1,000 piasters, with monthly payments of 650 piasters for the teacher and 83 piasters for a janitor (BOA, İ.ŞD. 4/222, 1285/1868). Similar schools were not established in the sub-districts until the mid-1880s. Not only in the 1850s and 1860s, but throughout the second half of the nineteenth century, modern centralized schools in the sanjak did not function properly due to Bayezid's limited budget, which led most appointed teachers to prefer relocation (Kurt, 2015; Çiftçi, 2022b, 173–198). Although not documented by the imperial bureaucracy due to their old-fashioned nature, madrasas, mosques, and Christian churches and monasteries continued to dominate educational practices in the sanjak alongside the emerging modern schools during the era of imperial state-making. Therefore, while it is not possible to categorically define the entirety of the Tanzimat reforms (Lafi, 2017, 57), there was a hybrid system in Bayezid's education, blending the old with the new. Similarly, according to the 1871 yearbook of Erzurum, there were thirty-one Muslim and eleven Christian traditional primary schools (*sıbyan mektebi*), seven mosques, and thirty-one churches in the environs of the sanjak (Salnâme-i Vilayet-i Erzurum, 1871, 149). Although this yearbook shows no madrasas in the sanjak, another yearbook recorded eleven madrasas in only one sub-district of Bayezid, Tutak, at the century's end, indicating that the traditional educational system persisted in the sanjak's environs and that modern schools were less effective (Salnâme-i Nezaret-i Maârif-i Umumiye, 1898, 819–820). By the century's end, there was only one modern secondary school in the Bayezid center, while the sub-districts of Eleşkirt and Tutak each had one secondary school, and the other sub-districts of Diyadin and Karakilise each had one primary school. Despite the limited progress and influence, this still constituted a notable advancement in the state's efforts to expand its sphere in centralizing and modernizing the education system in the peripheral regions of Bayezid.

CONCLUSION

Bayezid, as a peripheral sanjak adjacent to the Iranian and Russian Empires, underwent centralization and imperial state-building in the late 1830s, under the last hereditary ruler, whose status reinforced the state's authority. This process transformed the hereditary ruler's status into that of a salaried official, and his authority in the sanjak enabled the smooth implementation of early Tanzimat reforms, without significant unrest, despite similar upheavals in neighboring provinces. However, it marked a significant threshold, as, after 1849, no local dynast was deemed legitimate in administrative posts during the era of centralization, thus ending nearly three centuries of uninterrupted hereditary Kurdish dynastic rule. Hereditary rulers are typically seen as reactionaries, yet the case of Bayezid presents a contrasting perspective, consistent with the approach taken in developing studies. The expansion of direct rule was not limited to administrative and fiscal transformations, as the final section particularly highlights. The state's commitment to centralization reflected broader facets of integrating peripheral regions into the imperial national framework.

Additionally, it was not solely a top-down imposition of new rules; often, the implementation was shaped by requests or responses from local appointees, such as in the case of education, requesting scribes and engineers and the construction of buildings. In addition, conscription and taxation of the tribes were not mandated by central authorities, but resistance often led to exemptions and postponed or annulled taxes. Although not always a linear process, centralization in the first decades of the second half of the nineteenth century evolved gradually across various aspects. At times, it functioned more effectively, but in many instances—particularly in the case of Bayezid—it remained delayed and non-functional. The examples discussed—administration, security, tribes, quarantine, borders, taxation, education, communication, and roads—were all interconnected elements that represented and necessitated the Ottoman central government's state-making practices. Although this process is primarily discussed in the early decades in mid-nineteenth century, it extended beyond the scope of this article. It continued even after the establishment of the Turkish Republic, though not often in a linear or progressive manner, but through fluctuating practices. The fluctuating successes and intermittent setbacks during this period of reform highlight the complexities of transforming a traditional, decentralized system into a more unified and modern imperial state. Compared to more central regions and the provincial center of Erzurum, the example of Bayezid sanjak illustrates that the centralization process expanded over time, starting in the imperial center, then extending to the sanjak center, and eventually reaching the sub-districts within the sanjak. However, at times, the same rules were established simultaneously in both the provincial and the sanjak center.

IZGRADNJA DRŽAVE NA OSMANSKI PERIFERIJI: TANZIMATSKE REFORME V SANDŽAKU BAJEZID SREDI 19. STOLETJA

Erdal ÇİFTÇİ

Univerza Mardin Artuklu, Višja poklicna šola, Oddelek za arhitekturo in urbano načrtovanje,
47060 Istasyon, Artuklu, Mardin, Turčija
e-mail: erdalciftci@artuklu.edu.tr

Hakan KAYA

Univerza Ağrı Ibrahim Çeçen University, Filozofska in znanstvena fakulteta, Oddelek za zgodovino,
04100 Merkez, Ağrı, Turčija
e-mail: hkaya@agri.edu.tr

POVZETEK

Osmanski procesi centralizacije in izgradnje države, ki so se začeli v zgodnjem 19. stoletju, so si prizadevali različne cesarske prakse standardizirati v poenoten upravni okvir. Tranzicijo k cesarski izgradnji države so izvajali z uvedbo novih predpisov in institucij. Pričujoči članek raziskuje aplikacijo centralizacijskih reform v dedni kurdski provinci Bajazid sredi 19. stoletja, ki je ležala na vzhodu Osmanske države in je mejila na Iransko cesarstvo in Rusko carstvo. Prizadevanja države, ki je pri uveljavljanju tanzimatskih reform v Bajazidu v 30. in 40. letih 19. stoletja sprva imela koristi od sodelovanja z dednim vladarjem, so naposled privedla do odstranitve lokalnih dinastij in vsilila neposredno državno oblast nad različnimi ravnmi uprave. Študija prouči obseg in učinkovitost teh reform v Bajazidu v 50. in 60. letih 19. stoletja, dveh formativnih desetletjih uvajanja reform v regiji. Članek je razdeljen na dva glavna dela. Prvi del izpodbija prevladujočo zgodovinopisno naracijo, ki pogosto predpostavlja enoten odpor dednih dinastij do centralizacijskih reform, pri čemer izpostavlja primer zadnjega dednega kurdskega vladarja, čigar družina je vladala sandžaku Bajazid od konca 16. do sredine 19. stoletja. V nasprotju s splošnim prepričanjem, je ta vladar v 30. in 40. letih 19. stoletja izvedel več reform, vključno z ustanovitvijo novega sandžaškega sveta, namestitvijo cesarske vojske v mestno središče ter se sam preobrazil v plačanega državnega uradnika. Tisti čas je opredeljen kot prehodno obdobje, za katero je značilno sobivanje tradicionalnih in modernih elementov. Sprememba v upravi province tudi ni povzročila oblastnega vakuuma, saj dedna oblast ni bila odpravljena nenadoma in z nasiljem. Drugi del članka je osredotočen na 50. in 60. leta 19. stoletja, po odstranitvi in preselitvi zadnjega dednega vladarja Bajazida v provincialno središče zunaj sandžaka. Nadaljevanje prizadevanj za izgradnjo države v tistem obdobju je vključevalo vrsto postopnih, a vztrajnih ukrepov, vključno z imenovanjem zunanjih uradnikov, urejanjem meja s sosednjimi cesarstvi, prizadevanji za spreminjanje plemenskega prebivalstva v zveste podanike, s povečanim obdavčenjem, poskusi posodobitve prometne infrastrukture, vzpostavitvijo karantenskih postaj, uvedbo telegrafske komunikacije in ustanovitvijo sodobnih državnih šol. Analizirane so kompleksnost, celovitost in omejenost tega razvoja.

Ključne besede: Osmani, Kurdi, periferija, reforme, uprava

SOURCES AND BIBLIOGRAPHY

Agoston, Gabor (2003): A Flexible Empire: Authority and its Limits on the Ottoman Frontiers. International Journal of Turkish Studies, 9, 1–2, 15–31.

Akiba, Jun (2009): The Local Councils as the Origin of the Parliamentary System in the Ottoman Empire. In: Tsugitaka, Sato (ed.): Development of Parliamentarism in the Modern Islamic World. Tokyo, Tokyo Bunko, 176–204.

Alanoğlu, Murat (2017): Osmanlı İdârî Sistemi İçerisinde Palu Hükûmeti (PhD Thesis). Istanbul, Istanbul University.

Alanoğlu, Murat (2022): Erken Modern Dönem Osmanlı Taşrasında Farklılıkların Yönetimi - Palu Hükümeti (1515–1850). Istanbul, Sonçağ-Akademi.

Anderson, Lisa (1984): Nineteenth-Century Reform in Ottoman Libya. International Journal of Middle East Studies, 16, 3, 325–348.

Ateş, Sabri (2013): The Ottoman-Iranian Borderlands: Making A Boundary 1843–1914. Cambridge, Cambridge University Press.

Atmaca, Metin (2013): Politics of Alliance and Rivalry on the Ottoman Iranian Frontier: The Babans (1500–1851) (PhD Thesis). Freiburg, Albert Ludwigs University of Freiburg.

Atmaca, Metin (2019): Resistance to Centralisation in the Ottoman Periphery: the Kurdish Baban and Bohtan Emirates. Middle Eastern Studies, 55, 4, 519–539.

Atmaca, Metin (2020): "Semavi Bir Ceza": 19. Yüzyıl Osmanlı-İran Sınırında Veba. Toplumsal Tarih, 54, 54–60.

Atmaca, Metin (2022): Origins of the "Kurdish Question": The Revolt of Yezdanşêr (1854–1855). In: Badem, Candan (ed.): The Routledge Handbook of the Crimean War. London, Routledge, 357–370.

Averyanov, Pyotr Ivanoviç (2010): Osmanlı İran Rus Savaşlarında Kürtler (19. Yüzyıl). Istanbul, Avesta.

Ayn Ali Efendi (2023 [1607]): Kavânîn-i Âl-i Osman Der Hulâsa-i Mezâmin Defter-i Divân. Gürhan, Veysel (ed.). Diyarbakır, Şarkiyat.

Barakat, Nora Elizabeth (2023): Bedouin Bureaucrats: Mobility and Property in the Ottoman Empire. Stanford, Stanford University Press.

Bayraktar, Uğur Bahadır (2015): Yurtluk-Ocaklıks: Land, Politics of Notables and Society in Ottoman Kurdistan, 1820–1890 (PhD Thesis). Istanbul, Boğaziçi University.

BOA-A.AMD. – Republic of Türkiye Directorate of State Archives, Ottoman Archives (BOA), Amedi Kalemi Evrakı (A.AMD).

BOA-A.DVN. – Divan Kalemi Evrakı.

BOA-A.MKT.MHM. – Mühimme Kalemi Evrakı.

BOA-A.MKT.MVL. – Meclis-i Vala Evrakı.

BOA-A.MKT.NZD. – Nezaret ve Devair Evrakı.

BOA-BEOAYN.d. – Babıali Evrak Odası Defterleri.

BOA-C.AS. – Cevdet Askeriye.

BOA-C.DH. – Cevdet Dahiliye.

BOA-C.ML. – Cevdet Maliye.
BOA-DVNSAHK.ER.d. – Erzurum Ahkam Defterleri.
BOA-HAT. – Hatt-ı Hümayun.
BOA-HR.MKT. – Hariciye Mektubi Kalemi.
BOA-İ.DH. – İrade Dahiliye.
BOA-İ.HR. – İrade Hariciye.
BOA-İ.MSM. – İrade Mesail-i Mühimme.
BOA-İ.MVL. – İrade Meclis-i Vala.
BOA-İ.ŞD. – İrade Şura-yı Devlet.
BOA-KK.d. – Kamil Kepeçi Defterleri.
BOA-MKT. – Mektubi Kalemi.
BOA-ML.MSF.d. – Masarifat Muhasebeciliği Defterleri.
BOA-ML.VRD.d. – Maliye Varidat Muhasebesi Defterleri.
BOA-MVL. – Meclis-i Vala.

Brant, James & A. G. Glascott (1840): Notes of a Journey Through a Part of Kurdistan, in the Summer of 1838. Journal of the Royal Geographical Society of London, 10, 341–434

Çadırcı, Musa (1997): Tanzimat Döneminde Anadolu Kentleri'nin Sosyal ve Ekonomik Yapısı. Ankara, Türk Tarih Kurumu.

Çadırcı, Musa (2008): Tanzimat Sürecinde Türkiye: Askerlik. Ankara, İmge.

Çakaloğlu, Cengiz (2001): Askerî Düzenlemesi Çerçevesinde Anadolu Ordusu'nun Kuruluşu. Türk Kültürü İncelemeleri Dergisi, 5, 49–63.

Çalışkan, Adem (2020): Osmanlı Kenti Bayezid'de Salgın Hastalıklar ve Bazı Asayiş Problemleri (XIX. Yüzyıl ve XX. Yüzyıl Başları). Pamukkale Üniversitesi Sosyal Bilimler Enstitüsü Dergisi, 39, 1–19.

Çiftçi, Erdal (2018): Migration, Memory and Mythification Relocation of Suleymani Tribes on the Northern Ottoman Iranian Frontier. Middle Eastern Studies, 54, 2, 270–288.

Çiftçi, Erdal (2022a): 19. Yüzyıl Vanı'nda Âyan Bir Aile: Timurpaşazâdeler. Yüzüncü Yıl Üniversitesi Sosyal Bilimler Enstitüsü Dergisi, 58, 68–85.

Çiftçi, Erdal (2022b): Tutak Kazası Rüşdiyesi ve İptidai Mekteplerinde Modern Eğitim (1884–1912). In: Kaya, Hakan & Erdal Çiftçi (eds.): Eski Çağ'dan Günümüze Tutak ve Hamur (Şelve). Istanbul, Libra, 173–198.

Çiftçi, Erdal, Gürhan, Veysel & Mehmet Rezan Ekinci (2022): Osmanlı Devleti'nde Yurtluk-Ocaklık ve Hükümet Sancaklar. Istanbul, Tarih Vakfı Yurt Yayınları.

Duman Koç, Gülseren (2018): Governing a Frontier Sancak in the Ottoman Empire: Notables, Tribes, and Peasants of Muş (1820s–1870s) (PhD Thesis). Istanbul, Boğaziçi University.

Duman Koç, Gülseren (2021): A Negotiation of Power During the Age of Reforms in the Ottoman Empire: Notables, Tribes and State in Muş (1820–1840). Middle Eastern Studies, 57, 2, 209–226.

Eppel, Michael (2008): The Demise of the Kurdish Emirates. The Impact of Ottoman Reforms and International Relations on Kurdistan during the First Half of the Nineteenth Century. Middle Eastern Studies, 44, 2, 237–258.

Findley, V. Carter (2014): Osmanlı İmparatorluğu'nda Bürokratik Reform. Babıali, 1789–1922. Istanbul, Tarih Vakfı Yurt Yayınları.

Gencer, Fatih (2010): Merkeziyetçi İdari Düzenlemeler Bağlamında Bedirhan Bey Olayı (PhD Thesis). Ankara, Ankara University.

İnalcık, Halil (1999): Hüsrev Paşa. Diyanet İslam Ansiklopedisi, 19, 41–45.

Jaubert, P. Amedee (1821): Voyage en Armenie et en Perse Fait Dans Les Annees 1805 et 1806. Paris, Napveu.

Karakhanian, Arkady S., Trifonov, Vladimir G., Philip, Herve, Avagyan, Ara, Hessami, Khaled, Jamali, Farshad, Bayraktutan, Mehmet Salih, Bagdassarian, H., Arakelian, Stepan, Davtian, V. & A. Adilkhanyan (2004): Active Faulting and Natural Hazards in Armenia, Eastern Turkey and Northwestern Iran. Tectonophysics, 308, 207–212.

Kardam, Ahmet (2011): Cizre-Bohtan Beyi Bedirhan. Direniş ve İsyan Yılları. Ankara, Dipnot.

Kâtip Çelebi (2009 [1732]): Kitab-ı Cihannüma li- Kâtip Çelebi I. Ankara, Türk Tarih Kurumu Yayınları.

Kaya, Hakan & Hayrettin Pulat (2022): Osmanlı-İran Sınırında Bir Karantinahane: Kızıldize. In: Yıldırım, Murat, Kılınç, Fatma & Akif Öztürk (eds.): Geçmişten Günümüze Salgın ve Yansımaları Multidisipliner Bir Yaklaşım. Ankara, Akademisyen Kitabevi, 37–56.

Kaya, Hakan (2018): Osmanlı-İran sınırında bir Serhad Sancağı: Bayezid (1578–1848) (PhD Thesis). Ankara, Hacettepe University.

Klein, Janet (2011): The Margins of Empire. Kurdish Militias in the Ottoman Tribal Zone. Stanford, Stanford University Press.

Koç, Yener (2020): Nomadic Pastoral Tribes at the Intersection of the Ottoman, Persian and Russian Empires (1820s–1890s) (PhD Thesis). Istanbul, Boğaziçi University.

Köksal, Yonca (2015): Imperial Center and Local Groups: Tanzimat Reforms in the Provinces of Edirne and Ankara. New Perspectives on Turkey, 27, 107–138.

Kola, Azeta (2017): From Serenissima's Centralization to the Selfregulating Kanun: the Strengthening of Blood Ties and the Rise of Great Tribes in Northern Albania from 15th to 17th Century. Acta Histriae, 25, 2, 349–374.

Kurt, Songül Keçeci (2015): Belgelerle Bayezid Sancağı Maârifi (1856–1914). Istanbul, Kitabevi.

Lafi, Nora (2017): Policing the Medina. Public Order on Tunis at the Time of the Tanzimat (1857–1864). Journal of Ottoman and Turkish Studies Association, 4, 1, 55–71.

Lewis, Pauline Lucy (2018): Wired Ottomans. A Sociotechnical History of the Telegraph and the Modern Ottoman Empire, 1855–1911 (PhD Thesis). Los Angeles, University of California.

Öğün, Tuncay (2010): Doğu'nun Mirlerine Son Veda. Cizreli İzzeddin Şîr Bey ve İsyanı. Istanbul, Yeditepe.

Özkan, Fulya (2014): Winding Road to Modernization. Trabzon-Erzurum-Bayezid Road in the Late Ottoman World. Comparative Studies of South Asia, Africa and the Middle East, 34, 1, 191–205.

Özok-Gündoğan, Nilay (2022): The Kurdish Nobility in the Ottoman Empire. Loyalty, Autonomy and Privilige. Edinburg, Edinburg University Press.

Panzac, Daniel (2011): Osmanlı İmparatorluğunda Veba (1700–1850). Istanbul, Tarih Vakfı Yurt Yayınları.

Pinson, Mark (1975): Ottoman Bulgaria in the First Tanzimat Period the Revolts in Nish (1841) and Vidin (1850). Middle Eastern Studies, 11, 103–146.

Pulat, Hayrettin (2024): Osmanlı-İran Ticaretinde Bir Sınır Gümrüğü: Kızıldize. Ağrı İbrahim Çeçen Üniversitesi Sosyal Bilimler Enstitüsü Dergisi, 10, 2, 324–339.

Ritter, Carl (1843): Die Erdkunde im Verhaltniss zur Natur und zur Geschichte des Menschen. Berlin, Reimer.

Salnâme-i Devlet (1857). Istanbul, Darü't-Tıbaatü'l-Amire.

Salnâme-i Devlet (1858). Istanbul, Darü't-Tıbaatü'l-Amire.

Salnâme-i Devlet (1868). Istanbul, Darü't-Tıbaatü'l-Amire.

Salnâme-i Nezaret-i Maârif-i Umumiye (1898). Istanbul, Matbaa-i Amire.

Salnâme-i Vilayet-i Erzurum (1871). Erzurum, Erzurum Vilayeti Matbaası

Sarıyıldız, Gülden (1994): Karantina Meclisi'nin Kuruluşu ve Faaliyetleri. Belleten, 58, 222, 329–376.

Şeref Han (2016 [1596]): Şerefname I. Istanbul, Nûbihar.

Sofyalı Ali Çavuş Kanunnamesi (1654) – Sertoğlu, Midhat (ed.) (1992). Istanbul, Marmara Üniversitesi Yayınları.

Texier, Charles (1842): Description de l'Armenie, la Perse et la Mesopotamie. Paris, Typographie de Firmin Didot Frères.

Thompson, Elizabeth (1993): Ottoman Political Reform in the Provinces: The Damascus Advisory Council in 1844–45. International Journal of Middle East Studies, 25, 3, 457–475.

Ueno, Masayuki (2013): "For the Fatherland and the State": Armenians Negotiate the Tanzimat Reforms. International Journal of Middle East Studies, 45, 93–109.

Wagner, Moritz (1856): Travels in Persia, Georgia and Koordistan 3. London, Hurst and Blackett.

Zürcher, Erick Jan (1998): The Ottoman Conscription System, 1844–1914. International Review of Social History, 43, 3, 437–449.

Received: 2025-10-10 DOI 10.19233/AH.2025.26

JAN ŠEDIVÝ KOT POSREDNIK MED SLOVENSKO IN BELORUSKO TER UKRAJINSKO KULTURO

Aleš MAVER
Univerza v Mariboru, Filozofska fakulteta, Koroška c. 160, 2000 Maribor
e-mail: ales.maver@um.si

Manica GODEC ČIZMAREVIČ
Šola za hortikulturo in vizualne umetnosti, Ljubljanska c. 97, 3000 Celje
e-mail: godec.manica@gmail.com

Miro HRIBERNIK
Univerza v Mariboru, Filozofska fakulteta, Koroška c. 160, 2000 Maribor
e-mail: miro.hribernik@gmail.com

IZVLEČEK

Jan Šedivý ob koncu dvajsetih let 20. stoletja ni samo oral ledine s svojimi poglobljenimi predstavitvami beloruske in ukrajinske kulture, marveč se tudi njegov pristop razlikuje od tistega, ki je zlasti po drugi svetovni vojni v slovenskem prostoru prevladoval. To je bilo povezano z zgodovinskim trenutkom, v katerem so se Belorusi in Ukrajinci znašli v času zgodovinarjevega študija v Pragi. Poznejši razvoj je precej osramotil Šedivýjev optimizem s konca dvajsetih let. Skoraj popolno uničenje komaj oblikovane ukrajinske in beloruske kulturne elite v tridesetih letih 20. stoletja in druga svetovna vojna, ki je med drugim ustvarila novo politično mitologijo, sta skupaj s precej dvoumno združitvijo velike večine Ukrajincev in Belorusov pod sovjetsko egido na novo narisali kulturni zemljevid Vzhodne Evrope tudi za Slovence.

Ključne besede: Belorusija, Ukrajina, Jan Šedivý, belorusizacija, ukrajinizacija, belorusko-slovenski stiki, ukrajinsko-slovenski stiki

JAN ŠEDIVÝ COME MEDIATORE TRA LA CULTURA SLOVENA E QUELLA BIELORUSSA E UCRAINA

SINTESI

Alla fine degli anni Venti del XX secolo, Jan Šedivý non solo aprì nuovi orizzonti con le sue approfondite presentazioni della cultura bielorussa e ucraina, ma il suo approccio si differenziava anche da quello prevalente in Slovenia, *soprattutto dopo la seconda guerra mondiale. Ciò era legato al momento storico in cui bielorussi e ucraini si trovavano al tempo degli studi dello storico a Praga. Gli sviluppi successivi hanno in gran parte smentito l'ottimismo di Šedivý alla fine degli anni Venti. La quasi totale distruzione delle élite culturali ucraine e bielorusse appena formatesi negli anni Trenta del XX secolo e la seconda guerra mondiale, che tra l'altro ha creato una nuova mitologia politica, insieme alla piuttosto ambigua unificazione della grande maggioranza degli ucraini e dei bielorussi sotto l'egida sovietica, hanno ridisegnato la mappa culturale dell'Europa orientale anche per gli sloveni.*

Parole chiave: Bielorussia, Ucraina, Jan Šedivý, bielorussizzazione, ucrainizazione, relazioni bielorusse-slovene, relazioni ucraine-slovene

UVOD[1]

Odnos slovenskih kulturnikov do srednje-in vzhodnoevropskega prostora v zadnjih dvestotih letih je bil precej zapleten.[2] Medtem ko so nekatere kulture, denimo češko ali rusko, dojemali kot zgled (Perovšek, 2019), so se metanju v isti koš z drugimi izogibali, čeprav so bile njihove zgodovinske izkušnje precej podobne slovenski. Pomembno zarezo je pri tem predstavljala odločitev za povezavo z drugimi južnimi Slovani, ki je po prvi svetovni vojni prinesla vstop v prvo južnoslovansko državno tvorbo in njene naslednice. Obenem je pomenila izstop Slovencev iz zanje prej stoletja značilne navezave na kulturni prostor s težiščem na severozahodu (Maver, Mavrek & Horvat, 2024, zlasti 543–546). To je v naslednjih stotih letih narekovalo različno dojemanje severnega in južnega dela Srednje in Vzhodne Evrope. Medtem ko je bilo za prvega, če izvzamemo Rusijo, značilno večanje distance, je postala povezava z evropskim jugovzhodom za večino javnosti temeljna kulturno-politična samoumestitev. Omenjeno je vplivalo tudi na paleto pogledov na slovanske narode, čeprav so bili načeloma dojemani pozitivno. Seveda pa je obrat na jugovzhod po letu 1918 zgolj omogočil večjo veljavo stališčem do evropskega vzhoda, ki so se pri zagovornikih naslonitve na druge južne Slovane v slovenski kulturni eliti nakazovala že v 19. stoletju (prim. npr. Nežmah, 2024a).

1 Prispevek je nastal v okviru raziskovalnega programa *Preteklost severovzhodne Slovenije med slovenskimi zgodovinskimi deželami in v interakciji z evropskim sosedstvom* (P6-0138), ki ga financira Javna agencija za znanstvenoraziskovalno in inovacijsko dejavnost Republike Slovenije.

2 Prim. temeljito študijo Perovšek (2019), pregledno pa Miladinović Zalaznik (2024) in za zanimiv posamezni primer iz zadnje tretjine 20. stoletja Šela (2024).

Mariborski zgodovinar in srednješolski profesor Jan Šedivý je, če sploh, danes najbolj znan kot proučevalec preteklosti mariborske klasične gimnazije in šolske zgodovine nasploh (o njegovem življenju in delu zlasti Godec Čizmarevič, 2025; Richter, 1970). Veliko manjše pozornosti je deležna njegova vloga pomembnega posrednika med slovensko in drugimi slovanskimi kulturami. Predvsem v obdobju med svetovnima vojnama je bil zaslužen za širjenje vednosti ne le o češki in slovaški kulturi, s katerima je bil po svojem izvoru posebej povezan, marveč tudi o bolgarski, lužiškosrbski, beloruski in ukrajinski. Čeprav je v vzpostavljanje kulturnih stikov s Čehi, Slovaki in Bolgari vložil največ truda, si drznemo reči, da je v slovenskem prostoru v marsičem oral ledino, ko gre za manjša od treh vzhodnoslovanskih narodov. Kot bomo pokazali v nadaljevanju, omenjeno še zlasti velja za njegove predstavitve beloruske kulture.

Takoj v začetku moramo poudariti, da nas Šedivý, kot pove naslov, zanima predvsem kot posrednik med kulturami. Zato je bil pri gradivu, ki smo ga vključili, izrazit poudarek na njegovih besedilih, namenjenih javnosti, v prvi vrsti na objavah v časnikih in revijah. Čeprav bi upoštevanje drugih virov, recimo osebne korespondence, gotovo obogatilo razumevanje geneze njegovih pogledov, hkrati menimo, da je svoja stališča v omenjenih objavah izrazil dovolj jasno in je možno iz njih sklepati tudi na okoliščine, v katerih so se oblikovala. Besedilo bomo v nadaljevanju razdelili na več podpoglavij. V prvem bomo predstavili glavne poteze Šedivýjevega življenja in dela, v drugem orisali zgodovinski položaj Ukrajincev in Belorusov v poznih dvajsetih letih 20. stoletja, ko se jim je daleč najbolj posvečal, v tretjem pa se bomo natančneje ustavili ob nekaterih njegovih prikazih ukrajinske in beloruske zgodovine ter kulture.

Že na tem mestu je treba opozoriti na nekatere posebnosti omenjenih prikazov. Kar zadeva Beloruse in Ukrajince, je njegovo ukvarjanje z njimi v glavnem postavljeno v ozko časovno okno v obdobju njegovega študija v Pragi med letoma 1924 in 1928 (Godec Čizmarevič, 2025, 12–15). Tamkajšnji stiki z beloruskimi in ukrajinskimi kolegi so mu hkrati s splošnim ozračjem odklanjanja sovjetskega boljševizma v češki prestolnici omogočili drugačno izhodiščno perspektivo kot nekaterim drugim slovenskim kulturnim posrednikom, še posebej tistim iz časa po drugi svetovni vojni. Šedivý je bil vsekakor med Slovenci, ki so zmogli na ukrajinsko in belorusko kulturo pogledati zunaj ozkega oklepa ruske in so izrazito poudarili njuno posebnost, ne kot priveska večje sosednje kulture, marveč kot nečesa na križišču različnih vplivov. K temu je navsezadnje prispevala okoliščina, da je Šedivý o Belorusih in Ukrajincih v glavnem pisal v letih 1927 in 1928. Takrat pa je tudi v Sovjetski zvezi zrelo fazo doživljala politika korenizacije, ki je poudarjala samostojnost posameznih jezikov in narodov (Mironowicz, 2007, 64 sl.). Mariborski zgodovinar seveda ni mogel slutiti popolnega obrata nekaj let pozneje, zaradi katerega beloruski jezik kot samostojna prvina še danes »diha na škrge« (Maver, 2022, zlasti 1165–1167). Razvoj v Ukrajini je šel v drugo smer, a to predvsem zaradi globljih korenin gibanja za narodno samobitnost in morda še bolj zaradi obstoja samostojne kulturne infrastrukture vsaj na (sicer majhnem) delu z Ukrajinci poseljenega ozemlja (Snyder, 2003, zlasti 122–132).

ŠEDIVÝ KOT »NARAVNI« POSREDNIK

Zaradi svoje življenjske usode je bil Jan Bogumil Šedivý nekakšen »naravni« posrednik med slovensko in drugimi slovanskimi kulturami. Leta 1899 se je namreč rodil v Linzu v Zgornji Avstriji kot edini sin in drugi otrok češkega obrtnika Jana Šedivýja, doma iz Čeških Budejovic, in njegove žene Terezije, rojene Trop, doma iz okolice Velike Nedelje. Par se je spoznal v mestu Steyr, kjer sta oba delala. Oče je že leta 1900 umrl, zato je bila mladost poznejšega zgodovinarja vse do vpisa na beograjsko univerzo zaznamovana z velikim pomanjkanjem (Godec Čizmarevič, 2025, 5–8). Kljub temu je leta 1920 maturiral na klasični gimnaziji v Mariboru, ki ji je, kot omenjeno, posvetil pomemben del svojega raziskovalnega opusa. Študij zgodovine in zemljepisa je začel na novoustanovljeni univerzi v Ljubljani, vendar je že kmalu presedlal na univerzo v Beogradu (Richter, 1970, 1). Tam je nanj precej vplivalo srečanje z bizantologom Dragutinom Anastasijevićem, ki ga ni pomembno usmeril le študijsko, marveč je poskrbel tudi za konec njegovih najhujših materialnih skrbi (prim. Godec Čizmarevič, 2025, 10). Že leta 1924 pa se je Šedivý za nekaj let preselil v Prago, kjer je nadaljeval s študijem. Zadnja študijska postaja pred vrnitvijo v Beograd, kjer je leta 1929 diplomiral, je bila Sofija[3] (Godec Čizmarevič, 2025, 15).

Praško obdobje je bilo vsaj za njegovo vlogo kulturnega posrednika med Slovenci in Ukrajinci in Belorusi odločilno, kot smo mimogrede že omenili. Tako ni bilo le zaradi njegovega intenzivnega ukvarjanja z zgodovino slovanskih narodov, k čemur ga je zlasti spodbujal češki zgodovinar Jaroslav Bidlo (1858–1937), marveč tudi zaradi vzpostavljanja osebnih stikov z Ukrajinci, Belorusi in Lužiškimi Srbi v češkoslovaški prestolnici. Hkrati je bil nekako v letih med 1925 in 1928 kot dopisnik časnika *Slovenec* osrednji vir njegovih bralcev za stanje v slovanski Srednji in Vzhodni Evropi (Godec Čizmarevič, 2025, 13–14, 111–112).

V letu svoje diplome se je Šedivý tudi poročil s Katarino Pflug, Srbkinjo katoliške vere (Richter, 1970, 2). Ta bistvena osebna naveza je še podčrtala pri njem močno izraženo željo po združitvi vzhodnih in zahodnih kristjanov, pri kateri naj bi bili Slovani najpomembnejši most. Vse je kazalo, da bo življenje mladega profesorja zaplulo v sorazmerno mirne vode. Postal je profesor na svoji nekdanji gimnaziji in se pri svojem delu odlikoval z nekaterimi inovativnimi prijemi, recimo s tem, da je bil pobudnik v evropskem merilu izjemnega tekmovanja iz znanja srednjeveške grščine (Hriberšek, 2005, 310). To je bil »davek« njegovi veliki ljubezni bizantinistiki. Sicer pa je ob zemljepisu in zgodovini grščino tudi poučeval. Po drugi svetovni vojni si je nasprotno skoraj največ kruha prislužil s poučevanjem nekaj časa izjemno modne ruščine (Godec Čizmarevič, 2025, zlasti 46 sl.). Njegovo kariero posredovalca znanja, prodornega znanstvenega in strokovnega pisca ter neumornega delavca za gojenje stikov Slovencev z drugimi Slovani, v tridesetih letih predvsem s Čehi, Slovaki in Bolgari, je kot pri mnogih njegovih vrstnikih prekinil izbruh druge svetovne vojne.

3 Za slovensko-bolgarske stike v tistem času prim. zlasti Perovšek (2024, 373–381).

Čeprav gotovo ni bil rojen vojak, ga je »slovansko čustvo« očitno nagnilo, da se je med aprilsko vojno leta 1941 kot prostovoljec pridružil jugoslovanski vojski in pri Višegradu v Bosni pristal v nemškem ujetništvu. Iz njega mu je uspelo pobegniti in priti do ženine beograjske družine. Tja je iz Maribora prišla tudi žena Katarina z otrokoma, Šedivý pa je nujno potrebno službo s pomočjo povezav na prosvetnem uradu našel v mestu, ki se danes imenuje Zrenjanin in ki so ga po nemški okupaciji iz Petrovgrada znova preimenovali v Veliki Bečkerek. V Banatu je družina ostala še nekaj mesecev po koncu vojne leta 1945 (Godec Čizmarevič, 2025, 38–40).

Po vrnitvi v Slovenijo je Šedivý najprej našel zaposlitev na I. gimnaziji v Celju, od šolskega leta 1949/50 pa je znova delal v Mariboru, a ne na klasični, marveč na II. gimnaziji (Godec Čizmarevič, 2025, 41 sl.). Tam so mu leta 1952 v času naraščajoče protikatoliške gonje na izobraževalnih ustanovah[4] pripravili disciplinski postopek, ki je bil formalno sicer posledica njegovega oblastem neljubega članka, v katerem je profesor opozarjal na slabši uspeh dijakov svoje gimnazije v primerjavi s »klasiki«. Toda resnična pozornost njegovih »sodnikov« se je kmalu usmerila v domnevno neustrezno ideološko podlago njegovega poučevanja. Nazadnje so bile zanj uradno najusodnejše (času?) »neprimerne« razlage grške zgodovine in francoske revolucije. Srečo je imel zgolj v tem, da ni ostal brez službe, marveč se je lahko upokojil, sicer s precej nizko pokojnino (Godec Čizmarevič, 2025, zlasti 73–86). V šestdesetih letih 20. stoletja je potem prišlo še do enega vrhunca njegovih objav, zlasti v *Kroniki* in v obnovljenem *Časopisu za zgodovino in narodopisje*, kjer je sodeloval od prve številke nove vrste naprej (Richter, 1970, 2–3). Morda bi lahko rekli, da je v kulturni sferi v tem obdobju doživel vsaj tiho rehabilitacijo, kar je bilo razvidno tudi iz zapisov ob njegovi smrti leta 1969 (prim. npr. Richter, 1970, 3).

Četudi se je Šedivý, kakor je bilo že navedeno, v svojih objavah posvečal različnim slovanskim narodom, mu nekakšno prvenstvo v slovenski kulturi pripada predvsem, kar zadeva predstavitve Belorusov.[5] Medtem ko je zanimanje za njihove južne sosede Ukrajince med Slovenci prvi veliki val doživelo že na prelomu iz 19. v 20. stoletje (Malšina et al., 2021; prim. Maver, 2023b), so ti ostajali bela lisa na slovanskem zemljevidu, v veliki meri pa so se v slovenski kulturni krajini pozneje znova pogreznili v anonimnost. To se je pravzaprav spremenilo šele v zadnjih letih s prevajanjem in gostovanjem nekaterih mlajših beloruskih pesnic (Mort, 2024; prim. Maver, 2022; 2023b, zlasti 239–260). Celo pri slovensko-češkem »apostolu« vednosti o najmanjšem vzhodnoslovanskem narodu pa je bila etapa njegovega ukvarjanja z njim kratkotrajna. Najpomembnejše prispevke je objavil v *Domu in svetu* in goriški reviji *Mladika*. V prvem sta leta 1928 izšla izjemno temeljita pregleda beloruske in ukrajinske književnosti. Prvega je Šedivý napisal skupaj z beloruskim pisateljem Franciskom Hriškevičem (Hryškiewič & Šedivý, 1928), ki je bil očitno njegov glavni vir za položaj Belorusov (prim. Šedivý, 1927b, 188), pri drugem gre za prevod besedila Ukrajinca Miroslava Lubineckega (Lubyneckyj,

4 O širšem okviru tega dogajanja prim. Pastar (1993), Čelig & Friš (2024) in Čoh Kladnik & Piškurić (2024).
5 Za temeljit pregled njegove bibliografije prim. Godec Čizmarevič (2025, 111–120).

1928). Že leto prej je v seriji prispevkov predstavil zgodovino in položaj obeh manjših vzhodnoslovanskih narodov v *Mladiki* (Šedivý, 1927a–d; 1927g–j). Na podobno vižo so bili uglašeni njegovi članki iz istega leta v *Slovencu* (Šedivý, 1927e;1927k).

Izpod peresa obravnavanega zgodovinarja so izšli navsezadnje posamični prevodi krajših ukrajinskih in beloruskih literarnih besedil. Med bolj znanimi avtorji sta bila Ukrajinka Olha Kobiljanska (Kobyljanska, 1928) in klasik beloruske književnosti Jakub Kolas (Kolas, 1928). Skoraj vsi prevodi so izšli v *Mladiki*.

Treba je povedati še, da se je Šedivý po odhodu iz Prage občasno še vrnil k pisanju o ukrajinski in beloruski kulturi. Leta 1932 je v *Ljubljanskem zvonu* z obsežnim člankom počastil petdesetletnico ob Kolasu drugega najpomembnejšega beloruskega klasika Janka Kupale (Šedivý, 1932), medtem ko je leta 1937 prevod kratkega besedila pisatelja Antona Ljavickega, ki je objavljal pod psevdonimom Š. Jadvihin, priobčil v *Mariborskem koledarju* (Jadvigin, 1937). Olha Kobiljanska je bila nazadnje v ospredju njegovega kratkega prispevka v prvi številki obnovljenega *Časopisa za zgodovino in narodopisje,* ko je poročal o pisateljičinem obisku pri bratu Štefanu, ki je kot upokojeni oficir in slikar živel v Mariboru (Šedivý, 1965).

POLOŽAJ BELORUSOV IN UKRAJINCEV V ČASU ŠEDIVÝJEVIH OBJAV

Jan Šedivý ob koncu dvajsetih let 20. stoletja ni samo oral ledine s svojimi poglobljenimi predstavitvami beloruske in ukrajinske kulture, marveč se tudi njegov pristop razlikuje od tistega, ki je zlasti po drugi svetovni vojni v slovenskem prostoru prevladoval. To je bilo povezano z mimogrede že omenjenim zgodovinskim trenutkom, v katerem so se Belorusi in Ukrajinci znašli v času zgodovinarjevega študija v Pragi.

Podobno kot pri prikazovanju slovenske zgodovine je tudi pri predstavitvi beloruske in ukrajinske odločilnega pomena »vstopna točka« (prim. Maver, 2023b, zlasti 11–13; Maver, Mavrek & Horvat, 2024). Če obravnavamo preteklost beloruskih in ukrajinskih zgodovinskih dežel predvsem kot del vzhodnoslovanske preteklosti, je položaj precej drugačen, kot če poudarimo njeno vpetost v zgodovino Srednje Evrope ali vsaj njenega vzhodnega dela. Večina slovenskih srečevanj s prostorom dveh manjših vzhodnoslovanskih republik Sovjetske zveze je ubirala prvo pot, pri čemer Belorusiji ni nikoli posvečala posebne pozornosti. Posledično je prevladal pogled, po katerem je bila prvotna povezava vzhodnih Slovanov v okviru Kijevske Rutenije (ki jo slovensko zgodovinopisje skoraj soglasno imenuje Kijevska Rusija; prim. Maver, 2023a, 21, zlasti op. 2) na neki točki (»nenaravno«) prekinjena, cilj njihove nadaljnje zgodovinske poti pa naj bi bilo prizadevanje za ponovno »združitev« oziroma obnovo prvotne enotnosti iz zgodnjega in visokega srednjega veka (Kappeler, 2019, zlasti 34–40). Pri tem ni bila posebej opažena dokaj izrazita kulturnopolitična preusmeritev beloruskih in ukrajinskih zgodovinskih dežel na zahod od 13. stoletja naprej, kar je bilo v precejšnjem nasprotju s stanjem na območju današnje Rusije, kjer je zgodovinsko močno prevladovalo zavračanje zahodnih vplivov, z izjemo zlasti v prizadevanjih Petra Velikega (Bremer, 2016, 98–102). A tudi končni rezultat slednjih je bil, zlasti na cerkvenem področju, dvoumen.

»Vzhodnoslovansko« razumevanje beloruske in ukrajinske zgodovine v slovenskem prostoru je nadalje okrepila izkušnja druge svetovne vojne, ki za vse tri nekdanje vzhodnoslovanske sovjetske republike predstavlja ključen mejnik (Fedor, Lewis & Zhurzhenko, 2017; Lewis, 2017; Exeler, 2022). In čeprav se beloruska in zlasti ukrajinska izkušnja na pomembnih točkah razlikujeta od ruske, je kruta nacistična okupacija, podložena z rasistično ideologijo, skupaj z gojenjem spomina na junaški odpor ustvarila močno skupno komponento kolektivnega zgodovinskega spomina v Rusiji in Belorusiji, pa tudi na jugu in vzhodu Ukrajine. Zaradi neposrečene manjšinske politike druge poljske republike se zahodni deli Belorusije, ki med obema svetovnima vojnama niso bili del Sovjetske zveze, drugače kot zahodni deli Ukrajine ne ločijo pomembno od tistih, ki so spadali v sovjetsko Belorusijo že pred letom 1939 (prim. Mironowicz, 2007, 103 sl.). Sicer obstajajo velike razlike predvsem v živosti verskega življenja, toda kar zadeva kolektivni zgodovinski spomin, sovjetska plast s poudarjanjem vloge Belorusije kot »partizanske republike« tudi tam prevladuje (Akudowitsch, 2013, zlasti 58–69). Prav tako je rusifikacija v zadnjih desetletjih Sovjetske zveze in med večino vladanja Aljaksandra Lukašenke povsod napredovala z bolj ali manj neustavljivim tempom. Je pa res, da se je nedavno demokratično gibanje, ki je doživelo hiter vzpon in vsaj zunanji zaton po ponarejenih predsedniških volitvah avgusta 2020, sprva precej opotekalo v razmerju tako do ruskega vpliva v Belorusiji kot do gradnikov skupnega zgodovinskega spomina (prim. Shparaga, 2021). Toda nepopustljivost Lukašenkovega režima, ki je vseskozi izrazito stavil na sovjetsko plast skupne preteklosti, ga je, kot se zdaj zdi, nazadnje prisililo, da se je oklenilo manjšinske razlage beloruske preteklosti, ki vidi osrednjo identifikacijsko točko v Veliki kneževini Litvi iz poznega srednjega in predvsem zgodnjega novega veka, ne v »partizanski republiki«.[6] Proces dokončnega ločevanja Ukrajine od velike sosede Rusije, ki je postal nujnost predvsem po ruski okupaciji Krima in zanetenju vojne v Doneškem bazenu leta 2014 in ki se je po začetku ruske agresije na celotno ozemlje zahodne sosede leta 2022 še izjemno okrepil, je zmanjšal razlike v dojemanju ukrajinske zgodovine med Ukrajinci iz različnih zgodovinskih regij in najbrž dokončno uveljavil »srednjeevropsko« smer (prim. Hrytsak, 2023, zlasti 414–417). Je pa Ukrajina že prej odstopala od večinske belorusko-ruske interpretacije, utemeljene na poudarjanju sovjetskega herojstva med drugo svetovno vojno (Jobst, 2022, 51–67).

V letih Šedivýjevega bivanja v Pragi je bil položaj temeljito drugačen. Takrat izkušnje druge svetovne vojne seveda sploh še ni bilo. Hkrati sta na belorusko in ukrajinsko samorazumevanje vplivala dva sorazmerno sveža dejavnika, ki sta do razpada Sovjetske zveze stopila močno v ozadje. Druga polovica dvajsetih let

6 Za primerjavo med obema naboroma vsebin prim. zlasti Ljachoŭski (2020) in Titarenko (2011).

prejšnjega stoletja je bila v socialistični federaciji zlata doba politike tako imenovane korenizacije oziroma v beloruskem in ukrajinskem primeru belorusizacije in ukrajinizacije javnega življenja (Yekelchyk, 2007, 85–102; Mironowicz, 2007, 64–79). Poenostavljeno povedano je šlo za to, da so novi boljševiški oblastniki v Sovjetski zvezi sorazmerno kratek čas podpirali razcvet jezikov in kultur neruskih narodov, ki so prej dolga desetletja doživljali skoraj popolno prevlado ruščine v javnem življenju. S tem so hoteli po eni strani oslabiti stare ruske caristične strukture in po drugi strani pridobiti Neruse za boljševiški režim. Tretji razlog je bil, zlasti v beloruskem in ukrajinskem primeru, poskus vplivanja na izgubljene dele nekdanjega imperija carjev. Sovjetski Ukrajina in Belorusija naj bi imeli vlogo »svetilnika« za »neodrešene« ukrajinske in beloruske sonarodnjake, predvsem pod Poljsko (Bekus, 2010; Ivešić, 2018).

S skoraj stoletne časovne distance se seveda zdi, da je bila uradno razglašana mantra, naj bo nova kulturna politika »socialistična po vsebini in nacionalna po obliki«, recept za katastrofo, saj so nosilci sovjetskega sistema ohranjanju lastne moči in položajev dajali prednost pred vsem drugim. To pa je moralo privesti do trka s prebujenimi nacionalnimi silami, predvsem v Ukrajini, a tudi drugod. In zaradi razmerja moči ni bilo vprašanje, kdo bo zmagal (Maver, 2023b, 174–176). Ko si je Stalin, ki je bil eden tvorcev politike korenizacije v dvajsetih letih, že ob koncu istega desetletja premislil (čeprav ni bila usmeritev uradno nikoli preklicana), to ni pomenilo samo vrnitve intenzivne rusifikacije. Šele vzpostavljeno družbeno in politično elito »opolnomočenih« neruskih narodov je do konca tridesetih let 20. stoletja zadelo pravo fizično iztrebljenje (Mironowicz, 2007, 89–94). Ukrajincem je bilo kot že kdaj prej v zgodovini v prid, da so imeli pomembna kulturna središča zunaj železnega sovjetskega objema, Belorusi pa jih zaradi prevladujoče politike polonizacije na Poljskem niso mogli razviti; ta razlika odmeva do danes.

Začasni optimizem glede prihodnosti beloruske in ukrajinske kulture v obdobju večine Šedivýjevih objav se je družil s še svežim spominom na sicer neuspešen poskus oblikovanja samostojnih držav. Pri tem je bil ukrajinski širše zasnovan in podložen z velikimi žrtvami (Plokhy, 2021, 215–228), njegov neuspeh pa lahko ocenimo kot eno večjih geopolitičnih nesreč srednjeevropske zgodovine prve polovice 20. stoletja. K propadu mednarodno že priznane državne tvorbe ni prispevala le nezdrava ujetost med Poljsko in boljševiško Rusijo. V veliko večji nekdaj carski vzhodni Ukrajini je pomemben kamenček v mozaiku dodalo opotekanje med dajanjem prednosti socialni ali nacionalni problematiki, pri čemer so boljševiki ukrajinsko nacionalno gibanje prehiteli po levi, četudi so z nasilno kolektivizacijo v začetku tridesetih let izničili tisto, zaradi česar so bili deležni simpatij ukrajinskih kmetov (Yekelchyk, 2007, zlasti 80–83). Ne gre pozabiti niti na različne izbire zahodnih in vzhodnih Ukrajincev v bazenu možnih zaveznikov, saj so bili za zahodne sprejemljivi zagovorniki obnove carske Rusije, ki so bili strah in trepet vzhodnih, nasprotno pa se ti niso branili zavezništva Poljakov, ki so zrušili sanje o zahodnoukrajinski republiki ali vsaj avtonomiji v Galiciji

(Plokhy, 2021, 222 sl.). Končno poljski maršal Józef Piłsudski v razpravah med Poljaki samimi ni prodrl z zamislijo o obnovi poljsko-litovske konfederacije ali vsaj o Ukrajini (brez zahodnih pokrajin) kot tamponski deželi med Poljsko in boljševiki. So pa slednji morali vsekakor upoštevati ukrajinsko izkušnjo lastne državnosti (Snyder, 2003, zlasti 133 sl.).

Kar zadeva Beloruse, je vprašanje izvora in pomena kratkotrajne Beloruske ljudske republike, razglašene 25. marca 1918, bolj zapleteno. Drugače kot ukrajinska »sestra« ni zares nadzirala večine ozemlja, ki naj bi ji pripadalo, in delež nemških zasedbenih sil pri njeni vzpostavitvi je bil veliko večji kot v Ukrajini, kjer so vplivale predvsem na politični ustroj nove države, pobuda zanjo pa je prišla »od spodaj« (Michaluk & Rudling, 2014). Po drugi strani ni mogoče spregledati, da je bila vzpostavitev beloruske državnosti, čeprav pod nemško egido, nekakšna krona sicer mladega beloruskega nacionalnega gibanja. Njegov začetek mnogi postavljajo v leto 1905, v čas po revoluciji v Ruskem carstvu, ko so odpadle najhujše omejitve za rabo beloruskega jezika, ki so bile v veljavi od zatrtja vstaje na območju nekdanje poljsko-litovske konfederacije v letih 1863 in 1864 (Rudling, 2015 a–b).

Naslednje leto je začela v Vilniusu izhajati tudi ključna publikacija *Naša niva*, predstavniki mlade generacije beloruskih kulturnikov pa so začeli izpostavljati navezavo na imenitno belorusko preteklost v Veliki kneževini Litvi, pri čemer so drugače kot Ukrajinci obnovljeni konfederaciji dajali prednost pred samostojno belorusko državo (Snyder, 2003, 53 sl.). Lahko rečemo vsaj to, da je dejstvo obstoja Beloruske ljudske republike močno vplivalo na odločitev boljševikov, da Belorusijo sploh vzpostavijo kot samostojno sovjetsko republiko, ne kot avtonomni del ruske. Ravno tako jih je spodbudilo, da so njeno ozemlje še leta 1924 zaokrožili z večinsko belorusko govorečimi predeli na vzhodu današnje države (Rudling, 2015a). Hkrati so se vodilni organi neuspešne beloruske republike podobno kot ukrajinski preselili v tujino in imeli med letoma 1923 in 1945 svoj sedež ravno v Pragi, kar je nedvomno sooblikovalo živost tamkajšnje beloruske diaspore in vplivalo na Šedivýjevo dojemanje beloruskega položaja. Beloruska vlada v izgnanstvu obstaja še danes, saj njeni predstavniki za razliko od ukrajinskih in poljskih kolegov dediščine prve beloruske države niso hoteli »prepisati« na zmagovalca prvih (in edinih) demokratičnih predsedniških volitev v Belorusiji Aljaksandra Lukašenko. Njen sedež je od leta 1970 v Kanadi (prim. Ljachoŭski, 2020).

Končno je slovenske kulturne delavce med svetovnima vojnama najbrž nagovarjala razdeljenost ukrajinskih in beloruskih zgodovinskih dežel med več političnih entitet, kar jih je spominjalo na trenutni položaj Slovencev. Ukrajinci so razen v Sovjetski zvezi, kjer se je nekaj let zdelo, da bodo lahko uveljavili visoko stopnjo kulturne samostojnosti, živeli še v Romuniji, kjer niso imeli praktično nobenih pravic, na Poljskem, kjer so bila po eni strani bistvena središča ukrajinske kulture, po drugi strani pa jih je ovirala neposrečena manjšinska politika poljske države, o kateri je že bil govor, ter na Češkoslovaškem, kjer je bil položaj zanje ugoden, a je bilo zgodovinsko izhodišče zaradi stoletne madžarske prevlade podobno ali še slabše kot med prekmurskimi Slovenci (Subtelny, 2009, zlasti 189). Belorusi so bili v glavnem razdeljeni med Sovjetsko zvezo, kjer sta si sorazmerno hitro sledili etapi belorusizacije in skoraj popolnega zatrtja kulturnega življenja v beloruščini, in Poljsko, kjer je prebival visok delež Belorusov, vendar so imeli bistveno slabše zgodovinsko izhodišče kot Ukrajinci (Mironowicz, 2007, 64 sl.). Manjši skupnosti sta prebivali še v Litvi in Latviji, velika je bila, kot že omenjeno, beloruska navzočnost na Češkoslovaškem, predvsem v Pragi.

ŠEDIVÝ O BELORUSIH IN UKRAJINCIH

Skupna izkušnja razdeljenosti po prvi svetovni vojni je vsekakor odmevala pri Janu Šedivýju. Primerjavo med Belorusi in Ukrajinci na Poljskem in Slovenci pod Italijo je večkrat neposredno izpostavil, denimo v prispevku za *Mladiko* leta 1927:

> *Zgodovina slovanskih narodov in ves razvoj svetovnih dogodkov nas prepričujeta, da je namen slovanskih narodov, zediniti pravoslavno in katoliško cerkev, utešiti nemirne zapadnoevropske narode in biti most k poganskemu Vzhodu.* [...] *Nečloveško preganjanje Belorusov in Ukrajincev v Poljski in neosvobojenih Slovencev in Hrvatov je samo priprava za to poslanstvo.* (Šedivý, 1927c, 229)

V navedku se zanimanje za podoben zgodovinski položaj stakne z nemara osrednjim gonilom ukvarjanja mariborskega profesorja s slovanskim vzhodom ob koncu dvajsetih let prejšnjega stoletja. Po sledeh nekaterih drugih katoliških izobražencev iz vzhodnoštajerskega prostora, kakršen je bil Franc Kovačič, je videl osrednje poslanstvo Slovanov v njihovi vlogi mostu do združitve vzhodnih cerkva s Katoliško.[7] Iz tega je izvirala posebna pozornost do ukrajinskih grkokatolikov, pri katerih je bil tak most po svoje že uresničen. A tu je treba pristaviti, da se navdušenje nad slovanstvom nikakor ni prepletalo s prizadevanjem za cerkveno unijo pri vseh katoliških mislecih s Šedivýjevega konca. Približno šest desetletij prej je iz okolice Ormoža izvirajoči duhovnik in politik Božidar Raič štel mnenje, da bi pravoslavni Slovani lahko našli pot v Katoliško cerkev, za nerealistično, kajti: »Že sama misel, ka bi 60 milijonov pravoslavnikov slovanskega obreda prestopilo k nekterim miljonom katoličanov, ki v tujščini daritvo opravljajo, ovaja, da mirno rečem, veliko predrznost« (Raič, 1869, 14).

V okviru svojega jedrnega poudarka se je Šedivý zavedal, da so Ukrajinci in zlasti Belorusi nekakšni novinci v areni pozornosti svetovne, ne le slovenske javnosti. Glede Belorusov je izrazil celo mnenje, da »ni slovanskega naroda, ki bi ga svet tako malo poznal kakor Beloruse« (Šedivý, 1927a, 149). Ni mogel niti mimo prispevka, ki ga je za prepoznavnost in uveljavitev obeh manjših vzhodnoslovanskih narodov prinesla boljševiška Sovjetska zveza: »Za Ukrajince in Beloruse je svet izvedel šele

7 O tem miselnem toku prim. pregledno Malmenvall (2024a–b) in Simčič (2024, zlasti 448–450).

iz boljševiških knjig in časopisov v najnovejši dobi, ko sta ta naroda dobila svoji lastni državi v okviru ruske zvezne republike« (Šedivy, 1927a, 149). Toda po drugi strani je bil spričo svojih virov v Pragi in iz vzpona beloruske in ukrajinske kulture izvirajočega optimizma v dvajsetih letih 20. stoletja prepričan, da bo po prvi svetovni vojni nedokončana državna osamosvojitev obeh dežel kmalu postala meso. Glede Ukrajine je denimo prerokoval: »Ko se bo vse ukrajinsko ozemlje združilo v eno državo, kar se bo gotovo zgodilo v bližnji prihodnosti, bo ukrajinska država štela več kot petdeset milijonov prebivalcev« (Šedivý, 1927g, 351). Število Belorusov v predvojnem Ruskem carstvu in po prvi svetovni vojni je v *Slovencu* previsoko ocenjeval na petnajst milijonov in predvsem zaradi boljševiškega preganjanja vere tudi njim napovedoval popolno osamosvojitev: »Boljševiško zatiranje vere še bolj podžiga teženje Belorusov, da se odtrgajo od zveze z Moskvo in osnujejo popolnoma neodvisno belorusko državo« (Šedivy, 1927e, 3).

V nasprotju s skromno prepoznavnostjo v sodobnosti je pri mariborskem zgodovinarju bogato zgodovinsko izročilo beloruskih in ukrajinskih dežel. Tukaj je njegov prikaz v sozvočju predvsem s predstavami, ki so jih razvijali vodilni predstavniki mladega, kratkotrajnega, a intenzivnega beloruskega nacionalnega gibanja v prvih desetletjih 20. stoletja (prim. zlasti Rudling, 2015b). Ključni identifikacijski točki sta zanj bila, enako kot še za sodobne zagovornike predsovjetske oziroma nesovjetske beloruske istovetnosti (Titarenko, 2011; Sahanovič, 2014), precej skrivnostni tiskar Francisk Skarina iz prve polovice 16. stoletja in že omenjena Velika kneževina Litva kot tista državna tvorba, v kateri so imeli Belorusi ali vsaj njihov jezik glavno besedo.[8] Potem ko jim je Šedivý nedvomno pod vplivom svojih praških sogovornikov pripisal že epsko pesnitev *Pesem o Igorjevem pohodu*, je takole opredelil vlogo beloruskega jezika v veliki kneževini:

> *Na vsakem dvoru litevskih knezov se je govorilo beloruski. Litevski jezik se je začel uporabljati v knjigi šele v 16. stoletju, enotni književni jezik pa so dobili Litevci po svetovni vojni.* [...] *Kljub vsemu poljskemu prizadevanju je še v 16. stoletju vladal v Litvi beloruski jezik ne samo med beloruskim prebivavstvom, temveč tudi med plemiči litevskega rodu. Poljski kralj Sigismund I. (1506 do 1548), ki je bil obenem tudi litevski veliki knez, je izdal l. 1529 ustavo ali temeljne zakone za litevske pokrajine v beloruskem jeziku.* (Šedivý, 1927a, 150–151)

Tukaj puščamo ob strani, da se avtor ne sprašuje poglobljeno o naravi jezika, ki mu pravi beloruščina, zanj pa je danes bolj uveljavljeno poimenovanje pisarniška rutenščina. Prav tako vsaj večinoma ne velja za prvo razvojno stopnjo sodobnega beloruskega knjižnega jezika, četudi ga občasno še označujejo kot staro beloruščino (prim. Sahanovič, 2014).

V nadaljevanju svoje obširne predstavitve Belorusov se je Šedivý dotaknil tudi Skarinovega pomena:

8 O tamkajšnjem novoveškem verskem vrenju prim. Rajšp (2024, 309–311).

> *V 16. stoletju se začenja zlata doba beloruske književnosti. Kakor skoro pri vseh narodih, se začne tudi novejša beloruska književnost s prestavo sv. pisma.* [...] *To ogromno delo je storil dr. Francisk Skarina.* [...] *S pomočjo vilenskih plemičev je nakupil cirilske črke in je tu izdal l. 1525 beloruski prevod sv. pisma starega zakona, ki so ga l. 1575 prevedli Ukrajinci v Galiciji na svoj jezik. Ker je bil v svoji mladosti pravoslavne vere, a je v Krakovu prestopil v katoličanstvo, je imel zveze s pristaši obeh cerkva in se je zato njegov prevod sv. pisma naglo razširil. Po njegovem prizadevanju so dobili Belorusi l. 1535 svojo prvo tiskarno v cirilskimi črkami v Vilni, dočim so jo dobili Rusi šele l. 1553 v Moskvi.* (Šedivý, 1927b, 188)

Današnji prevladujoč pogled na tiskarja je sicer nekoliko drugačen kot v omenjenem prispevku, saj Skarinova izdaja ni izšla v ljudskem jeziku z območja Belorusije, kar bi omogočalo govorjenje o prevodu v beloruščino, pač pa v stari cerkveni slovanščini z elementi beloruskega ljudskega jezika (Plokhy, 2006, 106 sl.). To sicer opravičuje ohranjanje osrednjega mesta nenavadne osebnosti v beloruskem kulturnem panteonu.

Kot smo že nakazali, je eno ključnih vprašanj razumevanja beloruske in ukrajinske zgodovine opredelitev njunega razmerja do ruske – in poljske, kar je bilo v času pripadnosti delov beloruskih in ukrajinskih zgodovinskih pokrajin Poljski aktualnejše kot po drugi svetovni vojni. Šedivý je vsaj v svojih praških letih izrazito poudarjal ukrajinsko in belorusko drugačnost in ni hotel nič vedeti za že večkrat omenjeno »vzhodnoslovansko navezo«, ki naj bi upravičevala prevladujoč položaj Rusov in Rusije. O Belorusih je tako že v začetku svoje predstavitve v *Slovencu* ugotavljal:

> *V predvojni ruski državi je prebivalo okrog 15 milijonov Belorusov, ki so bili svetu neznani, ker jih je ruska vlada proglašala za Ruse.* [...] *Kdor se ni priznal za Rusa (razen Poljakov), je moral v pregnanstvo v Sibirijo. Nad sto let, do ruske revolucije leta 1905, ni smela v Rusiji iziti nobena beloruska ali ukrajinska knjiga.* (Šedivý, 1927e, 3)

Vidi se, da zgodovinar na temelju svojih informacij nima težav z ugotavljanjem tistega dejstva, ki je begalo mnoge druge slovenske kulturnike, med drugim že prej navedenega Raiča. Šlo je za to, da so v primerih Belorusov, Ukrajincev in tudi Poljakov v času pred prvo svetovno vojno v vlogi glavnih zaviralcev kulturnega razcveta slovanskih narodov nastopali drugi Slovani: Rusi in v beloruskem in ukrajinskem primeru še Poljaki. Kaj takega je bilo za slovensko pamet, vajeno položajev, v katerih so glavna nasprotovanja izgradnji lastne kulturne infrastrukture prihajala od neslovanskih sosedov, težko prebavljivo in je vse do najnovejšega časa oteževalo razumevanje razmer v Belorusiji in Ukrajini.

Mogoče še dlje je šel Šedivý v slikanju razlik med rusko in ukrajinsko kulturo, kjer je naslikal pravi civilizacijski prepad na različnih ravneh. Poudaril je: »Če se napije, razkrije Ukrajinec svojo dušo, odpušča sovražnikom, objema in poljublja prijatelje, nikoli pa ne meče kozarcev ob tla, ne razbija šip in stolov in ne pretepa žene« (Šedivý, 1927h, 391). Avtor tukaj seveda namiguje, da Rusi počno vse tisto, česar Ukrajinci ne. Podobno velike razlike odčita na zase zelo pomembnem področju verskega življenja obeh sosednih narodov:

> *Ruski bogoslovci se često bavijo z brezpomembnimi stvarmi, kakor n. pr. ali je že kdo krivoverec, ako se ne prekriža s tremi prsti, in to tako, kakor zahtevajo pravoslavni običaji, a Ukrajincu se zde taka vprašanja smešna. Ukrajinec je veren, toda pri njem je vera zelo srčna zadeva; Ukrajinec ljubi Boga bolj s srcem ko z razumom.* [...] *Zato so ukrajinski katoličani vzhodnega obreda kljub slabi izobrazbi svoje duhovščine vsa najstrašnejša verska preganjanja tudi od strani katoliških Poljakov razmeroma zelo srčno prestali. Gotovo bodo Ukrajinci pod boljševiško vlado tudi premagali boljševiško brezverstvo.* (Šedivý, 1927h, 392)

Z zadnjimi mislimi smo že prišli k ujetosti tako Belorusov kot Ukrajincev med Poljsko na zahodu in Sovjetsko zvezo na vzhodu, ki je bila temeljna značilnost njihovega položaja med svetovnima vojnama. Na kratko je Šedivý stanje, ko je govoril o Ukrajincih, povzel takole: »Trdno sem prepričan, da so versko preganjanje pod boljševiki in versko in narodno zatiranje pod Romunijo in Poljsko tisti križev pot, ki je potreben za vstajenje mogočne, svobodne, v Katoliški cerkvi zedinjene Ukrajine« (Šedivý, 1927g, 352). Vsaj splošen vtis je, da se mu zdi zatiranje verskega življenja pod boljševiki ob koncu dvajsetih let manjša ovira za kulturni razcvet kot poljska politika do vzhodslovanskih manjšin. K temu je zagotovo prispevalo druženje z beloruskimi (in ukrajinskimi) študenti v Pragi, ki so tam med drugim pristali ravno zaradi poskusov poljskih oblasti, da bi se znebili narodno zavedne inteligence iz manjšinskih vrst. O tovrstnih ukrepih je Šedivý poročal naslednje:

> *Trije milijoni Belorusov nimajo na Poljskem niti ene državne srednje šole, le Beloruska matica vzdržuje tri gimnazije. Maturo teh gimnazij priznavajo sicer češkoslovaške, nemške, francoske in italijanske univerze, ne pa poljske. V inozemstvo dobe ti abiturijenti potni list samo tedaj ako se zavežejo da se nikdar več ne vrnejo na Poljsko četudi so poljski državljani. Beloruski dijaki, ki so končali poljske gimnazije, morajo napraviti posebno prošnjo na sprejem na poljsko univerzo, ki je odbita, ako ni upanja na polonizacijo.* (Šedivy, 1927e, 3)

Še huje je mariborski zgodovinar bičal dejstvo, da je bila beloruščina skoraj popolnoma izgnana iz katoliških cerkva in da duhovniki beloruskega maternega jezika niso mogli delovati na beloruskih župnijah (Šedivy, 1927e, 3). Nič bolje pa se po njegovem ni godilo ukrajinskim grkokatolikom, in to kljub izjemnemu ugledu njihovega voditelja, lvivskega metropolita Andreja Šeptickega. Šedivýja je v primerjavi zaneslo precej daleč: »O preganjanju katoliške duhovščine in vernikov vzhodnega obreda na Poljskem ne bom poročal, ker me je sram, da je v Evropi mogoče kaj, kar ni mogoče pri divjih afriških plemenih« (Šedivý, 1927g, 352). Njegova bolečina je zlasti, da nacionalizem katoliških poljskih voditeljev ne ovira samo združitve vzhodnih kristjanov s Katoliško cerkvijo, kar je, kot smo videli, v ospredju njegovega zanimanja za Ukrajince in Beloruse, temveč kljub drugačnim poljskim namenom neposredno tlakuje pot boljševizmu: »Na ta način širi Poljska boljševizem in mu tlakuje pot v Evropo, čeprav meni, da je prvoborka proti boljševiški Rusiji« (Šedivý, 1927d, 272).

Po drugi strani se zgodovinar kar naprej vrača k temi boljševiškega preganjanja vere v Sovjetski zvezi, a se mu vendarle zdi, da gredo tam stvari, kar zadeva manjša vzhodnoslovanska naroda, v pravo smer. K temu morda prispeva že njegov izhodiščno ambivalenten odnos do socialistične federacije (prim. zlasti Šedivý, 1927f, 312), v kateri navsezadnje vidi velikansko državo pod slovanskim vodstvom. Z navedenim je dedič predstav iz zadnjih desetletij 19. stoletja.[9] Prav tako je bil zmotno precej prepričan, da bo prevlada protiverskega boljševizma zgolj kratkotrajen pojav, ki jo bo odplavil prirojen verski čut vzhodnih Slovanov, predvsem spet Ukrajincev in Belorusov. Zato povsem nerealistično ocenjuje znamenja domnevne pluralizacije sovjetske družbe, ki jih razbira v času svojega pisanja (Šedivý, 1927f, 312). V isti optiki pridobitve, ki sta jih prinesli belorusizacija in ukrajinizacija v manjših vzhodnoslovanskih republikah, vrednoti kot bolj ali manj trajne in izpostavlja njihov pozitiven pomen zlasti v beloruskem primeru: »V boljševiški Belorusiji imajo v Minsku svojo univerzo. V vseh uradih in šolah vlada beloruski jezik« (Šedivý, 1927e, 3). V sovjetski Ukrajini sicer že prepoznava prve kazalce zatiranja poudarjenega izražanja ukrajinskih narodnih teženj (prim. zlasti Šedivý, 1927k), toda optimistično meni, da bo to, enako kot omejevanje verskega življenja, zgolj pospešilo prizadevanja za popolno osamosvojitev republike. Po odhodu iz Prage, ko se je smer Stalinove politike bistveno spremenila, pa seveda niti ni mogel več tako natančno spremljati razvoja.

SKLEP

Ta razvoj po Stalinovem skoraj popolnem zasuku v politiki do neruskih narodov je, kot smo že povedali, precej osramotil Šedivýjev optimizem s konca dvajsetih let. Domala popolno uničenje komaj oblikovane ukrajinske in beloruske kulturne elite v tridesetih letih 20. stoletja in druga svetovna vojna, ki je med drugim ustvarila novo politično mitologijo, sta skupaj s precej dvoumno združitvijo velike večine Ukrajincev in Belorusov pod sovjetsko egido na novo narisali kulturni zemljevid Vzhodne Evrope tudi za Slovence. Vrhu tega so bili Šedivýjevi prispevki v glavnem objavljeni v publikacijah omejenega dosega. Hkrati se je težišče slovenskega razumevanja slovansko zaznamovanega dela Sovjetske zveze po drugi svetovni vojni izrazito pomaknilo v smer ruskega dojemanja, za kar so obstajali ugodni nastavki že od 19. stoletja naprej. Zato je ostal Šedivý predvsem s svojim temeljitim predstavljanjem beloruske kulture precejšen osamelec.

---

9 Prim. nazadnje Nežmah (2024b) o teh pogledih pri Josipu Jurčiču. Za študijo posameznega primera prim. še Nežmah (2024a).

Seveda bi se v nadaljnjih raziskavah morda še dalo najti kak odmev njegovega pisanja, vendar je moč že zdaj reči, da slednje ni odločilno vplivalo na slovenske predstave o evropskem vzhodu. V opravičilo mariborskemu profesorju lahko seveda zapišemo, da po manj kot desetletju od boljševiške revolucije še ni mogel predvidevati, kam bo pripeljala dvoumna izhodiščna narava politike korenizacije. Prav tako bi bilo koristno več pozornosti nameniti genezi njegovega razumevanja Vzhodne Evrope, pri čemer bi bilo nujno upoštevati še širši nabor virov, in ga postaviti ob bok njegovim stališčem do položaja Slovencev v Kraljevini SHS oziroma v Kraljevini Jugoslaviji. Opraviti bi bilo slednjič mogoče še temeljitejše primerjave njegovih pogledov na evropski vzhod z mnenji, izraženimi v slovenskem prostoru od druge polovice 19. stoletja do polovice 20. stoletja.

Poudarili bi še eno razsežnost Šedivýjevih besedil. Predvsem s tem, kar je napisal o Belorusiji, je nakazal, kako bi bilo mogoče sloveniti beloruska (in ukrajinska) lastna imena, ne da bi za izhodišče jemali ruske oblike, kot je vsaj pri zemljepisnih imenih še vedno precej običajno. Če nič drugega, Šedivý skupaj z zgodnjimi posredovalci védenja o ukrajinski zgodovini in kulturi med Slovenci dokazuje, da je v slovenščini že obstajal obsežen nabor poslovenjenih beloruskih in ukrajinskih imen, bližji njihovi podobi v matičnih jezikih.

JAN ŠEDIVÝ AS A MEDIATOR BETWEEN SLOVENIAN AND BELARUSIAN AND UKRAINIAN CULTURES

Aleš MAVER
University of Maribor, Faculty of Arts, Koroška cesta 160, 2000 Maribor, Slovenia
e-mail: ales.maver@um.si

Manica GODEC ČIZMAREVIČ
School of Horticulture and Visual Arts, Ljubljanska c. 97, 3000 Celje
e-mail: godec.manica@gmail.com

Miro HRIBERNIK
University of Maribor, Faculty of Arts, Koroška cesta 160, 2000 Maribor, Slovenia
e-mail: miro.hribernik@gmail.com

SUMMARY

The historian Jan Šedivý (1899–1969) is best known today, if at all, as a researcher of Maribor's classical high-school and school history in general. Much less attention has been paid to his role as an important mediator between Slovenian and other Slavic cultures. Although he put most of his efforts into establishing cultural contacts with Czechs, Slovaks, and Bulgarians, we dare say that he broke new ground in many ways in Slovenia when it came to Ukrainians and Belarusians. This is particularly true of his presentations of Belarusian culture. At the end of the 1920s, Jan Šedivý's approach also differed from that which prevailed among Slovenes, especially after World War II. This was linked to the historical moment, when he met his Belarusian and Ukrainian informers in Prague. After leaving the Czech capital, when Stalin's minority policies changed completely, he was of course no longer able to follow developments so closely. The development during the 1930s rather discredited Šedivý's optimism of the late 1920s. The almost complete destruction of the newly formed Ukrainian and Belarusian cultural elites and World War II, among other things, created a new political mythology. Together with the rather ambiguous unification of the vast majority of Ukrainians and Belarusians under the Soviet aegis, it also redrew the cultural map of Eastern Europe for Slovenians. Moreover, Šedivý's texts on Ukrainians and Belarusians were mainly published in publications with limited reach. At the same time, the focus of Slovenian understanding of the Slavic-speaking parts of the Soviet Union after World War II shifted markedly towards the Russian perception, for which there had been favourable conditions since the nineteenth century. Therefore, Šedivý remained somewhat of a loner, primarily with his thorough presentation of Belarusian culture.

Keywords: Belarus, Ukraine, Jan Šedivý, Belarusization, Ukrainization, Belarusian-Slovenian contacts, Ukrainian-Slovenian contacts

VIRI IN BIBLIOGRAFIJA

Akudowitsch, Valentin (2013): Der Abwesenheitscode: Versuch, Weissrussland zu verstehen. Frankfurt am Main, Suhrkamp.

Bekus, Nelly (2010): Nationalism and Socialism: "Phase D" in the Belarusian Nation-building. Nationalities Papers, 38, 6, 829–846.

Bremer, Thomas (2016): Kreuz und Kreml: Geschichte der orthodoxen Kirche in Russland. Freiburg – Basel – Dunaj, Herder.

Čelig, Tomaž & Darko Friš (2024): Med pragmatizmom in grožnjami – FLRJ 1950–1951. Studia Historica Slovenica: časopis za humanistične in družboslovne študije, 24, 1, 169–206.

Čoh Kladnik, Mateja & Jelka Piškurić (2024): The World of Convicts: Conditions and Irregularities in Penal Institutions in Slovenia between 1945 and 1951. Studia Historica Slovenica: časopis za humanistične in družboslovne študije, 24, 3, 699–738.

Exeler, Franziska (2022): Ghosts of War: Nazi Occupation and Its Aftermath in Soviet Belarus. Ithaca (NY) – London, Cornell University Press.

Fedor, Julie, Lewis, Simon & Tatiana Zhurzhenko (2017): Introduction: War and Memory in Russia, Ukraine, and Belarus. V: Fedor, Julie, Kangaspuro, Markku, Lassila, Jussi & Tatiana Zhurzhenko (ur.): War and Memory in Russia, Ukraine and Belarus. London, Palgrave Macmillan, 1–40.

Godec Čizmarevič, Manica (2025): Zgodovinar Jan Šedivý. Maribor, Založba knjig Kulturni center Maribor.

Hriberšek, Matej (2005): Klasični jeziki v slovenskem šolstvu (1848–1945). Ljubljana, Založba ZRC.

Hryškiewič, Francisk & Jan Šedivý (1928): Pregled novejšega beloruskega slovstva. Dom in svet, 41, 1–2, 36–40.

Hrytsak, Yaroslav (2023): Ukraine: The Forging of a Nation. London, Sphere.

Ivešić, Tomaž (2018): Besede učijo, zgledi vlečejo: nacionalno vprašanje po oktobrski revoluciji. Monitor ISH, 20, 1, 33–49.

Jadvigin, Š. (1937): Zaslužek. Mariborski koledar, 12, 1, 163–164.

Jobst, Kerstin Susanne (2022): Geschichte der Ukraine. Stuttgart, Reclam.

Kappeler, Andreas (2019): Kleine Geschichte der Ukraine. München, C. H. Beck.

Kobyljanska, Olha (1928): Slepec. Mladika, 9, 10, 379.

Kolas, Jakub (1928): Zlo ni vedno zlo. Mladika, 9, 2, 68.

Lewis, Simon (2017): "The Partisan Republic": Colonial Myths and Memory Wars in Belarus. V: Fedor, Julie, Kangaspuro, Markku, Lassila, Jussi & Tatiana Zhurzhenko (ur.): War and Memory in Russia, Ukraine and Belarus. London, Palgrave Macmillan, 371–396.

Ljachoŭski, Uladzimir (2020): Belarus: Die weiß-rot-weiße Nation: Eine kurze Geschichte der Staatssymbole. Osteuropa, 70, 83–105.

Lubyneckyj, Miroslav (1928): Pregled nove ukrajinske književnosti. Dom in svet, 41, 5, 148–152.

Malmenvall, Simon (2024a): Social Reflection of Professor Franc Grivec in Turbulent Times: Christian Unity, Slovenian National Consciousness, Slavic Solidarity. Konštantinove listy, 17, 2, 113–125.

Malmenvall, Simon (2024b): Social Vision of Professor Grivec: from Ecclesiastical Unity to National Consciousness. V: Žalec, Bojan & Stjepan Štivić (ur.): Culture Wars: Past, Present, Future. Berlin, Lit, 73–81.

Malšina, Katerina, Benedejčič, Andrej, Slisarenko, Oleksandr & Vladyslav Volobuiev (2021): Kaj so Slovenci leta 1905 vedeli o Ukrajini?: ukrajinsko vprašanje in njegov avtor – slovenski »kazak« Bajda. Prispevki za novejšo zgodovino, 61, 1, 32–59.

Maver, Aleš (2022): Narod na preklic?: oblikovanje beloruske identitete v primerjavi s slovensko. Acta Histriae, 30, 4, 1159–1184.

Maver, Aleš (2023a): Po različnih poteh do sozvočja: zgodovinski okvir odnosa pravoslavja v Ukrajini in Rusiji do političnih oblasti. Edinost in dialog, 78, 1, 15–41.

Maver, Aleš (2023b): Ukrajina od igre prestolov do vojne za samostojnost. Celje, Mohorjeva družba.

Maver, Aleš, Mavrek, Timotej & Maj Horvat (2024): Dvoje vstopov v slovensko zgodovino. Studia Historica Slovenica: časopis za humanistične in družboslovne študije, 24, 2, 537–564.

Michaluk, Dorota & Per Anders Rudling (2014): From the Grand Duchy of Lithuania to the Belarusian Democratic Republic: The Idea of Belarusian Statehood during the German Occupation of Belarusian Lands, 1915–1919. The Journal of Belarusian Studies, 7, 2, 3–36.

Miladinović Zalaznik, Mira (2024): Joseph Roth in Slovenci. Studia Historica Slovenica: časopis za humanistične in družboslovne študije, 24, 3, 669–698.

Mironowicz, Eugeniusz (2007): Białoruś. Varšava, Trio.

Mort, Valžina (2024): Pesem o belih jabolkih. Ljubljana, Beletrina.

Nežmah, Bernard (2024a): Kako je poročanje o protiturški vstaji v Bosni in Hercegovini oblikovalo osrednje slovenske časopise, Novice, Slovenca in Slovenski narod. Studia Historica Slovenica: časopis za humanistične in družboslovne študije, 24, 2, 323–357.

Nežmah, Bernard (2024b): Neznani Jurčič – magični žurnalist: časopisna, kulturna in družbena zgodovina desetletja 1871–1881 na straneh Slovenskega naroda. Ljubljana, Slovenska matica.

Pastar, Janez (1993): Leta 1952 na mariborskem učiteljišču. V: Rižnar, Igor (ur.): 130 let: zbornik: Državno učiteljišče Maribor, Gimnazija pedagoške smeri Maribor, Pedagoška šola Maribor, Srednja šola pedagoške in kulturne usmeritve Maribor, III. gimnazija Maribor. Maribor, III. Gimnazija Maribor, 12–70.

Perovšek, Jurij (2019): Slovenci in slovanski svet: Politične slike od včeraj in danes. Ljubljana, Založba Inštituta za novejšo zgodovino.

Perovšek, Jurij (2024): Slovenski pogled na Bolgare in Bolgarijo od konca 19. stoletja do druge svetovne vojne. Studia Historica Slovenica: časopis za humanistične in družboslovne študije, 24, 2, 359–402.

Plokhy, Serhii (2006): The Origins of the Slavic Nations: Premodern Identities Russia, Ukraine, and Belarus. Cambridge, Cambridge University Press.

Plokhy, Serhii (2021): The Gates of Europe: A History of Ukraine. New York, Basic Books.

Raič, Božidar (1869): K. Havliček Borovsky. Maribor, Slovenski narod.

Rajšp, Vincenc (2024): Versko dogajanje v Vzhodni Evropi od 16. do 18. stoletja: Slovenski pogled. Studia Historica Slovenica: časopis za humanistične in družboslovne študije, 24, 2, 277–322.

Richter, Jakob (1970): Jan Šedivý. Časopis za zgodovino in narodopisje, 6,41, 1, 1–3.

Rudling, Per Anders (2015a): The Beginnings of Modern Belarus: Identity, Nation, and Politics in a European Borderland. The Journal of Belarusian Studies, 7, 3, 115–127.

Rudling, Per Anders (2015b): The Rise and Fall of Belarusian Nationalism, 1906–1931. Pittsburgh, Pittsburgh University Press.

Sahanovič, Henadz (2014): Changing Myths about Belarusian History. V: Kolb, Kaciaryna (ur.): Belarus on the Forefront of Eurasia: Between Moscow and Kyiv. Varšava, Uczelnia Lazarskiego, 42–53.

Shparaga, Olga (2021): Die Revolution hat ein weibliches Gesicht: Der Fall Belarus. Frankfurt am Main, Suhrkamp.

Simčič, Tomaž (2024): Primorska in boj za slovansko bogoslužje na prehodu iz 19. v 20. stoletje. Studia Historica Slovenica: časopis za humanistične in družboslovne študije, 24, 2, 443–472.

Snyder, Timothy David (2003): The Reconstruction of Nations: Poland, Ukraine, Lithuania, Belarus, 1569–1999. New Haven, Yale University Press.

Subtelny, Orest (2009): Ukraine: A History. Fourth Edition. Toronto, University of Toronto Press.

Šedivý, Jan (1927a): Belorusi. Mladika, 8, 4, 149–151.

Šedivý, Jan (1927b): Belorusi. Mladika, 8, 5, 188–189.

Šedivý, Jan (1927c): Belorusi. Mladika, 8, 6, 228–229.

Šedivý, Jan (1927d): Belorusi. Mladika, 8, 7, 271–272.

Šedivý, Jan (1927e): Naši beloruski bratje. Slovenec, 55, 89, 22. 4. 1927, 3.

Šedivý, Jan (1927f): Sedanje stanje sovjetske države. Mladika, 8, 8, 311–312.

Šedivý, Jan (1927g): Ukrajinci. Mladika, 8, 9, 351–352.

Šedivý, Jan (1927h): Ukrajinci. Mladika, 8, 10, 391–392.

Šedivý, Jan (1927i): Ukrajinci. Mladika, 8, 11, 429–431.

Šedivý, Jan (1927j): Ukrajinci. Mladika, 8, 12, 465–467.

Šedivý, Jan (1927k): Ukrajinski problem. Slovenec, 55, 67, 24. 3. 1927, 1.

Šedivý, Jan (1927l): Značilna beloruska knjiga. Slovenec, 55, 244, 27. 10. 1927, 8.

Šedivý, Jan (1932): Janka Kupala: Ob jubileju največjega beloruskega pesnika. Ljubljanski zvon, 52, 11, 679–687.

Šedivý, Jan (1965): Ukrajinska pisateljica Olga Kobilyanska in njen brat Štefan v Mariboru. Časopis za zgodovino in narodopisje, 1, 36, 187–188.

Šela, Ana (2024): Operations "Venček" and "Prstan": Monitoring of Mixed Marriages with Eastern European Citizens in Socialist Republic of Slovenia by the State Security Service in the 1980s. Studia Historica Slovenica: časopis za humanistične in družboslovne študije, 24, 1, 207–242.

Titarenko, Larissa (2011): Post-Soviet Belarus: The Transformation of National Identity. International Studies, 13, 1, 11–21.

Yekelchyk, Serhy (2007): Ukraine: Birth of a Modern Nation. Oxford – New York, Oxford University Press.

Received: 2025-09-04 DOI 10.19233/AH.2025.27

SODNE OBRAVNAVE MLADOLETNIC, ŽRTEV SPOLNIH ZLORAB, PRED OKROŽNIMI SODIŠČI MARIBOR, MURSKA SOBOTA IN CELJE V OBDOBJU MED LETOMA 1930 IN 1941

Gorazd BAJC
Univerza v Maribor, Filozofska fakulteta, Koroška cesta 160, 2000 Maribor, Slovenija
e-mail: gorazd.bajc@um.si

Veronika MEŠIĆ
Zlatoličje 64 a, 2205 Starše, Slovenija
e-mail: veronika.mesic@student.um.si

IZVLEČEK

Članek tematizira sodno obravnavo mladoletnic (deklet do 14. leta oz. tudi starejših do 18 let, če še niso imele spolnega odnosa), žrtev spolnih zlorab, pred Okrožnimi sodišči Maribor, Murska Sobota in Celje med letoma 1930 in 1941. Posebej se delo osredinja na sodne obravnave mladoletnih žrtev, na izpovedi žrtev in odločitve sodišč pri izrekanju sodbe obdolžencem. Analiza sodnih spisov, nanašajočih se na spolne zlorabe mladoletnic, ohranjenih v Pokrajinskem arhivu Maribor in Zgodovinskem arhivu Celje, je pokazala, da je bila sodna praksa med sodišči neenotna s kazenskimi pravili, kot jih je določal tedanji Kazenski zakonik Kraljevine Jugoslavije, kar je razvidno predvsem v odmerjanju nižjih in milejših kazni obdolžencem.

*Ključne besede: Krivični zakonik za Kraljevinu Srba, Hrvata i Slovenaca (*Kazenski zakonik Kraljevine Jugoslavije*), spolna zloraba mladoletnice, spolno nasilje, Okrožno sodišče Maribor, Okrožno sodišče Murska Sobota, Okrožno sodišče Celje*

PROCESSI PER VIOLENZA SESSUALE SULLE MINORENNI DAVANTI AI TRIBUNALI DISTRETTUALI DI MARIBOR, MURSKA SOBOTA E CELJE, 1930–1941

SINTESI

L'articolo tratta il tema dei processi dinanzi ai tribunali distrettuali di Maribor, Murska Sobota e Celje tra il 1930 e il 1941 relativi alle vittime minorenni (ragazze fino a 14 anni o anche più grandi fino a 18 anni, se non avevano avuto ancora rapporti sessuali) di abusi sessuali. In particolare, il lavoro si focalizza sulle testimonianze delle vittime nei procedimenti e sulle decisioni dei tribunali nella pronuncia delle sentenze nei confronti degli imputati. L'analisi dei fascicoli giudiziari relativi agli abusi sessuali su minori, *conservati nell'Archivio Provinciale di Maribor e nell'Archivio Storico di Celje, ha dimostrato che la prassi giudiziaria tra i tribunali non era uniforme con le norme penali stabilite dal Codice penale del Regno di Jugoslavia, come risulta evidente soprattutto nell'imposizione di pene più lievi e clementi agli imputati.*

Parole chiave: Codice penale del Regno di Jugoslavia, abuso sessuale su minore, violenza sessuale, Tribunale distrettuale di Maribor, Tribunale distrettuale di Murska Sobota, Tribunale distrettuale di Celje

UVOD[1]

V pričujočem članku se ukvarjamo s sodnimi obravnavami zaradi spolnih zlorab mladoletnic pred tremi okrožnimi sodišči v tedanji Dravski banovini – v Mariboru, Murski Soboti in Celju. Na podlagi izbranih primerov smo proučili kazniva dejanja spolne zlorabe mladoletnic (po tedaj veljavnem *Kazenskem zakoniku Kraljevine Jugoslavije* so bila to dekleta do 14. leta oz. tudi starejša, do 18 let, če so bile »device«, tj. dekleta, ki še niso imela spolnega odnosa), pri čemer smo se osredotočili na žrtve in obdolžence takih kaznivih dejanj, predvsem pa na olajševalne okoliščine pri odmerjanju kazni v prid slednjim.

Tematiko smo raziskali s pomočjo dostopne znanstvene in strokovne literature, ki je v slovenskem zgodovinopisju sicer (še vedno) skromna (navedimo nekaj najnovejših, npr. Bajc & Mešić, 2024; Remec, 2018; Ratej, 2015; Podvratnik, 2010), v pravni, sociološki in kriminološki znanosti pa nekoliko bolj dostopna (npr. Korošec, 2008; Kanduč et al., 1998; Kanduč, 1998; 2018, Kanduč et al., 2012), predvsem pa z analizo primarnih virov, ki jih hranita Pokrajinski arhiv Maribor (PAM) in Zgodovinski arhiv Celje (ZAC). V prvem smo proučili dva fonda – fond Okrožno sodišče Maribor in fond Okrožno sodišče Murska Sobota, v katerih smo poiskali primere spolnega nasilja nad ženskami, posebej pa smo se osredotočili na primere spolnih zlorab mladoletnic. Ravno tako smo analizo sojenih primerov izvedli v Zgodovinskem arhivu Celje, kjer smo preučili fond Okrožno sodišče Celje.

V članku najprej orišemo delovanje in sestavo kazenskega sodstva v Kraljevini Jugoslaviji med letoma 1930 in 1941, nato pa se na podlagi *Kazenskega zakonika kraljevine Jugoslavije* (Dolenc, 1929) osredotočimo na pojmovanje spolnega nasilja

1 Članek je nastal v okviru raziskovalnega programa P6-0372 *Slovenska identiteta in kulturna zavest v jezikovno in etnično stičnih prostorih v preteklosti in sedanjosti*, raziskovalnega projekta J7-60128 *AID HCH – Presežek pri razvoju humanistike in kulturne dediščine z umetno inteligenco*, in RSF UM – Programskega jedra *UM Dediščinska znanost in podnebne spremembe: nove raziskave z interdisciplinarnim pristopom in uporabo umetne inteligence*, ki jih financira Javna agencija za znanstvenoraziskovalno in inovacijsko dejavnost Republike Slovenije (ARIS).

in predvidenih kazni za kaznivo dejanje spolne zlorabe mladoletnice. V jedrnem delu članka izpostavljamo nekaj izbranih primerov spolnih zlorab mladoletnic, ki so se odvili pred omenjenimi okrožnimi sodišči.

KAZENSKO SODSTVO V KRALJEVINI JUGOSLAVIJI MED LETOMA 1930 IN 1941

Sodstvo v Kraljevini Jugoslaviji je spadalo pod pristojnost t. i. Ministrstva pravde (pravosodno ministrstvo), ki je bilo, poleg še enajstih drugih ministrstev, z uredbo, dne 31. marca 1929, podrejeno kralju. Pod pristojnost Ministrstva pravde so spadala vsa sodišča, razen vojaškega, kazenskega in drugih podobnih zavodov, državnega tožilstva, mednarodnega prava, urejanja zbornika o zakonih in uredbah ter nekaterih drugih. Pravosodni minister je sodnike in sodišča nadzoroval, *Zakon o sodnikih rednih sodišč* je namreč določal, da lahko minister izvaja nadzor nad sodniki sreskih (to so nekdanja okrajna sodišča), okrožnih in trgovinskih sodišč, in sicer preko sodnih inšpektorjev (Melik, 2000).

Dne 18. januarja 1929 je v veljavo stopil *Zakon o ureditvi rednih sodišč*, ki je določil, da sodno oblast izvršujejo redna sodišča, med katera so spadala sreska (okrajna), okrožna, trgovinska, apelacijska in kasacijska sodišča. Sreska sodišča so bila omejena na pristojnost svojega okraja oz. sreza in so lahko samostojno vodila kazenski postopek v tistih kazenskih zadevah, za katere je *Kazenski zakonik Kraljevine Jugoslavije* določal kazen strogega zapora, zapor do enega leta ali denarno kazen. Pristojna so bila za ves kazenski postopek zoper prestopke mlajših mladoletnikov[2] (oz. nedoletnikov, kot so bili imenovani v *Kazenskem zakoniku Kraljevine Jugoslavije*). Bila so najnižja sodišča v pravosodni strukturi, ki so samostojno vodila postopke le v primerih mlajših mladoletnikov, v primeru starejših mladoletnikov[3] in polnoletnih (od 21. leta naprej) so to pristojnost prevzela okrožna sodišča, kjer pa so sreska sodišča lahko sodelovala v pripravljalnem postopku. Sreska sodišča je vodil starešina sodišča (Melik, 2000).

Okrožna sodišča so odločala v zadevah na prvi in drugi stopnji. Na prvi stopnji so delovala enoosebno ali zborno. Enoosebna okrožna sodišča so razsojala o zadevah starejših mladoletnikov in polnoletnih, in sicer v tistih primerih, ko je bila v *Kazenskem zakoniku Kraljevine Jugoslavije* zagrožena kazen zapora ali strogega zapora nad enim letom. Zborna sodišča so sodila v senatih po tri ali pet sodnikov, ki so vodili glavno razpravo v tistih primerih, ki jih je *Kazenski zakonik Kraljevine Jugoslavije* imenoval zločinstva. Na drugi stopnji so taki senati treh sodnikov odločali o prizivih oz. pritožbah zoper izrečene obsodbe ali rešitve okrajnih sodišč. Med letoma 1930 in 1938 so na ozemlju Dravske banovine obstajala štiri okrožna sodišča, in sicer

2 Mlajši mladoletnik je po *Kazenskem zakoniku Kraljevine Jugoslavije* oseba med 15. in 18. letom starosti (Dolenc, 1929, 87).

3 Starejši mladoletnik je po *Kazenskem zakoniku Kraljevine Jugoslavije* oseba med 18. in 21. letom starosti (Dolenc, 1929, 87).

Okrožno sodišče Celje z dvanajstimi sreskimi sodišči, Okrožno sodišče Maribor z enajstimi sreskimi sodišči, Okrožno sodišče Ljubljana s trinajstimi sreskimi sodišči in Okrožno sodišče Novo mesto s trinajstimi sreskimi sodišči. Dne 14. aprila 1938 je bilo ustanovljeno še novo, peto, Okrožno sodišče Murska Sobota, v katerega so od 27. aprila 1938 spadala štiri sreska sodišča, in sicer Sresko sodišče Murska Sobota, Dolnja Lendava, Ljutomer in Gornja Radgona. S tem je tudi Okrožno sodišče Maribor izgubilo ta štiri sreska sodišča, ohranilo pa je sedem sreskih sodišč, in sicer v Mariboru, Marenbergu (Radljah ob Dravi), Ormožu, Slovenski Bistrici, Sv. Lenartu (Lenart v Slovenskih goricah), na Prevaljah in Ptuju. V upravo Okrožnega sodišča Celje pa so spadala sreska sodišča v Brežicah, Celju, Gornjem Gradu, Konjicah, Laškem, Rogatcu, Sevnici, Slovenj Gradcu, Šmarjah, Šoštanju in na Vranskem. Vsa tri okrožna sodišča – Maribor, Murska Sobota in Celje – so bila podrejena Apelacijskemu sodišču v Ljubljani in kasacijskemu sodišču v Zagrebu (t. i. Oddelek B Stola sedmorice v Zagrebu) (Melik, 2000). V pričujočem članku bodo predmet obravnave tri Okrožna sodišča – v Mariboru, Murski Soboti in Celju.

V nadaljevanju bomo na kratko opisali sodni postopek, kot se je vršil na okrožnih sodiščih. Vsak kazenski postopek zoper zločinstva ali prestopke je bil sestavljen iz pripravljalnega, predhodnega in glavnega dela. Namen pripravljalnega dela je bil pripraviti vso potrebno gradivo, sestavljeno iz poizvedb in preiskav, za morebitno obtožbo. V predhodnem delu postopka je tožilec odločil, ali bo na podlagi gradiva iz pripravljalnega dela obtožil obdolženca oz. osumljenca. V kolikor se je tožilec odločil obtožiti obdolženca, je sodišče sprožilo sodno obravnavo, lahko pa je postopek zaustavilo (npr. v primeru pomanjkanja dokazov). Glavni del postopka je temeljil na glavni obravnavi, na kateri so bili predstavljeni dokazi zoper obdolženca in je bila sprejeta sodba. Glavna razprava je bila sestavljena iz zaslišanja obdolženca in zaslišanja prič, po potrebi tudi zaslišanja sodnega izvedenca. Sodba se je izrekla »V imenu njegovega veličanstva kralja«. Vsi koraki v sodnem postopanju so morali biti zapisani in evidentirani ter združeni v sodni spis, ki je dobil posebno oznako. Oznaka spisa je bila sestavljena iz oznake vpisnika – v pričujočem članku so obravnavani vpisniki z oznako Kzp[4] – zaporedne številke, pod katero je bilo dejanje vpisano v vpisnik, in zadnjih dveh številk leta, v katerih je bil spis vpisan v vpisnik (Melik, 2000).

Glavna razprava se je na sodišču lahko vršila javno ali tajno. Javnost je bilo v vsakem trenutku sodne obravnave možno izključiti, če je sodišče ugotovilo, da bi njena vključenost vplivala na javni red, javno moralo oz. državno varnost. Kot navaja Jelka Melik, je bila v času Kraljevine Jugoslavije v sodnem postopku odpravljena tudi porota, čemur naj bi na Slovenskem v večini nasprotovali in se zavzeli za ohranitev sodnikov laikov. Ista avtorica navaja, da so pogosto o sodnih procesih pisali časopisi, predvsem v začetku tridesetih let, po letu 1935 pa so ta poročila izginila, saj je večina procesov prav po tem letu postala tajna (Melik, 2007).

4 Vpisniki in spisi Kzp so se vodili za kazenske zadeve za zločinstva in prestopke starejših nedoletnih in polnoletnih oseb (Melik, 2000, 48).

KAZENSKI ZAKONIK KRALJEVINE JUGOSLAVIJE IN OBRAVNAVA SPOLNEGA NASILJA

Čeprav je jugoslovanska država obstajala že od konca leta 1918 (najprej Kraljevina Srbov, Hrvatov in Slovencev, od 1929 pa Kraljevina Jugoslavija), je svoj prvi kazenski zakonik dobila šele s 1. januarjem 1930. Za nekdanje avstro-ogrske dežele je do leta 1930 veljal avstrijski *Kazenski zakon o zločinih, prestopkih in prekrških* iz leta 1824,[5] za preostale dele države pa so v veljavo razširili stari *Srbski kazenski zakonik,*[6] ki je temeljil na pruskem kazenskem zakoniku iz leta 1851. Kot navaja Metod Dolenc, eden izmed tedanjih vodilnih slovenskih pravnikov, se je že januarja 1921 sestala posebna komisija, ki je od Ministrstva pravde dobila nalogo, da izdela načrt za enotni kazenski zakonik, ki pa ni bil sprejet. Nov predlog skupnega kazenskega zakonika je nastal februarja 1926, a tudi ta ni bil sprejet, saj je pred možno obravnavo predloga bila narodna skupščina v Beogradu že razpuščena (Dolenc, 1929, 11). Nazadnje je bil 27. januarja 1929 sprejet zakon, ki je bil podlaga za *Kazenski zakonik Kraljevine Jugoslavije,*[7] ki je poenotil sodno prakso po državi. Kot navaja Dolenc, je bil *Kazenski zakonik Kraljevine Jugoslavije* pravzaprav preoblikovan *Srbski kazenski zakonik* z najnovejšimi dognanji drugih držav – zakoniki Češkoslovaške, Nemčije, Avstrije in Švice (Dolenc, 1929; Korošec, 2008).

Kazenski zakonik Kraljevine Jugoslavije se je delil na dva dela – obči in posebni, pri čemer je prvi obsegal enajst poglavij, drugi pa šestnajst. Obči del zakonika je zajemal razlago pojmov, uporabljenih v zakoniku (npr. zastaranje primerov, vrste in trajanje kazni, opredelitev kaznivih dejanj), posebni del zakonika pa je bil namenjen opredelitvi in razložitvi posameznih kaznivih dejanj. *Kazenski zakonik Kraljevine Jugoslavije* je opredeljeval dve vrsti kaznivih dejanj – zločinstva in prestopke. Zločini so bili po zakoniku »ona kazniva dejanja, za katera prepisuje [predpisuje] zakon smrtno kazen, robijo ali zatočenje«, prestopki pa vsa dejanja »za katera predpisuje zakon strogi zapor, zapor ali denarno kazen« (Dolenc, 1929, 13–14). *Smrtna kazen* je bila zagrožena za deset najtežjih zločinov. *Robija*[8] je lahko bila dosmrtna ali časna, slednja se je izrekala za obdobje najmanj enega in največ desetih let ter je bila najvišja prostostna kazen, ki se je izrekala za tista kazniva dejanja, ki so bila storjena iz nečastnih nagibov. Prestajala se je v posebnih kazenskih zavodih. *Zatočenje* je bilo prostostna kazen pri težkih kaznivih dejanjih, pri katerih niso bili zasledeni nečastni nagibi, trajalo pa je od enega do dvajset let. *Strogi zapor* in *zapor* sta bila predvidena za manj težka dejanja, ki so bila storjena iz nečastnih nagibov, za dobo od sedmih dni do največ petih let (Dolenc, 1929; Melik, 2000).

5 V izvirnem poimenovanju *Österreichisches Strafgesetz über Verbrechen, Vergehen und Übertretungen*, v veljavo je stopil 27. maja 1852.

6 V izvirnem poimenovanju *Kaznitelni zakonik za Knjažestvo Srbiju*, v veljavo je stopil 29. marca 1860.

7 V izvirnem poimenovanju *Krivični zakonik za Kraljevinu Srba, Hrvata i Slovenaca*.

8 Ta beseda se pred uveljavitvijo *Kazenskega zakonika Kraljevine Jugoslavije* na Slovenskem ni uporabljala in v slovenščini nima prevoda. Še najbolje bi jo lahko prevedli kot »težka ječa« (Melik, 2000, 12; prim. Dolenc, 1929, 18).

Kazenski zakonik Kraljevine Jugoslavije je predvideval, da lahko storilec kaznivo dejanje stori naklepoma ali iz malomarnosti. Če je bilo dejanje storjeno naklepoma, se je storilec vnaprej zavedal posledice svojega dejanja in ne glede nanjo pristal na izvršitev kaznivega dejanja. Kadar je bilo kaznivo dejanje storjeno iz malomarnosti, se je storilec prav tako vnaprej zavedal posledice svojega dejanja, a je verjel, da do te posledice ne bo prišlo. Kazenski zakonik je določal tudi, da neznanje ali nepravilno pojmovanje kazenskega zakonika ni bilo opravičilo za nikogar. Kot je pojasnil Dolenc, naj bi bil zakonik »nekakšen kodeks norm, ki jih mora vsak razsoden človek poznati in upoštevati« zato naj ne bi obstajali razlogi, iz katerih storilci ne bi poznali posledic svojih dejanj (Dolenc, 1929, 47, 61).

Prav tako je *Kazenski zakonik* določal, da se otrok do dopolnjenega 14. leta starosti ne sme preganjati ali kaznovati za nobeno kaznivo dejanje, ki ga kot tako določa zakonik. Obenem ni bilo dovoljeno kaznovati mlajših mladoletnikov med 15. in 17. letom starosti, če se mladoletnik ni zavedal narave in pomena svojega dejanja. Če pa se je tak mladoletnik zavedal posledic svojega dejanja, se je kot kazen lahko izrekel ukor, odpust na preizkušnjo ali oddaja v zavod za vzgajanje. Starejši mladoletniki med 18. in 21. letom so lahko bili kaznovani za kazniva dejanja, za katera se je izrekala smrtna kazen ali dosmrtna robija, a se je takšna kazen omilila na časno robijo ali zatočenje najmanj sedmih let. Če je kaznivo dejanje predvidevalo časno kazen, se je lahko izrekala milejša kazen strogega zapora ali zapora (Dolenc, 1929, 80–83, 87–88).

Kazenski zakonik Kraljevine Jugoslavije je določal, da se kaznuje tudi poskus kaznivega dejanja. Oseba, ki je začela izvršitev naklepnega kaznivega dejanja, a ga ni dokončala, se je kaznovala vedno, kadar je šlo za zločin, za prestopek pa samo, če je tako določal zakonik. Prav tako je bilo določeno, da se lahko storilca pri poskusu kaznivega dejanja kaznuje mileje, kot če bi bilo dejanje izvršeno (Dolenc, 1929).

Spolno nasilje je *Kazenski zakonik Kraljevine Jugoslavije* v svojem XXIV. poglavju obravnaval kot t. i. *Kazniva dejanja zoper javno moralo* (členi 269–289). 269. člen se je imenoval »posiljenje spolno zrele ženske v normalnem stanju« in je z robijo v trajanju do desetih let kaznoval vsakogar, ki »primora žensko osebo, s katero ni oženjen, s silo ali s pretnjo istočasne nevarnosti za življenje ali telo do telesne združitve« in vsakogar, ki »izvrši telesno združitev z žensko osebo, ki jo spravi predhodno v nezavestno stanje ali jo drugače onesposobi za obrambo« (Dolenc, 1929, 412). Kot posilstvo je ta člen obravnaval »telesno združitev« moškega s spolno zrelo žensko, s katero ni bil poročen. Spolno zrelost je zakonik določal od 14. leta naprej. 270. člen je kot posilstvo pojmoval »posiljenje spolno zrele ženske v nenormalnem stanju« in kaznoval vsakogar, ki izvrši »telesno združitev z žensko osebo, ki zbog duševne bolezni, slaboumnosti, omamljene zavesti ali iz drugih vzrokov ni sposobna za obrambo«. Tako kaznivo dejanje se je kaznovalo z robijo do osmih let. Razlika med omenjenima členoma je v pojmovanju t. i. »normalnega« in »nenormalnega stanja« ženske. Dolenc razlaga, da v 269. členu moški storilec žensko spravi iz »normalnega« v »nenormalno stanje«, v katerem ni sposobna za obrambo, bodisi s fizično silo ali z omamljanjem, alkoholiziranostjo idr. V nasprotju pa je po 270. členu ženska že predhodno v »nenormalnem stanju«, ki pa ga ne povzroči storilec, ampak se ga pri svoji žrtvi predhodno zaveda (npr. da je žrtev »slaboumna«, boleha za duševno boleznijo). Odrasla ženska oseba po *Kazenskem zakoniku Kraljevine Jugoslavije* ni mogla biti storilka kaznivih dejanj po 269. in 270. členu (Dolenc, 1929, 412, 414). Za primerjavo je stari *Avstrijski kazenski zakonik* za kaznivo dejanje posilstva nalagal težko ječo med petimi in desetimi leti, v kolikor je bila povzročena hujša škoda na življenju ali zdravju žrtve pa se je lahko storilcu naložila kazen v trajanju med desetimi in dvajsetimi leti. Prav tako je kot posilstvo ta zakonik obravnaval samo spolno združitev moškega z žensko, s katero ni bil v zakonskem stanju (Stergar, 1995, 75). Tako je torej novi, *Kazenski zakonik Kraljevine Jugoslavije* nalagal nižjo kazen kot stari, *Avstrijski kazenski zakonik*.

Členi 273 do 279 so obravnavali spolne zlorabe mladoletnih oz. spolno nezrelih oseb. Tako je 273. člen določal, da se storilca, ki »izvrši z žensko osebo, ki ni dovršila štirinajstega leta, telesno združitev«, kaznuje z robijo do desetih let. Kdor pa je proti taki osebi izvršil »nečisto dejanje«, se je kaznoval s »strogim zaporom«, a le na predlog.[9] Kot »telesno združitev« je zakonik predvideval združitev moškega in ženskega spolovila (penetracijo v nožnico), kot »nečisto dejanje« pa vsa dejanja, ki niso povezana s spojem spolovil (npr. otipavanje, neželeno dotikanje spolovil, razkazovanje spolovil žrtvi) (Dolenc, 1929, 416–417). Člen 274 *Kazenskega zakonika Kraljevine Jugoslavije* je obravnaval spolno zlorabo mladoletnih oseb. Določal je, da se z robijo do petih let kaznuje tiste osebe, ki bi »zlorabile moško osebo pod štirinajstim letom za telesno združitev«, in tiste osebe, ki bi »izvršile telesno združitev s svojim mladoletnim pastorkom, posvojenim otrokom, rejencem ali rejenko ali varovanko«. Tista oseba, ki je izvršila »nečisto dejanje« nad takimi osebami, je bila kaznovana s strogim zaporom. Pri prvem primeru je šlo za kaznivo dejanje, pri katerem je spolni odnos z mladoletno moško osebo izvedla, kot sta pojasnjevala pravnika Metod Dolenc in Rudolf Sajovic, zgolj spolno zrela odrasla ženska; v drugem primeru pa je šlo za kaznivo dejanje, pri katerem je spolni odnos izvedla bodisi odrasla moška bodisi odrasla ženska oseba (Dolenc & Sajovic, 1932, 137). Člen 275 je opredeljeval spolno zlorabo s strani zaupane osebe. Zagrožena kazen je bila robija do desetih let, in sicer se je z njo kaznovalo tisto osebo, ki je izvršila »kot starešina telesno združitev«.[10] Ponovno je šlo samo za spolni odnos s penetracijo, ki pa je lahko bil izvršen tako nad mladoletno kot tudi polnoletno osebo, pri tem pa je potrebno omeniti, da v tem primeru zakonik ni določal niti spola storilca niti spola žrtve. Tudi člen 276 je predvideval zlorabo zaupanja, a v tem primeru je šlo za zlorabo

9 Pregon na predlog pomeni, da oškodovanec poda predlog za pregon storilca na ustrezne institucije, ki so za ta pregon zadolžene (npr. policija, tožilstvo) (Društvo za nenasilno komunikacijo, 2025).

10 Kazenski zakonik je ob starešinah omenjal tudi nadzornike, zdravnike, verske predstavnike, vzgojitelje, učitelje, nadzornike v zaporu, bolnici, sirotišnici, v zavodu in druge, ki so izkoristili svoj položaj in imeli vpliv na žrtev (Dolenc, 1929, 419).

zaupanja mladoletne »spolno neomadeževane deklice«, ki je že dopolnila 14. leto starosti. Šlo je torej za spolni odnos moške odrasle osebe z »devico v fiziološkem smislu«, tj. dekletom, ki še ni imelo spolnega odnosa. Za takšno dejanje je bila predvidena kazen zapora najmanj šestih mesecev. Če se je storilec z žrtvijo takega dejanja poročil, ga niso kaznovali, pregon pa se je začel samo na predlog (Dolenc, 1929, 419–421). Če primerjamo *Kazenski zakonik Kraljevine Jugoslavije* in stari *Avstrijski kazenski zakonik* je slednji za spolno zlorabo dečka ali deklice pod štirinajstim letom starosti nalagal težko ječo v trajanju od enega do petih let, v posebej težkih okoliščinah tudi do desetih let (Stergar, 1995, 76). Ponovno lahko opazimo, da je v primerjavi s starim zakonikom novi, jugoslovanski nalagal milejše kazni. Člen 277 je predvideval »zlorabo ženske v nuji«. Kdor bi izkoristil nujo (stisko), v kateri se je znašla spolno neomadeževana ženska in jo s tem prisilil v telesno združitev ali nečisto dejanje, se je kaznoval s strogim zaporom. »Nuja« je bila lahko, kot navaja Dolenc, ekonomske ali moralne narave (npr. skrb, strah za svojce). Storilec takega kaznivega dejanja je lahko bil samo moški. Pregon takega dejanja se je začel na predlog, storilca pa niso kaznovali, če se je z zavedeno žensko poročil (Dolenc, 1929, 422–423).

Členi 280 do 283 so predvidevali različne prekrške v zvezi s prostitucijo, s katero so se najpogosteje preživljale ženske. Ti členi so ženske inkriminirali kot storilke teh kaznivih dejanj. Člen 284 je kaznoval »krvosramnost« oz. incest. Z robijo desetih let se je kaznovala vsaka »telesna združitev med sorodniki v premi vrsti«, z robijo do petih let pa »telesna združitev med sorodniki po krvi v stranski vrsti do vštete druge stopnje« (Dolenc, 1929, 425–429). Člen 285. člen je kaznoval »nečistost med ljudmi« oz. homoseksualnost, člen 286 pa »nečistost z živaljo«. Člen 287 je predvideval zaporno ali denarno kazen za kaznivo dejanje javne izvršitve »nečistega dejanja«, tj. npr. spolni odnos v javnosti (Dolenc, 1929, 431–432).

IZBRANI PRIMERI OBRAVNAV SPOLNIH ZLORAB MLADOLETNIC PRED OKROŽNIMI SODIŠČI MARIBOR, MURSKA SOBOTA IN CELJE

O ohranjenih virih

Primere spolnega nasilja, sojenega pred Okrožnim sodiščem Maribor in Okrožnim sodiščem Murska Sobota v dveh fondih (fond Okrožno sodišče Maribor, fond Okrožno sodišče Murska Sobota) hrani Pokrajinski arhiv Maribor (PAM 0645, 003; PAM 0684, 002). Proučili smo kazenske zadeve z oznakami Kzp, in sicer tiste sodne spise, ki so se nanašali na spolno nasilje nad ženskami, s posebnim ozirom na primere spolnih zlorab mladoletnic. Prav tako smo si ogledali vpisnike obeh okrožnih sodišč. Primere spolnega nasilja, sojenega pred Okrožnim sodišče Celje v fondu Okrožno sodišče Celje, pa hrani Zgodovinski arhiv Celje (ZAC 0609). Tudi tukaj smo si ogledali vpisnike Okrožnega sodišča Celje in sodne spise nanašajoče na spolno nasilje nad ženskami, s posebnim ozirom na primere spolne zlorabe mladoletnic.

V PAM[11] smo si skupno ogledali 32 sodnih spisov nanašajočih se na spolno nasilje nad ženskami, od tega jih je bilo 14 sojenih pred Okrožnim sodiščem Maribor, izmed teh primerov[12] se je en (7 % vseh primerov) nanašal na spolno zlorabo mladoletnice. 18 primerov spolnega nasilja nad ženskami je bilo sojenih pred Okrožnim sodiščem Murska Sobota, izmed teh jih je spolno zlorabo mladoletnice obravnavalo šest (33 % vseh primerov). Več ohranjenih sodnih spisov smo našli v ZAC,[13] kjer smo skupno pregledali 115 primerov, od tega jih je 51 (44 % vseh primerov) povezanih s spolno zlorabo mladoletnice.[14]

Kot navaja Jelka Melik so arhivski fondi kazenskega sodstva za obdobje med letoma 1930 in 1941 izjemno revni, saj gradivo ni ohranjeno sistematično in celovito. Kot možen razlog za skopost arhivskega gradiva navaja pomanjkljivost arhivske zakonodaje v Kraljevini Jugoslaviji, saj ni bilo zakonov, ki bi določali hrambo takega gradiva. To naj bi do neke mere določal samo *Sodni poslovnik*, in sicer, da naj se trajno hrani tiste sodne spise, ki so »zbog svoje vsebine ali zbog oseb, katerih se tičejo, zgodovinskega, znanstvenega ali političnega pomena« (Melik, 2000, 136), ostale spise pa naj bi uničili po preteku določenih rokov. V slovenske arhive je tako gradivo začelo prihajati šele po koncu druge svetovne vojne; prav tako so povojni zakoni določali uničenje starih sodnih spisov. Ohranili naj bi le take, za katere so predvideli, da bi bili pomembni za zgodovinsko in znanstveno raziskovanje (Melik, 2000).

V PAM in ZAC smo si ogledali tudi Glavni vpisnik Kzp – vpisnike Okrožnih sodišč Maribor, Murska Sobota in Celje, kamor so se vpisovali vsi primeri Kzp (kazenske zadeve) prispeli na posamezno okrožno sodišče. V PAM so ohranjeni vpisniki Kzp za Okrožno sodišče Maribor in Okrožno sodišče Murska Sobota. Vpisniki Kzp Okrožnega sodišča Maribor so ohranjeni iz obdobja med 1930 in 1941, z izjemo leta 1940, za katero vpisnik ni ohranjen. Vpisniki Kzp Okrožnega sodišča Murska Sobota so ohranjeni v celoti, torej med letoma 1938 in 1941. V ZAC hranijo vpisnike Kzp za Okrožno sodišče Celje. Vpisniki so v celoti ohranjeni med letoma 1930 in 1938, za čas od 1939 do 1941 pa niso ohranjeni. Glede na podatke iz vpisnikov Kzp je Okrožno sodišče Maribor med letoma 1930 in 1941 obravnavalo 281 kazenskih zadev, povezanih s spolnim nasiljem nad ženskami,[15] od tega je bilo v vpisnik vpisanih 120 (43 %) kazenskih zadev, povezanih s spolnim nasiljem nad mladoletnicami (po *Kazenskem zakoniku Kraljevine Jugoslavije* vsi zločini in prestopki med 273.

11 Podrobneje so primeri iz PAM opisani v Mešić (2022) in delno v Bajc & Mešić (2024, 650–661).

12 Z besedo »primer« so mišljeni najdeni oz. ohranjeni sodni spisi, sojeni pred okrožnimi sodišči, ne glede na končno odločitev sodišča.

13 Primeri iz ZAC so delno opisani v Podvratnik (2010, 88–122), in sicer med letoma 1927 in 1931.

14 V ohranjenih virih PAM in ZAC nismo za obdobje 1930–1941 zasledili primerov spolnih zlorab nad fanti – mladoletniki.

15 Mednje smo šteli posilstvo, spolno zlorabo mladoletnice, incest in poskus teh kaznivih dejanj. Primerov drugih spolnih kaznivih dejanj po *Kazenskem zakoniku Kraljevine Jugoslavije* – npr. homoseksualnost in prostitucija – nisva upoštevala, saj se ne nanašajo zgolj na ženske in jih ne moremo kategorizirati kot spolno nasilje nad ženskami.

in 276. členom). V PAM smo, kot omenjeno, za Okrožno sodišče Maribor našli ohranjen samo en sodni spis, nanašajoč se na spolno zlorabo mladoletnice. Vpisniki murskosoboškega okrožnega sodišča pričajo o 23 primerih spolnih kaznivih dejanj, med njimi jih je sedem (30 %) povezanih s spolnim nasiljem nad mladoletnicami. V PAM smo našli ohranjenih šest sodnih spisov nanašajočih se na spolno nasilje nad mladoletnicami, ki so bili sojeni pred Okrožnim sodiščem Murska Sobota. V vpisnikih Okrožnega sodišča Celje smo med leti 1930 in 1938 našli 233 omemb spolnega nasilja nad ženskami, od tega 115 (49 %) primerov spolnega nasilja nad mladoletnicami. Ohranjenih smo našli 51 sodnih spisov v zvezi s spolnim nasiljem nad mladoletnicami, sojenih pred Okrožnim sodiščem Celje.

V nadaljevanju bomo predstavili enajst primerov, s katerimi bomo orisali obravnave kaznivega dejanja spolne zlorabe mladoletnice pred Okrožnimi sodišči Maribor, Murska Sobota in Celje.

Izbrani primeri obravnav, ko so bili obdolženci spoznani za krive

Januarja 1931 se je pred Okrožnim sodiščem Celje odvilo sojenje zoper 18-letnega še nekaznovanega Vinka H.[16], ki ga je Državno tožilstvo v Celju obtožilo spolne zlorabe mladoletnice po 273. členu *Kazenskega zakonika Kraljevine Jugoslavije*. Vinko H. naj bi namreč spolno zlorabil 6-letno Trudo A., za katero je v svojem zagovoru trdil, da ga je sama prosila, če lahko vidi njegov spolni ud in se ga dotakne. Okrožno sodišče Celje je v sodbi zapisalo, da »sodni dvor zagovoru kolikor se zvrača napeljevanje na A. [priimek odstranjen] Trudo, ne verjame.«[17] V sodbi je navedena izpoved žrtve, ki je povedala, da naj bi obdolžencu odnesla kosilo, ta pa naj bi jo začel nagovarjati naj se »igra z njegovim udom«. Ko tega ni storila, jo je vrgel na tla, jo razgalil ter drgnil svoje spolovilo ob njeno, pri čemer se je obdolžencu močno upirala in kričala naj s početjem odneha. Nadalje je Truda A. povedala tudi, da je obdolženec s svojim početjem prenehal »šele potem, ko je postala mokra«, nato pa naj bi jo izpustil domov, kjer se je izpovedala svoji stari materi Jožefi P.[18] Kdo je nato podal prijavo na državno tožilstvo iz sodbe ni razvidno. V sodbi je zavedeno tudi, da je Trudo A. še istega večera pregledal zdravnik izvedenec, ki pa »ni ugotovil nikakih znakov posilstva na spolovilu«. Sodišče je sicer razsodilo, da je Vinko H. kriv spolne zlorabe mladoletnice, saj je »bil obtoženec tisti, ki je ničesar sluteče dekletce napeljal in zlorabil« ter mu dosodilo prestajanje kazni na prostosti s poskusno dobo enega leta. Kot je navedeno v sodbi, se je sodišče odločilo za nižjo odmero kazni, saj je »obtoženec dejanje izvršil še kot mlajši mladoletnik«. Kot olajševalno okoliščino je pri odmeri kazni upoštevalo poročilo upravitelja državne deške osnovne šole v Konjicah, ki jo je

16 Zaradi zaščite osebnih podatkov so v vseh primerih navedeni samo ime in začetnica priimka.

17 Vsi prepisi so dobesedni in lahko vsebujejo tipkarske in/ali slovnične napake. ZAC 0609, Kzp 50/31, Sodba, 8. januar 1931.

18 ZAC 0609, Kzp 50/31, Sodba, 8. januar 1931.

osumljeni Vinko H. obiskoval. Ta je namreč na sodišče sporočil, da je obdolženec »zelo bistroumen, zdrav in priden«. Prav tako je v svoji odločitvi sodišče navedlo, da je »sodni dvor prepričan, da je obtoženec dejanje izvršil iz nepremišljenosti v zvezi s prerano razvito spolno strastjo.«[19]

Septembra 1939 se je pred Okrožnim sodiščem v Murski Soboti odvilo sojenje 19-letnemu tedaj še nekaznovanemu poljedelcu Janezu H., ki je bil osumljen spolne zlorabe mladoletnice po 276. členu *Kazenskega zakonika Kraljevine Jugoslavije*. Janez H. naj bi 15-letno Katico D. zvabil v skedenj, kjer jo je začel nagovarjati k spolnemu občevanju. Žrtev naj bi se temu odločno uprla in stekla na bližnje polje, kjer jo je obdolženec dohitel ter jo spolno zlorabil. Dekle je bilo 24. junija 1939 pozvano na sodišče, kjer je pred sodnikom izpovedalo, da jo je v maju istega leta osumljeni Janez H. povabil, da se mu pridruži v skednju, kjer jo je »brez besed pograbil«, jo vrgel na tla, prijel za roke, da se ni mogla upirati, nato pa je svoj spolni ud vstavil v njeno spolovilo. Katica D. je pripovedovala tudi o svojih bolečinah, ki jih je ob dogodku doživljala.[20] Na sodišče je bila kot priča pozvana tudi dekličina mama Katarina D., ki je povedala, da je pri hčeri v sredini maja opazila, da je postajala vse bolj otožna, kljub temu, da je bila »poprej tako veselo dekle«. V vasi, v kateri je družina živela, naj bi se razširile tudi govorice, da je Katica D. imela spolne odnose z obdolžencem. Mati žrtve je pred sodiščem povedala, da je »hčerko trdo prijela, nakar mi je v joku opisala ves dogodek tako, kakor ga je danes oslikala, ko je bila zaslišana kot priča«.[21] Na sodišče je bil vabljen tudi sodni izvedenec dr. Danilo Lipnjak, ki je pričal, da je pri pregledu Katice D. ugotovil, da je: »himen še precej intakten in ni videti na njem odnosno na robu kakšnih raztrganin. […] imenovana je še gotovo virgo intakta, ker je himen še precej nepoškodovan«.[22] Kot je v sodbi navedlo sodišče, je bila »deklica, sicer dobro razvita, vendar do tedaj spolno neomadeževana«, iz pričanja sodnega izvedenca pa ugotovilo, da je bilo njegovo mnenje nejasno, iz katerega pa sicer »izhaja, da je himen D. [priimek odstranjen] še precej intakten in da jo je smatrati, kot virgo intakta, vendar še to ne izključuje da ne bi bil izvršen coitus«.[23] Iz pričevanja deklice je sodišče, kot je navedeno v sodbi, ugotovilo, da je »obtožencu slepo sledila, ne da bi se zavedela kaj se bo zgodilo, videla le je v obtožencu svojega dobrega znanca […]«.[24] Sodišče je obdolženca Janeza H. spoznalo za krivega in ga obsodilo na dva meseca zapora. Sodni zbor treh sodnikov, ki je odločal v primeru, je v sodbi zapisal: »sodišče smatra, da obtoženec pri tem aktu ni uporabil sile, odnosno s pretnjo istočasne nevarnosti za življenje in telo, temveč predvsem zlorabil dekličino zaupanje«.[25] Pri svoji odmeri kazni

19 ZAC 0609, Kzp 50/31, Sodba, 8. januar 1931.
20 PAM 0684, 002, Kzp 250/39, Zaslišanje priče, 24. junij 1939.
21 PAM 0684, 002, Kzp 250/39, Zaslišanje priče, 24. junij 1939.
22 PAM 0684, 002, Kzp 250/39, Ogled in zaslišanje izvedenca, 24. junij 1939.
23 PAM 0684, 002, Kzp 250/39, Sodba, 27. september 1939.
24 PAM 0684, 002, Kzp 250/39, Sodba, 27. september 1939.
25 PAM 0684, 002, Kzp 250/39, Sodba, 27. september 1939.

je upoštevalo tudi obdolženčevo starost (starejši mladoletnik) in je tako odmerilo nižjo kazen, kot jo je zahteval *Kazenski zakonik Kraljevine Jugoslavije*, saj je kot omenjeno sodiščem za kaznivo dejanje po 276. členu narekoval izrekanje kazni zapora najmanj šestih mesecev.

Podobno kazen je Okrožno sodišče Murska Sobota odmerilo 77-letnemu še nekaznovanemu »občinskemu revežu« Jožefu F., ki naj bi spolno zlorabil dve deklici, 8-letno Marijo R. in 9-letno Irmo L. Prijavo kaznivega dejanja je Žandarmerijski stanici (postaji) Cankova podala Margita G., ki naj bi osumljenega Jožefa F. zalotila z Marijo R., ko jo je ta otipaval po spolovilu.[26] Marija R. je pred sodiščem povedala, da jo je obdolženec k sebi zvabil tako, da ji je ponujal denar in »sladkorčke«, če bo legla k njemu. Kot je povedala, ji je nato Jožef F. dvignil krilce in se z roko dotikal njenega spolovila. Pri tem dogodku je bila prisotna tudi Irma L., ki naj bi jo obdolženec prav tako otipaval.[27] Zaslišanja prič se Irma L. ni udeležila, ker je zbolela za jetiko.[28] Obdolženec je na zaslišanju pred sodiščem krivdo priznal, a se je izgovarjal, da je dejanje storil pod vplivom alkohola. Povedal je, da je dekletoma ponudil denar, če se mu »pustita otipavati po spolovilih«, pri čemer pa naj ne bi vedel, da imata dekleti »približno vsaka po 10 let«. Jožef F. je v svojem pričanju pred sodiščem poudaril še, da ni imel namena »spolno občevati, ker zato tudi nisem zaradi visoke starosti [...] sposoben« in da storjeno dejanje obžaluje.[29] Sodišče je presodilo, da je obdolženi Jožef F. kriv prestopka zoper javno moralo po 273. členu *Kazenskega zakonika Kraljevine Jugoslavije* in odmerilo kazen treh mesecev strogega zapora. V sodbi je navedeno, da je sodišče spoznalo, da je: »obtoženec preverzen človek, da ima posebno nagnjene do mladih deklic ter se na gornji opisani način že večkrat spozabil«. Kot olajševalno okoliščino je sicer upoštevalo priznanje in neoporečnost obdolženca, kazen pa je v trajanju treh mesecev strogega zapora odmerilo, »ker smatra, da je potrebno obtoženca ekzemplarično kaznovati, če se hoče doseči, da se bo v bodoče vzdrževal izvrševanja podobnih kaz. dejanj«.[30] Kot zapisano, je *Kazenski zakonik Kraljevine Jugoslavije* za kazniva dejanja po 273. členu sicer sodiščem narekoval odmero kazni z robijo do desetih let.

Kot krivega spolne zlorabe je Okrožno sodišče Celje na podlagi obtožnice Državnega tožilstva v Celju spoznalo tudi 56-letnega že obsojenega pekarskega pomočnika Franca P. Ta je bil obtožen, da je 11-letno učenko Marico R. zvabil s seboj v gozd z obljubo, da bo dobila dva dinarja. Ko je deklica prišla do osumljenca, ji je podelil dva dinarja, legel na travo, ji dvignil krilo, jo položil nase in z roko otipaval njena spolovila. Čez nekaj dni naj bi deklico ponovno zvabil k sebi, ji ponudil en dinar, ko pa se je nameril »ravnati tako, kakor pri prvi priliki« so ga

26 PAM 0684, 002, Kzp 259/40, Kazenska ovadba, 5. avgust 1940.
27 PAM 0684, 002, Kzp 259/40, Zaslišanje prič, 23. avgust 1940.
28 PAM 0684, 002, Kzp 259/40, Zaslišanje prič, 23. avgust 1940.
29 PAM 0684, 002, Kzp 259/40, Zaslišanje obdolženca, 23. avgust 1940.
30 PAM 0684, 002, Kzp 259/40, Sodba, 21. september 1940.

zalotile dekličine sošolke. Pričanje žrtve v sodbi, ki je edini ohranjen dokument tega primera, ni zapisano. Kot je navedeno v sodbi, je obdolženec svoje dejanje na glavni razpravi v celoti priznal, kar je sodišče pri odmeri kazni upoštevalo kot olajševalno okoliščino. Tako so se sodniki Okrožnega sodišča Celje odločili, da Francu P. naložijo kazen zapora v trajanju enega meseca, s čimer so omilili predvideno kazen,[31] ki bi se sicer po *Kazenskem zakoniku Kraljevine Jugoslavije* odmerila v obdobju zapora od sedmih dni do petih let (Dolenc, 1929, 417). Sodišče se je odločilo tudi, da bo obdolžencu izvršitev naložene kazni odložilo za dobo treh let, saj »sodišče osnovano pričakuje, da se bo obtoženec poboljšal tudi brez izvršitve te kazni.«[32]

Pred Okrožnim sodiščem Maribor se je novembra 1933 zagovarjal 31-letni zasebni uradnik Boris K., ki je bil obtožen spolne zlorabe 10-letne Eme G. Kot je obdolženec povedal pred sodiščem, je vso noč popival in je bil v trenutku dogodka tako močno vinjen, da se niti ni spominjal svojega početja. Kot je zapisano v sodbi, je Ema G. na dan dogodka odhajala proti avtobusnemu kolodvoru v Mariboru, kjer jo je na poti srečal obdolženec, ji dvignil krilo in jo čez perilo otipaval po spolovilu. Pri tem naj bi deklica kričala in uspela zbežati, kar so pred sodiščem izpovedale tudi druge priče, ki so potrdile dekličino zgodbo. Okrožno sodišče Maribor je v sodbi ugotovilo, da obdolženčevemu zagovoru ne more verjeti, ter da je bil že večkrat obsojen zaradi podobnih dejanj pred Okrožnim sodiščem Ljubljana, pri katerih se je prav tako zagovarjal s »popolno pijanostjo«. Kljub povratku pa je sodišče Borisu K. za kaznivo dejanje spolne zlorabe mladoletnice dosodilo en mesec zapora, pri čemer je kazen strogega zapora omililo, saj je kot olajševalno okoliščino upoštevalo »obtoženčevo duševnost«, saj naj bi se obtoženec že pred leti zdravil v ljubljanski psihiatrični bolnišnici.[33]

Leta 1939 se je 26-letni Jakob K. znašel pred Okrožnim sodiščem Murska Sobota zaradi spolne zlorabe sester 13-letne Otilije L. in 14-letne Marije L. Dogodek je, kot je zavedeno v kazenski prijavi Žandarmerijske stanice Slatina Radenci z dne 21. marca 1939, začela preiskovati žandarmerija, saj se je »med ljudstvom v okolici Kapele […] začelo govoriti, da je v rodopisu imenovani K. [priimek odstranjen] Jakob v toku meseca februara t. l. spolnjo zlorabil neko deklico katera še ni završila 14 leta starosti«.[34] Postopek je na predlog Državnega tožilstva v Murski Soboti prevzelo Okrožno sodišče Murska Sobota.[35] Kot je pred sodiščem pričala Marija L., jo je k osumljencu poslal oče po krmo za živino. Ko je srečala Jakoba K. jo je ta vrgel na tla, ji skušal sleči hlače in jo začel otipavati po spolovilu. Pri tem je Marija L. kričala, osumljenca odrinila od sebe in zbežala

31 ZAC 0609, Kzp 335/33, Sodba, 22. september 1933.
32 ZAC 0609, Kzp 335/33, Sodba, 22. september 1933.
33 PAM 0645, 003, Kzp 711/32, Sodba, 27. november 1933.
34 PAM 0684, 002, Kzp 140/39, Krivična prijava, 21. marec 1939.
35 PAM 0684, 002, Kzp 140/39, Obtožnica, 20. april 1939.

domov, o dogodku pa je povedala svoji materi.[36] Podobno usodo je doživela tudi mlajša izmed sester, 13-letna Otilija L., ki je osumljencu pomagala pri krmljenju živine. Kot je povedala, je krmo iskala na podstrešju, kjer se ji je pridružil osumljeni Jakob K., tam jo je položil na seno, jo z roko otipaval po spolovilu, nato pa jo je skušal še spolno zlorabiti. Pri tem je, kot je povedala žrtev:

> *s svojim udom prišel prav blizu mojega spodnjega telesa in ko sem rekla, da me boli, je odnehal ter je rekel, da naj le rastem, češ da bo pozneje bolj luštno. Naslednji dan sem to povedala svoji teti osumljenčevi ženi.*[37]

Jakob K. je v svoj zagovor pred sodiščem povedal: »ker sem bil vinjen me je zmotila strast«, pri čemer je priznal tudi, da je tako Otilijo L. kot tudi Marijo L. skušal spolno zlorabiti tako, da bi prišlo do spoja spolovil.[38] Sodniki Okrožnega sodišča Murska Sobota so v sodbi sklenili, da je obtoženi Jakob K. kriv spolne zlorabe obeh mladoletnic po 273. členu *Kazenskega zakonika Kraljevine Jugoslavije* in mu dosodili kazen sedmih mesecev strogega zapora. V svoji obrazložitvi je sodišče zapisalo, da je odmerilo nižjo kazen od predvidene, saj je kot olajševalno okoliščino upoštevalo priznanje in obžalovanje obdolženca ter dejstvo, da je dejanje ostalo samo pri poizkusu.[39]

Spolne zlorabe dveh mladoletnih sester, 13-letne Marice J. in 12-letne Rozalije J., je bil pred Okrožnim sodiščem Celje osumljen tudi 33-letni že večkrat obsojen delavec Jakob Z. Kot je pred sodiščem povedala žrtev Marica J., je osumljeni Jakob Z. živel z njihovo družino in spal v isti sobi, kot Marica in Rozalija. Marica J. je orisala spolno zlorabo, ki sta jo doživeli s sestro:

> *ko je spal v isti sobi, je ponoči prišel k postelji, kjer sva spali s sestro Rozalijo, ter mene nagnal na vznožje postelje, nato pa je Z.* [priimek odstranjen] *se vlegel v posteljo in nato se vlegel tudi na sestro Rozalijo.* […] *Nato je prišel k vznožju in se vlegel na mene, Poprej si je še hlače odpel nato pa začel nekaj »notri tiščati«. Bolelo me ni, pač pa me je zmočil. Tako je ponavljal vsako noč. Zlasti je tako delal s sestro Rozalijo, ker se mu jaz nisem pustila.* […] *Staršem tega nisva povedali radi tega, ker nama je Z.* [priimek odstranjen] *grozil, da nas bo ubil.*[40]

Spolno zlorabo, ki sta jo sestri doživeli, sta torej pred družinskimi člani skrivali. Kot je na sodišču pričal oče žrtev Franc J. sam ni opazil ničesar sumljivega in ni slutil, »da je tako nevaren človek«. Po pričevanju očeta, naj bi sumničava postala

36 PAM 0684, 002, Kzp 140/39, Zaslišanje priče, 15. april 1939.
37 PAM 0684, 002, Kzp 140/39, Zaslišanje priče, 3. april 1939.
38 PAM 0684, 002, Kzp 140/39, Zaslišanje obdolženca, 3. april 1939.
39 PAM 0684, 002, Kzp 140/39, Sodba, 31. maj 1939.
40 ZAC 0609, Kzp 284/39, Zaslišanje priče, 25. maj 1939.

njegova žena Rozalija J., kateri sta se hčerki po večkratnem izpraševanju tudi zaupali. Franc J. je nato podal prijavo na orožniško (policijsko) postajo.[41] Jakob Z. je naposled priznal, da je spolno občeval z obema deklicama, pri čemer pa se je izgovarjal, da so spolni odnosi potekali sporazumno. Obe naj bi mu tudi pripovedovali, da sta že »večkrat spolno občevali z različnimi moškimi«. Kot je povedal v svoj zagovor, naj bi kritične noči nekoliko vinjen Marico J. vprašal »če mi bo dala«, v kar naj bi deklica privolila in zahtevala dva dinarja plačila. Po opravljenem spolnem občevanju naj bi Marica zbudila mlajšo sestro Rozalijo in ji, po besedah obdolženca, rekla: »Rozika, sedaj pa lahko še ti, midva sva že«.[42] Obdolženec je svojo vpletenost sicer priznal, a se je izgovarjal, da sta obe dekleti privolili v spolno občevanje z njim. Sodišče je obdolženega Jakoba Z. spoznalo za krivega spolne zlorabe mladoletnic in ga obsodilo na dve leti robije in izgubo častnih pravic za dobo treh let. Kot olajševalno okoliščino pri odmeri kazni je upoštevalo priznanje, kot obtežilno pa povratek, saj je bil obdolženec že spoznan za krivega podobnega dejanja dve leti poprej.[43]

Pred sodiščem v Murski Soboti se je znašel 69-letni branjevec Štefan G., ker je bil osumljen spolne zlorabe 12-letne Marije Z. Prijavo spolne zlorabe je 15. maja 1939 začela preiskovali Žandarmerijska stanica Murska Sobota na podlagi prijave Elemirja K., ki je žandarmeriji prijavil, da naj bil Štefan G. »izvršil posilstvo nad 12 let staro Z. [priimek odstranjen] Marijo«.[44] Žrtev je pred sodiščem povedala, da jo je obdolženec poklical v svojo trgovino, kjer jo je zgrabil, položil na tla in jo začel prijemati za spolovilo. Pri tem je Marija Z. skušala kričati, a ji je Štefan G. to onemogočil, saj ji je usta pokril z roko. Deklica je pred sodiščem nazorno orisala spolno zlorabo:

> *med tem ko je ležal osumljenec na meni, sem čutila med nogami bolečine, vendar pa nisem vedela kaj osumljenec dela in zakaj me boli. Ko se je osumljenec dvignil z mene, sem imela mokre hlače. Od česa so bile hlače mokre ne vem.* […] *Osumljenec mi je rekel, da ne smem nikomur nič povedati kaj se je zgodilo.*[45]

Okrožno sodišče Murska Sobota je Štefana G. spoznalo za krivega spolne zlorabe mladoletnice po 273. členu *Kazenskega zakonika Kraljevine Jugoslavije* in ga obsodilo na prestajanje kazni dveh mesecev strogega zapora. Sodišče je, kot je navedeno v sodbi, odmerilo milejšo kazen, saj je kot olajševalno okoliščino upoštevalo obdolženčevo delno priznanje dejanja in neoporečnost.[46]

41 ZAC 0609, Kzp 284/39, Zaslišanje priče, 25. maj 1939.
42 ZAC 0609, Kzp 284/39, Zaslišanje obdolženca, 13. maj 1939.
43 ZAC 0609, Kzp 284/39, Sodba, 30. junij 1939.
44 PAM 0684, 002, Kzp 178/39, Kazenska prijava, 15. maj 1939.
45 PAM 0684, 002, Kzp 178/39, Zaslišanje prič, 24. maj 1939.
46 PAM 0684, 002, Kzp 178/39, Sodba, 1. julij 1939.

Izbrani primeri obravnav, ko so bili obdolženci oproščeni

Če so v opisanih primerih, sojenih pred Okrožnima sodiščema v Mariboru in Murski Soboti, vse storilce spoznali za krive spolne zlorabe mladoletnice, pa to ne velja za Okrožno sodišče Celje. Tu lahko izpostavimo tri primere, ki prikazujejo, da so sodniki v nekaterih primerih osumljence spolne zlorabe mladoletnice oprostili oz. jih niso spoznali za krive.

Februarja 1939 se je pred Okrožnim sodiščem Celje znašel 47-letni trgovec Branko D., ki je bil osumljen spolne zlorabe 14-letne Pavle N. Kot je povedala žrtev, jo je neko nedeljo v oktobru 1938 oče poslal v gostilno Branka D., da mu kupi cigarete. Osumljeni Branko D. naj bi deklico zvabil v svojo trgovino z izgovorom, da pri sebi nima drobiža. Tedaj je dekle zgrabil za roke, Pavla N. pa se mu je uspešno izvila iz prijema. Kot je povedala, se je obdolženca prestrašila, »ker so mi neke tovarišice pravile, da on rad dekleta zadržuje v trgovini.« Ob neki drugi priložnosti, ko se je ponovno znašla v bližini njegove trgovine, jo je ta k sebi zvabil z obljubo, da ji bo podaril čokolado. Ob tej priložnosti naj bi Branko D. izvršil svojo namero in deklico spolno zlorabil. Dogodek je Pavla N. pred sodiščem nazorno opisala, in sicer:

> *zaradi čokolade sem ubogala in šla z njim v trgovino skozi vežna vrata. V trgovini me je takoj prijel, mi je slekel hlačke ter me položil na nek zaboj za pultom. Obenem je on odpel sebi hlače in jih potegnil dol. Tedaj se je naslonil na me in je vtaknil svoj spolni ud v mojo vagino. Jaz sem se sicer upirala, a ni pomagalo.*[47]

Obdolženi Branko D. je pred sodiščem svojo krivdo zanikal in se izgovarjal, da si je Pavla N. vse izmislila, ker naj bi jo zalotil pri kraji čokolade.[48] Sodišče je razsodilo, da je Branko D. kriv spolne zlorabe mladoletnice po 273. členu *Kazenskega zakonika Kraljevine Jugoslavije*. Dosodilo mu je kazen šestih mesecev strogega zapora in izgubo častnih pravic za tri leta, pri čemer je kot olajševalno okoliščino upoštevalo obdolženčevo neoporečnost in skrb za družino.[49] Na prvotno odločitev sodišča se je Branko D. pritožil na Apelacijsko sodišče v Ljubljani, ki je njegovi pritožbi ugodilo in razveljavilo sodbo na prvi stopnji, saj Okrožno sodišče Celje naj ne bi upoštevalo vseh dokazov.[50] Po pregledu novih dokazov je nazadnje Okrožno sodišče Celje razsodilo, da Branka D. oprosti, saj naj bi žrtev ob ponovnem pričanju spremenila svojo izpoved tako, da ni več trdila, da se je spolna zloraba zgodila za pultom v trgovini, temveč pred njim. Prav tako naj bi v poizvedbi o žrtvi s strani vodstva osnovne šole, ki jo je obiskovala, sodišče izvedelo, da je Pavla N. »potuhnjena« in da je kot šolarka »že kradla«. Tako žrtvi sodišče ni moglo verjeti in je oprostilo obdolženega Branka D.[51]

47 ZAC 0609, Kzp 83/39, Zaslišanje priče, 20. marec 1939.
48 ZAC 0609, Kzp 83/39, Zaslišanje obdolženca, 24. februar 1939.
49 ZAC 0609, Kzp 83/39, Sodba, 28. april 1939.
50 ZAC 0609, Kzp 83/39, Odločitev Apelacijskega sodišča v Ljubljani, 9. avgust 1939.
51 ZAC 0609, Kzp 83/39, Sodba, 20. oktober 1939.

Januarja 1941 je pred Okrožno sodišče Celje stopil 21-letni predilec Rajmund J., ki je bil obtožen spolne zlorabe 13-letne Gertrude P. Kot je pred sodiščem izpovedala žrtev, je bila z obdolžencem večkrat v stiku, saj je redno prihajal k njihovi družini na obisk. Nekega dne je prišel do nje in jo začel nagovarjati k spolnemu občevanju. Kot je povedala žrtev, se je nekaj časa branila, nato pa privolila v spolno občevanje, saj je imela obtoženca rada. Ker pa naslednji mesec ni dobila mesečnega perila, je materi priznala, da je večkrat spolno občevala z Rajmundom J. Pri tem je žrtev izpovedala še, da je obtoženec dobro vedel, da je stara šele 13 let, saj mu je to večkrat povedala.[52] Rajmund J. je v svojem zagovoru povedal, da sta se z Gertrudo zaljubila in priznal, da je z njo večkrat imel spolne odnose. Pri tem je povedal tudi, da je mislil, da je deklica stara 16 ali 17 let.[53] Sodišče je odločilo, da obdolženec ni kriv spolne zlorabe mladoletnice, kot razlog svoje odločitve pa je navedlo, da je obdolženec upravičeno sklepal, da je deklica starejša od 14 let, saj je bila za »svoja leta nenavadno dobro razvita«. Prav tako je sodišče v sodbi zapisalo, da je deklica tudi pred sodiščem izpovedala, da je obdolžencu govorila, da je stara že 16 let, zaradi česar Rajmund J. torej ni mogel poznati prave starosti dekleta.[54]

Prav tako so sodniki Okrožnega sodišča Celje leta 1937 oprostili 23-letnega pismenega, samskega že »večkrat obsojenega« rudarja Dominika K., ki je bil po 276. členu *Kazenskega zakonika Kraljevine Jugoslavije* osumljen storitve spolne zlorabe mladoletnice, ki še ni dopolnila 14. leta in je bila še »spolno neomadeževana«. Kot je zapisano v sodbi, je obtoženec priznal, da je imel z Marico F. spolne odnose, pri čemer se je zagovarjal, da pri tem dejanju ni izrabil zaupanja deklice, saj ji je obljubil, da se bo z njo poročil. Kot je Dominik K. pričal pred sodiščem, je Marici F. povedal tudi, da ima nezakonskega otroka in da je bil že predhodno obsojen pred sodiščem[55], prav tako je tudi Marica F. pred sodiščem povedala, kako se je zavedala, da ima obdolženec že nezakonskega otroka in da ji je to obdolženec povedal. Kot je zapisano v sodbi, je »sodišče prišlo do prepričanja, da ni podan dejanski stan kaznjivega dejanja«. Prav tako je v sodbi zapisano, da je:

> *obtoženec tudi danes na sodišču izjavil, da je pripravljen F.* [priimek odstranjen] *Marico poročiti nasprotno pa je F.* [priimek odstranjen] *Marica izjavila, da se ni voljna poročiti z obtožencem.*[56]

Tako je sodišče ugotovilo, da v sodni poizvedbi ni bilo ugotovljeno, da bi obtoženec zlorabil zaupanje Marice F., zato se je odločilo, da obdolženca oprosti.[57]

52 ZAC 0609, Kzp 16/41, Zaslišanje priče, 7. januar 1941.
53 ZAC 0609, Kzp 16/41, Zaslišanje obdolženca, 1. januar 1941.
54 ZAC 0609, Kzp 16/41, Sodba, 5. marec 1941.
55 Sodišče v sodbi ne navaja kaznivih dejanj zaradi katerih je bil obdolženec že obsojen.
56 ZAC 0609, Kzp 557/37, Sodba, 23. oktober 1937.
57 ZAC 0609, Kzp 557/37, Sodba, 23. oktober 1937.

O popustljivosti sodišč

Iz predstavljenih primerov lahko opazimo, da sta tako Okrožno sodišče Maribor kot tudi Okrožno sodišče Murska Sobota v vseh opisanih primerih spolnih zlorab mladoletnic storilce teh kaznivih dejanj spoznali za krive. Čeprav smo v gradivu za Okrožno sodišče Celje našli sedem primerov oprostitve, je v večini primerov (44 primerov) to sodišče še vseeno obsodilo storilce kaznivih dejanj spolne zlorabe mladoletnice (kar bo še podrobneje obravnavano ob drugi priložnosti). Kljub temu, da so vsa tri obravnavana sodišča v večini primerov obtožence spolnih zlorab mladoletnic spoznala za krive, lahko obenem opazimo, da so bila pri odmeri kazni popustljiva ali zelo popustljiva; *Kazenski zakonik Kraljevine Jugoslavije* je namreč za spolno zlorabo mladoletnice po 273. členu določal odmero kazni robije do desetih let, če je šlo za »nečisto dejanje« pa strogega zapora, po 276. členu (zloraba »spolno neomadeževane deklice«) pa je določal odmero kazni najmanj šestih mesecev zapora.

Okrožno sodišče Maribor je npr. v edinem ohranjenem primeru spolne zlorabe mladoletnice po 273. členu Borisu K. odmerilo kazen le enega meseca zapora, pri tem pa je zapisalo tudi, da se je odločilo, da prestajanje kazni odloži z namenom, da se »da s tem obtožencu prilika poboljšanja«.[58] Tudi Okrožno sodišče Murska Sobota je v primeru zoper Štefana G., ki je bil obsojen na dva meseca strogega zapora po 273. členu zakonika, določilo, da se lahko prestajanje kazni odloži za dobo treh let, saj je sklepalo, »da se bo obt. [obtoženec] v bodoče tudi brez izvršitve obsodbe vzdrževal izvrševanja kaz. [kaznivih] dejanj«.[59]

Da so bila sodišča pri svojih kaznih popustljiva ugotavlja tudi Tjaša Podvratnik, ki je za sodbe Okrožnega sodišča Celje med letoma 1927 in 1931 ugotovila, da je v kar 26 primerih glede olajševalne okoliščine za znižanje kazni upoštevalo socialni položaj storilca spolnih zlorab. Kot olajševalno okoliščino pa je omenjeno sodišče, po avtoričinih ugotovitvah, upoštevalo tudi alkoholiziranost v času storitve dejanja ali obtožënčevo delno priznanje dejanja (Podvratnik, 2010, 113–117); lahko rečemo, da je bilo podobno v obdobju do leta 1941 (Mešić, 2022, 44–54). Izpoved žrtve pred sodiščem je bila sicer pomembna, saj je z njo žrtev lahko predstavila svoje doživljanje kaznivega dejanja, a iz proučenih primerov ugotavljamo, da so pri podeljevanju kazni storilcem sodišča upoštevala najrazličnejše razloge (ne samo izpovedi žrtve), so pa bila na splošno zelo popustljiva pri kaznovanju storilcev. Popustljivo kaznovanje obdolžencev sicer ni zabeleženo samo v tedanjem slovenskem prostoru, ampak tudi drugod, kar npr. v svojem članku iz leta 2002 potrjuje Stephen Robertson, ko analizira več primerov spolnih zlorab mladoletnic. V enem izmed teh, ki se je zgodil leta 1931 v New Yorku, je osumljenec za spolno zlorabo mladoletnice prejel kazen enega leta zapora, čeprav je tamkajšnji zakon predlagal višjo kazen (Robertson, 2002, 201).

58 PAM 0645, 003, Kzp 711/33, Sodba, 27. november 1933.
59 PAM, 0684, 002, Kzp 178/39, Sodba, 30. avgust 1939.

Pri določanju višine kazni so sodišča včasih upoštevala tudi socialni položaj obdolžencev. Tako je npr. Okrožno sodišče Murska Sobota obdolžencu Janezu H. dosodilo dva meseca zapora in določilo povračilo stroškov kazenskega postopka in izvršitve zaporne kazni, pri čemer je na koncu sodbe zapisano, da je sodišče opustilo plačilo povprečnine »ker smatra, da bi s to dolžnostjo bila ogrožena njegova prehrana.«[60] Podobno se je isto sodišče odločilo v sodbi zoper Jakoba K., ki mu je prav tako ob kazni sedmih mesecev strogega zapora določilo plačilo povprečnine in stroškov kazenskega postopanja. Pri tem pa je sodišče v sodbi zapisalo, da je obtoženca oprostilo plačila povprečnine, »ker smatra, da bi bila z plačilom iste ogrožena njegova, kakor tudi prehrana njegove rodbine«.[61]

Omeniti velja, da so pred sodišči tudi nekatere žrtve izpričale težek socialni položaj svoje družine, a v sodnih dokumentih ne moremo zaslediti, da bi te izpovedi bistveno vplivale na odločitve sodišč – npr. v tem, da bi bolj verjelo izpovedi žrtve, ali v odločanju o odmeri kazni obdolžencu. Žrtev Gertruda P. je npr. pred Okrožnim sodiščem Celje pričala tudi o domačem težkem finančnem stanju. V svojem zagovoru je povedala, da so z družino nekoč živeli v Mariboru, ker pa je »oče zgubil delo je oddal štiri otroke na občino, on, mati, oče in jaz smo pa šli po svetu proti Celju«.[62] Žrtev torej ni samo povzela svojega doživljanja spolne zlorabe, ampak je pred sodiščem tudi prikazala slabo socialno stanje svoje družine, ki se je znašla v finančnih težavah zaradi očetove izgube službe. Iz sodbe sodišča, ki je obdolženca oprostilo v primeru spolne zlorabe mladoletnice,[63] ne moremo razbrati, da bi sodišče posebej namenilo pozornost socialnemu stanju žrtve.

O samem socialnem položaju (bivanjskem, gmotnem, finančnem) žrtev v večini preučenih sodnih spisov ne izvemo veliko, predvsem zaradi različne stopnje ohranjenosti arhivskega gradiva oz. to ni ohranjeno v celoti. Za nekatere primere imamo namreč na razpolago samo sodbo, v kateri pa sodišča pogosto niso navajala podrobnih podatkov o žrtvi (z izjemo imena in priimka, starosti oz. včasih datuma rojstva), so pa iste sodbe vedno vsebovale podrobnejše podatke o obdolžencih (npr. zakonski stan, pismenost, veroizpoved, poklic). V primerih, kjer so ohranjeni tudi zapisniki zaslišanja prič, pa lahko o žrtvah razberemo tudi druge, podrobnejše podatke (npr. pismenost, veroizpoved, poklic itd.). V proučenih primerih lahko nenazadnje opazimo, da so sodišča pogosto večjo pozornost namenjala socialnemu položaju storilcev kaznivih dejanj kot pa žrtev. Glede te nedoslednosti nimamo (še) pravega odgovora, najverjetneje je na to vplivala splošna podrejenost žensk v družbi, s čimer so še dodatno potrjevali obstoječe spolne stereotipe (npr. Ograjšek Gorenjak, 2014).

60 PAM 0684, 002, Kzp 250/39, Sodba, 27. september 1939.
61 PAM 0684, 002, Kzp 140/39, Sodba, 31. maj 1939.
62 ZAC 0609, Kzp 16/41, Zaslišanje priče, 7. januar 1941.
63 ZAC 0609, Kzp 16/41, Sodba, 5. marec 1941.

SKLEP

V članku smo se osredinili na kaznivo dejanje spolne zlorabe mladoletnic v obdobju 1930–1941, ki ga je *Kazenski zakonik Kraljevine Jugoslavije* opredeljeval med v členih 273–276. Z analizo ohranjenih sodnih spisov v Pokrajinskem arhivu Maribor in Zgodovinskem arhivu Celje smo posebej proučili enajst izbranih primerov, in sicer kako so bile obravnavane žrtve spolnih zlorab pred okrožnimi sodišči Maribor, Murska Sobota in Celje ter kako so sodišča kaznovala storilce oz. jih niso. Ugotovili smo, da so mladoletne žrtve spolnih zlorab pred sodišči mnogokrat dobile možnost pričanja in izpovedi svojega doživljanja spolnega nasilja, ki so ga doživele; v takih primerih so nazorno opisale spolno zlorabo, ki so jo prestale, njihove pripovedi pa so lahko posredno podprle druge priče, pogosto njihovi družinski člani. Iz nekaterih izpostavljenih sodnih primerov lahko opazimo, da so žrtve – očitno iz sramu – spolno zlorabo, ki so jo doživele, skrivale; sklepamo, da so se o njej izpovedale šele zaradi različnih zunanjih vplivov, npr. pritiska družinskih članov, kroženja govoric v njihovi domači okolici.

Kljub temu, da so se žrtve pred sodišči trudile čim nazorneje opisati spolne zlorabe, ki so jih doživele, pa opazimo, da obravnavana okrožna sodišča niso bila enotna v odmerjanju kazni, predvsem pa so bila do obdolžencev v vseh primerih popustljiva oz. zelo popustljiva. Ugotovili smo, da je Okrožno sodišče Celje v treh izbranih primerih obdolžence oprostilo, kar jasno kaže, da so sodniki verjeli obdolžencem in ne mladoletnim žrtvam. Okrožni sodišči v Mariboru in Murski Soboti sta v osmih izbranih primerih kaznovali obdolžence, a bistveno mileje kot je za posamezno kaznivo dejanje predvideval *Kazenski zakonik Kraljevine Jugoslavije*. Večinoma so bile izrečene le nekajmesečne zaporne kazni, od enega do sedem mesecev. Le v enem primeru je bila dosojena višja kazen, in sicer Jakobu Z., ki je bil junija 1939 zaradi zlorabe dveh mladoletnih sester obsojen na dve leti robije in izgubo častnih pravic za tri leta. To je bilo vseeno precej nižje od predvidene kazni; čeprav je bil obdolženec dve leti pred tem že spoznan za krivega podobnega dejanja.

Pri tako nizki odmerjeni kazni oz. pri oprostitvi so sodišča praviloma našla in navajala različne olajševalne okoliščine, s katerimi so utemeljevala svoje odločitve. Tako se je med najpogostejšimi okoliščinami znašlo delno ali polno priznanje kaznivega dejanja s strani obdolženca (sklepamo, da so obdolženci pričakovali, da jim bo kazen zmanjšana oz. bistveno zmanjšana, če bodo krivdo priznali), v nekaterih primerih pa uživanje dobrega ugleda v javnosti, alkoholiziranost v času storitve kaznivega dejanja, pa tudi slab socialni položaj obdolženca. Slednje je sodišče upoštevalo tako, da je prestajanje kazni obdolžencu odložilo za nekaj let, saj je predpostavljalo, da bi lahko takojšnje prestajanje kazni še dodatno poslabšalo obdolžencev položaj. Nadalje smo ugotovili, da so tudi nekatere mladoletne žrtve pred sodišči pričale o svojem slabem socialnem položaju, v katerem so živele, česar pa okrožna sodišč Celje, Murska Sobota in Maribor v izbranih primerih niso upoštevala pri odmerjanju višjih kazni obdolžencem.

V spodnji tabeli so zbrani najbolj relevantni podatki o enajstih primerih, ki smo jih razvrstili po kronološkem vrstnem redu sojenj, pri čemer smo upoštevali predvsem odmerjeno kazen ali oprostitev ter olajševalne okoliščine v prid obdolžencem pri izrekanju sodb.

Primer spolne zlorabe: obdolženec (starost); mladoletnica/e (starost)	**Okrožno sodišče, čas sojenja**	**Odmerjena kazen ali oprostitev oz. obdolženec ni bil spoznan za krivega**	**Olajševalne okoliščine v prid obdolženca**
- Vinko H. (18), nekaznovani študent; - Truda A. (6)	Celje, januar 1931	prestajanje na prostosti s poskusno dobo 1 leta	- mlajši mladoletnik (med 15. in 18. letom) - pozitivno poročilo upravitelja šole - dejanje iz nepremišljenosti, saj imel razvito spolno strast
- Franc P. (56), že obsojeni pekarski pomočnik; - Marica R. (11)	Celje, september 1933	1 mesec zapora, izvršitev čez 3 leta	- priznanje krivde - pričakovanje, da se bo izboljšal že pred izvršitvijo kazni
- Boris K. (31), zaradi podobnih dejanj že večkrat obsojeni zasebni uradnik; - Ema G. (10)	Maribor, november 1933	1 mesec zapora	- omiljena kazen strogega zapora, ker se je že zdravil v psihiatrični bolnišnici (izgovarjal se je, da je bil pod vplivom alkohola in se ne spominja) - da dobi možnost »poboljšanja«
- Dominik K. (23), večkrat obsojeni rudar; - Marica F. (ni še dopolnila 14)	Celje, oktober 1937	oproščen oz. ni bil spoznan za krivega	- priznanje krivde - da ni izrabil zaupanja Marice F., ker ji je obljubil, da jo bo poročil (ona pa tega ni marala)
- Janez H. (19), nekaznovani poljedelec; - Katica D. (15)	Murska Sobota, september 1938	2 meseca zapora	- starejši mladoletnik (med 18. in 21. letom) - ni uporabil sile, predvsem izrabil zaupanje žrtve - zaradi socialnega položaja oproščen plačila povprečnine

- Branko D. (47) trgovec; - Pavla N. (14)	- Celje, februar–aprila 1939 - pritožba na Apelacijsko sodišče, avgust 1939 - ponovno v Celju, oktober 1939	- 6 mesecev strogega zapora, izguba častnih pravic za 3 leta; - razveljavitev sodbe - oproščen	- neoporečnost in skrb za družino - obdolženec trdil, da si je Pavla N. vse izmislila in da jo je zalotil pri kraji - odstopanja v izpovedi Pavle N. - v šoli izvedeli, da je »potuhnjena« in »že kradla«
- Jakob K. (26); - Otilija. L. (13) in Marija L. (14)	Murska Sobota, april–maj 1939	7 mesecev strogega zapora	- priznanje krivde - izgovarjal, da je bil pod vplivom alkohola - obžalovanje - dejanje ostalo le pri poskusu - zaradi socialnega položaja oproščen plačila povprečnine
- Jakob Z. (33), večkrat obsojeni delavec (2 leti prej je bil spoznan za krivega podobnega dejanja); - Rozalija J. (12) in Marica J. (13)	Celje, maj–junij 1939	2 leti robije, izguba častnih pravic za 3 leta	- priznanje krivde - izgovarjal, da obe večkrat spolno občevali z drugimi in da so spolni odnosi potekali sporazumno; bil je vsaj enkrat pod vplivom alkohola
- Štefan G. (69), branjevec; - Marija Z. (12)	Murska Sobota, maj–julij 1939	2 meseca strogega zapora, izvršitev lahko čez 3 leta	- delno priznanje krivde - neoporečnost - odložitev kazni, ker sodišče sklepalo, da se bo tudi brez kazni vzdržal
- Jožef F. (77), nekaznovani »občinski revež«; - Marija R. (8) in Irma L. (9)	Murska Sobota, avgust–september 1940	3 meseci strogega zapora	- priznanje krivde - izgovarjal se je, da je bil pod vplivom alkohola - neoporečnost (čeprav sodišče spoznalo, da je perverznež in se večkrat spozabil)

- Rajmund J. (21), predilec; - Gertrude P. (13)	Celje, januar–marec 1941	oproščen oz. ni bil spoznan za krivega	- obdolženec »upravičeno« sklepal, da je Gertrude P. starejša, saj je bila za »svoja leta nenavadno dobro razvita« - glede njene starosti je sodišče verjelo njemu, češ da mu je pravila, da ima 16 let (ona je trdila, da mu je pravila, da ima 13 let)

Sodišča so torej v sodnem postopanju pravzaprav delovala kontradiktorno, saj so največji del dokazovanja inkriminiranega dejanja prelagala prav na izpoved žrtve, ki se je trudila čim bolje in natančneje opisati spolno nasilje, ki ga je doživela; hkrati pa so sodišča v svojih odmerah kazni pogosteje upoštevala zagovor obdolženca, njegovo socialno stanje, dober ugled idr. Lahko rečemo, da so na tak način v svojih odločitvah celo bolj podprla obdolžence kot pa žrtve spolnih zlorab, ki naj bi jih ščitila.

COURT HEARINGS ON SEXUAL VIOLENCE AGAINST FEMALE MINORS BY THE DISTRICT COURTS OF MARIBOR, MURSKA SOBOTA AND CELJE IN THE PERIOD 1930–1941

Gorazd BAJC
University of Maribor, Faculty of Arts, Koroška cesta 160, 2000 Maribor, Slovenia
e-mail: gorazd.bajc@um.si

Veronika MEŠIĆ
Zlatoličje 64a, 2205 Starše, Slovenia
e-mail: veronika.mesic@student.um.si

SUMMARY

This article focuses on the offence of sexual abuse of a minor, which was recognised as a felony under the articles 273 to 276 in the Criminal Code of the Kingdom of Yugoslavia. For sexual abuse of a minor under Article 273, the Code stipulated a punishment of up to ten years' imprisonment, or a sentence of 'rigorous imprisonment' if an "impure act" (e.g. groping, genital exhibition, etc.) was committed. As a special crime, the Code recognised sexual abuse of a minor who had not yet had sexual intercourse, for which the punishment was imprisonment of at least six months. Based on court records kept at the Regional Archives Maribor and the Historical Archives Celje, the article aims to establish how victims of these criminal acts were treated before the court and if courts took the victim's story into account when sentencing offenders. In the Regional Archives Maribor, there was one criminal file related to the sexual abuse of a minor in the archival fond 'District Court Maribor', and six criminal files in the archival fond 'District Court Murska Sobota'. More criminal files related to the sexual abuse of minors were found in the Historical Archives Celje, where fifty-one cases are preserved in the archival fond 'District Court Celje'. In this article, eleven cases were highlighted to outline the treatment of victims and the sentencing of offenders bythe District Courts of Maribor, Murska Sobota, and Celje. In the examined cases of sexual abuse of minors, the courts gave a great deal of credibility to the victims. The Maribor and Murska Sobota District Courts sentenced all defendants in these cases to prison sentences, while the Celje District Court found the defendants not guilty and acquitted them in seven cases. Although all three courts found the defendants guilty in most cases, they were lenient in their sentencing and imposed lighter sentences than those prescribed by the Criminal Code. Moreover, we also found that in sentencing the accused the courts considered the social situation of the offenders, and in the case of some suspects imposed lower sentences and suspended serving them, pointing out the poor social (material, financial) situation of the accused in their rulings.

Keywords: Criminal Code of the Kingdom of Yugoslavia, sexual abuse of minors, sexual violence, Maribor District Court, Murska Sobota District Court, Celje District Court

VIRI IN BIBLIOGRAFIJA

Bajc, Gorazd & Veronika Mešić (2024): Nekateri vidiki spolnega nasilja nad ženskami v Kraljevini Jugoslaviji v luči civilnega in kazenskega prava. Studia Historica Slovenica, 24, 3, 641–669.

Dolenc, Metod & Rudolf Sajovic (1932): Novelirani kazenski zakonik za Kraljevino Jugoslavijo s kratkimi pojasnili. Ljubljana, Tiskovna zadruga.

Dolenc, Metod (1929): Tolmač h kazenskemu zakoniku. Ljubljana, Tiskovna zadruga.

Društvo za nenasilno komunikacijo (2025): Pravni slovar. https://www.drustvo-dnk.si/pravni-koticek/53.html (zadnji dostop: 2025-04-11).

Kanduč, Zoran (1998): Spolno nasilje (posilstva): kriminološke in kazenskopravne perspektive. Anthropos, 4–6, 187–208.

Kanduč, Zoran (2018): Družbeno nadzorovanje človeške seksualnosti v kriminološki perspektivi. Revija za kriminalistiko in kriminologijo, 69, 3, 179–193.

Kanduč, Zoran, Mihelj Plesničar, Mojca, Kmet, Saša, Petrovec, Dragan, Završnik, Aleš & Sabina Zgaga Markelj (2012): Nežnejši spol? Ženske, nasilje in kazenskopravni sistem. Ljubljana, Inštitut za kriminologijo pri Pravni fakulteti.

Kanduč, Zoran, Korošec, Damjan & Marko Bošnjak (1998): Spolnost, nasilje in pravo. Ljubljana, Inštitut za kriminologijo pri Pravni fakulteti – Urad za žensko politiko.

Korošec, Damjan (2008): Spolnost in kazensko pravo. Od prazgodovine do t. i. modernega spolnega kazenskega prava. Ljubljana, Uradni list Republike Slovenije.

Melik, Jelka (2000): V imenu Njegovega Veličanstva Kralja! Kazensko sodstvo v jugoslovanski Sloveniji v letih 1930–1941. Ljubljana, Arhiv Republike Slovenije.

Melik, Jelka (2007): Kazensko pravo in Slovenci v prvi Jugoslaviji. V: Pirjevec, Jože & Janko Pleterski (ur.): Problemi demokracije na Slovenskem v letih 1918–1941. Ljubljana, Slovenska akademija znanosti in umetnosti, 212–215.

Mešić, Veronika (2022): Spolno nasilje nad ženskami v obdobju med 1930 in 1941 v luči ohranjenih dokumentov Pokrajinskega arhiva Maribor (magistrsko delo). Maribor, Univerza v Mariboru, Filozofska fakulteta.

Ograjšek Gorenjak, Ida (2014): Opasne iluzije. Rodni stereotipi u međuratnoj Jugoslaviji. Zagreb, Srednja Europa.

PAM 0645 – Pokrajinski arhiv Maribor (PAM), kazenske zadeve Vr, Kzp in Pr (fond Okrožno sodišče Maribor 1898–1941).

PAM 0684 – PAM, kazenske zadeve Kzp (fond Okrožno sodišče Murska Sobota 1938–1941).

Podvratnik, Tjaša (2010): »V namenu, da bi ugodili svoji pohotnosti …« Spolni delikti na Celjskem med leti 1927 in 1931. Zgodovina za vse, 17, 2, 86–124.

Ratej, Mateja (2015): Begunstvo profesorja Tofana: kulturnozgodovinski prerez Maribora v dvajsetih letih 20. stoletja. Ljubljana, Modrijan.

Remec, Meta (2018): Posilstva v času prve svetovne vojne. Zgodovina za vse, 25, 1, 5–31.

Robertson, Stephen (2002): Making Right a Girl's Ruin: Working-Class Legal Cultures and Forced Marriage in New York City, 1890–1950. Journal of American Studies, 36, 2, 199–230.

Stergar, Rok (1995): O posilni nečistosti, oskrumbi in druzih velikih nesramnostih. Kronika: časopis za slovensko krajevno zgodovino, 43, 1/2, 74–91.

ZAC 0609 – Zgodovinski arhiv Celje (ZAC), kazenski spisi (fond Okrožno sodišče Celje 1850–1978).

Received: 2025-10-06 DOI 10.19233/AH.2025.28

LE PRINTEMPS SLOVÈNE - VENT DE LIBERTÉ SUR LA SLOVÉNIE. FRANCOSKI POGLED NA POLITIČNE IN DRUŽBENE RAZMERE V SOCIALISTIČNI REPUBLIKI SLOVENIJI 1987–1988

Kaja MUJDRICA
Univerza v Mariboru, Filozofska fakulteta, Koroška cesta 160, 2000 Maribor, Slovenija
e-mail: kaja.mujdrica1@um.si

IZVLEČEK

Prispevek na podlagi analize gradiva francoskega Ministrstva za Evropo in zunanje zadeve v Nantesu in La Courneuvu, poročanja časnika Le Monde *ter najbolj relevantne znanstvene literature obravnava francoski pogled na začetno fazo slovenske pomladi (1987–1988). Poseben poudarek namenja t. i. plakatni aferi, objavi* Prispevkov za slovenski nacionalni program *v 57. številki* Nove revije, *kritičnim zapisom v* Mladini *ter aferi JBTZ (Janez Janša, Ivan Borštner, David Tasić in Franci Zavrl). V ta namen avtorica kritično osvetli, kako so bile takratne civilno-družbene pobude v Socialistični republiki Sloveniji spremljane in dojete v Franciji – zlasti kot izraz teženj po demokratizaciji in prizadevanj za večjo slovensko avtonomijo.*

Ključne besede: slovenska pomlad, Socialistična republika Slovenija, Jugoslavija, francoska diplomacija, Le Monde*, demokratizacija, avtonomija, nacionalizem*

LE PRINTEMPS SLOVÈNE - VENT DE LIBERTÉ SUR LA SLOVÉNIE. IL PUNTO DI VISTA FRANCESE SULLA SITUAZIONE POLITICA E SOCIALE IN REPUBBLICA SOCIALISTA DI SLOVENIA, 1987–1988

SINTESI

L'articolo, basandosi sull'analisi della documentazione conservata negli archivi del Ministero francese per l'Europa e gli Affari Esteri a Nantes e a La Courneuve, delle notizie riportate dal quotidiano Le Monde *e della storiografia più rilevante, esamina il punto di vista francese sulla fase iniziale della cosiddetta primavera slovena (1987–1988). Particolare attenzione è rivolta al cosiddetto scandalo dei manifesti, alla pubblicazione dei Contributi al programma nazionale sloveno pubblicati nel numero 57 della rivista* Nova revija, *agli articoli critici apparsi sulle pagine del settimanale* Mladina *e all'affaire JBTZ (Janez Janša, Ivan Borštner, David Tasić e Franci Zavrl). A tal fine, l'autrice analizza come le iniziative della società civile nella Repubblica Socialista di Slovenia fossero seguite e percepite in Francia – in particolare erano espressione delle tendenze democratiche e degli sforzi per una maggiore autonomia slovena.*

Parole chiave: primavera slovena, Repubblica Socialista di Slovenia, Jugoslavia, diplomazia francese, Le Monde*, democratizzazione, autonomia, nazionalismo*

UVOD[1]

Po smrti predsednika Josipa Broza - Tita leta 1980 je v Jugoslaviji nekaj časa še vedno prevladovala zavezanost ohranjanju politične in ideološke smeri, ki jo je utemeljil nekdanji voditelj. Kljub temu so se v državi postopoma poglabljale socialne, gospodarske, nacionalne in politične napetosti. Zašla je v resno finančno krizo, zaznamovano z nezmožnostjo odplačevanja zunanjih dolgov, pomanjkanjem osnovnih dobrin in energentov, temu pa so se pridružile še inflacija, brezposelnost, dolgotrajna recesija in uvedba varčevalnih ukrepov (Calic, 2019, 252–253; Lazarević & Rendla, 2022; Piškurić, 2022). Takšne razmere so predvsem v Socialistični republiki (SR) Sloveniji spodbudile naraščanje nezadovoljstva v širši javnosti in v intelektualnih krogih ter ustvarile pogoje za vse izrazitejše demokratične pobude. Te so zaznamovale začetek obdobja, pozneje poimenovanega kot slovenska pomlad.

Slovenska zgodovinarka Andreja Valič Zver (2013) slovensko pomlad opredeljuje kot skupek procesov, ki so prispevali k politični, kulturni, gospodarski, socialni in širši družbeni modernizaciji slovenske družbe. Vanj vključuje delovanje novih družbenih gibanj in druge dejavnike oblikovanja civilne družbe. Alternativna gibanja ter pobude intelektualcev in kulturnikov, ki so se oblikovale že v prvi polovici osemdesetih let, lahko razumemo kot zgodnje znanilce slovenske pomladi, medtem ko je prelomni premik v smeri demokratizacije – hkrati pa tudi korak k nacionalni emancipaciji – mogoče časovno umestiti v leto 1987 (Šela, 2022, 156).

Zanimiv vpogled v takratna dogajanja lahko nudi perspektiva t. i. »tretje strani«, torej akterjev, ki v dogajanja niso bili neposredno vpleteni, so pa jih spremljali s precejšnjo pozornostjo. Takšen primer je pogled francoske diplomacije, ki pa ga je treba obravnavati in razumeti v okviru širših jugoslovansko-francoskih odnosov. Francija je v osemdesetih letih, zlasti v času predsednikovanja Françoisa Mitterranda (1981–1995) Jugoslavijo praviloma dojemala kot element ravnotežja na Balkanu in širše v Evropi v kontekstu hladne vojne. Pri tem je nezanemarljiv dejavnik predstavljala dolgoletna francoska naklonjenost Srbiji, ki jo je Pariz dojemal kot politično zaveznico znotraj jugoslovanskega prostora (Todić, 2015; Mujdrica, 2022). Takšna percepcija, ki je prevladovala vse do začetka devetdesetih let, je prispevala k francoskim preferencam za ohranitev enotne federacije ter k previdnosti do njenih političnih sprememb, ki bi lahko vodile v nestabilnost in njen morebiten razpad. V Parizu so zato reformne, avtonomistične in vse bolj pluralistične pobude v SR Sloveniji spremljali z zadržanostjo, saj so jih interpretirali v luči možnih posledic za prihodnost Jugoslavije kot celote (Mujdrica & Bajc, 2024a). Ta širši politični okvir je zaznamoval pogled francoske diplomacije tudi na dogajanje v SR Sloveniji v letih 1987–1988.

1 Članek je nastal v okviru raziskovalnega programa *Slovenska identiteta in kulturna zavest v jezikovno in etnično stičnih prostorih v preteklosti in sedanjosti* (P6-0372) in projekta *AID-HCH, Presežek pri razvoju humanistike in kulturne dediščine z umetno inteligenco* (J7-60128) ter programskega jedra *Dediščinska znanost in podnebne spremembe: nove raziskave z interdisciplinarnim pristopom in uporabo umetne inteligence* (RSF-UM – Programska jedra), ki jih financira Javna agencija za znanstvenoraziskovalno in inovacijsko dejavnost Republike Slovenije (ARIS).

Obdobje osemdesetih let v SR Sloveniji, vključno z dogodki, kot so plakatna afera, objava 57. številke *Nove revije*, kritični zapisi v *Mladini* ter proces proti četverici, ki so jih spremljali zaostreni odnosi z Jugoslovansko ljudsko armado (JLA), so bili v slovenski historiografiji že večkrat obravnavani (npr. Repe, 2001; 2002; Gabrič, 2002; Valič Zver, 2012; Repe & Kerec, 2017; Šela, 2022; 2023), po drugi strani pa je prisoten manko v pogledih ključnih akterjev zunanje politike, tako tudi francoske (le v obrisih npr. Jones, 2015; Hernández, 2019). Razmere v SR Sloveniji in Jugoslaviji so iz perspektive Francije najpozorneje spremljali uslužbenci francoskega veleposlaništva v Beogradu ter deloma konzulata v Zagrebu. Funkcijo veleposlanika je takrat opravljal Dominique Charpy, generalnega konzula pa Bernard Demange. Diplomati so redno zbirali informacije o notranjepolitičnih razmerah in jih pošiljali v Pariz, pri čemer so SR Slovenijo obravnavali v širšem jugoslovanskem kontekstu.

Pričujoča raziskava temelji na sistematičnem pregledu, preučitvi in analizi gradiva, ki ga hranita francoska diplomatska arhiva Ministrstva za Evropo in zunanje zadeve v Nantesu (*Ministère de l'Europe et des Affaires étrangères – Centre des Archives diplomatiques de Nantes*, CADN) in v La Courneuvu (*Ministère de l'Europe et des Affaires étrangères – Centre des Archives diplomatiques de La Courneuve*, AMAE),[2] na pregledu poročanja časnika *Le Monde,* osrednjega francoskega dnevnika socialno-liberalne oziroma socialdemokratske usmeritve, ter najbolj relevantne znanstvene literature. Namen prispevka je ugotoviti, kako so francoski diplomati in *Le Monde* v letih 1987–1988 spremljali in interpretirali dogajanja v začetni fazi slovenske pomladi: kot izraz demokratizacijskih prizadevanj in teženj po večji avtonomiji, kot nacionalistični projekt ali pa zgolj kot občasne napetosti znotraj jugoslovanskega okvirja.

PLAKATNA AFERA IN SLOVENSKO NASPROTOVANJE ŠTAFETI MLADOSTI

Eden prvih javno odmevnih dogodkov slovenske pomladi, ki je neposredno izpostavil vprašanje odnosa Slovencev do jugoslovanske federacije, je bila t. i. plakatna afera leta 1987 (Krečič et al., 2009). Nastala je le nekaj tednov po objavi 57. številke *Nove revije*, ki ji bomo pozornost še posvetili.

Organizacijo Štafete mladosti, množičnega teka v počastitev Titovega rojstnega dne, je leta 1987 po rotacijskem načelu prevzela Zveza socialistične mladine Slovenije (ZSMS). Ker je štafeta po smrti Tita ostala eden osrednjih propagandnih dogodkov v socialistični Jugoslaviji, jo je ZSMS zavrnila kot politično in idejno preživet obred (Gabrič, 2005, 1173; Rendla, 2018, 148; Šela, 2022, 157). Poleg zasnove zaključnega scenarija za proslavo Dneva mladosti 25. maja je ZSMS prevzela tudi odgovornost za oblikovanje štafetne

2 Več o pregledu francoskih virov o nacionalnem vprašanju Jugoslavije v 80. letih 20. stoletja v: Mujdrica & Bajc (2024a).

palice in plakata. Razpisan je bil anonimen javni natečaj za propagandno upodobitev Dneva mladosti, osnovana pa je bila mešana politično-umetniška komisija (Gabrič, 2005, 1173).

Francosko veleposlaništvo v Beogradu je 10. marca 1987 v poročilu *Les tribulations de l'Estafette de la Jeunesse 87'* zapisalo, da je februarja 1987 v SR Sloveniji izbruhnila afera, ki jo je povzročil »*fašistično navdihnjen*« plakat. Šlo je za predelavo slike Richarda Kleina *Tretji rajh - alegorija junaštva*, ki ga je ustvarila slovenska umetniška skupina Novi kolektivizem, ki je delovala v okviru organizacije Neue Slowenische Kunst, in je sodelovala na razpisu. Podobo plakata je francoska diplomacija opisovala na naslednji način:

> *Avtor projekta, atelje Novi kolektivizem iz Ljubljane, je nacistične simbole, ki jih je v rokah držal arijski športnik, preprosto zamenjal s štafetno palico, jugoslovansko zastavo z emblemi republik in pokrajin, na mesto orla pa je postavil goloba. Vendar fašistični vidik tega »nadčloveka« ni šokiral niti izbirne žirije niti organizacijskega odbora Štafete, ki je to izbiro odobril* [...][3]

Spornost podobe je bila v tem, da je umetniška skupina na plakatu združila nacistične in komunistične simbole, s tem pa naj bi namignila na sorodnost totalitarnih načel oblasti (Gabrič, 2005, 1173). Čeprav je bil plakat s strani komisije sprva potrjen, je po razkritju izvora podobe njegova vsebina sprožila ostre reakcije. Po poročanju francoskega diplomata Alexandra Keltchewskega, ki je deloval v Beogradu in bil pristojen za spremljanje notranje politike, so bili ti odzivi še izrazitejši, ker se je SR Slovenija že uveljavila kot »*posebej aktivno protestno žarišče*«. Kot je pojasnil, slovenska mladina nad štafetno tradicijo že dolgo ni več kazala navdušenja, nezadovoljstvo pa so odsevali tudi slovenski mediji, ki so imeli v očeh Francozov še posebno težo. Posebej sta bili izpostavljeni *Tribuna* in *Mladina*, ki sta opozarjali na protislovnost uradnega simbolizma: ideja »bratstva in enotnosti«, ki se je ohranjala tudi po Titovi smrti, je bila v očitnem razkoraku z realnostjo – razraščajočim se nacionalizmom in neenotnostjo federacije.[4] Francoski diplomat je tako pravilno ocenil razmere v Jugoslaviji v času, ko je bila stabilnost federacije čedalje bolj zamajana, politična kriza pa je na površje pripeljala napetosti, ki so pred tem ostajale potisnjene v ozadje.

Že britanska novinarja Laura Silber in Allan Little sta v delu *Smrt Jugoslavije* omenjeni plakat označila kot slovensko izzivanje Zveze komunistov Jugoslavije (ZKJ) in vojske, ki sta še vedno nastopali kot »*varuhinji titoizma*« (Silber & Little, 1996, 50). Po celi Jugoslaviji so po izbruhu afere sledila zborovanja, ki so obsojala slovensko »*provokacijo*«. Francoska diplomacija je ob tem ugotavljala, da bo

3 CADN, 79PO/B, 168, YU 1.1, Alexandre Keltchewsky: «Les tribulations de l' ‹Estafette de la Jeunesse 87›» (N° 120/EU), 10. 3. 1987; tudi vAMAE, 1935INVA, 6701, YOU-2-14.

4 CADN, 79PO/B, 168, YU 1.1, Alexandre Keltchewsky: «Les tribulations de l' ‹Estafette de la Jeunesse 87›» (N° 120/EU), 10. 3. 1987; tudi vAMAE, 1935INVA, 6701, YOU-2-14.

»*namero o provokaciji verjetno težko in v vsakem primeru neprijetno dokazati*«, saj je bil plakat Novega kolektivizma po njenem vrednotenju v skladu s prepoznavnim slogom tega oddelka, ki je »*rad ustvarjal junaške in mišičaste podobe*«. Kakor je zapisal diplomat Alexandre Keltchewsky, bi lahko kdo govoril celo o sokrivdi komisije – »*zaradi provokacije ali nacistične nostalgije*«, kot se je ironično vprašal – vendar je bilo zanj jasno, da organizacijski odbor štafete v tem ni prepoznal zlonamernosti. »*Cilj demonstracije je bil torej dosežen, ne glede na to, ali je bil nameren ali ne*«, je še dodal. Ob tem je državno tožilstvo v Ljubljani uvedlo preiskavo, da bi ugotovilo, ali obstajajo razlogi za kazensko odgovornost,[5] vendar je leto kasneje, 11. februarja 1988, ovadbo zavrglo.

Keltchewsky je zaznal, da odzivi na ustvarjen plakat niso imeli le kulturne razsežnosti. Vojaški in partijski krogi so v slovenski »*kulturni provokaciji*« prepoznali nacionalistično dejavnost, zaradi česar je postavljanje štafete pod vprašaj po njegovi interpretaciji imelo globlji pomen: razkrilo je »*izjemno občutljivost* [zveznih] *oblasti*« na vsak poskus, ki bi lahko vodil v destabilizacijo federacije. Dalje so francoski diplomati izpostavili »*poziv k razumu*«, ki so ga marca 1987 sestavili slovenski intelektualci z željo po spodbujanju razprave o demokratizaciji, in napovedali, da bo tak poziv »*v ozračju zmede in nacionalizma ostal le en element v tekoči razpravi*«.[6]

O nadaljevanju slovenskega nasprotovanja štafeti je nato 27. marca poročal francoski veleposlanik Charpy in zapisal, da se je 21. marca na pobudo ljubljanskih študentov na Prešernovem trgu zbralo približno 300 ljudi, opremljenih z značkami »*Štafeta ne, hvala*«, da bi, kot je orisal, »*praznovali pomlad*«.[7] O »*uporništvu mladih, ki je dobilo nepričakovano razsežnost*« je pisal tudi francoski časnik *Le Monde*[8] in izpostavil njihov ironični pristop. Ker so bili študentje prepričani, da jih oblast ne sliši, so svoje nestrinjanje že leto prej izrazili z zbiranjem podpisov proti izvajanju štafete in organiziranjem »*nenavadnega*« performansa: prinesli so sedemmetrsko deblo in ga ob spremljavi orkestra začeli spreminjati v štafetno palico.[9] Kot je zapisal slovenski zgodovinar Aleš Gabrič (2005, 1173), je bil namen jasen – z absurdom izpostaviti absurdnost čaščenja kulta osebnosti. Omeniti velja, da je bil simbolni pomen dogodka še toliko večji, ker se je tradicija štafete po plakatni aferi začela umikati iz javnega prostora in je bila s sklepom Zveze socialistične mladine Jugoslavije (ZSMJ) ukinjena leta 1988 (Rendla, 2018, 148; Kastelic, 2020, 80).

V istem času je v javnost pricurljal intervju s srbskim disidentom Milovanom Đilasom, ki ga je objavila mariborska študentska revija *Katedra*. Prispevku in njegovim odzivom so pozornost posvetili tudi na francoskem veleposlaništvu

5 CADN, 79PO/B, 168, YU 1.1, Alexandre Keltchewsky: «Les tribulations de l' ‹Estafette de la Jeunesse 87›» (N° 120/EU), 10. 3. 1987; tudi vAMAE, 1935INVA, 6701, YOU-2-14.

6 CADN, 79PO/B, 168, YU 1.1, Alexandre Keltchewsky: «Les tribulations de l' ‹Estafette de la Jeunesse 87›» (N° 120/EU), 10. 3. 1987; tudi vAMAE, 1935INVA, 6701, YOU-2-14.

7 AMAE, 1935INVA, 6701, YOU-2-14, Charpy: «Relais de la jeunesse en Slovenie. Interview de Djilas a »Katedra« de Maribor» (TD BELGRADE 131), 27. 3. 1987.

8 Le Monde, 18. 3. 1987: Yougoslavie: après les incartades d 'intellectuels et d 'étudiants slovènes. Des chefs militaires froncent les sourcils.

9 Le Monde, 29. 3. 1987: Yougoslavie: Les déséquilibres au sein de la fédération. Vent de libérte sur la Slovénie.

v Beogradu. Ugotavljali so, da ga je beograjska *Politika* označila za politično provokacijo, slovenski komentatorji pa so ga nasprotno ocenili kot pozitivnega: zanje je bil Đilas svoboden državljan, njegovo javno izražanje pa legitimna oblika intelektualne razprave. Francoski diplomati, ki so o intervjuju razpravljali 26. in 27. marca 1987, niso bili presenečeni nad novimi napetostmi, ki jih je povzročila »*nepričakovana reklama*« srbskega disidenta;[10] bolj jih je zanimalo, da se je intervju pojavil prav na dan prihoda štafete v Maribor, kjer je bila tradicija med mladimi znova ostro kritizirana, in to v občutljivem času naraščanja protislovenskih reakcij, sproženih tudi z objavo slovenskega nacionalnega programa.[11]

Naraščanje napetosti z JLA in objava 57. številke *Nove revije*

Naraščajoča gospodarska, socialna in politična kriza v drugi polovici osemdesetih let je poglabljala nezadovoljstvo v SR Sloveniji, s tem pa se je stopnjevala kritičnost do pristojnosti zveznih institucij. Med vprašanji, ki so v tem času postajala vse bolj občutljiva, je izstopal odnos SR Slovenije do JLA. Ta je imela v jugoslovanskem političnem sistemu poseben status – bila je simbol enotnosti in orodje centralističnega nadzora – zato so jo pogosto označevali kot »*sedmo republiko*« (Guštin, 2017, 182–183; Repe, 2021, 104). Posledično je vsak dvom o njeni vlogi ali pristojnostih v Beogradu naletel na izrazit odpor. Poveljujoči generali v Beogradu, zlasti tisti, ki so podpirali centralistične težnje predsednika SR Srbije, Slobodana Miloševića, so bili tako posebej kritični do slovenskega vztrajanja po večji avtonomiji v vojaškem sistemu (Vodopivec, 2010, 426).

Takšno zaostrovanje odnosov ni ušlo niti pozornemu očesu francoske diplomacije, ki je v začetku leta 1987 zaznala novo raven napetosti, in sicer intenzivno pojavljanje javnih prizadevanj slovenskih nabornikov po izrekanju vojaške prisege v maternem jeziku. Do tedaj je bila namreč, tako kot večina vojaške komunikacije in obredja, omejena izključno na srbohrvaščino. Podobne dileme so se nato pokazale 11. februarja 1987 ob obisku zveznega sekretarja za obrambo, admirala Branka Mamule, v SR Sloveniji. Francosko veleposlaništvo v Beogradu je na podlagi poročil konzula Bernarda Demanga zaznalo za jugoslovanske oblasti zaskrbljujoče zmanjšanje zanimanja slovenskih mladostnikov za vpis v vojaške šole in s tem za kariero v JLA. Če je po eni strani Socialistična zveza delovnega ljudstva Slovenije (SZDL) pomanjkanje interesa pojasnjevala s slabo informiranostjo mladih, podcenjevanjem vojaškega usposabljanja in nizkimi plačami, so kadrovsko neskladje med pričakovanji federacije in dejanskim sodelovanjem Slovencev v vojaškem sistemu francoski diplomati povezovali s čedalje večjo odtujenostjo slovenske družbe od zveznih institucij. Po opažanju

10 AMAE, 1935INVA, 6701, YOU-2-14, Charpy: «Relais de la jeunesse en Slovenie. Interview de Djilas a »Katedra« de Maribor» (TD BELGRADE 131), 27. 3. 1987.

11 AMAE, 1935INVA, 6701, YOU-2-14, Charpy: «Interview accordee par M. Djilas a une revue d'etudiants de Maribor (Slovenie)» (TD BELGRADE 129), 26. 3. 1987.

francoskih uslužbencev so se slovenski politični voditelji ob Mamulinem obisku odzvali previdno: relativizirali so probleme mladih, poudarjali, da nezanimanje za kariero v JLA ni omejeno zgolj na SR Slovenijo, temveč ga je mogoče zaslediti tudi na Hrvaškem in Kosovu, hkrati pa zavračali percepcijo, da je SR Slovenija demokratično naprednejša ali gospodarsko uspešnejša, saj bi takšna predstava republiko izolirala in sprožila odpor preostanka federacije.[12]

Francoski konzul Demange je v svojih zapisih ocenil, da je imel Mamulin obisk tudi značaj prikritega nadzora. Ker so se v SR Sloveniji čedalje bolj krepila alternativna gibanja, ki so po prepričanju diplomata izhajala iz zahodnega, zlasti nemškega prostora, je menil, da je Beograd želel preveriti, do kakšne mere slovensko politično vodstvo še nadzira javno izražanje mladih. V naslednjih mesecih naj bi se, kot je še zapisal francoski diplomat, pokazalo, ali je bil obisk rutinski ali pa je služil kot opozorilo oziroma »*budnica*« slovenskim oblastem, ki jih je zvezni vrh obravnaval kot preveč popustljive do naraščajoče pluralizacije in družbenih sprememb.[13]

Ker je sočasno s krizo naraščala tudi kritika javnosti – zlasti mladih – usmerjena proti JLA, se je ta hitro znašla v središču političnih in ideoloških razprav, v katerih so se problematizirali njena vsejugoslovanska narava, kadrovska sestava ter usmeritve njenega nadaljnjega razvoja (Pirjevec, 1995, 387–388). Kot piše hrvaški zgodovinar Davor Marijan (2021, 40–41), se je odnos med SR Slovenijo in JLA v drugi polovici osemdesetih preobražal v spor, ključno vlogo pri tem pa so imeli civilnodružbeni prostori ter mladinski mediji.

Zlasti *Nova revija* je od svoje ustanovitve leta 1982 predstavljala alternativo uradni ideologiji in se hitro uveljavila kot središče slovenske kulture in center intelektualne »opozicije« (Pesek, 2011, 330–331). Februarja 1987 je kot odgovor na objavo Memoranduma Srbske akademije znanosti in umetnosti izdala 57. številko, posvečeno aktualnemu slovenskemu nacionalnemu vprašanju. Zgodovinarka Petra S. Ramet (2019, 193) piše, da je ta krepila naraščajočo slovensko nacionalno zavest, hkrati pa je zaradi tega postala osrednja tema političnih razprav in kritičnih reakcij v državi (Repe, 2000, 260; Gabrič, 2002, 217; Valič Zver, 2012, 101; Šela & Friš, 2017, 827; Zajc, 2020).

Polemični odzivi se niso ustavili na jugoslovanski meji, saj so na slovenske odločne politične zahteve, ki bi lahko zamajale stabilnost federacije, postali pozorni tudi v tujini. Francoski *Le Monde* je 18. marca poročal, da je slovenska *Nova revija* na 250 straneh objavila posebno številko, v kateri so slovenski intelektualci v seriji člankov zanikali legitimnost odločitev, ki jih je Komunistična partija (KP) sprejela med drugo svetovno vojno. Kot neupravičeno so dojemali oblikovanje republik Črne gore, Makedonije, Bosne in Hercegovine ter avtonomne pokrajine Vojvodine, SR Slovenija pa naj bi bila po drugi strani »*prikrajšana*« za svoje narodne pravice. Zaradi tega so zanjo zahtevali večjo avtonomijo, med drugim ustanovitev slovenske vojske. *Prispevki za slovenski nacionalni program* so tako po mnenju

12 CADN, 79PO/B, 170, YU 3.6, Bernard Demange: «La jeunesse slovène et l'armée» (N° 25/Pol), 18. 2. 1987.
13 CADN, 79PO/B, 170, YU 3.6, Bernard Demange: «La jeunesse slovène et l'armée» (N° 25/Pol), 18. 2. 1987.

časnika »*razkrili pojav separatističnega gibanja*«, ki je »*izražalo nezadovoljstvo najrazvitejše republike v federaciji*«.[14] Čeprav je bil francoski povzetek vsebine razmeroma pravilen, pa je njegov poudarek na separatizmu nekoliko poenostavljen, saj je spregledan širši kontekst. Ključni za avtorje *Prispevkov* so bili zlasti naslednji elementi: zahteva po samoodločbi in oblikovanje državnosti v skladu z voljo slovenskega naroda, zagotovitev svobode civilni družbi, uvedba večstrankarske demokracije ter omejitev posegov zveznih organov na sodnem področju. Osrednja ideja je bila torej sprememba političnega režima in vzpostavitev odprtega demokratično-pravnega in političnega reda (Šela, 2022, 162), česar pa *Le Monde* ni posebej osvetlil. Opaziti je tudi, da so francoski opazovalci bolj izpostavili intelektualne zahteve kot pa dejstvo, da so bili uradni odzivi slovenskih oblasti precej previdni. Prav to zadržano ravnanje političnega vrha pa je v kasnejših mesecih odprlo prostor vprašanju, ali bo »opozicija«, ki se je oblikovala okoli 57. številke *Nove revije*, pritiskala na slovenske oblasti k odločnejšemu zagovarjanju večje suverenosti v odnosu do zveznega centra.

Slovenske in jugoslovanske oblasti so stališča *Nove revije* kategorično zavrnile. Pozivi slovenskih intelektualcev k večji avtonomiji so po poročanju *Le Monda* tudi vojaški vrh privedli do tega, da je »*opustil svojo običajno zadržanost*«. Kot je navajal časnik, se je ta odločno izražal le ob vprašanjih, ki so imela potencial, da ogrozijo enotnost Jugoslavije ali njen družbeni sistem. JLA je pobude v *Novi reviji* označila za »*nespoštljive*«, njihova objava pa je med vojaškimi krogi povzročila razburjenje, ki mu je sledilo »*stigmatiziranje pretiravanj ›nacionalistov‹ in ›buržoazne desnice‹ ter medijev*« v SR Sloveniji.[15] Podobno so jeseni 1987 ugotavljali uslužbenci francoskega veleposlaništva v Beogradu, in sicer, da je vojaški vrh objavo slovenskih »*Demokratičnih tez*« dojemal kot poskus »*razbijanja vojske*«, a da je nasprotno bila vojaška institucija vse pogosteje in odkrito kritizirana tudi v slovenskih intelektualnih krogih.[16] Čeprav *Prispevki* niso bili neposredno usmerjeni proti JLA, kot so opazili v Franciji, so za enega izmed »garantov« obstoja Jugoslavije očitno predstavljali politični prelom.

Objava *Prispevkov*, ki so pod vprašaj postavljali jugoslovanski zvezni sistem in vodilno vlogo ZKJ, je bila omenjena 27. marca 1987 v posebni obveščevalni notici francoskega veleposlaništva z naslovom *Mesures de rétorsion contre le particularisme slovéne* ali »*Povračilni ukrepi proti slovenskemu partikularizmu*«. V njej so francoski predstavniki razmišljali o možnih posledicah: poleg že izvedenih razrešitev odgovornih urednikov *Nove revije* so napovedovali kadrovske menjave na vrhu političnih organov v SR Sloveniji. Najbolj »*ogrožen*« naj bi bil Jože Smole, predsednik SZDL, ki so mu zvezne oblasti očitale dvoumno

14 Le Monde, 18. 3. 1987: Yougoslavie: après les incartades d'intellectuels et d'étudiants slovènes. Des chefs militaires froncent les sourcils.

15 Le Monde, 18. 3. 1987: Yougoslavie: après les incartades d'intellectuels et d'étudiants slovènes. Des chefs militaires froncent les sourcils.

16 CADN, 79PO/B, 173, YU 7.1, Reflextions sur le role de l'armee, november 1987.

držo in premalo zavzetosti pri izvajanju odločitev, sprejetih v Beogradu. Pod drobnogledom so bile tudi mladinske organizacije, ki so ostajale »*kritične*«. V poročilu je bil dodan še pomenljiv komentar:

> *Javna mnenja v Sloveniji, republiki, ki je v veliki meri odprta za zahodne vplive, so verjetno dosegla takšno razsežnost in mednarodno prepoznavnost, da se je beograjski režim prisiljen z njimi spoprijeti in se mora omejiti na kaznovanje tistih pojavov, ki so mu nedopustni, ne da bi lahko dejansko zaustavil njihov razvoj.*[17]

Francoski diplomati so tako ocenili, da so se zvezne oblasti znašle v položaju, ko slovenskih pobud več niso zmogle v celoti zatreti. Njihovo ukrepanje se je zato omejilo na posamezne sporne pojave, pri čemer so se – skupaj s slovenskim vodstvom – zavedale, da bi pretirana represija zgolj še okrepila javno nezadovoljstvo in opozicijo – zlasti v času občutljivih razprav o prihodnjem ustavnem položaju SR Slovenije v federaciji (Vodopivec, 2010, 423).

Čeprav je, kot ugotavljajo nekateri francoski avtorji (Bernard, 2014; Hernández, 2019), t. i. »*afera 57*« sprožila razmeroma malo medijske pozornosti, je bilo jasno, da Slovenci stremijo k ohranjanju in razvijanju svojega statusa avtonomne etnične skupine. *Prispevki*, ki so združili večino intelektualne elite, so kmalu postali vplivni do te mere, da se jim ni mogla »*upreti*« niti slovenska oblast, in je sprejela dialog z njimi. Slovensko vodstvo je previdno zavračalo beograjske pozive k preganjanju novorevijaških avtorjev in urednikov, saj bi popuščanje takšnim pritiskom predstavljalo nevaren precedens, ki bi zvezne oblasti še dodatno opogumil pri omejevanju pristojnosti republik ter poseganju v njihove notranje razmere (Vodopivec, 2010, 423).

Le Monde je 29. marca 1987 zapisal:

> *nenavaden veter svobode zdaj piha po Sloveniji, najbogatejši regiji Jugoslavije, in čeprav skoraj nihče ne govori o separatizmu, skoraj vsi izražajo svojo »naveličanost« do političnega, gospodarskega in družbenega sistema, ki je »zastarel«.* […] *Kam bodo šli Slovenci? Ta val svobode in protesta – ki je že nalezljiv po vsej državi* […]*, vendar se zdi, da tukaj prihaja z desetkratno močjo, – bo zaustavljen?*[18]

Ker se tudi slovenski sodni organi niso bili pripravljeni ukloniti pritisku in proti novorevijašem represivno ukrepati, je bila na ljubljansko tožilstvo 5. marca vložena kazenska ovadba, ki je avtorje *Prispevkov* bremenila sovražnega in protirevolucionarnega delovanja. Slovenski republiški tožilec Pavle Car je ovadbo za kaznivi dejanji zaradi pomanjkanja dokazov zavrnil (Šela, 2022, 163). O dogajanju je francosko javnost šele junija 1987 seznanil *Le Monde*, in sicer z zanimivo interpretacijo: v SR Sloveniji

17 AMAE, 1935INVA, 6701, YOU-2-14, Note de renseignement: «Yougoslavie: Mesures de rétorsion contre le particularisme slovéne» (N° 2616/D), 27. 3. 1987.

18 Le Monde, 29. 3. 1987: Yougoslavie: Les déséquilibres au sein de la Fédération Vent de liberté sur la Slovénie.

»*odklanjajo pojem ›verbalnega kaznivega dejanja‹, po katerem so obsojeni skoraj vsi disidenti in nasprotniki režima* […] *znani 133. člen v republiki ne bo več veljal«.* V resnici je člen sicer ostal zapisan v zakonodaji, vendar se v praksi ni več uporabljal, kar je kazalo na spremembo v pravosodni praksi in političnih razmerah. Razlog za takšno predvidevanje je sicer izhajal iz Carjeve izjave za *Delo*, da »*nima namena preganjati skupine mladih* […] *saj se v Sloveniji ne strinjamo, da bi bile besede ali zapisi lahko razumljeni kot spodbuda k rušenju družbenega reda ali kot napad na varnost Jugoslavije*«. Časnik je poudaril, da gre za prvi primer, ko je tožilec izrazil svoje stališče, ki je bilo v nasprotju s 133. členom, in nato tudi javno objavljeno. Po oceni *Le Monda* Car sicer ni imel pristojnosti spreminjati zakona, vendar mu je lahko dal takšno interpretacijo, da ga v konkretnih primerih ni bilo treba uporabiti. Poudaril je, da je verjetno tožilčeva odločitev predhodno prejela odobritev vodstva Zveze komunistov Slovenije (ZKS), in nakazal na možnost posega zveznega tožilca, ki je želel kar sam sprožiti sodni postopek. Njegovo posredovanje bi po navedbah *Le Monda* lahko povzročil politični spor med federacijo in SR Slovenijo, s tem pa poglobil splošno krizo v Jugoslaviji.[19] Takšna interpretacija dogodka je po oceni francoskega časnika nakazovala na pravno in politično voljo slovenskega vodstva, da omeji vpliv zveznih organov ter postopoma krepi avtonomijo republike znotraj jugoslovanskega sistema.

Čeprav je zvezna oblast, kot so aprila 1988 znova ugotavljali na francoskem veleposlaništvu v Beogradu, poskušala zamejiti slovenske kritike in težnje po večji avtonomiji, jih ni mogla zlahka zaustaviti. Med letoma 1987 in 1988, ko so »*Slovenske teze*« iz *Nove revije* pridobile širši odmev, se je kritična misel razširila tudi na uredništvo tednika *Mladina*,[20] s strani katere so po oceni francoske diplomacije prihajali najodločnejši napadi.[21]

Mladina in »*afera Janša*«

Kot piše slovenski zgodovinar Božo Repe (2002), se je leto 1988 izkazalo kot najintenzivnejše in najbolj prelomno v celotnem desetletju. V SR Sloveniji se je začel proces nacionalne homogenizacije, hkrati pa se je pričel tudi vse bolj odprt boj za oblast (Repe, 2002, 108). Napetost med slovenskim vodstvom in JLA se je stopnjevala zaradi vse večjega vmešavanja vojaškega vrha v slovensko notranjo politiko in po drugi zaradi slovenskega nasprotovanja vedno višjim proračunskim zahtevam vojske ter njenemu trgovanju z orožjem, ki ga je prodajala vojaškim diktaturam in državam tretjega sveta, pogosto vpletenim v medsebojne vojaške spopade (Vodopivec, 2010, 426–427; Šela, 2022, 166). *Mladina*, tednik ZSMS, znan po svojih provokativnih vsebinah, je zato sprožil kampanjo, ki je problematizirala vlogo JLA kot politično-ideološkega akterja (Silber & Little, 1996, 53).

19 Le Monde, 18. 6. 1987: Yougoslavie. La République de Slovénie écarte la notion de ‘délit verbal’.

20 CADN, 79PO/B, 173, YU 7.1, Alexandre Keltchewsky: «Discussions et polémiques autour de l’armée» (N° 172/EU) 5. 4. 1988; več o vlogi *Mladine* v času osamosvajanja SR Slovenije glej Horvat (2021).

21 CADN, 79PO/B, 173, YU 7.1, Alexandre Keltchewsky: «Début de polémique autour du projet d’avion de combat» (N° 122/DE), 7. 3. 1988.

Francoski diplomat Keltchewsky je 7. marca 1988 zunanjemu ministrstvu poročal, da slovenska mladina vse bolj razpravlja in špekulira o projektu novega jugoslovanskega bojnega letala. Begalo jo je, da je Jugoslavija kot relativno revna država želela razvijati tako ambiciozen in drag projekt, ki je bil prvič omenjen v drugi polovici leta 1987 ob obisku francoskih gospodarskih partnerjev v Jugoslaviji. Najmočnejši napad je po zapisu diplomata prišel s strani *Mladine*, in sicer v članku *Svinje in diamanti. Kam leti novi jugoslovanski bombnik?* (12. februar 1988), v katerem je kritika mladih zadevala ekonomsko upravičenost projekta in molk oblasti. Prevod je bil poslan tudi v Pariz.[22]

»*Razprava o vojski, ki se je začela iz nič, je postopoma zajela vse družbenopolitične institucije v državi*«, so dalje 5. aprila ugotavljali na francoskem veleposlaništvu v Beogradu. Polemiko je sprožilo še več člankov *Mladine*, predvsem o jugoslovanskem izvozu orožja in potovanju Branka Mamule v Etiopijo, te pa sta ostro obsodila zvezni vrh in SZDL. Nasprotno se je ZKJ, po navedbah Keltchewskega »*previdna ali ohromljena zaradi nesoglasij*«, odzvala šele mesec dni po izidu »*sporne številke*«.[23] S slednjo so verjetno mislili tisto, v kateri je bil objavljen tudi znan uvodnik *Mamula, go home!*, vendar ga francoska diplomacija, kot tudi *Le Monde,* nista eksplicitno izpostavila. Francoski časnik je v enem izmed svojih člankov zapisal le, da je bila zaradi »*izjemno kritičnega uredniškega prispevka proti jugoslovanski oblasti*« zadnja številka *Mladine* začasno prepovedana.[24]

Kmalu zatem je bil proti glavnemu uredniku *Mladine*, Franciju Zavrlu, sprožen sodni postopek, ki je 9. marca v Ljubljani sprožil proteste v njegovo podporo. Francoskim diplomatom je kmalu postalo jasno, da glavni predmet obravnav v *Mladini* v resnici ni bila vojska, temveč je cilj razprave postala splošna politična usmeritev države.

Pod vplivom pritiska zveznih in vojaških oblasti ter intenzivne medijske kampanje, ki je sledila, je predsednik ZKS Milan Kučan takrat opozoril, da so odzivi proti *Mladini* postali »*nesprejemljivo protislovenski*«, francoski diplomati pa so k temu pridali, da se je v razpravo, kot že tolikokrat, znova vključil »*nacionalistični element*«:

> *polemika, ki jo je sprožilo nekaj člankov v študentski reviji o vojski, omogoča nekakšen pregled zadnjih dogodkov v Jugoslaviji. V njej so združeni vsi elementi nacionalne razprave. Vključno z zmedo, ki jo namerno vzdržujejo oblasti – vendar, ali jo je res potrebno vzdrževati, da se razprava preusmeri v nacionalistične prepire in se vsaka kritika režima enači z napadom na institucije in s tem na varnost države. Oni [zvezna oblast] namreč ne razumejo globljega pomena te kritike. Zato so njihove reakcije nesorazmerne, namenjene preprečevanju nadaljnjih izgredov, vendar le izdajajo njihovo napetost in še okrepijo razpravo.*[25]

22 CADN, 79PO/B, 173, YU 7.1, Alexandre Keltchewsky: «Début de polémique autour du projet d'avion de combat» (N° 122/DE), 7. 3. 1988.

23 CADN, 79PO/B, 173, YU 7.1, Alexandre Keltchewsky: «Discussions et polémiques autour de l'armée» (N° 172/EU), 5. 4. 1988.

24 Le Monde, 19. 3. 1988: Yougoslavie. L'éditorial 'contre-révolutionnaire' d'une revue slovène.

25 CADN, 79PO/B, 173, YU 7.1, Alexandre Keltchewsky: «Discussions et polémiques autour de l'armée» (N° 172/EU), 5. 4. 1988.

Francoski diplomatski predstavniki so tako ugotovili, da je oblast v Jugoslaviji vsako kritiko hitro preusmerila v varnostno vprašanje, s čimer jo je lažje obvladovala in hkrati onemogočala njeno obravnavo kot politično dilemo. Po njihovem mnenju je zvezno vodstvo namerno vzdrževalo zmedo, da bi politične napetosti preusmerilo v nacionalistične konflikte, tak odziv pa po njihovem ni izražal moči, temveč nemoč režima, ki se ni bil sposoben prilagoditi naraščajočim družbenim spremembam – kar so potrdili tudi nadaljnji dogodki.

Naraščajoče nezaupanje med vojsko in slovensko civilno sfero je sredi leta 1988 doseglo vrhunec s pridržanjem sodelavcev revije *Mladina*. Dne 31. maja sta bila aretirana »*vodja alternativnega gibanja Slovenije*«, Janez Janša in vojak Ivan Borštner, nekaj dni kasneje pa še novinar David Tasić. Obtoženi so bili zasega vojaškega dokumenta in »*razkritja vojaške skrivnosti*«, potem ko je *Mladina* objavila njegovo vsebino, ki je vseboval podatke načrta vojaške intervencije »*za vzpostavitev reda v Sloveniji*« – »*najbolj liberalni republiki federacije*«, kot je ob poročanju 7. junija izpostavilo uredništvo *Le Monda*.[26] Šlo je za sporni prispevek Vlada Miheljaka, *Noč dolgih nožev*, napisanega na podlagi informacij iz magnetograma 72. seje predsedstva Centralnega komiteja (CK) ZKJ, na katerem so razpravljali o morebitnih možnostih slovenskega napada na JLA in načrtu, da bi vojska pod krinko lastne zaščite posredovala proti civilistom (Čepič, 2005, 1188; Pesek, 2007, 60).

Govorice o objavi tajnih dokumentov so le nekaj dni po njihovem razkritju prišle do francoskega veleposlaništva, ki jih je posredovalo v Pariz. Afera je takrat za francoske opazovalce predstavljala eno izmed osrednjih interesnih točk v jugoslovanskem kontekstu. Vendar, kot je v svojem poročilu opisoval francoski veleposlanik Charpy, so francoski mediji, zlasti *Agence France-Presse* (AFP), podlegli slovenskemu »*senzacionalizmu*«. AFP je namreč med svojim poročanjem nekritično povzemala trditve iz *Mladine*, da naj bi JLA pripravljala načrt za vojaško posredovanje v SR Sloveniji brez vednosti partijskega in državnega vrha. Diplomat je te domneve zavrnil kot pretirane in neustrezne. Čeprav ni izključil možnosti, da je kakšna vojaška frakcija teoretično razmišljala o takšnem scenariju, je menil, da je bila možnost intervencije popolnoma neskladna z vlogo in tradicijo JLA, ki ni bila pučistična institucija.[27] Švicarski novinar Viktor Meier pa nasprotno meni, da številni tuji opazovalci, vključno z diplomati in vojaškimi atašeji, niso vedno znali ustrezno oceniti specifične narave JLA. V njej so v pogosto videli le poklicno ustanovo, pri tem pa prezrli njeno visoko stopnjo politizacije in ideološke vpetosti v strukturo države (Meier, 1996, 97). Iz tega je mogoče sklepati, da je Charpy s svojo oceno podcenil dejansko naravo JLA, ki ni delovala kot nevtralna profesionalna vojska, temveč kot politizirana institucija, tesno vpeta v ohranjanje jugoslovanskega sistema. Prav to je bilo tisto, kar je tujim opazovalcem pogosto ušlo – JLA ni bila zgolj obrambni aparat, temveč ideološki instrument, ki je bil teoretično in tehnično

26 Le Monde, 7. 6. 1988: Yougoslavie: Arrestation d'une collaborateur de la revue 'Mladina'.

27 CADN, 79PO/B, 173, YU 7.1, Charpy: «Mise au point sur les intentions pretees a l'armee yougoslave» (TD BELGRADE 210), 20. 5. 1988.

sposoben represivnih posegov. Realizacija slednjih se je do takrat že pokazala na Kosovu, a je bila v tem primeru s SR Slovenijo bistvena naslednja razlika: medtem ko je v avtonomni pokrajini šlo za nadzor nad etnično napetim in politično nestabilnim območjem, so bile slovenske zahteve utemeljene v prizadevanjih za demokracijo in politično avtonomijo.

Charpy je hkrati poudaril, da *Mladina* z objavljenimi prispevki namerno provocira in retorično zelo pretirava v kritikah proti JLA ter v oceni širših političnih napetosti med SR Slovenijo in drugimi republikami, zlasti v okviru osebnih sporov med slovenskimi politiki in zveznim vrhom. Kot primer je navedel spor med Jožetom Smoletom in Brankom Mikulićem, predsednikom Zveznega izvršnega sveta. Dodal je še, da se v Jugoslaviji začenja proces učenja demokracije, a da je pomembneje, da ljudje pričenjajo izražati svoja stališča, kot pa da resnično »*obvladajo*« določeno tematiko.[28] S tem je želel povedati, da je bil v začetni fazi demokratizacije sam proces javnega izražanja mnenj in kritike pomembnejši od popolne natančnosti ali strokovnosti posameznih stališč.

Na tem mestu je smiselno osvetliti, kako so francoski diplomatski predstavniki vrednotili revijo, ki je v času slovenske pomladi odigrala zelo pomembno vlogo. *Mladina* je bila aprila 1988 v očeh Keltchewskega študentska »*uporniška*« revija, ki je imela precejšen vpliv. Njen tedanji nakladni doseg – 45.000 izvodov – se mu je zdel pretiran. Dejansko se je naklada revije od nekaj tisoč na začetku osemdesetih let v letih 1987–1989 povzpela na več deset tisoč izvodov (Gabrič, 2005, 1173). Zgodovinar Jože Pirjevec (1995, 388) za leto 1988 navaja celo številko 100.000. Francoski diplomat je hkrati poudaril *Mladinin* ugled in širok krog bralcev, ob tem pa zaznal, da je bila zaradi slovenščine, v kateri je izhajala, dejansko nedostopna večini jugoslovanske javnosti[29] – ni pa dodal, da v osnovi najbrž niti ni bila namenjena bralcem zunaj SR Slovenije. Čeprav naj bi revija za JLA predstavljala »*orožarno*« psihološke vojne, je bila v francoskih telegramih opredeljena kot »*glasnik zagovornikov političnega pluralizma*«. Kljub temu, da je šlo za majhno revijo z omejenimi tehničnimi sredstvi, so francoski diplomati ugotavljali, da so jo zvezne oblasti dojemale kot resno grožnjo, kar se je izražalo v cenzuri, sodnih postopkih in javnih diskreditacijah: »*vse skupaj je torej strah mogočnih pred besedo*«, so zapisali.[30]

Čeprav je francoska diplomacija še maja 1988 opozarjala, da *Mladina* v svojih prispevkih pretirava, je bil njen splošni pogled na revijo izrazito pozitiven: glede na poročilo, ki je bilo v Pariz posredovano junija 1988, so jo dojemali kot alternativno politično središče, ki je presegalo zgolj slovenski nacionalni okvir. Posebej pomembno se jim je zdelo, da je revija svojo kritiko usmerjala neposredno proti JLA, kar so ocenili kot spretnejšo potezo, kot je bila tista, ki jo je leto prej ubrala »*njena*

---

28 CADN, 79PO/B, 173, YU 7.1, Charpy: «Mise au point sur les intentions pretees a l'armee yougoslave (TD BELGRADE 210)», 20. 5. 1988.

29 CADN, 79PO/B, 173, YU 7.1, Alexandre Keltchewsky: «Discussions et polémiques autour de l'armée» (N° 172/EU), 5. 4. 1988.

30 AMAE, 1935INVA, 6701, YOU-2-14, Charpy: «Slovenie, Croatie, presse et democratie» (TD BELGRADE 246), 9. 6. 1988.

sestrska Nova revija«. Medtem ko je bilo po prepričanju francoskega veleposlanika Charpyja slednjo mogoče hitro označiti za nacionalistično, se je torej *Mladina* uspešno predstavljala kot promotorka pluralizma in reformnih prizadevanj.[31] Francoski diplomat pri tem ni izpostavil razlike v osnovnem poslanstvu obeh revij. *Nova revija* je nagovarjala zlasti intelektualne kroge, njeni prispevki pa so se osredotočali na razprave o prihodnosti SR Slovenije, s poudarkom na večji avtonomiji znotraj Jugoslavije. *Mladina* pa je bila namenjena širšemu krogu bralcev; z družbeno in politično angažiranimi, pogosto provokativnimi prispevki, je spodbujala pluralizem mnenj ter zagovarjala proces demokratičnih reform v jugoslovanski družbi.

Kar zadeva odzive na kritične članke v *Mladini*, so francoski diplomati junija 1988 poročali, da je odmevnost *Mladine* rasla skupaj z »*nadlegovanjem oblasti*« – bolj, ko so ji oblasti nasprotovale, večjo branost in priljubljenost je dobivala. Reakcije zveznega vrha – zlasti sproženi sodni postopki, javne diskreditacije, pritisk na slovensko politično vodstvo – so bile po mnenju Francozov »*ostre, nesorazmerne in nerodne*«. Nasprotno pa je po navedbah francoskih uradnikov slovensko politično vodstvo – kljub pragmatičnemu obnašanju in t. i. »*taktičnemu liberalizmu«,* prepletenemu z »*iskrenostjo*« (»*besnimi izjavami in zahtevami po pojasnilih*«) – moralo upoštevati pritisk javnosti in zavzeti obrambno držo do napadov na *Mladino*, saj se je s tem dokazalo kot zaščitnik slovenskih interesov. Hkrati je bila *Mladina* razumljena kot simbol širše politične preobrazbe – poleg tega, da je razkrivala pomanjkljivosti ZKJ, ni bila več omejena na nacionalna vprašanja. Slovenci so po vrednotenju francoske diplomacije že prerasli ozke nacionalne okvire – njihovo delovanje in razmišljanje se ni omejevalo zgolj na interese SR Slovenije kot republike, temveč so se v vse večji meri identificirali z idejami pluralizma, svobode izražanja in institucionalnih reform. Aretacija sodelavcev *Mladine* je tako po besedah francoskih uslužbencev sprožila sovražnosti med t. i. »*branitelji sistema*« in tistimi »*iskrenimi*« – kot so imenovali slovenske intelektualce – ki so se zavzemali za liberalizacijo države.[32] Hkrati pa je aretacija povzročila val demonstracij in vznemirjenje slovenske javnosti.

O nepričakovani razširitvi in zaostrovanju latentnega spora med vojsko in slovenskimi liberalci, ki ga je sprožila aretacija, je dalje 10. junija poročal *Le Monde*. Kot je zapisalo uredništvo, se je *Mladina* očitno izkazala za resničen *bête noire* (trn v peti) vojski in dodalo, da se pričenja širiti gibanje v podporo pridržanim posameznikom v Ljubljani. Če je po eni strani »*Slovenska mladinska zveza*« začela z organizacijo stavk, je sočasno slovensko politično vodstvo pozivalo k miru in želelo preprečiti, da bi se javno vzdušje sprevrglo v val antimilitarističnih demonstracij.[33] Ker vojska, kot je zapisal *Le Monde* 16. junija 1988, ni želela pojasniti pravega

31 AMAE, 1935INVA, 6701, YOU-2-14, Charpy: «Slovenie, Croatie, presse et democratie» (TD BELGRADE 246), 9. 6. 1988.

32 AMAE, 1935INVA, 6701, YOU-2-14, Charpy: «Slovenie, Croatie, presse et democratie» (TD BELGRADE 246), 9. 6. 1988.

33 Le Monde, 10. 6. 1988: Yougoslavie. La contentieux s'alourdit entre l'armée et les libéraux de Slovénie.

razloga za izvedbo aretacij, je dober teden kasneje časnik ponovno poročal o novih demonstracijah v SR Sloveniji, ki so potekale skoraj vsak dan in so se zdele težko preprečljive. Večji protest, na katerem je bilo prisotnih približno 20.000 ljudi, je potekal 21. junija. Organizatorji so zahtevali »*več svobode, demokracije in spoštovanja človekovih pravic*« v državi, spremljalo pa ga je tudi kulturno dogajanje, kot so bili koncerti rock skupin.[34] Po navedbi Ramet (2019) je šlo za največje javno zborovanje Slovencev po koncu druge svetovne vojne. Čeprav se je, kot je dalje komentiral *Le Monde,* v SR Sloveniji kazala »*najmočnejša volja do sprememb*«, so po drugi strani vprašljive ostajale »*secesionistične težnje*« in možnost posredovanja vojske, ki še ni bila izključena.[35]

Francoski veleposlanik Charpy je 28. junija v telegramu, naslovljenem *Democratisation de la société, véritable enjeu de la contestation slovène* ali »*Demokratizacija družbe, resnični pomen slovenskega protesta*«, ki je bil poslan v Pariz, podrobneje komentiral odzive slovenskega vodstva na t. i. »*afero Janša*«, kot so jo poimenovali na veleposlaništvu v Beogradu. Poročal je o glavnih idejah Kučana na plenumu CK ZKS, ki je potekal dan prej, 27. junija: vodja slovenskih komunistov je zavrnil tako očitke o kontrarevoluciji kot tudi idejo o vojaški intervenciji JLA v SR Sloveniji. Opozoril je na nevarnost manipulacije in izkrivljenih interpretacij dogodkov ter zanikal obstoj nacionalističnega gibanja v SR Sloveniji, ki bi zagovarjalo odcepitev ali ogrožalo federativni sistem. Hkrati je jasno namignil, da je bistvo slovenskih nemirov prav v prizadevanjih za politično reformo, ki bi vodila v demokratizacijo sistema. V resnici so, kot je ponovno zaznala francoska diplomacija – in s tem potrjevala Kučanovo oceno – obtožbe nacionalizma s strani oblasti proti slovenskemu gibanju najpogosteje služile kot pretveza za zavračanje njihovih idej o demokratizaciji. Francoski veleposlanik Charpy je v tem smislu Kučanov govor razumel kot manifest t. i. »*razumnega komunizma*« – političnega pristopa, ki ni nasprotoval socializmu kot ideji, a je opozarjal, da mora partija, namesto da bi delovala kot edini politični subjekt, začeti sodelovati tudi z drugimi akterji. Čeprav veleposlanik ni verjel, da bo ta model socializma v praksi takoj realiziran, naj bi že sama omemba tovrstnega političnega pluralizma kazala na vpliv, ki ga je »*afera Janša*«, že imela na proces demokratizacije v ZK Sloveniji in širše v Jugoslaviji.[36]

Dogajanje je takrat odprlo tudi širšo intelektualno razpravo o prihodnosti Jugoslavije in značaju slovenske demokratizacije v povezavi s prizadevanji za večjo politično avtonomijo (Repe, 2000, 414). Zanimiv idejni okvir za razumevanje političnega trenutka je prispeval zgodovinar Janko Pleterski, ki je junija 1988 za hrvaški tednik *Danas* analiziral t. i. slovenski sindrom. Izraz, ki je označeval odstopanja od enotne jugoslovanske ideologije in naraščajočo slovensko politično, kulturno ter civilnodružbeno samostojnost, je bil v jugoslovanskem političnem

34 Le Monde, 23. 6. 1988: Yougoslavie. Nouvelles manifestations en Slovénie.

35 Le Monde, 25. 6. 1988: Été chaud en Yougoslavie.

36 AMAE, 1935INVA, 6701, YOU-2-14, Charpy: «Democratisation de la societe, veritable enjeu de la contstation slovene» (TD BELGRADE 292), 28. 6. 1988.

in medijskem prostoru pogosto uporabljen z negativno konotacijo, pri čemer je njegovo naraščanje še posebej motilo beograjske oblasti (Šela, 2022, 159). Prispevku so pozornost namenili tudi na francoskem veleposlaništvu. Po njihovi interpretaciji je Pleterski diskurz v SR Sloveniji videl kot razpravo o demokratizaciji in prizadevanju za politični razvoj Jugoslavije. Slovenska pomlad po njegovem razumevanju ne bi smela ostati omejena le na eno republiko, saj brez širše implementacije ne bi dosegla trajne učinkovitosti. Napetosti med prizadevanji za demokratizacijo in vztrajanjem ZKJ pri strankarskem monopolu je Pleterski ponazoril s procesom proti Janezu Janši, pri čemer je ostajal pesimističen glede njegovega izida. Hkrati je opozoril na nevarnost nagle krepitve nacionalističnih prizadevanj, kar je francoski diplomat Keltchewsky interpretiral kot analogijo s hrvaško pomladjo leta 1971. V njegovih očeh je bil Maspok (Masovni pokret) prvi večji poskus demokratizacije, ki pa je bil zatrt pod pretvezo, da je dobil nacionalistični pridih. Kot je zapisal še naprej:

> *Afera Janša je uspela vzbuditi dovolj močno gibanje simpatij zunaj Slovenije, da sta se med vsemi, ki so podpirali demokratizacijo države, ustvarila solidarnost in zbliževanje, ki je presegalo nacionalistične delitve.*[37]

Sojenje je tako spodbudilo občutek solidarnosti med tistimi, ki so si prizadevali za demokratizacijo, saj so ga razumeli kot poseg v temeljne svoboščine. V tem smislu je predstavljalo priložnost, da so se različne skupine povezale ne glede na nacionalno pripadnost, s čimer so bile vsaj začasno presežene običajne nacionalne delitve v jugoslovanskem prostoru.

V času aretacije je Janša kandidiral za predsednika ZSMS. Njegova aretacija je obenem povzročila omahovanje glede volilnega postopka v ZSMS, ki naj bi bil preložen zaradi njegove negotove usode.[38] Po oceni francoske diplomacije so Janševi podporniki pričakovali, da mu bo aretacija prinesla dodatne simpatije in s tem politično prednost na volitvah, kar bi okrepilo njegov položaj tudi med sojenjem.[39] Očitno pa so se pri tej oceni zmotili, saj aretacija ni povzročila pričakovanega političnega učinka.

O slovenski pomladi (*le printemps slovène*) in sojenju četverici se je nato nekoliko bolj razpisal *Le Monde,* in sicer, da je slednje potekalo 18. julija pred vojaškim sodiščem v Ljubljani, a da je poleg Janše, Tasića in Borštnerja bil 1. julija obtožen še četrti član: Franci Zavrl, odgovorni urednik *Mladine*, ki je bil »*takoj*« sprejet na zdravljenje v psihiatrično bolnišnico.

37 CADN, 79PO/B, 168, YU 1.1, Alexandre Keltchewsky: «La Slovénie et le débat sur la démocratisation» (N° 405/EU), 5. 7. 1988; tudi vAMAE, 1935INVA, 6701, YOU-2-14.

38 Volitve so bile vseeno nato kmalu izvedene, kot novi predsednik pa je bil izvoljen Jožef Školč. CADN, 79PO/B, 170, YU 3.6, Richard: «Election a la tete des 'jeunesses de Slovenie'» (TD BELGRADE 341), 21. 7. 1988.

39 CADN, 79PO/B, 170, YU 3.6, Richard: «Election a la tete des 'jeunesses de Slovenie'» (TD BELGRADE 341), 21. 7. 1988.

Sojenje, ki je potekalo za zaprtimi vrati in v srbohrvaščini, je povzročilo nasprotovanje predsedstva SR Slovenije, ki je ocenjevalo, da je postopek »*v nasprotju z zvezno in republiško ustavo*«. Proces je sprožil oblikovanje Odbora za obrambo pravic Janeza Janše, vanj pa je bilo po navedbah *Le Monda* vključenih 70.000 ljudi ter več kot 500 organizacij in lokalnih podružnic sindikatov v SR Sloveniji. Kasnejše raziskave sicer ugotavljajo, da je Odbor podprlo več kot sto tisoč posameznikov in več kot tisoč različnih organizacij (Šela, 2022, 175), kar nakazuje, da so prvotne ocene francoskega časnika nekoliko podcenile dejanski obseg podpore. Hkrati je s svojim pisanjem nadaljevala tudi *Mladina*: kljub prepovedi izhajanja zadnje številke je čez nekaj časa skušala znova objaviti fotokopijo besedila o načrtu vojaške intervencije proti »*slovenskim liberalcem*«. *Le Monde* se je očitno sprijaznil z novico, da je bil obstoj načrta kasneje uradno zanikan.[40]

Tudi po interpretaciji uredništva *Le Monda* je sojenje četverici ponazorilo konflikt med slovenskimi predstavniki in zveznimi oblastmi glede procesa demokratizacije ter postalo simbol zahteve po večji avtonomiji SR Slovenije. Podobno kot je že mesec prej komentiral veleposlanik Charpy, so torej 23. julija 1988 ugotavljali tudi na *Le Mondu*: »*veter reform in prenove javno podpirajo tudi slovenski politični voditelji*«. Pri tem je bil Kučan označen za »*očeta slogana ›socializem, prilagojen človeku‹*«. Kljub zavedanju, da s strani zveznih oblasti ni bilo kmalu pričakovati zelene luči za ustanovitev novih političnih strank v republiki, so poudarili, da je »*mala Slovenija odločno pripravljena nadaljevati svoj proces politične demokratizacije*«.[41]

Zanimiv komentar s strani francoske diplomacije je nato spodbudil govor takratnega predsednika predsedstva Jugoslavije Raifa Dizdarevića, ki je 24. julija 1988 med slovesnostjo na vojaški akademiji v Beogradu izrazil zaskrbljenost pred naraščanjem nacionalizmov in »*nevarnostjo*«, ki so jo slovenski obtoženci predstavljali za jugoslovanski narod in stabilnost države. Po njegovem stališču so nekateri slovenski posamezniki afero izkoristili ne le za to, da bi branili človekove pravice, temveč da bi »*vodili boj za oblast in v svoj prid manipulirali z nacionalističnimi občutki*«. Francoski diplomat Jean-Claude Richard je v svoji analizi opozoril, da bi tovrstno »*manipulacijo*« lahko bolje povezoval z dejavnostmi, ki jih je takrat spodbujal predsednik ZK Srbije, Slobodan Milošević. Ravno takrat so namreč potekale »ulične demonstracije« ali t. i. »mitingi resnice« v Pančevu.[42] Z Richardovo oceno se je mogoče strinjati, saj je imel proces proti četverici zlasti emancipatorno in pluralizacijsko funkcijo. Nacionalni vidik je bil sicer prisoten, vendar ni bil usmerjen v mobilizacijo proti »*drugemu*«, temveč na uveljavljanje

40 Le Monde, 23. 7. 1988: Yougoslavie. Les contestataires jugé par l'armée.

41 Le Monde, 23. 7. 1988: Démocratisation et tensions en Yougoslavie. Le printemps slovène; Le Monde, 26. 7. 1988: Yougoslavie. Le président de la féderation met en garde contre la montée des nationalismes.

42 AMAE, 1935INVA, 6701, YOU-2-14, J. C. Richard: «Discours de politique interieure de M. Dizdarevic devant les cadres de l'armee» (TD BELGRADE 347), 26. 7. 1988; tudi v: CADN, 79PO/B, 168, YU 1.1.

politične avtonomije in demokratičnih sprememb. Nasprotno pa so »mitingi resnice« pomenili primer načrtne nacionalistične mobilizacije, utemeljene na retoriki ogroženosti in kolektivne viktimizacije srbskega naroda, ki je služila kot element Miloševićevega utrjevanja oblasti.

Richardova analiza je v tem smislu opozorila na nastajajočo nacionalno dimenzijo konflikta:

> *A novinarji Mladine so Slovenci, vojaški kadri pa Srbi. In gospod Dizdarević, tako kot gospod Milošević, se kljub notranjim sporom v Zvezi znajdejo v istem boju, ko gre za ohranjanje privilegijev in položaja stranke v obličju demokratične nevarnosti.*[43]

Vendar je smiselno poudariti, da, kot piše Repe (2022), slovensko-srbski spor[44] ni bil utemeljen na zgodovinsko pogojenem sovraštvu. Čeprav je pretežno srbska struktura vojaškega vrha v obdobju Miloševićeve centralistične politike okrepila napetosti, je bila ključna motivacija Slovencev predvsem prizadevanje za demokratizacijo in širše reforme. V očeh francoske diplomacije sta tako Dizdarević kot Milošević kljub notranjim razlikam stala na isti strani, ko je šlo za ohranjanje privilegijev in oblasti partijske strukture v obličju vse bolj očitne »*demokratične nevarnosti*«.

Konec julija 1988 je *Le Monde* komentiral nepopustljivost vojaških oblasti, ker so obsojence na začasno prostost spustile šele po zaključku sojenja, in orisal vzdušje, ki ga je spremljalo: »*Štirje pacifisti so bili ob izhodu iz sodišča sprejeti kot pravi junaki s strani več kot 10.000 ljudi. Zborovanje se je nemudoma preobrazilo v politični shod*«.[45] Množične proteste in podporne akcije, ki so sicer že v času sojenja potekale v SR Sloveniji in tujini, je francoska diplomacija pozorno spremljala. Konec julija je bil na francosko veleposlaništvo poslan »*kronološki pregled dogodkov*«, povezanih z afero, ki so ga najprej razposlali Janševi sodelavci, objavila pa ga je tudi jugoslovanska državna agencija Tanjug v svojem specializiranem angleško pisanem glasilu.[46] V resnici je pri tej »*kronologiji dogodkov*« šlo za ustavni akt Odbora za varstvo pravic Janeza Janše, ki je bil na pobudo njegovega prijatelja in sodelavca Igorja Bavčarja ustanovljen 3. junija 1988 v prostorih uredništva *Mladine* v Ljubljani. Odbor se je tri dni zatem preimenoval v Odbor za varstvo človekovih pravic in postal najmočnejša organizacija civilne družbe v obdobju slovenske pomladi (Repe, 2002, 419; Pesek, 2011, 336).

43 AMAE, 1935INVA, 6701, YOU-2-14, J. C. Richard: «Discours de politique interieure de M. Dizdarevic devant les cadres de l'armee» (TD BELGRADE 347), 26. 7. 1988; tudi v: CADN, 79PO/B, 168, YU 1.1.

44 Več o francoskem pogledu na slovensko-srbske politične spore leta 1989 v: Mujdrica & Bajc (2024b).

45 Le Monde, 29. 7. 1988: Yougoslavie. Quattre Slovènes condamnés à des peines de cinq mois à quatre ans de prison.

46 CADN, 79PO/B, 170, YU 3.6, Alexandre Keltchewsky: «Chronologie de l'affaire Jansa-Borstner-Tasic-Zaverl (*)» (N° 461/EU), 26. 7. 1988.

Posebej zanimiva se je po poročanju diplomatov zdela informacija *Mladine*, da naj bi se solidarnostne akcije v podporo aretirani četverici 9. in 10. junija 1988 odvijale tudi v več evropskih prestolnicah, med drugim v Parizu. Tam naj bi bil po poročanju *Dela* z dne 13. junija – ki ga je povzemal Keltchewsky – , že nekaj dni kasneje ustanovljen tudi t. i. »*Janšev odbor*« (*Comité Jansa*).[47] Vendar pa pregled izdaj *Dela* okoli tega datuma te trditve ne potrjuje, prav tako pa je ni mogoče zaslediti v drugih dostopnih virih. Beleženje te informacije v diplomatskih poročilih lahko kaže na to, da je francoska stran skušala zaznati širše razsežnosti procesa in mu posredno pripisala potencial za mobilizacijo tudi zunaj jugoslovanskega prostora. Hkrati pa to odraža omejitve in nepopolnost informacij, s katerimi so razpolagali francoski diplomati.

Nekoliko daljša analiza o uradnih slovenskih odzivih glede »*afere Janša*« je bila nato na francoskem veleposlaništvu v Beogradu zabeležena še 9. avgusta. V njej je Richard izpostavil razliko v pristopu med stališčem vodje ZKS, Kučanom, ki je opozarjal zlasti na formalni vidik primera – predvsem na neustreznost srbohrvaškega jezika, v katerem je potekalo sojenje – ter ZSMS, ki je po zaznavi francoske diplomacije afero izkoristila za politično analizo in kritizirala del slovenskih politikov (Tomaža Ertla, Staneta Dolanca in Mirana Potrča), ki po njenem mnenju niso znali zaščititi ustavnih pravic slovenskega naroda.[48]

Po ugotovitvah francoske strani je bilo v ostalih delih federacije vojaško sojenje četverici deležno različnih interpretacij, ki so dodatno zaostrovale odnose med republikami. Francoski diplomati so pozorno spremljali zlasti prispevke v jugoslovanskem tisku, ki so problematizirali vse bolj »*pregreto*« politično ozračje. Medtem ko je slovensko *Delo* pisalo o »*amalgamu problemov*«, s katerimi se je SR Slovenija soočala znotraj federacije – od vojaškega sojenja »*mladini*« in prepovedi slovenščine na njem, do ovir na področju gospodarskih reform ter občutka neupravičenih obtožb o ogrožanju jugoslovanske enotnosti – je glede na poročanje francoske diplomacije srbska *Politika* 29. julija Slovence obtožila »*rasizma do juga*« in »*separatističnih teženj*« ter podprla sodbo in potek sodnega procesa. Francoski diplomat Richard je zaznal, da kljub nasprotnim stališčem tako slovenski kot srbski tisk izražata občutek politične zapostavljenosti in nerazumevanja v medrepubliških odnosih.[49]

Po navedbah *Le Monda* 23. julija 1988 so bile nekatere republike sumničave do »*ljubljanskih liberalcev*«, ki so vse jasneje ubirali lastno pot. Največje »*protislovensko ozračje*« se je tudi po oceni časnika razvilo zlasti v beograjskih medijih – če so po eni strani Slovenci zagovarjali decentralizacijo, je bilo uredništvu jasno, da so si po drugi strani srbski krogi želeli okrepiti centralno oblast, ki bi

47 CADN, 79PO/B, 170, YU 3.6, Alexandre Keltchewsky: «Chronologie de l'affaire Jansa-Borstner-Tasic-Zaverl (*) (N° 461/EU), 26. 7. 1988.

48 CADN, 79PO/B, 170, YU 3.6, Jean-Claude Richard: «Suites du 'Procès Jansa'» (N° 498/EU), 9. 8. 1988.

49 CADN, 79PO/B, 170, YU 3.6, Bernard Demange: «Slovenie et Yougoslavie» (No 037), 29. 7. 1988;CADN, 79PO/B, 170, YU 3.6, Jean-Claude Richard: «Procès Jansa, Slovénie, Serbie, Fédération yougoslave» (N° 484/EU), 2. 8. 1988.

zmanjšala pristojnosti republik. Kljub temu, da so avtorji prispevkov v *Le Mondu* Slovence označili za »*nacionaliste, ki si prizadevajo za lastno avtonomijo*«, so hkrati poudarili, da ti ne stremijo k separatizmu.[50]

Še 9. avgusta je francoska diplomacija opažala, da so domnevni »*protisrbski*« podtoni slovenskega gibanja v Beogradu sprožili enoten srbski nacionalistični odziv, kar je po opažanjih francoske diplomacije oslabilo širšo jugoslovansko podporo slovenskim reformnim težnjam – in to kljub temu, da je gibanje v veliki meri temeljilo na idejah demokratizacije in pluralizma, ki so bile med mladimi vse bolj priljubljene.[51] Če je v SR Sloveniji sodni proces po zapisih Richarda sprožil močan in dolgotrajen javni odziv, je zanimanje zanj v Beogradu kmalu začelo postopno zamirati. Hrvaški tisk je po navedbah Francozov dogajanje spremljal z večjo zadržanostjo. Poudarjal je, da izrečene kazni niso bile najstrožje možne in da sodba ni bila maščevalna, saj naj bi sodišče upoštevalo olajševalne okoliščine. Proces je bil splošno prepoznan kot politično motiviran, a je francoska diplomacija z zaskrbljenostjo opažala, da njegov dejanski pomen ni bil enotno razumljen. Na podlagi odzivov tiska je ocenila, da so se potrdile njihove ocene o »*dvoumnem*« ravnanju slovenskih oblasti in o postopni radikalizaciji javnega mnenja, kot jo je izražala *Mladina*. Richard je ob tem napovedal, da bi lahko proces – zaradi napadov na vojsko, sproženih demonstracij in novih političnih pobud, ki jih je vzbudil – postal prelomnica v nadaljnjem razvoju Jugoslavije.[52] Kot je zapisal slovenski zgodovinar Peter Vodopivec, je ta proces nakazal na velike razlike v tempu demokratizacije med vzhodnim in zahodnim delom jugoslovanske federacije ter občutno pospešil proces slovenskega oddaljevanja od nje (Vodopivec, 2005, 1191).

Po ugotovitvah francoske diplomacije je »*afera Janša*« do leta 1990 sprožila niz zaostritev, v katerih je JLA vse pogosteje prevzemala vse bolj simbolno vlogo zveznega odpora proti slovenski demokratizaciji in zametkom državne suverenosti. Junija 1990 je predsednik Milan Kučan – takrat že izvoljen na svobodnih volitvah – opozoril, da je afera pustila »*globoke sledi v procesu demokratizacije v Sloveniji in v odnosih republike z vojsko*« – oceno, ki so jo potrdili tudi francoski opazovalci. Ti so pravilno predvideli, da konec sodnega procesa proti četverici še zdaleč ni pomenil tudi konca napetosti med SR Slovenijo in JLA ter drugimi centralističnimi strukturami.[53]

Po procesu proti četverici se je položaj v SR Sloveniji spremenil. Pod pritiskom protestnih gibanj, ki jih je usklajeval Odbor za varstvo človekovih pravic, ter množičnih demonstracij so avgusta 1989 pogojno izpustili Janeza Janšo, za njim pa še preostale tri obtožence. Slovenska javnost in politično vodstvo sta se

50 Le Monde, 23. 7. 1988: Démocratisation et tensions en Yougoslavie. Le printemps slovène

51 CADN, 79PO/B, 170, YU 3.6, Jean-Claude Richard: «Suites du 'Procès Jansa'» (N° 498/EU), 9. 8. 1988.

52 CADN, 79PO/B, 170, YU 3.6, Jean-Claude Richard: «Suite du procès Jansa» (N° 510/EU), 16. 8. 1988.

53 AMAE, 1935INVA, 6699, YOU-2-13, Dominique Arnaud: «Slovénie et Forces Armées: un contentieux lourd et ancien» (N° 658/EOR), 17. 10. 1990.

v prizadevanjih za demokratizacijo in obrambo nacionalnih interesov vse bolj zbliževala. Hkrati je zaostrovanje odnosov z zveznim središčem v Beogradu sprožilo resnejša razmišljanja o možnosti oblikovanja lastne državnosti. Po ocenah francoskega zgodovinarja Felipeja Hernándeza (2019) je jugoslovanska kriza pomenila zgodovinsko priložnost, da Slovenci uveljavijo potrebo po lastni državi ter si prizadevajo za ohranitev in krepitev statusa avtonomne etnične skupnosti. Javnomnenjske ankete iz leta 1988 so pokazale, da si je samostojno državo znalo zamišljati že več kot 70 % vprašanih, čeprav je večina še vedno dvomila o smiselnosti razprav o odcepitvi, prav tako pa nista bili jasni niti oblika niti pot do nje (Meier, 1996, 107; Toš, 2000; Gašparič, 2015, 41–42). Te težnje so se postopno kristalizirale ter decembra 1990 dobile dokončen izraz na plebiscitu, kjer se je velika večina volilnih upravičencev izrekla za samostojnost in neodvisnost Republike Slovenije (Maver & Friš, 2018; Osojnik, 2022; 2023;). Pol leta kasneje, junija 1991, je bila ta odločitev udejanjena z razglasitvijo neodvisnosti in vzpostavitvijo samostojne države Republike Slovenije.

SKLEPNE MISLI

Namen pričujočega članka je bil raziskati, kako so slovensko pomlad v letih 1987–1988 interpretirali in vrednotili francoski diplomati ter časnik *Le Monde*: kot izraz demokratizacijskih teženj in prizadevanj za večjo avtonomijo, kot nacionalistični projekt ali zgolj kot občasne napetosti znotraj jugoslovanske federacije.

Analiza diplomatskih poročil in poročanj *Le Monda* kaže, da so slovenske civilno-družbene pobude v Franciji razumeli predvsem kot izraz reformnih prizadevanj v smeri demokratizacije in širše avtonomije republike. Nacionalistične dimenzije so sicer bile prisotne, vendar jih francoski opazovalci niso dojemali kot osrednji motiv dogodkov, prav tako pa slovenske premike niso dojemali kot zgolj občasne politične napetosti. Primer plakatne afere je v njihovih očeh razkril, da SR Slovenija vse bolj postaja žarišče protestne kulture, zavračanja ideoloških obredov in simbolike, pri čemer so umetniške geste postopoma pridobivale politični pomen. Medtem ko sta francoska diplomacija in *Le Monde* ocenila, da bi bilo 57. številko *Nove revije* hitro mogoče označiti za »*nacionalistično*«, je bila *Mladina* prepoznana kot medij, ki vsakodnevno izziva oblast in odpira prostor za pluralnost stališč. Francoski diplomati so zaznali tudi nezainteresiranost mladih za kariero v JLA in težnje po večji avtonomiji v vojski, vendar niso verjeli, da bi vojska kot institucija lahko represivno posegla v politične procese. Proces proti četverici je za Francoze predstavljal prelomni trenutek, saj je sprožil mobilizacijo civilne družbe in nakazal na dolgoročne posledice za politično prihodnost Jugoslavije – to se je z nadaljnjim političnim razvojem in krepitvijo opozicijskih gibanj tudi potrdilo. Francoska diplomacija je proces demokratizacije označila kot težko ustavljiv, pri čemer so slovenski intelektualci in javnost sčasoma pridobili celo previdno podporo dela slovenskega političnega vodstva.

Diplomati so pri svojih ocenah ločevali med konstruktivnim slovenskim političnim nasprotovanjem in centralističnimi interpretacijami zveznih oblasti, ki so kritiko pogosto napačno označevale za nacionalizem. Pri tem je *Le Monde* v svojih zapisih večkrat uporabil izraz »*separatizem*«, diplomati iz Beograda in Zagreba pa so v svojih poročilih večinoma ostajali bolj previdni in analitični. Ni presenetljivo, da je Francija kot prva evropska država, utemeljena na načelih »svobode, enakosti in bratstva«, demokratične premike v SR Sloveniji pazljivo beležila. Obenem pa se je zavedala, da bi lahko destabilizacija Jugoslavije ogrozila stabilnost Balkana in širšega evropskega prostora – scenarij, ki si ga francoske oblasti niso želele. Zato njihove analize – kljub določenim preveč poenostavljenim in napačnim ocenam ter nepreverjenim podatkom – predstavljajo pomemben vir za razumevanje mednarodne zaznave slovenskega demokratizacijskega procesa in njegovega pomena v širšem jugoslovanskem kontekstu.

LE PRINTEMPS SLOVÈNE - VENT DE LIBERTÉ SUR LA SLOVÉNIE. A FRENCH PERSPECTIVE ON THE POLITICAL AND SOCIAL SITUATION IN THE SOCIALIST REPUBLIC OF SLOVENIA, 1987–88

Kaja MUJDRICA

University of Maribor, Faculty of Arts, Koroška cesta 160, 2000 Maribor, Slovenia

e-mail: kaja.mujdrica1@um.si

SUMMARY

Based on an analysis of archival material from the French Ministry for Europe and Foreign Affairs, reports in Le Monde, *and the most relevant scholarly literature, this article analyses the French perspective on the beginnings of the so-called Slovenian Spring (1987–1988). Particular attention is devoted to the 'Poster Affair', the publication of the Contributions to the Slovene National Program in the 57th issue of* Nova Revija, *critical articles in* Mladina, *and the Trial against the Four. The article aims to examine how French diplomats and* Le Monde *interpreted civil society initiatives in the SR Slovenia: as an expression of efforts towards democratization and greater autonomy for SR Slovenia, as a nationalist project, or merely as episodic tensions within the broader Yugoslav context.*

The analysis shows that French diplomats and Le Monde *journalists followed developments in SR Slovenia with great attention and mostly understood them as a manifestation of democratisation efforts, the spread of pluralism, and aspirations for greater autonomy. The nationalist dimension was also noted, but it did not outweigh the perception of reformist tendencies. French diplomacy recognized artistic and civic initiatives as evidence of SR Slovenia's rejection of Yugoslav ideological symbolism, identified demands for national autonomy in* Nova Revija, *and regarded* Mladina *as a media that, through its provocative statements, challenged the authorities and opened space for the articulation of diverse opinions. The Trial against the Four was perceived as a turning point with lasting consequences for Yugoslavia, while it was also anticipated that the democratization process would be difficult to halt. While* Le Monde *occasionally used the term 'separatism', diplomatic reports remained more cautious. Despite certain misjudgements or unverified information, their records remain an important source for understanding the international perception of the Slovenian democratization process and its impact within the broader Yugoslav context.*

Keywords: Slovenian Spring, Socialist Republic of Slovenia, Yugoslavia, French diplomacy, Le Monde, *democratization, autonomy, nationalism*

VIRI IN BIBLIOGRAFIJA

AMAE 1930INVA – Ministère de l'Europe et des Affaires étrangères – Centre des Archives diplomatiques de La Courneuve (AMAE). Direction Europe: Yougoslavie (1981–1985) (fond 1930INVA).

AMAE 1935INVA – Ministère de l'Europe et des Affaires étrangères – Centre des Archives diplomatiques de La Courneuve (AMAE). Direction Europe: Yougoslavie (1986–1990) (fond 1935INVA).

CADN 79PO/B – Ministère de l'Europe et des Affaires étrangères – Centre des Archives diplomatiques de Nantes (CADN). Belgrade Légation et ambassade série B (1981–1989) (fond 79PO/B).

Toš, Niko (2000): Slovensko javno mnenje 1988 [datoteka podatkov]. Ljubljana, Univerza v Ljubljani, Fakulteta za družbene vede, Arhiv družboslovnih podatkov.

Le Monde. Paris, Groupe Le Monde, 1944–. https://www.lemonde.fr/archives-du--monde/ (zadnji dostop: 2025-09-29).

Bernard, Antonia (2014): La Nova revija, acteur et miroir de la transition slovėne. Slovo, 43, 1, 127–140.

Calic, Marie-Janine (2019): A History of Yugoslavia. West Lafayette, Purdue University Press.

Čepič, Zdenko (2005): Slovenija – trn v vojaški peti. V: Fischer, Jasna (ur.): Slovenska novejša zgodovina 1848–1992: od programa Zedinjena Slovenija do mednarodnega priznanja Republike Slovenije 2. Ljubljana, Mladinska knjiga – Inštitut za novejšo zgodovino, 1185–1188.

Gabrič, Aleš (2002): Slovenska kulturnopolitična razhajanja med kulturno ustvarjalnostjo in politično akcijo 1980–1987. Zgodovinski časopis, 56, 1–2, 199–221.

Gabrič, Aleš (2005): Zaostrenost mednacionalnih odnosov. V: Fischer, Jasna (ur.): Slovenska novejša zgodovina 1848–1992: od programa Zedinjena Slovenija do mednarodnega priznanja Republike Slovenije 2. Ljubljana, Mladinska knjiga Založba d. d.–Inštitut za novejšo zgodovino, 1165–1174.

Gašparič, Jure (2015): Slovensko dojemanje druge Jugoslavije. V: Čepič, Zdenko (ur.): Slovenija v Jugoslaviji: cikli in prelomi v zgodovini. Ljubljana, Inštitut za novejšo zgodovino, 87–104.

Guštin, Damijan (2017): Politična stranka v vojaški strukturi: Organizacija KPJ/ZKJ v Jugoslovanski armadi in Jugoslovanski ljudski armadi 1945–1990. Prispevki za novejšo zgodovino, 57, 2, 170–190.

Hernández, Felipe (2019): Élites, intellectuels et démantèlement de la Yougoslavie: Archives du Quai d'Orsay et témoignages d'un processus de longue durée (1945–1991). Pariz, L'Harmattan.

Horvat, Marjan (2021): Osamosvajanje Slovenije v prizmi kulture spominjanja: vloga in pomen revije Mladina. Acta Histriae, 29, 1, 207–242.

Jones, Christopher David (2015): France and the Dissolution of Yugoslavia (doktorska disertacija). Norwich, University of East Anglia.

Kastelic, Monika (2020): Dan in štafeta mladosti od Titove smrti do ukinitve (1980–1987). Retroperspektive, 3, 1, 58–90.

Krečič, Jela, Stepančič, Lilijana, Strlič, Nataša & Blaž Vurnik (2009): Plakatna afera 1987. Ljubljana, Muzej novejše zgodovine Slovenije.

Lazarević, Žarko & Marta Rendla (2022): Gospodarska ozadja jugoslovanske krize osemdesetih let 20. stoletja. Studia Historica Slovenica, 22, 2, 343–370.

Marijan, Davor (2021): Armija i Slovenija 1984.–1991. godine. Dileme: razprave o vprašanjih sodobne slovenske zgodovine, 5, 1, 39–64.

Maver, Aleš & Darko Friš (2018): Demokratične parlamentarne volitve v Srednji in Vzhodni Evropi med letoma 1989 in 1991 in njihov vpliv na oblikovanje strankarskega prostora do leta 2013. Studia Historica Slovenica, 18, 2, 529–556.

Meier, Viktor (1996): Zakaj je razpadla Jugoslavija. Ljubljana, Znanstveno in publicistično središče.

Mujdrica, Kaja (2022): Vojna za obrambo samostojne Slovenije (1991) v luči poročanja francoskih časopisov (magistrsko delo). Maribor, Filozofska fakulteta Univerze v Mariboru.

Mujdrica, Kaja & Gorazd Bajc (2024a): Pregled francoskih virov o nacionalnem vprašanju Jugoslavije v 80. letih 20. stoletja. Moderna arhivistika: časopis arhivske teorije in prakse, 7, 2, 174–187.

Mujdrica, Kaja & Gorazd Bajc (2024b): Francoski pogled na slovensko-srbske spore leta 1989. Studia Historica Slovenica, 24, 2, 509–536.

Osojnik, Janez (2022): Predlog Socialistične stranke Slovenije oktobra 1990 za izvedbo plebiscita o samostojnosti Republike Slovenije in odzivi nanj v Sloveniji. Studia Historica Slovenica, 22, 2, 463–502.

Osojnik, Janez (2023): Demosova plebiscitna pobuda: analiza spominske literature in dogajanje konec oktobra in v začetku novembra 1990. Annales, Series Historia et Sociologia, 33, 3, 527–536.

Pesek, Rosvita (2007): Osamosvojitev Slovenije: ali naj Republika Slovenija postane samostojna in neodvisna država?. Ljubljana, Nova revija.

Pesek, Rosvita (2011): Ko opozicija prevzame pobudo, komunisti pa izgubijo oblast (1987–1990). Prispevki za novejšo zgodovino, 51, 1, 329–352.

Pirjevec, Jože (1995): Jugoslavija 1918–1992: Nastanek, razvoj ter razpad Karadjordjevićeve in Titove Jugoslavije. Koper, Založba Lipa.

Piškurić, Jelka (2022): Vsakdanje življenje Slovencev ob koncu osemdesetih let. Studia Historica Slovenica, 22, 2, 547–582.

Ramet, Petra Sabrina (2019): Slovenia's Road to Democracy. V: Ramet, Sabrina P. & Ljubiša S. Adamovich (ur.): Beyond Yugoslavia: Politics, Economics, and Culture in a Shattered Community. London – New York, Routledge, 191–203.

Rendla, Marta (2018): Alternativna kulturna gibanja in »konglomerat FV« v osemdesetih letih v Sloveniji. Prispevki za novejšo zgodovino, 58, 2, 139–159.

Silber, Laura & Allan Little (1996): Smrt Jugoslavije. Ljubljana, Co Libri.

Repe, Božo (2000): Slovenci v osemdesetih (drugi del). Zgodovinski časopis, 54, 2, 233–262.

Repe, Božo (2001): Slovenci v osemdesetih letih. Ljubljana, Zveza zgodovinskih društev Slovenije.

Repe, Božo (2002): Jutri je nov dan. Slovenci in razpad Jugoslavije. Ljubljana, Modrijan.

Repe, Božo & Darja Kerec (2017): Slovenija, moja dežela: družbena revolucija v osemdesetih letih. Ljubljana, Cankarjeva založba.

Repe, Božo (2021): Yugoslav People's Army: Claims to the Status of the Last Guardian of Tito's Yugoslavia. V: Perović, Latinka, Kamberović, Husnija, Repe, Božo, Jakovina, Tvrtko, Rastoder, Šerbo, Makuljević, Nenad, Roksandić, Drago & Mitja Velikonja (ur.): Yugoslavia: Chapter 1980–1989. Nova Pazova, Eurodream.

Repe, Božo (2022): Slovensko-srbski konflikt v osemdesetih letih. Studia Historica Slovenica, 22, 2, 305–341.

Šela, Ana & Darko Friš (2017): Nova revija v primežu Službe državne varnosti. Annales, Series Historia et Sociologia, 27, 4, 807–836.

Šela, Ana (2022): Služba državne varnosti v desetletju kritike in kriz. Maribor, Zgodovinsko društvo dr. Franca Kovačiča v Mariboru.

Šela, Ana (2023): Alternativna gibanja pod nadzorom Službe državne varnosti: mariborska kulturna scena v osemdesetih letih. Studia Historica Slovenica, 23, 3, 771–804.

Todić, Katarina (2015): A Traditional Friendship? France and Yugoslavia in the Cold War World, 1944–1969 (doktorska disertacija). Hamilton, McMaster University.

Valič, Zver, Andreja (2012): Nova Revija as the Political Platform. Studia Historica Slovenica, 12, 1, 101–124.

Valič Zver, Andreja (2013): Demos. Slovenska osamosvojitev in demokratizacija. Ljubljana – Maribor, Študijski center za narodno spravo – Zgodovinsko društvo dr. Franca Kovačiča v Mariboru.

Vodopivec, Peter (2005): Zasuk v slovenski politiki – proces proti četverici. V: Fischer, Jasna (ur.): Slovenska novejša zgodovina 1848–1992: od programa Zedinjena Slovenija do mednarodnega priznanja Republike Slovenije 2. Ljubljana, Mladinska knjiga – Inštitut za novejšo zgodovino, 1188–1191.

Vodopivec, Peter (2010): Od Pohlinove slovnice do samostojne države. Slovenska zgodovina od konca 18. do konca 20. stoletja. Ljubljana, Modrijan.

Zajc, Marko (2020): Poletni aferi kritičnih misli. Tomaž Mastnak in Dimitrij Rupel, slovenska kritična intelektualca med jugoslovansko in slovensko javnostjo v letu 1986. Studia Historica Slovenica, 20, 3, 921–955.

Received: 2025-10-06 DOI 10.19233/AH.2025.29

POGLED BRITANSKE DIPLOMACIJE NA SLOVENSKE SECESIONISTIČNE TEŽNJE OB KONCU OSEMDESETIH LET IN NA SLOVENSKI PLEBISCIT

Janez OSOJNIK
Univerza v Mariboru, Filozofska fakulteta, Koroška cesta 160, 2000 Maribor, Slovenija
e-mail: janez.osojnik1@um.si

IZVLEČEK

Članek na podlagi analize neobjavljenih arhivskih virov, ki jih hrani Britanski državni arhiv (The National Archives) v Londonu, in najbolj relevantne znanstvene literature obravnava pogled britanske diplomacije na zaznavanje odcepitvenih tendenc v Republiki Sloveniji med letoma 1988 in 1990 ter na plebiscit, izvedenim 23. decembra 1990. Britanska diplomacija je izpostavljala slovensko naklonjenost decentralizaciji Jugoslavije in njenemu preoblikovanju na konfederalni osnovi, s čimer je simpatizirala tudi sama. Jeseni 1990 je britanska zunanja politika poznala osnovne informacije o obeh plebiscitnih pobudah, a jima ni posvečala pretirane pozornosti. Aktivnosti v Republiki Sloveniji je obravnavala v kontekstu dogajanja v jugoslovanski državi.

Ključne besede: plebiscit, diplomacija, Velika Britanija, Slovenija, razpad Jugoslavije

IL PUNTO DI VISTA DELLA DIPLOMAZIA BRITANNICA SULLE ASPIRAZIONI SECESSIONISTE SLOVENE ALLA FINE DEGLI ANNI OTTANTA E SUL PLEBISCITO SLOVENO

SINTESI

L'articolo, basandosi sull'analisi delle fonti d'archivio non pubblicate, conservate presso l'archivio nazionale britannico di Londra (The National Archives), e dei lavori storiografici più rilevanti, esamina il punto di vista della diplomazia britannica in merito alla percezione delle tendenze secessioniste nella Repubblica di Slovenia tra il 1988 e il 1990 e riguardo al plebiscito del 23 dicembre 1990. La diplomazia della Gran Bretagna aveva posto l'accento sulla propensione slovena per la decentralizzazione della Jugoslavia e la sua trasformazione confederale, auspicata anche dalla diplomazia britannica. Nell'autunno del 1990, la diplomazia di Londra era a conoscenza delle informazioni essenziali relative alle due iniziative plebiscitarie, ma non vi prestò particolare attenzione. Considerava infatti le attività nella Repubblica di Slovenia nel contesto più ampio degli avvenimenti che riguardavano tutto lo Stato jugoslavo.

Parole chiave: plebiscito, diplomazia, Gran Bretagna, Slovenia, dissoluzione della Jugoslavia

UVOD[1]

Obdobje razpada Jugoslavije in osamosvojitve Republike Slovenije je v historiografiji že zelo dobro raziskano, bodisi v obliki pregledov (prim. Ramet, 2002; Repe, 2002a; Pesek, 2007, 2012; Jović, 2009; Valič Zver, 2013) bodisi avtorji obravnavajo točno določeno tematiko znotraj tega obdobja (prim. Friš, 2001; Repe, 2002b, 2017 Radan, 2003; Jović, 2007; Možina, 2007; Gabrič, 2012; Repe & Kerec, 2017; Šela & Friš, 2017; Udovič, 2017; Ramet, 2018; Bajc, Osojnik & Friš, 2019; Piškurić, 2021; Šela, 2021; Gabrič, 2022; Griesser--Pečar, 2022; Göncz, 2022; Kerec, 2022; Kladnik, 2022; Lazarevič & Rendla, 2022; Piškurić, 2022; Repe, 2022; Šela, 2023; Šela, 2024; Ramšak, 2024). Ta dela temeljijo zlasti na neobjavljenem in objavljenem arhivskem gradivu, ki je nastalo na tleh bivše jugoslovanske države, kot tudi časopisnem gradivu, spominih, dnevnikih, ustnih pričevanjih takratnih političnih akterjev ipd. razen redkih izjem (Ramet, 2003; Radeljić, 2012, Zupančič, 2016; Gonzáles Villa, 2017a; 2017b; Bajc & Osojnik, 2020; Udovič, 2022; Mujdrica & Bajc, 2024) pa ni raziskav, ki bi upoštevale gradivo, nastalo v drugih državah Evrope in sveta, in sicer v državah, ki so pomembno prispevale k oblikovanju svetovne politike ob koncu hladne vojne. V pričujočem članku bomo tako pod drobnogled vzeli pogled ene od teh držav, to je Velike Britanije, katere pomen v svetovni politiki je bil sicer manjši kot v večini prejšnjih obdobij 20. stoletja, po drugi strani pa je bila še vedno njena pomembna akterka in je bila o dinamikah dogajanja v Jugoslaviji dobro obveščena. O pogledu britanske politike na dogajanje v Jugoslaviji od 80. let do leta 1995 obstaja malo del, pa še ta dinamike v Republiki Sloveniji le površno preletijo; v večji meri se osredotočajo na vojaške spopade v Republikah Hrvaški in Bosni in Hercegovini (Gow, 1996; Simms, 2002; Grbin, 2004; Hodge, 2006; prim. Conversi, 1996). Edino poglobljeno razpravo o britanski politiki do Jugoslavije v obdobju od Titove smrti do leta 1985, ki temelji na analizi primarnih virov, je napisal zgodovinar Jure Ramšak (2017). V pričujočem članku bomo vsaj v nekolikšni meri zapolnili obstoječo vrzel, saj bomo kronološko gledano v ozir vzeli obdobje med letoma 1988 in 1990, osredotočili pa se bomo na britanske odzive v zvezi z dogajanjem v najsevernejši republiki, natančneje na ocenjevanje odcepitvenih tendenc v njej ter aktivnosti v zvezi s plebiscitom, izvedenim 23. decembra 1990. Članek bazira na neobjavljenem arhivskem gradivu, ki ga hrani Britanski državni arhiv (The National Archives) v Londonu in najbolj relevantni znanstveni literaturi.

1 Članek je nastal v okviru raziskovalnega projekta *AID HCH – Presežek pri razvoju humanistike in kulturne dediščine z umetno inteligenco* (J7-60128), raziskovalnega programa *Slovenska identiteta in kulturna zavest v jezikovno in etnično stičnih prostorih v preteklosti in sedanjosti* (P6-0372) in programskega jedra *Dediščinska znanost in podnebne spremembe: nove raziskave z interdisciplinarnim pristopom in uporabo umetne inteligence* (RSF UM – Programska jedra), ki jih financira Javna agencija za znanstvenoraziskovalno in inovacijsko dejavnost Republike Slovenije (ARIS).

ORIS BRITANSKE ZUNANJE POLITIKE V 80. LETIH 20. STOLETJA

Vloga Velike Britanije pri urejanju mednarodnih odnosov se je po koncu druge svetovne vojne zmanjšala. Kljub temu se je njeno zunanje ministrstvo, kot piše Ramšak, trudilo, da je »bil glas države slišen pri vprašanjih vojn, mirovnih posredništev, svetovne trgovine in mednarodnih financ« (Ramšak, 2017, 688). Med zunanjepolitičnimi problemi v 80. letih, ki so se neposredno dotikali britanskega angažmaja, je treba izpostaviti Falklandsko vojno, prenos britanske uprave Hongkonga na kitajsko upravo – vprašanje, urejeno s podpisom kitajsko-britanske deklaracije leta 1984 –, in razmere v Severni Irski. Glede te je leta 1985 prišlo do podpisa sporazuma med vladama Republike Irske in Velike Britanije, s katerim je bila prvi omogočena posvetovalna vloga pri političnih, varnostnih in zakonodajnih vprašanjih v Ulstru. S tem je po mnenju zgodovinarja Davida Reynoldsa britanska politika priznavala, da problem Severne Irske ni le notranjepolitični problem Velike Britanije, temveč predstavlja tudi zunanjepolitičnega (Reynolds, 2013, 241, 246–247). Profesor političnih znanosti Paul Sharp trdi, da je britanska zunanja politika v času Margaret Thatcher, ki je bila na čelu britanske vlade celotna 80. leta, temeljila na treh stebrih: njenem odnosu z ameriškim predsednikom Ronaldom Reaganom in močni podpori, ki jo je izkazala njegovi politiki v času hladne vojne, britanski zmagi v Falklandski vojni in njenem nasprotovanju integracijskim načrtom Evropske gospodarske skupnosti (EGS) (Wei, Burnham & Kerr, 2024, 850). Kar zadeva slednje, je Velika Britanija zagovarjala pomen širjenja trga in okrepljenega sodelovanja evropskih držav na diplomatskem področju, ni pa simpatizirala z idejami o federalizaciji EGS. Se je pa po združitvi obeh Nemčij leta 1990 na evropskih tleh pojavil nov močan igralec na evropskem parketu, kar je vplivalo na politično dinamiko. Istega leta je izbruhnila Zalivska vojna, obenem so zlasti procesi v baltskih republikah nakazovali razpad Sovjetske zveze, s čimer se je del fokusa britanske politike preusmeril na te probleme (Reynolds, 2013, 241–242, 249, 252, 278). Britanska zunanja politika je tako večkrat morala sprejemati hitre odločitve, tudi v zvezi z Jugoslavijo (Glaurdič, 2011, 75).

Ker se je britanska politika kljub zmanjšanju njene vloge trudila biti vpeta v urejanje mednarodnih odnosov, je sledila dogajanju v posameznih državah. Tako je tudi pozorno spremljala dogajanje v 80. letih v Jugoslaviji, ki sta jo pestili gospodarska in politična kriza, slednja se je stopnjevala zlasti po letu 1986. Ramšak izpostavlja tri značilnosti britanske politike do Jugoslavije, ko je bil britanski minister za zunanje zadeve Geoffrey Howe (1983–1989), in sicer, da je bil vodilo te politike pragmatizem, da sploh ni bila naklonjena separatističnim tendencam, ki so se pojavljale na jugoslovanskih tleh (tudi zaradi težav na Severnem Irskem), in da je bila popolnoma nepripravljena na vojne, ki so tam izbruhnile v 90. letih (Ramšak, 2017, 696). v pričujočem prispevku se bomo posvetili zlasti drugi značilnosti, in sicer na primeru (Socialistične) Republike Slovenije.

ORIS POGLEDA BRITANSKE POLITIKE DO PRIHODNOSTI JUGOSLAVIJE V DRUGI POLOVICI 80. LET

Po drugi svetovni vojni se je jugoslovanski geopolitični pomen spreminjal. Za Zahod je Jugoslavija postala pomembna zlasti po letu 1948, saj je bila nekakšen »disident« Vzhodnega bloka. Po smrti sovjetskega voditelja Josipa Stalina so se odnosi med Sovjetsko zvezo in Jugoslavijo otoplili, kar je na Zahodu povzročilo bojazen, da se bosta državi tesneje zbližali. A s posegom Varšavskega pakta na Češkoslovaškem leta 1968 je prišlo do zasuka v jugoslovanskem razmišljanju, ki je resno v ozir vzel možnost posredovanja omenjenega pakta tudi na jugoslovanskih tleh. Zahod je začel Jugoslavijo podobno kot po letu 1948 znova izdatneje podpirati, zlasti v finančnem smislu. V 70. letih je v obdobju popuščanja napetosti med zahodnim in vzhodnim blokom Jugoslavija balansirala svojo zunanjo politiko med tema blokoma ter svojim delovanjem v okviru gibanja neuvrščenih, zlasti v drugi polovici 80. let pa je njen pomen v geopolitičnih razmerjih sveta upadal (Bajc, 2016; Previšić, 2021).

Takšne razmere je britanska politika upoštevala. Njeno osrednje stališče do prihodnosti Jugoslavije v drugi polovici 80. let je bilo, da Jugoslavija ne bi prešla pod sovjetski vpliv, temveč bi ohranila samostojnost, njene zunanje meje se obenem ne bi spreminjale. Britanska politika si je še želela jugoslovanske liberalizacije in demokratizacije.[2] Proti koncu 80. let, kot tudi leta 1990 so se na britanskem zunanjem ministrstvu vedno bolj ogrevali za idejo, da bi se Jugoslavija reformirala na konfederalni osnovi, so pa pri tem dodajali, da bi morali jugoslovanski narodi sami najti rešitev za obstoječo ustavno krizo.[3] Dodati velja, da je že na začetku leta 1989 britanska diplomacija menila, da jugoslovanska država ne bo uspešno funkcionirala, če se bo reformirala v skladu s srbskimi tendencami po krepitvi zveznih oblasti.[4]

Med razmišljanji o razmerah v Jugoslaviji velja omeniti tistega, ki ga je konec leta 1988 prispeval David Madden, ki je na britanski ambasadi v Beogradu služboval med letoma 1987 in 1990. Menil je, da je konsenz v Jugoslaviji vedno manj mogoč, navedel pa je tudi štiri dejavnike, ki so po njegovem mnenju pospeševali proces »dezintegracije« države: a) slab gospodarski položaj (najpomembnejši dejavnik); b) Centralni komite (CK) Zveze komunistov Jugoslavije ni zmožen rešiti

2 TNA FCO 28/10172, Fox to Marijan Tadej, 5. 1. 1989; TNA FCO 28/9460, Waldegrave to Carrington, 30. 11. 1989; TNA FCO 28/9461, Long-term Objectives [nedatirano]; TNA FCO 28/9461, Objectives for 1989 [nedatirano].

3 TNA FCO 28/9457, Lewis to Madden: League of Communist of Yugoslavia, 6. 3. 1989; TNA FCO 28/9458, Waldegrave to Carrington, 22. 5. 1989; TNA FCO 28/9459, Fox to Hulse: Present Prospects in Yugoslavia, 20. 7. 1989; TNA FCO 28/10170, Hall to FCO: LCY Congress, januar 1990; TNA FCO 28/10172, Hall to Gray: What Sort of Yugoslavia do we want, 30. 8. 1990; TNA FCO 28/10172, Hulse to Hall: What Sort of Yugoslavia do we want, 21. 9. 1990; TNA FCO 28/10173, Huxter to Uden, EED & FCO: Yugoslavia‘s Future Structure, 9. 10. 1990; TNA FCO 28/10173, Hall to Hulse: Whither Yugoslavia etc, 12. 11. 1990.

4 TNA FCO 28/9456, Madden to Lewis: League of Communist of Yugoslavia (LCY), 7. 2. 1989.

gospodarske krize, zaradi česar je partija izgubila upravičenost svojega monopola na oblasti; c) jugoslovanski medijski prostor je postajal vedno bolj odprt in kritičen; č) razmere v Socialistični avtonomni pokrajini (SAP) Kosovo. Kot logično se je Maddenu zdelo, da se bo Jugoslavija preuredila v konfederacijo, kar ne bi bilo slabo za Zahod, obenem pa s tem ne bi nujno prišlo do razpada države.[5]

V komentarju na Maddenov zapis sta se Paul Fox, ki je v okviru britanskega zunanjega ministrstva deloval na Oddelku za raziskave Vzhodne Evrope (East European Section, Research Department) in Christopher Hulse, ki je v prvi polovici leta 1988 postal vodja Oddelka za Vzhodno Evropo (East European Department (EED)) spraševala, ali je v Jugoslaviji sploh obstajala želja po spremembah, ki bi preprečile njen razpad. Fox je opozoril na to, da bi nastanek ohlapne jugoslovanske konfederacije po eni strani lahko povečal razlike med posameznimi deli Jugoslavije, po drugi pa bi se lahko pritiski, ki so povzročali konflikte v njej, zmanjšali. Obe možnosti sta se mu zdeli enako verjetni.[6] Kot možno posledico poslabšanja razmer v Jugoslaviji je Hulse navedel povečevanje separatističnih teženj v Socialistični republiki (SR) Sloveniji, kot tudi na SAP Kosovo.[7] Maddenu se v takratnih razmerah slovenski separatizem ni zdel verjeten, je pa dodal, da si je večina Albancev, živečih v SAP Kosovu, želela, da bi ta pokrajina postala sedma jugoslovanska republika. Foxovemu komentarju, da bi slabitev pristojnosti zveznih oblasti lahko privedla do večje nestabilnosti Jugoslavije, ni oporekal, a sam je menil, da bi ohlapnejša povezava republik omogočala učinkovitejše delovanje države.[8]

Kot že omenjeno, je britansko zunanje ministrstvo vedno bolj videlo konfederalno ureditev kot tisto, ki je bila najprimernejša za prihodnost Jugoslavije. Sredi leta 1990 je Charles Gray, ki je deloval na EED ocenjeval, da bo jugoslovanska federacija najbrž razpadla, kar po njegovem mnenju ne bi bil najslabši rezultat jugoslovanske krize. Najboljšo rešitev te je videl v nastanku ohlapne konfederacije, ki bi zadovoljila aspiracije narodov po avtonomiji. Britanski veleposlanik v Jugoslaviji Peter Hall (funkcijo je opravljal od novembra 1989 do leta 1992) se je z Grayevim razmišljanjem strinjal in dodal, da takratna Jugoslavija ni bila več federacija.[9]

SLOVENSKE ODCEPITVENE TENDENCE

S približevanjem 90. let je britanska diplomacija vedno več pozornosti namenjala morebitni prisotnosti odcepitvenih teženj v SR Sloveniji. Leta 1987 so jo obiskali predstavniki britanskega veleposlaništva, a teh tendenc niso opazili.[10] Tudi ob obiskih najsevernejše jugoslovanske republike leto kasneje so bili vtisi očitno podobni. Madden

5 TNA FCO 28/8642, Jugoslavia: Whatever happened to Consensus?, 19. 12. 1988.
6 TNA FCO 28/9456, Fox to Hulse: Consensus in Yugoslavia, 10. 2. 1989.
7 TNA FCO 28/9456, Hulse to Madden: Consensus, 17. 2. 1989.
8 TNA FCO 28/9457, Madden to Hulse: Consensus, 24. 2. 1989.
9 TNA FCO 28/10172, Hall to Gray: What Sort of Yugoslavia do we want, 30. 8. 1990.
10 TNA FCO 98/2906, Wood to Figgis: Contacts with Slovenia and Croatia, 3. 2. 1987; TNA FCO 28/7999, Visit to Ljubljana and Zagreb, 1–4 November, 26. 11. 1987.

je namreč konec februarja 1989 zapisal, da britanski gosti v SR Sloveniji niso srečali veliko Slovencev, ki bi videli svojo prihodnost izven Jugoslavije, razen če bi bili prisiljeni v to. Ob tem je dodal, da je bil pogled glede slovenske prihodnosti v Jugoslaviji najbrž odvisen od vsakega posameznika posebej in da je posploševanje težko. V danem trenutku je ocenjeval, da velike nevarnosti za slovensko odcepitev ni.[11]

Spremenjeno slovensko percepcijo Jugoslavije so Britanci v večji meri opažali proti koncu leta 1989. Madden je med 13. in 15. decembrom še zadnjič obiskal SR Slovenijo kot uslužbenec britanskega veleposlaništva. Ob tej priložnosti se je pogovarjal z nekaterimi slovenskimi politiki (članom predsedstva CK Zveze komunistov Slovenije (ZKS) Petrom Bekešem in članom slovenskega predsedstva Željkom Jegličem) kot tudi določenimi posamezniki (obramboslovcem Antonom Beblerjem in glavnim urednikom *Mladine* Robertom Botterijem). Iz poročila o teh pogovorih je razvidno, da si je večina prebivalstva v SR Sloveniji želela decentralizacijo jugoslovanske države. Botteri je ob tem dejal, da so Slovenci favorizirali konfederalno preureditev Jugoslavije, hkrati pa se je v republiki krepila tudi podpora njeni odcepitvi. Da se je v SR Sloveniji krepil separatizem, kar je sam sicer obžaloval, je ocenjeval tudi Jeglič.[12]

Gonilo slovenske poti iz Jugoslavije so predstavljale politične zveze (te so se nato preoblikovale v stranke), ki so nastajale po maju 1988 in so predstavljale opozicijo CK ZKS. Rupert Huxter, ki je bil zaposlen na britanski ambasadi v Beogradu, je v tem kontekstu januarja 1989 omenjal tudi Odbor za varstvo človekovih pravic in Svet za varstvo človekovih pravic in temeljnih svoboščin, pri Slovenski demokratični zvezi (SDZ) pa je opažal močan nacionalistični naboj. Huxter sicer ni bil zmožen podati ocene, kako se bo v prihodnje odvijalo politično dogajanje v SR Sloveniji, saj med drugim še nekateri glavni protagonisti niso razkrili svojih namenov. Poleg tega so bili njihovi nastopi previdni zaradi nenaklonjenosti drugih delov Jugoslavije do njihovih stališč. Huxter je tudi ocenjeval, da te novonastale zveze niso nameravale delovati izven republiških meja, in torej niso imele namena organizirati širše opozicije na jugoslovanski ravni. Politični pluralizem se mu je zdel dobrodošel, a novi politični akterji v SR Sloveniji ga niso navdajali z optimizmom, da bodo premostili razprtije v federaciji.[13] Med spremembami v SR Sloveniji, ki jih je do maja 1989 opazil, je navedel tudi, da se je v njej vedno bolj izpostavljala zahteva po vzpostavitvi suverene slovenske države, vključene v okvir ohlapne jugoslovanske konfederacije.[14]

Pomembno potezo na poti krepitve slovenske suverenosti so slovenske republiške oblasti naredile septembra 1989, ko so sprejele ustavne amandmaje k slovenski ustavi. Ti so, kot piše zgodovinar Božo Repe (2002, 177), omogočali vzpostavitev tržnega gospodarstva in demokratične ureditve, SR Slovenija pa si je napram zveznih oblasti vzela več pristojnosti na gospodarskem področju. Izpostaviti velja še

11 TNA FCO 28/9457, Madden to Hulse: Consensus, 24. 2. 1989.
12 TNA FCO 28/9461, Madden to Hall, Campbell, Huxter & McIver: Farewell Calls in Ljubljana and Zagreb, 13–15 December, 18. 12. 1989.
13 TNA FCO 28/9456, Huxter to Fox: Pluralism in Yugoslavia: New organisations, 17. 1. 1989.
14 TNA FCO 28/9458, Huxter to Fox: The Ljubljana 4, 9. 5. 1989.

amandma X, ki je poudaril pravico slovenskega naroda do samoodločbe, ki vključuje tudi pravico do odcepitve (Uradni list Socialistične Republike Slovenije, 2. 10. 1989, 1762). Takratni britanski ambasador v Beogradu Andrew Wood (funkcijo je opravljal med letoma 1985 in 1989) je v sprejemu amandmajev videl zmago Slovencev v kontekstu različnih jugoslovanskih predstav o prihodnosti države. Izpostavil je tudi, da so amandmaji omogočali odcepitev SR Slovenije, ki je sam sicer takrat ni pričakoval.[15] Dne 18. septembra, torej še pred potrditvijo amandmajev, je Wood obiskal Ljubljano, kjer se je z vodilnimi republiškimi politiki pogovarjal tudi o ustavnih amandmajih in slovenskem separatizmu. Tako Dušan Šinigoj, predsednik republiškega izvršnega sveta, kot Janez Stanovnik, predsednik slovenskega predsedstva, sta zavračala slovenske aspiracije po separatizmu. Po Stanovnikovem mnenju bi bila odcepitev SR Slovenije »samomorilsko dejanje«. Nekoliko drugačen pogled je po Woodovih zapisih predstavil predsednik Socialistične zveze delovnega ljudstva Slovenije Jože Smole, ki je poudaril, da je pravica slovenskega naroda do samoodločbe njegova temeljna pravica. Če bi se pokazala potreba po tem, bi Slovenci izvedli referendum, na katerem bi potrdili ustavne amandmaje.[16] Iz Smoletovega odgovora je možno razumeti, da bi bil morebitni referendum pomemben tudi iz vidika uveljavitve slovenske pravice do samoodločbe, po drugi strani pa bi referendumska potrditev ustavnih amandmajev še bolj legitimirala njihov sprejem.

Aprila 1990 so v Republiki Sloveniji – ta je izgubila pridevnik »socialistična« mesec dni prej – potekale prve večstrankarske volitve po koncu druge svetovne vojne. Britansko zunanje ministrstvo in ambasada v Beogradu sta napoved izvedbe dojemala zelo odobravajoče. Stranke so v predvolilnem času med drugim opredeljevale svoj odnos do jugoslovanske države, kar ni ušlo britanskim opazovalcem. Tako je Jack McIver, ki je deloval na britanski ambasadi v Beogradu, v začetku februarja 1990 opažal, da nekatere nove stranke ne nasprotujejo osnovnim načelom jugoslovanske države, pri čemer je konkretno navedel SKD.[17]

Med 18. in 25. marcem je Jugoslavijo obiskala Rosalind Greig iz EED. V družbi Huxterja je obiskala Ljubljano, Zagreb in Beograd. Osrednja tema pogovorov v Republiki Sloveniji se je dotikala vprašanja, ali se namerava ta odcepiti. Greig je ocenjevala, da so bili glede te teme programi Zveze komunistov Slovenije – Stranke demokratične prenove in Demosa nejasni in precej podobni. Oboji so se zavzemali za večjo samostojnost Republike Slovenije, le da je Demos to zahteval takoj.[18] V luči kasnejšega slovenskega plebiscita velja izpostaviti razmišljanje Snežane Mihailović, ki je v Beogradu delovala kot članica delegacije EGS. Menila je, da je težko predvideti, ali bo Republika Slovenija zapustila Jugoslavijo. Nadaljevala je, da bo povolilna sestava slovenskega izvršnega sveta soočena z odgovornostjo do volivcev,

15 TNA FCO 28/9459, Wood to FCO: Slovenia: Constitutional Amendments, september 1989.

16 TNA FCO 28/9459, Wood to Madden, Campbell & McIver: Calls in Slovenia [nedatirano].

17 TNA FCO 28/10170, McIver to Huxter, Campbell & Hall: Duty Visit to Sarajevo: 23 January 1990, 5. 2. 1990.

18 TNA FCO 28/10171, Greig to Gray & Hulse: My Familiarisation Visit to Yugoslavia: 18–25 March 1990, 11. 4. 1990.

da se opredeli do vprašanja slovenske ločitve od Jugoslavije, ter da izvršni svet o tem morda ne bo želel vprašati volilnega telesa na posebnem referendumu. Mihailović je dodala, da je EGS zagovarjala obstoj Jugoslavije, a če bi Republika Slovenija izvedla referendum o odcepitvi in bi večina volivcev glasovala njej v prid, bi EGS morala razmisliti, kako bi obravnavala Republiko Slovenijo. Če bi najsevernejša jugoslovanska republika razglasila samostojnost, srbska politika po mnenju Mihailović verjetno ne bi intervenirala proti temu, ni pa bilo jasno, kaj bi v takem primeru ukrenila Jugoslovanska ljudska armada (JLA).[19] Mihailović je torej nakazala, da novi izvršni svet v Ljubljani ne bi bil nujno naklonjen izvedbi plebiscita o samostojnosti Republike Slovenije, saj bi volilno telo verjetno podprlo slovensko samostojnost, sam republiški organ pa (še) ne bi bil pripravljen na to.

Približno dva meseca po volitvah v Republiki Sloveniji, po katerih je Hall pričakoval, da bo pod vplivom Demosove zmage okrepila delovanje za večjo suverenost,[20] je novi predsednik republiškega komiteja za mednarodne zadeve Dimitrij Rupel v pogovoru z nižjim članom britanske vlade (Minister of State) Williamom Waldegraveom 11. junija izrazil nenaklonjenost SR Slovenije do politike zveznega izvršnega sveta. Če se ta ne bi spremenila, bi po Ruplovih besedah Republika Slovenija razmišljala o zagotovitvi popolne samostojnosti.[21] Rupel je tudi okrcal britansko ambasado v Jugoslaviji, ki da je preveč prežeta s srbskimi stališči. Da bi se to premostilo, bi moral Hall po Ruplovem mnenju več potovati po Jugoslaviji, zlasti v Republiko Slovenijo.[22] Hall se je strinjal, da bi moral opraviti več obiskov po celotni državi, kar mu je bilo tudi v interesu: »Le redke veleposlanike je treba močno prepričevati, da zapustijo precej depresivno okolje Beograda«.[23] A se je izgovarjal na protokole, po katerih je moral predhodno najaviti pot pri zveznih organih, postopek pa je trajal kar nekaj časa.[24] V pripravah na Waldegraveov pogovor z Ruplom so v britanskem zunanjem ministrstvu predvidevali, da bo Demos želel zagotoviti večjo slovensko samostojnost s predlogom o preureditvi jugoslovanske države v konfederacijo. Če predlog ne bi naletel na plodna tla, bi se Republika Slovenija in Republika Hrvaška najbrž odcepili, kar bi povzročilo resen konflikt v Jugoslaviji. Britansko zunanje ministrstvo je namreč ocenjevalo, da se je zdel razpad Jugoslavije »zelo možen«.[25]

Z najvišjimi predstavniki novoizvoljenih slovenskih republiških oblasti – predsednikom izvršnega sveta Lojzetom Peterletom, predsednikom predsedstva Milanom Kučanom, predsednikom skupščine Francetom Bučarjem[26] – se je Hall prvič

19 TNA FCO 28/10171, Belgrade, 23 March 1990: Call on Ms Snezana Mihajlovic of the Delegation of the European Community, 11. 4. 1990.

20 TNA FCO 28/10171, Hall to FCO: Elections in Slovenia, april 1990.

21 TNA FCO 28/10172, Hurd to Belgrade, junij 1990.

22 TNA FCO 28/10172, Gray to Hall: Slovenia, 15. 6. 1990.

23 *Few ambassadors need much urging to leave the rather dispiriting environment of Belgrade* (TNA FCO 28/10172, Hall to Gray: Slovenia, 27. 6. 1990).

24 TNA FCO 28/10172, Hall to Gray: Slovenia, 27. 6. 1990.

25 TNA FCO 28/10172, Background: Recent Developments in Yugoslavia [nedatirano].

26 Bučar ni pretirano verjel v nastanek jugoslovanske konfederacije (TNA FCO 28/10172, Visit to Ljubljana, 29 June 1990: Call on Dr Bučar, President of the Assembly of Slovenia, 6. 7. 1990).

pogovarjal 29. junija (takrat se je sestal tudi z Ruplom), ko je obiskal Ljubljano. Med vtisi s pogovorov je med drugim zapisal, da v Republiki Sloveniji prevladuje razmišljanje o nastanku jugoslovanske konfederacije ali o slovenski odcepitvi, medtem ko federalna Jugoslavija nima več podpore.[27] Večjo naklonjenost je požela konfederalna opcija.[28] Kučana[29] je Hall tudi povabil v London. Na vprašanje, ali bi bil predsedniku slovenskega predsedstva omogočen sestanek s predsednikom britanske vlade Johnom Majorjem, je Hall odgovoril, da bi bilo dobro, če bi se sestal s članom ministrske ekipe primerljivega političnega statusa.[30] V britanski diplomaciji so bili očitno zelo pozorni, da se ne bi zamerili zveznim oblastem, torej, da ne bi imeli republiški predstavniki sprejemov in sestankov z najvišjimi predstavniki britanskih oblasti.

REFERENDUMI V JUGOSLAVIJI LETA 1990 S POSEBNIM POUDARKOM NA SLOVENSKEM PLEBISCITU

Poleg volitev, ki so leta 1990 potekale v vseh jugoslovanskih republikah – ne sicer istočasno, saj so v Republiki Sloveniji in Republiki Hrvaški potekale aprila (drugi krog v Republiki Hrvaški je bil maja), v drugih republikah pa novembra in decembra – so istega leta potekala še druga glasovanja. Tako je 1. in 2. julija v SR Srbiji potekal referendum, na katerem je večina glasovalnih upravičencev pritrdila predlogu republiških oblasti, da ta najprej sprejme novo srbsko ustavo, nato pa izvede republiške volitve (Ekar, 1990, 2; Dukić, 1990a, 2; 1990b, 2; 1990c, 2). Kasneje poleti 1990 so Srbi, ki so živeli v Republiki Hrvaški, organizirali referendum o svoji avtonomiji (Hribernik, 2018, 70–71). Obema je britanska diplomacija namenila nekaj pozornosti,[31] a se jih v razpravi ne bomo dotaknili.

27 Peterle je npr. dejal, da v primeru, če bi Republika Srbija vztrajala na ideji nastanka Velike Srbije, bi Republika Slovenija lahko stremela k vzpostavitvi konfederalne povezave z Republiko Hrvaško ter SR BiH (TNA FCO 28/10172, Visit to Ljubljana, 29. June 1990: Call on Mr Peterle, President of the Executive Council, 3. 7. 1990).

28 TNA FCO 28/10172, Hall to DHM & Huxter: Visit to Ljubljana, 29 June 1990, 6. 7. 1990.

29 Iz več dokumentov je razvidno, da so britanski diplomati cenili Kučana in ga imeli za enega bolj sposobnih politikov na jugoslovanskih tleh, pri čemer so dodajali, da mu je primanjkovalo karizme (TNA FCO 28/8641, Wood to Madden, Campbell, Huxter & McIver: Conversation with Ćosić and Selenić, 15. November, 1988, 16. 11. 1988; TNA FCO 28/9456, Madden to Lewis: League of Communist of Yugoslavia (LCY), 7. 2. 1989; TNA FCO 28/9459, Huxter to Fox: Slovenia, 20. 6. 1989; TNA FCO 28/10166, Leading Personalities in Yugoslavia, 1989 [nedatirano]). Tako so ob obisku sovjetskega voditelja Mihaila Gorbačova v Jugoslaviji marca 1988 ocenjevali, da je bilo malo verjetno, da je kateri izmed jugoslovanskih sogovornikov naredil intelektualni vtis na sovjetskega gosta razen Kučana in predsednika zveznega izvršnega sveta Anteja Markovića (Bajc & Osojnik, 2020, 266).

30 TNA FCO 28/10172, Visit to Ljubljana, 29 June 1990: Call on Mr Kučan, President of the Presidency of Slovenia, 5. 7. 1990.

31 TNA FCO 28/10172, Huxter to Uden: Serbian Referendum, 10. 7. 1990; TNA FCO 28/10172, Hall to FCO: Serbian “Referendum” in Croatia, avgust 1990; TNA FCO 28/10172, Hall to FCO: Serbian “Referendum”, avgust 1990.

V zvezi z referendumskimi idejami velja omeniti tudi tisto, ki je jeseni 1990 nastala v okviru zveznega predsedstva, in sicer po izvedbi vsejugoslovanskega referenduma, na katerem bi državljani Jugoslavije odločali o njeni prihodnji ureditvi. Glede na njegove rezultate bi zvezna skupščina sprejela ustrezen akt o preureditvi države (Osojnik, 2022, 468). Hall je v predlogu videl resen poskus tega zveznega organa, kako vplivati na premostitev jugoslovanske krize.[32] Sicer je zamisel takoj po njeni predstavitvi označil kot »provokativno«. Menil je, da v Republiki Sloveniji in Republiki Hrvaški ne bo doživela podpore. Po eni strani jo je označil kot iniciativo zveznega predsednika Borisava Jovića (in ne kot pobudo celotnega predsedstva),[33] v njej pa je videl nevarnost, da bi se na podlagi ljudskega glasovanja uveljavila volja Republike Srbije in njenih interesov.[34] Po drugi strani se mu je pobuda zveznega predsedstva zdela dobra, ker je dopuščala precej manevrskega prostora za pogajanja o prihodnji jugoslovanski ureditvi.[35] Dopuščala je namreč federalno, konfederalno in asimetrično (kon)federacijo. V primeru konfederacije in asimetrične (kon)federacije najbrž meje med republikami ne bi ostale nedotakljive (Osojnik, 2022, 468–469). Do vsejugoslovanskega referenduma naposled ni prišlo, mdr. se je slovenska politika večkrat v letu 1991 izgovarjala na to, da zanj ni potrebe, saj je izvedla svoj plebiscit (prim. Nikolić & Petrović, 2011).

Ideja o posebnem glasovanju v Republiki Sloveniji, na katerem bi volilni upravičenci odločali o samostojnosti republike, je slovensko politiko in javnost v največji meri zaposlovala v zadnji četrtini leta 1990. Tovrstno glasovanje je prva predlagala manjša opozicijska stranka, Socialistična stranka Slovenije (SSS), ki je 2. oktobra na slovensko skupščino dala »pobudo za razpis plebiscita za samostojno državo Slovenijo […]«, v skupščini pa je bila s strani delegatov te stranke predstavljena dva dneva kasneje. Pobuda je mdr. predvidevala, da bi bilo glasovanje izvedeno konec oktobra ali v začetku novembra 1990 in da bi v primeru, da bi večina volilnih upravičencev podprla odločitev za slovensko samostojnost, slovenska skupščina dobila nalogo, da pripravi izhodišča za izstop Republike Slovenije iz Jugoslavije. Rezultati glasovanja bi predstavljali tudi osnovo o nadaljnjih povezavah Republike Slovenije v jugoslovanskem okviru ali izven njega. Plebiscitna pobuda SSS je bila na slovenski politični sceni prisotna celoten oktober 1990, a uspeha ni doživela (Osojnik, 2022).

Britanska diplomacija je bila seznanjena s plebiscitno pobudo SSS, vendar ji ni posvečala pretirane pozornosti. Jenny Little, ki je službovala na Oddelku za raziskave Vzhodne Evrope, je 10. oktobra 1990 omenila le, da naj bi bilo glasovanje izvedeno v začetku novembra ter da so v najsevernejši jugoslovanski republiki predvidevali, da bi večina glasovala za njeno samostojnost. To bi sprožilo proces legalne odcepitve od jugoslovanske federacije, slovenskim republiškim oblastem pa zagotovilo jasno podporo prebivalstva za to dejanje. Little je dodala, da bi se po odcepitvi Republika

32 TNA FCO 28/10172, Hall to FCO: Referendum Plan, september 1990.
33 TNA FCO 28/10172, Hall to FCO: Federal Presidency Announces Referendum, september 1990.
34 TNA FCO 28/10173, Hall to FCO: Yugoslavia: Internal Sitrep, september 1990.
35 TNA FCO 28/10173, Hall to FCO: Yugoslavia's Future Structure: Presidency Programme, oktober 1990.

Slovenija pogovarjala z drugimi republikami o nadaljnjih medsebojnih odnosih.[36] Little je tako povzela le bistvene poudarke pobude socialistov. Predlog SSS je bil zapisan tudi v poročilu, ki je 19. oktobra nastalo v Skupnem odboru za obveščevalne dejavnosti (Joint Intelligence Committee (JIC)), v okviru britanske vlade. Avtorji poročila so zapisali, da bi plebiscit dal večjo težo že sprejeti *Deklaraciji o suverenosti države Republike Slovenije*.[37] Drugih podatkov o tem, kako je britanska diplomacija dojemala plebiscitno pobudo SSS, med raziskavo nismo našli.

V Ljubljani se je 7. in 8. novembra nahajal uslužbenec britanske ambasade v Jugoslaviji William Houlston-Jackson. Slovenci so nanj naredili dober vtis, obenem pa je zapisal, da ni težko razumeti »zakaj so bile Slovencem južne republike tako tuje«.[38] Na podlagi svojih opažanj je britanski gost ocenjeval, da se je v Republiki Sloveniji v primerjavi s prejšnjimi meseci nekoliko zmanjšalo razpoloženje za odcepitev, ne pa za krepitev suverenosti. Ne glede na to ni izključeval možnosti odcepitve, do katere bi prišlo zlasti, če bi bili Slovenci potisnjeni v kot. Houlston-Jackson je izpostavil nekaj konkretnih razmišljanj slovenskih sogovornikov o odcepitvi. Tako je namestnik predsednika republiškega komiteja za mednarodno sodelovanje Zoran Thaler dejal, da mednarodne razmere silijo Republiko Slovenijo v iskanje rešitev znotraj jugoslovanske države, republiški sekretar za finance Marko Kranjec je odcepitvi nasprotoval, predsednik republiškega komiteja za informiranje Stane Stanič pa je poudaril nasprotovanje gospodarstvenikov odcepitvi. Sogovorniki Houston-Jacksona, z možno izjemo Kranjca, niso imeli prave ideje, kako bi izgledala morebitna jugoslovanska konfederacija. Houston-Jackson je še ocenjeval, da bi najsevernejšo jugoslovansko republiko lahko k odcepitvi motivirala politika Republika Srbije do nje ali pa delovanje slovenske skupščine, ki jo je ocenjeval kot nepredvidljivo.[39]

Poudarkom, ki jih je izpostavil Houlston-Jackson, so priložena še poročila pogovorov z vsakim sogovornikom, iz katerih je možno razbrati mnenja slovenskih politikov, ki so jih izrazili britanskemu obiskovalcu, tik preden je Demos seznanil javnost s svojo plebiscitno pobudo. Stanič, Thaler in Kranjec[40] so izpostavili preureditev Jugoslavije v konfederacijo kot tisto rešitev, za katero si je Republika Slovenija prvotno prizadevala. Stanič je ob tem dejal, da ta ne bo ostala v jugoslovanskem okviru za vsako ceno.[41] Thaler je menil, da bo do slovenske odcepitve prišlo, a se je zavedal, da je tujina temu dejanju nenaklonjena, zaradi česar je Republika Slovenija iskala rešitev v okviru že omenjene konfederacije.[42] Igor

36 TNA FCO 28/10173, Little to Uden & EED: Slovenia, Croatia and Constitutional Change, 10. 10. 1990.

37 TNA FCO 28/10173, Yugoslavia: Tensions Rise, 19. 10. 1990; TNA FCO 28/10173, Gray to Macgregor: Yugoslavia, 30. 10. 1990.

38 *It was not difficult to see why the Slovenes felt the southern republic to be so alien* (TNA FCO 28/10173, Houlston-Jackson to HMA, DHM, 2 Sec & 3 Sec: Duty Visit to Ljubljana – 7/8 November, 26. 11. 1990).

39 TNA FCO 28/10173, Houlston-Jackson to HMA, DHM, 2 Sec & 3 Sec: Duty Visit to Ljubljana – 7/8 November, 26. 11. 1990.

40 TNA FCO 28/10173, Mr Marko Kranjec – Republican Secretary for Finance [nedatirano].

41 TNA FCO 28/10173, Mr Stane Stanič – Republican Secretary for Information [nedatirano].

42 TNA FCO 28/10173, Mr Zoran Thaler – Republican Deputy Secretary for International Relations [nedatirano].

Umek, predsednik republiškega komiteja za družbeno planiranje, je Houlston-Jacksonu navedel tako argumente v prid slovenske odcepitve kot tudi tiste proti njej. Britanskemu sogovorniku so se zdeli prepričljivejši tisti proti odcepitvi, ob tem pa je zapisal, da bi odcepitev lahko sprožila slovenska skupščina, ki jo je znova označil kot nepredvidljivo. Izpostavil je še, da je najsevernejša jugoslovanska republika čakala rezultate volitev v drugih republikah, da bi lažje ocenila, kakšne možnosti bi Slovence v Jugoslaviji lahko čakale v prihodnosti.[43] Omeniti velja še zanimivo razmišljanje enega izmed tedanjih najpomembnejših ekonomistov v Jugoslaviji, Slovenca Aleksandra Bajta. Dejal je, da se Republika Slovenija lahko odloči za odcepitev, bi pa bilo prvih nekaj let v samostojni državi težkih. Sam je sicer odcepitvi nasprotoval, saj ga je bilo strah vpliva Nemčije na potencialno slovensko državo. Hkrati je še menil, da se razpoloženje slovenske politike do odcepitve zmanjšuje predvsem zaradi nenaklonjenosti mednarodne skupnosti do priznanja Republike Slovenije.[44]

Kot smo že ugotavljali, je bila plebiscitna pobuda SSS v dokumentih britanske diplomacije omenjena le dvakrat, in še to bolj bežno. Tudi plebiscitni pobudi, ki jo je predstavil Demos, britanska diplomacija ni namenjala posebne pozornosti. Vladajoča koalicija je namreč na seminarju kluba delegatov, ki je potekal 9. in 10. novembra v Poljčah, sprejela odločitev, da predlaga izvedbo plebiscita, na katerem bi volivci glasovali o tem, ali naj Republika Slovenija postane neodvisna država in torej ne bi bila več sestavni del obstoječe Jugoslavije (Osojnik, 2023, 531). Huxter je 19. novembra pravilno ocenjeval, da bodo opozicijske stranke verjetno podprle izvedbo plebiscita. Sam je menil, da jih bo k temu dejanju motiviralo dogajanje v drugih delih Jugoslavije. Nasploh je predvideval, da je v Republiki Sloveniji obstajalo veliko razlogov za izvedbo glasovanja. Po njegovem mnenju je imel Demosov plebiscitni predlog dva dopolnjujoča se namena: a) dati ultimat drugim delom Jugoslavije, naj izvedejo svobodne večstrankarske volitve, po katerih bi lahko prišlo do pogajanj o prihodnosti države z legitimno izvoljenimi predstavniki oblasti; b) utiranje poti v slovensko odcepitev. Huxter je v svojem zapisu napravil tudi nekaj napak. Napačno je navedel datum seminarja v Poljčah – zapisal je namreč, da je potekal 11. in 12. novembra. Glede predvidenega glasovalnega vprašanja je Huxter zapisal, da naj bi se to glasilo: »Ali naj Slovenija od dneva tega referenduma postane neodvisna in suverena država, ki ni združena v SFRJ?« Tudi v tem primeru je prišlo do napačnega zapisa, saj je predlog plebiscitnega vprašanja, predstavljen v Poljčah, predvideval, da bi Republika Slovenija pridobila neodvisnost na dan razglasitve rezultatov glasovanja.[45]

Po sistematično opravljenem pregledu tedanjih britanskih dokumentov, ki jih hrani osrednji britanski arhiv, je Huxterjevo razmišljanje o Demosovi plebiscitni

43 TNA FCO 28/10173, Mr Igor Umek – Republican Secretary for Social Planning [nedatirano].

44 TNA FCO 28/10173, Professor Aleksandar Bajt – Head of the Institute for Economy of the Faculty of Law (The "Bajt Institute") [nedatirano].

45 TNA FCO 28/10173, Plans for Slovenian Referendum on Independence, 19. 11. 1990.

pobudi edino, ki je nastalo pred sprejemom zakona o plebiscitu v slovenski skupščini 6. decembra 1990. O rezultatih glasovanja slovenskih delegatov tega dne je Hall poročal svojemu zunanjemu ministrstvu. Poudaril je, da ni bilo povsem jasno, kaj bi na plebiscitu pomenil glas v podporo samostojni Republiki Sloveniji. Predstavljal bi lahko prekinitev vezi s federalno Jugoslavijo, po drugi strani pa je zakon o plebiscitu predvideval šestmesečno prehodno obdobje, v katerem bi slovenska skupščina oblikovala zakonodajni okvir v skladu z izraženo voljo volilnih upravičencev. Po Hallovem mnenju bi v primeru, da bi se večina volivcev opredelila za slovensko samostojnost, to pomenilo glasovanje za odcepitev tako v Republiki Sloveniji kot drugih delih Jugoslavije. To bi lahko takoj povečalo napetosti med republikami, še zlasti v primeru zmage Slobodana Miloševića na volitvah v Republiki Srbiji. Hall je nadaljeval, da bi Kučan in nekateri člani izvršnega sveta do dneva plebiscita lahko opozarjali na gospodarske in politične posledice odcepitve ter na zaželenost pogajanj z drugimi republikami, namesto da bi zagovarjali takojšnje enostranske ukrepe slovenske strani. Skupščina se nad tem po Hallovem mnenju naj ne bi navduševala, saj naj bi vse stranke želele volivcem dokazati, da hočejo osamosvojitev Republike Slovenije. Zaključil je, da bi bilo vse drugo kot zmaga pritrdilnega odgovora na plebiscitno vprašanje presenečenje.[46] Hallovo predvidevanje rezultata se je izkazalo kot pravilno, obenem pa je zelo dobro izpostavil nejasnost, ki jo je predvideval zakon o plebiscitu. Omogočal je namreč tako popolno samostojnost Republike Slovenije kot njeno vključenost v konfederalno jugoslovansko državo.

Slovenska skupščina je 6. decembra med drugim sprejela odločitev, da na glasovanje povabi mednarodne opazovalce. V ta namen je 10. decembra Bučar pisal britanskemu zunanjemu ministru Douglasu Hurdu. V pismu je v Republiko Slovenijo povabil britansko delegacijo, ki bi prisostvovala izvedbi ljudskega glasovanja.[47] Morebitnega odgovora na vabilo med gradivom, ki ga hrani TNA, nismo našli, je pa slovenska stran britanski vladi poslala tudi *Izjavo o dobrih namerah*,[48] razglas plebiscita[49] in zakon o plebiscitu[50] – dokumente, ki so prav tako bili sprejeti 6. decembra v slovenski skupščini.

Prisotnost mednarodnih opazovalcev na ljudskih glasovanjih, ki so bila jeseni 1990 v Jugoslaviji, ne bi bila novost, saj so bili navzoči že na nekaterih republiških volitvah. Tako je opazovalec iz ameriško-kanadske »ekipe« opomnil na več nepravilnosti, ki naj bi se zgodile v Republiki Srbiji med drugim krogom volitev, kot npr. da so se izvajali pritiski na posameznike, naj volijo za Miloševićevo stranko. Hall je zapisal, da so nekateri kontakti britanske ambasade v Republiki Srbiji oziroma

46 TNA FCO 28/10169, Hall to FCO: Slovenian Referendum on Independence, december 1990.

47 TNA FCO 28/10173, Bučar to Hurd, 10. 12. 1990.

48 TNA FCO 28/10173, The Statement of Good Intents adopted by the Assembly of the Republic Slovenia, 6. 12. 1990.

49 TNA FCO 28/10173, Announcement Addressed to the Citizens of the Republic of Slovenia and to all Voters in the Republic of Slovenia [nedatirano].

50 TNA FCO 28/10173, The Law of the Plebiscite on Sovereignity and Independence of the Republic of Slovenia [nedatirano].

v Jugoslaviji prav tako opozarjali na nepravilnosti na srbskih volitvah, a da te niso odločilno vplivale na končni rezultat.[51] V luči plebiscita v Republiki Sloveniji velja izpostaviti komentar enega od ameriških opazovalcev na srbskih volitvah, ki je menil, da se po Miloševićevem uspehu v prvem krogu volitev povečuje verjetnost, da bo na plebiscitu izglasovana samostojnost Republike Slovenije. Njegov italijanski kolega je dodal, da bo Miloševićeva reakcija na plebiscit pomemben indikator njegovih namenov v prihodnje.[52]

Do dneva izvedbe plebiscita je britanska diplomacija nekaj več pozornosti namenila Peterletovemu obisku Dunaja,[53] ki je potekal 11. decembra, Hall pa je predstavil vzdušje v Republiki Sloveniji. Ocenjeval ga je kot »sproščenega in prazničnega« ob pričakovanju, da bo večina podprla slovensko samostojnost,[54] čeprav ni bilo jasno, kako oziroma do kakšne mere bo ta realizirana. Hall je zapisal, da so bila zasebna stališča mnogih članov izvršnega sveta sledeča: gospodarske razmere v jugoslovanski državi se bodo še slabšale, kar bo ob Miloševićevi izvolitvi na položaj srbskega predsednika onemogočalo prava pogajanja v Jugoslaviji, zaradi česar bo postala slovenska odcepitev neizogibna. Hall je v komentarju zapisal, da so bile gospodarske in politične posledice morebitne slovenske osamosvojitve nejasne, člani izvršnega sveta pa so zasebno menili, da ne bo prišlo do posredovanja JLA in gospodarskih sankcij zoper Republiko Slovenijo. Po prepričanju ambasadorja bi bilo tej težko zagotoviti samostojnost kljub pričakovani podpori na plebiscitu zaradi nasprotovanj zveznih organov, gospodarskim sankcijam zoper njo in težavam pri mednarodnem priznanju. Čeprav so slovenski gospodarstveniki javno izražali optimizem, da slovenska osamosvojitev ne bo preveč vplivala na gospodarstvo Republike Slovenije, je Hall zapisal, da so bili zasebno naklonjeni njenemu obstoju v Jugoslaviji.[55]

Ljubljano je štiri dni pred dnevom glasovanja, torej 19. decembra, obiskal Nat Dawbarn, prav tako uslužbenec britanske ambasade v Beogradu. Sogovorniki so mu dajali vtis, da bi po eni strani hoteli, da Republika Slovenija postane samostojna država, po drugi pa se niso navduševali nad odgovornostjo, ki bi jo prinesla takšna sprememba statusa republike. Dawbarnu niso znali predstaviti vizije Republike Slovenije v obdobju naslednjih desetih let. Slovenski sogovorniki so bili pred

51 TNA FCO 28/10169, Hall to FCO: Serbian Elections, Second Round Results, december 1990. O prisotnosti mednarodnih opazovalcev na republiških volitvah tudi TNA FCO 28/10169, McIver to Uden: Election Observers, 8. 11. 1990; TNA FCO 28/10169, Hall to FCO: Serbian Elections, First Round: Preliminary Results, december 1990.

52 TNA FCO 28/10169, Cresswell to Court: Yugoslavia: Political Committee, 13 December, 13. 12. 1990.

53 TNA FCO 28/10178, Nash to Lewis: Meeting between Austrian Chancellor and Slovenian Premier: 11 December, 13. 12. 1990; TNA FCO 28/10178, Nash to Lewis: Meeting between Austrian Chancellor and Slovenian Premier 11 December, 14. 12. 1990.

54 Da bo večina volilnih upravičencev podprla samostojnost Republike Slovenije, so predvidevali tudi v EED. Dodali so, da bi ta rezultat poleg pričakovane Miloševićeve zmage na srbskih volitvah zmanjšal pričakovanja po nadaljnjem obstoju jugoslovanske države (TNA FCO 28/10188, British-Yugoslav Parliamentary Group: Points to Make, 11. 12. 1990).

55 TNA FCO 28/10173, Hall to FCO: Slovenian Referendum on Independence: Scene Setter, december 1990.

plebiscitom pozitivno vznemirjeni, prav tako so dopuščali neko vrsto povezovanja Republike Slovenije z drugimi jugoslovanskimi republikami. Ob tem se lahko vprašamo, ali so bili slovenski sogovorniki iskreni v svojih besedah ali je šlo le za taktično izražanje pred diplomatskim predstavnikom tuje države. Dawnbarnovi gostitelji so se zavedali, da v primeru slovenske odcepitve mednarodno priznanje samostojne Republike Slovenije ne bo prišlo kmalu.[56]

Dawbarnovim ocenam obiska so priloženi zapisniki pogovorov s slovenskimi sogovorniki, iz katerih je razvidno njihovo razpoloženje pred plebiscitom, hkrati pa dodatno razkrivajo razsežnosti predvidevanj o razpletu glasovanja. Thaler je bil prepričan, da so volilni upravičenci razumeli, da bodo s podporo slovenski samostojnosti na glasovanju, dali slovenskemu izvršnemu svetu šestmesečni mandat za pogajanja o prihodnosti Republike Slovenije bodisi v okviru Jugoslavije bodisi izven nje. Na Dawbarnovo opazko, da bi plebiscitno propagando lahko razumeli tudi v smislu odcepitve, je Thaler odvrnil, da do te ne bo prišlo, saj Jugoslavija ne bo obstajala več dovolj dolgo, da bi se Republika Slovenija lahko dogovorila o pogojih izstopa.[57] V nasprotju s Thalerjem sta o slovenski odcepitvi kot posledici plebiscita govorila namestnik republiškega sekretarja za ljudsko obrambo Jelko Kacin[58] in Stanič, ki je Dawbarnu razlagal, da bo Republika Slovenija po šestih mesecih od dneva glasovanja zapustila Jugoslavijo. Menil je, da JLA ne bo posredovala v najsevernejši jugoslovanski republiki, kot tudi, da »ni bilo osnove za pogajanja [v Jugoslaviji] zaradi srbskega primitivizma«.[59] Manj navdušenja nad slovensko osamosvojitvijo sta izkazovala Milan Domadenik, ki je deloval na Republiškem sekretariatu za notranje zadeve,[60] in svetovalec republiškega sekretarja za finance Andrej Klemenčič, ki se je, po Dawbarnovih besedah, opredeljeval za Jugoslovana. Klemenčič je menil, da so se Slovenci premalo zavedali razsežnosti težav, ki bi jih odcepitev povzročila na gospodarskem področju. V njegovih očeh bi bilo razbitje Jugoslavije nespametno, preden bi poskusili najti »realistično federalno opcijo«, ki bi premostila gospodarske težave v državi.[61] Glede na to, da so slovenski politični predstavniki takrat govorili ali o slovenski samostojnosti ali o konfederalni Jugoslaviji, je zanimivo, da je Klemenčič omenil federalno preureditev Jugoslavije. Morda je šlo le za lapsus ali napačno povzemanje besed britanskega gosta. Pozornost pritegnejo tudi besede Kacina in Staniča, ki sta

---

56 TNA FCO 28/10839, Dawbarn to McIver, Robinson & Hall: Duty Visit to Ljubljana, 19 December 1990, 8. 1. 1991.

57 TNA FCO 28/10839, Mr Zoran Thaler – Deputy to the Republican Secretary for International Relations [nedatirano].

58 TNA FCO 28/10839, Mr Jelko Kacin – Deputy to the Republican Secretary for National Defence [nedatirano].

59 *There was no basis for negotiations because of Serbian primitivism* (TNA FCO 28/10839, Mr Stane Stanič – Republican Secretary for Information [nedatirano]).

60 TNA FCO 28/10839, Mr Milan Domadenik – Deputy to the Republican Secretary for Internal Affairs [nedatirano].

61 TNA FCO 28/10839, Mr Andrej Klemenčič – Adviser to the Finance Secretary [nedatirano].

govorila o slovenski odcepitvi, čeprav so se slovenski politiki, vsaj tisti na vodilnih položajih, te besede v glavnem izogibali; govorili so o samostojnosti. Morda se iz njih lahko kaže predplebiscitna evforija ali pa le bolj nerodna komunikacija.

Pomembno vprašanje v predplebiscitnem času v Republiki Sloveniji je bilo tudi, ali obstaja nevarnost posredovanja JLA v najsevernejši republiki. Na britanskem zunanjem ministrstvu so ocenjevali, da do posredovanja leta 1990 zelo verjetno ne bo prišlo.[62] V tem kontekstu velja izpostaviti razmišljanje svetovalca britanskega premierja za zunanjo politiko Percyja Cradocka, da se je poseg takrat zdel malo verjeten tudi v luči volitev v Republiki Srbiji, saj bi lahko odvrnil nekatere Miloševićeve volivce, da volijo zanj.[63] Dodati velja razmišljanje češkoslovaškega ambasadorja v Beogradu, ki je decembra 1990 dejal Hallu, da razlog za intervencijo JLA ne bi bil slovenski plebiscit in njegov pričakovani rezultat v podporo samostojnosti Republike Slovenije, temveč nevarnost, da Milošević ne bi bil izvoljen za predsednika srbskega predsedstva.[64] V teh razmišljanjih se je odsevalo predvidevanje, da bo jugoslovanska vojska verjetno sledila Miloševićevi politiki.

Ko so bili znani uradni rezultati plebiscita, je Hall o njih poročal svojemu zunanjemu ministrstvu. Rezultat se mu je zdel prepričljiv in pričakovan, pravilno pa je izpostavil, da so le maloštevilni napovedali tako visoko volilno udeležbo. Hall je v rezultatu glasovanja videl mandat slovenskega izvršnega sveta, da izpelje voljo volivcev, hkrati pa tudi močan argument v predvidenih pogovorih o prihodnosti Jugoslavije. Po Hallovem mnenju bi Republika Slovenija v teh pogovorih lahko računala na podporo Republike Hrvaške. Dodal je, da je slovenski izvršni svet v prvih odzivih po plebiscitu kazal namero po pogajanjih na jugoslovanski ravni, čemur je bila javnost manj naklonjena. Ocenjeval je, da bosta na usodo pogajanj najbolj vplivala Republika Srbija in predsednik njenega predsedstva Milošević. Če bi ta republika nadaljevala z oviranjem delovanja zveznih organov in ne bi bila pripravljena na kompromise z drugimi republikami, bi lahko Republika Slovenija zapustila Jugoslavijo.[65] Rezultate plebiscita je slovenski politični vrh sporočil Hurdu in ga hkrati seznanil s posledicami, ki bi jih imel za slovensko politiko.[66] Julian Butcher iz EED je Dawbarna obvestil o prispelem pismu in obenem izrazil začudenje, kako se je znašlo na mizi britanskega zunanjega ministra.[67] V Londonu na pismo slovenskega političnega vrha niso odgovorili.

---

62 TNA FCO 28/10173, Yugoslavia: Tensions Rise, 19. 10. 1990; TNA FCO 28/10173, Hall to MODUK, oktober 1990; TNA FCO 28/10173, Hall to FCO: Eastern Europe, december 1990.

63 TNA PREM 19/3989, Cradock to Powell, 7. 12. 1990.

64 TNA FCO 28/10173, Hall to FCO: JNA Role in Yugoslav Politics, december 1990.

65 TNA FCO 28/10173, Hall to FCO: Results of Slovenian Referendum on Independence, december 1990.

66 TNA FCO 28/10839, Kučan, Bučar & Peterle to Hurd, 26. 12. 1990.

67 TNA FCO 28/10839, Butcher to Dawbarn: Slovenian Plebiscite on Independence, 5. 1. 1991.

SKLEPNE MISLI

Britanska diplomacija je zlasti preko britanskega veleposlaništva v Beogradu skrbno sledila dogajanjem v Jugoslaviji v drugi polovici 80. let. Med drugim je zlasti z letom 1989 zaznati več zabeležk o slovenskem separatizmu, a pri tem niso ocenjevali, da se bo najsevernejša jugoslovanska republika dejansko popolnoma ločila od Jugoslavije. Izpostavljena je bila slovenska preferenca po decentralizaciji države in njenem preoblikovanju na konfederalni osnovi, s čimer so simpatizirali tudi v britanski diplomaciji. Enako razmišljanje je prevladovalo tudi po tem, ko se je na vrh slovenske oblasti zavihtela koalicija Demos. Britanskim opazovalcem so se posledice slovenskega plebiscita zdele nejasne. Čeprav so pričakovali, da bo večina volilnih upravičencev glasovala v prid samostojnosti Republike Slovenije, niso mogli predvideti, ali bo to pomenilo slovensko odcepitev ali pa bo najsevernejša jugoslovanska republika s preostalimi republikami povezana na konfederalni ravni – nejasnost, ki je bila glede na zakon o plebiscitu, ki ga je 6. decembra 1990 sprejela slovenska skupščina, in glede na takratno komunikacijo slovenske politike, logična. So pa dodali, da bo pomemben faktor pri premostitvi nejasnosti rezultat srbskih volitev, in sicer ali se bo Slobodan Milošević obdržal na vrhu republike. Obema plebiscitnima pobudama v Republiki Sloveniji kot implementaciji ene od teh britanska diplomacija sicer ni posvečala pretirane pozornosti. Obravnavala ju je v kontekstu dogajanja v jugoslovanski državi. S ključnimi dogodki v zvezi s plebiscitom je bila obveščena – pozornosti ni namenjala podrobnostim, temveč glavnim dinamikam politike v Republiki Sloveniji kot nasploh v Jugoslaviji. V pregledanem arhivskem gradivu se sicer pojavi kakšna faktografska napaka, kot npr. napačno zapisan datum seminarja Demosovega kluba delegatov v Poljčah, a zabeležke in ocene britanske diplomacije v zvezi z dogajanjem v Jugoslaviji ter s plebiscitom so bile dobre. Pri tem lahko dodamo, da nekih tveganih napovedi ni zaznati, kar se vidi že iz nejasnosti glede posledic plebiscita. Velja še dodati, da so zaposleni na britanski ambasadi dvakrat v jeseni 1990 tudi obiskali Republiko Slovenijo, kjer so se pogovarjali z nekaterimi člani izvršnega sveta kot tudi zaposlenimi na republiških sekretariatih, s čimer so tudi na terenu preverili utrip v zvezi s plebiscitom.

PERCEPTION OF BRITISH DIPLOMACY ON SLOVENIAN SECESSIONIST TENDENCIES IN THE LATE 1980S AND ON THE SLOVENIAN PLEBISCITE

Janez OSOJNIK

University of Maribor, Faculty of Arts, Koroška cesta 160, 2000 Maribor, Slovenia

e-mail: janez.osojnik1@um.si

SUMMARY

Drawing on an analysis of unpublished archival records held by The National Archives and the most relevant scholarly literature, this article examines the perception and stance of British diplomacy regarding the emergence of secessionist tendencies in the Republic of Slovenia between 1988 and 1990 and the plebiscite held on 23 December 1990. Although the influence of the United Kingdom in global politics had declined after the end of World War II, it remained a significant player in international affairs. It was well informed about the dynamics in Yugoslavia, particularly by the British Embassy in Belgrade. From 1989, British diplomatic records reflected growing attention to the emergence of Slovenian separatism. However, British diplomacy did not assess that the northernmost Yugoslav republic would ultimately pursue independence from Yugoslavia. Particular attention was given to the Republic of Slovenia's preference for decentralization and the transformation of the state into a confederal structure – an approach that was met with a degree of sympathy within British diplomatic circles. In the autumn of 1990, British diplomats were familiar with the general information regarding both plebiscite initiatives and the implementation of one of them, but they did not pay it close attention. Developments in the Republic of Slovenia were considered within the broader context of events in Yugoslavia. The consequences of the Slovenian plebiscite appeared unclear to British diplomats. Although British diplomats expected that the majority of eligible voters would support the independence of the Republic of Slovenia, they could not predict whether this would result in Slovenia's secession or if would be associated with the other republics on a confederal basis. The notes and assessments of British diplomacy concerning developments in Yugoslavia, as well as those related to the Slovenian plebiscite – despite occasional factual inaccuracies – were generally accurate.

Keywords: plebiscite, diplomacy, Great Britain, Slovenia, dissolution of Yugoslavia

VIRI IN BIBLIOGRAFIJA

Bajc, Gorazd (2016): Great Britain and the Italian-Yugoslav Relations in the 1970s. V: Bucarelli, Massimo, Micheletta, Luca, Monzali, Luciano & Luca Riccardi (ur.): Italy and Tito's Yugoslavia in the Age of International Détente. Bruselj, Peter Lang, 75–98.

Bajc, Gorazd, Osojnik, Janez & Darko Friš (2019): Nekateri vidiki mednarodnega priznanja Slovenije s posebnim ozirom na ameriški pogled, junij 1991–april 1992. Studia Historica Slovenica, 19, 1, 217–256.

Bajc, Gorazd & Janez Osojnik (2020): Obisk Mihaila Gorbačova v Jugoslaviji marca 1988 in jugoslovansko-sovjetska deklaracija. Prispevki za novejšo zgodovino, 60, 3, 253–276.

Conversi, Daniele (1996): Moral Relativism and Equidistance in British Attitudes to the War in the Former Yugoslavia. V: Cushman, Thomas & Stjepan G. Meštrović (ur.): This Time We Knew: Western Responses to Genocide in Bosnia. New York – London, New York University Press, 244–281.

Dukić, Slobodan (1990a): Referendum – preskusni kamen predsedstva Srbije. Delo, 32, 151, 30. 6. 1990, 2.

Dukić, Slobodan (1990b): Za tuje opazovalce Srbija noče zapravljati denarja. Delo, 32, 153, 3. 7. 1990, 2.

Dukić, Slobodan (1990c): Večina Srbov je za to, da bi najprej sprejeli novo ustavo. Delo, 32, 154, 5. 7. 1990, 2.

Ekar, Miloš (1990): Navdušenju ne konca ne kraja. Delo, 32, 150, 29. 6. 1990, 2.

Friš, Darko (ur.) (2001): Demosov zbornik. Časopis za zgodovino in narodopisje, 72, 3–4.

Gabrič, Aleš (ur.) (2012): Slovenska pot iz enopartijskega v demokratični sistem. Ljubljana, Inštitut za novejšo zgodovino.

Gabrič, Aleš (2022): Slovenska matica in osamosvajanje Slovenije. Studia Historica Slovenica, 22, 2, 405–430.

Glaurdič, Josip (2011): The Hour of Europe: Western Powers and the Breakup of Yugoslavia. New Haven – London, Yale University Press.

Göncz, László (2022): Madžarska narodna skupnost v času osamosvojitve Slovenije in ustavnih sprememb ter sprejetja nove ustave (1989–1991). Studia Historica Slovenica, 22, 3, 823–858.

Gonzáles Villa, Carlos (2017a): From 'Pessimism' to Geopolitical Instrumentalisation: Revisting the U.S. Policy Towards Dying Yugoslavia. Annales, Series Historia et Sociologia, 27, 4, 699–712.

Gonzáles Villa, Carlos (2017b): Nova država za nov svetovni red. Mednarodni vidiki osamosvojitve Slovenije. Ljubljana, Založba /*cf.

Gow, James (1996): British Perspectives. V: Danchev, Alex & Thomas Halverson (ur.): International Perspectives on the Yugoslav Conflict. Basingstoke – Oxford, Macmillan – St Anthony's College, 87–99.

Grbin, Carole A. (2004): The Role of Britain in Yugoslavia and its Successor States: 1991–1995 (doktorska disertacija). Glasgow, University of Glasgow.

Griesser-Pečar, Tamara (2022): Nadškof Alojzij Šuštar in Katoliška cerkev v Sloveniji v osemdesetih letih in v procesu osamosvajanja. Studia Historica Slovenica, 22, 2, 371–404.

Gabrič, Aleš (2022): Slovenska matica in osamosvajanje Slovenije. Studia Historica Slovenica, 22, 2, 405–430.

Hodge, Carole (2006): Britain and the Balkans: 1991 Until the Present. London – New York, Routledge – Taylor & Francis Group.

Hribernik, Miro (2018): Dolga pot na kninsko trdnjavo: izvori in potek vojne na Hrvaškem (1990–1995). Maribor, Znanstvenoraziskovalni inštitut dr. Franca Kovačiča.

Jović, Dejan (2007): The Slovenian-Croatian Confederal Proposal: A Tactical Move or an Ultimate Solution? V: Cohen, Lenard J. & Jasna Dragović-Soso (ur.): State Collapse in South-Eastern Europe: New Perspectives on Yugoslavia's Disintegration. West Lafayette, Purdue University Press, 249–280.

Jović, Dejan (2009): Yugoslavia: A State that Withered Away. West Lafayette, Purdue University Press.

Kerec, Darja (2022): Slovenska družba v vrtincu kulturnih sprememb, novih trendov in tehnologij v 80. in 90. letih. Studia Historica Slovenica, 22, 2, 583–610.

Kladnik, Tomaž (2022): Maribor in nastanek oboroženih sil samostojne in demokratične Slovenije. Studia Historica Slovenica, 22, 2, 503–546.

Lazarevič, Žarko & Marta Rendla (2022): Gospodarska ozadja jugoslovanske krize osemdesetih let 20. stoletja. Studia Historica Slovenica, 22, 2, 343–370.

Mujdrica, Kaja & Gorazd Bajc (2024): Francoski pogled na slovensko-srbske spore leta 1989. Studia Historica Slovenica, 24, 2, 509–536.

Možina, Jože (2007): Slovenski plebiscit 1990. Studia Historica Slovenica, 7, 1–2, 145–175.

Nikolić, Kosta & Vladimir Petrović (ur.) (2011): Od mira do rata: Dokumenta Predsedništva SFRJ 1991: Tom I (januar–mart 1991). Beograd, Institut za savremenu istoriju, Fond za humanitarno pravo.

Osojnik, Janez (2022): Predlog Socialistične stranke Slovenije oktobra 1990 za izvedbo plebiscita o samostojnosti Republike Slovenije in odzivi nanj v Sloveniji. Studia Historica Slovenica, 22, 2, 463–502.

Osojnik, Janez (2023): Demosova plebiscitna pobuda: analiza spominske literature in dogajanje konec oktobra in v začetku novembra 1990. Annales, Series Historia et Sociologia, 33, 3, 527–536.

Pesek, Rosvita (2007): Osamosvojitev Slovenije: ali naj Republika Slovenija postane samostojna in neodvisna država. Ljubljana, Nova revija.

Pesek, Rosvita (2012): Osamosvojitvena vlada: kako so gradili državo. Celovec, Mohorjeva družba.

Piškurić, Jelka (2021): Vzdušje poplebiscitnih dni: kratek vpogled v medijsko poročanje na prelomu med letoma 1990 in 1991. Dileme: razprave o vprašanjih sodobne slovenske zgodovine, 5, 1, 65–87.

Piškurić, Jelka (2022): Vsakdanje življenje Slovencev ob koncu osemdesetih let. Studia Historica Slovenica, 22, 2, 547–582.

Previšić, Martin (2021): Socialist Yugoslavia: A Cold War Crossroads. V: Previšić, Martin (ur.): Breaking Down Bipolarity: Yugoslavia's Foreign Relations During the Cold War. Berlin – Boston, De Gruyter Oldenbourg, 1–15.

Radan, Peter (2003): The Break-up of Yugoslavia and International Law. London – New York, Routledge.

Radeljić, Branislav (2012): Europe and the Collapse of Yugoslavia: The Role of Non--State Actors and European Diplomacy. London – New York, I. B. Tauris.

Ramet, Sabrina P. (2002): Balkan Babel: The Disintergration of Yugoslavia from the Death of Tito to the Fall of Milošević. Boulder, Westview Press.

Ramet, Sabrina P. (2003): The United States and Slovenija, 1990–1992. Acta Histriae, 11, 1, 53–72.

Ramet, Sabrina P. (2018): Slovenia's Road to Democracy. V: Ramet, Sabrina P. & Ljubiša S. Adamovich (ur.): Beyond Yugoslavia: Politics, Economics, and Culture in a Shattered Community. London – New York, Routledge – Taylor & Francis Group, 189–210.

Ramšak, Jure (2017): »From Skadarlija to Downing Street«: Velika Britanija in začetek jugoslovanske krize, 1980–1985. Annales, Series Historia et Sociologia, 4, 687–698.

Ramšak, Jure, (2024): EVROPA ZDAJ! (ali vsaj do 92'): jugoslovanska zgodovina slovenskega približevanja evropskim integracijam. Annales, Series Historia et Sociologia, 34, 3, 381–392.

Repe, Božo (2002a): Jutri je nov dan: Slovenci in razpad Jugoslavije. Ljubljana, Modrijan.

Repe, Božo (2002b): Slovenska zunanja politika in mednarodni vidik slovenske osamosvojitve. V: Vodopivec, Peter (ur.): Slovenci v Evropi (o nekaterih vidikih slovenske povezanosti s sosedi in Evropo). Ljubljana, Oddelek za zgodovino Filozofske fakultete, 211–286.

Repe, Božo (2017): Vloga Milana Kučana v slovenski zunanji politiki. Annales, Series Historia et Sociologia, 27, 4, 743–754.

Repe, Božo & Darja Kerec (2017): Slovenija, moja dežela: družbena revolucija v osemdesetih letih. Ljubljana, Cankarjeva založba.

Repe, Božo (2022): Slovensko-srbski konflikt v osemdesetih letih. Studia Historica Slovenica, 22, 2, 305–342.

Reynolds, David (2013): Britannia Overruled: British Policy and World Power in the Twentieth Century. Abingdon – New York, Routledge.

Simms, Brendan (2002): Unfinest Hour: Britain and the Destruction of Bosnia. London, Penguin Books.

Šela, Ana & Darko Friš (2017): Nova revija v primežu Službe državne varnosti. Annales, Series Historia et Sociologia, 27, 4, 823–836.

Šela, Ana (2021): Contributions to the Knowledge of the Slovenian Intellectual 'Opposition' in the 1980s under the Screening of the State Security Service. Annales, Series Historia et Sociologia, 31, 4, 601–616.

Šela, Ana (2023): Alternativna gibanja pod nadzorom Službe državne varnosti: mariborska kulturna scena v osemdesetih letih. Studia Historica Slovenica, 23, 3, 771–804.

Šela, Ana (2024): Operations "Venček" and "Prstan": Monitoring of Mixed Marriages with Eastern European Citizens in Socialist Republic of Slovenia by the State Security Service in the 1980s. Studia Historica Slovenica, 24, 1, 207–242.

TNA FCO 28 – The National Archives, Kew-London (TNA), Foreign Office and Foreign and Commonwealth Office: Northern Department and East European and Soviet Department (and succeeding departments): Registered Files (N, EN and ES Series) (FCO 28).

TNA FCO 98 – TNA, Foreign and Commonwealth Office: European Integration Department (External): Registered Papers and Digital Files (E(MX) Series) (FCO 98).

TNA PREM 19 – TNA, Records of the Prime Minister's Office: Correspondence and Papers, 1979-1997 (PREM 19).

Udovič, Boštjan (2017): 'We Told the Truth about Yugoslavia ...': Slovenian (Para) diplomats in 1990–1992. Annales, Series Historia et Sociologia, 27, 4, 713–730.

Udovič, Boštjan (2022): 'Danke Deutschland!': The Political and Diplomatic Contribution of the Federal Republic of Germany to the Creation of Independent Slovenia. Acta Histriae, 30, 2, 535–564.

Uradni list Socialistične Republike Slovenije. Ljubljana, Časopisni zavod Uradni list SRS, 1963–1990.

Valič Zver, Andreja (2013): Demos: slovenska osamosvojitev in demokratizacija. Maribor, Ljubljana, Znanstvenoraziskovalni inštitut dr. Franca Kovačiča, Študijski center za narodno spravo.

Wei, Rong, Burnham, Peter, & Peter Kerr (2024): Reassessing Thatcher's Foreign Policy: The Sino-British Declaration 1984. The British Journal of Politics and International Relations, 26, 3, 848–863.

Zupančič, Rok (2016): Preprečevanje, prepričevanje, obžalovanje: ZDA, razpad SFRJ in diplomatsko (ne)priznanje neodvisnosti in samostojnosti Republike Slovenije (1990–1992). Teorija in praksa, 53, 2, 312–344.

POROČILA

RELAZIONI

REPORTS

Conference Report on International Symposium: *Justifying Interpersonal Violence in Early Modern Europe* (Online, 23 April 2025)

On 23 April 2025, the Institute IRRIS for Research, Development and Strategies of Society, Culture and the Environment (Slovenia) in collaboration with the University of York (UK) organised the international symposium *Justifying Interpersonal Violence in Early Modern Europe*. The event took place online and formed part of the bilateral research project *Justifying Interpersonal Violence in Early Modern Europe* (BI-VB/23-25-001), co-funded by the Slovenian Research and Innovation Agency (ARIS), as well as the research programme *Practices of Conflict Resolution Between Customary and Statutory Law in the Area of Today's Slovenia and Its Neighbouring Lands* (P6-0435).

The aims and context of the symposium were focused on European early modernity that is often characterised as a period in which feuding practices disappeared and levels of interpersonal violence gradually declined, ushering in the values of civility and discipline. Yet, as recent scholarship demonstrates, this narrative masks a far more complex reality. Far from disappearing, violent practices remained widespread between 1500 and 1800, often retaining a degree of social legitimacy despite formal prohibitions. Pardons, letters of safe conduct, and local judicial leniency attest to a continuing acceptance of violence as a legitimate means of conflict resolution.

The symposium was conceived precisely to investigate these contradictions: how was interpersonal violence narrated, justified, or condemned across Europe, and how were such discourses shaped by law, gender, social status, and political transformations? The event sought to bring together scholars working on different regions of Western, Central, and Mediterranean Europe, in order to build comparative perspectives and open new avenues for future research.

Welcoming addresses by Žiga Oman (Institute IRRIS) and Darko Darovec (Institute IRRIS) highlighted the need to revisit long-standing assumptions about the "civilising process" in Europe. They stressed that the interdisciplinary and international collaboration underpinning the bilateral project allows for a more nuanced understanding of how violence functioned in practice and how it was framed in legal and cultural discourse.

The first panel titled *European Comparisons* underscored the value of comparative analysis in questioning entrenched historiographical models. It was opened with a joint presentation by Žiga Oman (IRRIS) and Stuart Carroll (University of York) titled *Narrating Elite Violence in the Early Modern Habsburg Erblande: Inner Austrian*. The core of the presentation was focused on how the Duchies in the Imperial Context examined elite violence in the Habsburg Hereditary Lands. Contrary to the prevailing view that noble feuding had disappeared after the Imperial ban of 1495, they showed that feuding practices persisted well into the seventeenth century. The crucial shift lay not in the abandonment of violence but in the semantic and judicial strategies used to frame it. Their findings suggest that the supposed "pacification" of elites was in fact the product of changes in legal rhetoric and court practices, rather than a substantive decline in violent behaviour.

The second paper in the panel was also a joint paper, further connecting the bilateral cooperation between the United Kingdom and Slovenia. Sian Hibbert (University of York) and Veronika Kos (Institute IRRIS) offered a comparative study of women's involvement in violent conflicts in Languedoc and Ljubljana between 1680 and 1720, which is clearly reflected in the title of their paper *Women and Interpersonal Violence in Early Modern Europe: A Comparative*

Study of Languedoc and Ljubljana (1680–1720). Drawing on criminal records from the parliament of Toulouse and town council archives in Ljubljana, they challenged the conventional perception of women as marginal or passive actors in disputes. Instead, their case studies revealed women as active participants—both verbally and physically—in conflicts, suggesting that gendered agency in violence must be reassessed within patriarchal structures that simultaneously constrained and enabled their participation. Together, these two papers highlighted how comparative research can unsettle dominant narratives of decline and passivity, replacing them with more dynamic accounts of adaptation and negotiation.

The second panel, titled *The Italian Perspective* shifted focus to the Italian states, offering three papers that examined the interplay between institutional innovation, cultural practices, and gendered notions of honour. Opening paper *Justifying the New Protagonists of Civic Peace: Signori alla Pace and Pacifici in 16th-Century Italy* by Andrew Vidali (Trinity College Dublin) explored the emergence of civic peacekeeping bodies (*signori alla pace* and *pacifici*) in the Venetian mainland and Papal States during the mid-sixteenth century. He argued that their establishment reflected broader European concerns about order in the wake of the Reformation. The Italian ruling classes presented these institutions as necessary guarantors of public peace, and Vidali convincingly situated them within the wider European "crisis of peacemaking."

The second paper, titled The *Nexus of Gender, Honor, and Interpersonal Violence in the Venetian Republic 1550–1700* by Amanda Madden (George Mason University), investigated the nexus of gender, honour, and interpersonal violence in the Venetian Republic between 1550 and 1700. Through case studies such as the 1578 murder of Madonna Anzola Nogara, she illustrated how honour was mobilised as both a personal and collective rationale for violence. Honour could legitimise acts of aggression tied to adultery, insults, or political affronts, while also shaping the responses of state authorities. Madden's paper underscored the complex intersections of gender, social status, and legal discourse in constructing the legitimacy of violent acts.

The last paper of the panel and the closing paper of the symposium, *Justifying Violence Through Dance in the Renaissance Republic of Venice* by Umberto Cecchinato (University of Trento) provided an innovative cultural perspective by examining the role of Renaissance dance. Often seen as a practice fostering civility and self-control, dance could paradoxically serve as a framework through which violence was initiated and justified. By analysing court records from the Veneto, Cecchinato demonstrated how the rules of dance allowed adversaries to transform latent enmities into socially intelligible violent encounters, thereby complicating the notion of dance as a purely "civilising" force. This panel collectively highlighted Italy as a laboratory for studying both institutional responses to violence and the cultural forms through which violent acts were justified or concealed.

In his closing remarks, Stuart Carroll (University of York) emphasised the symposium's success in revealing both commonalities and divergences across European contexts. What emerged clearly was that the legitimacy of violence did not simply vanish with legal reforms or the rise of absolutist states. Rather, it remained embedded in cultural, gendered, and symbolic frameworks that continued to shape early modern societies. He also stressed that the Reformation, often invoked as a causal factor, may not in fact provide a sufficient explanation for the surge of violence in the seventeenth century. The outbreak of the French Wars of Religion in 1562 demonstrates that factional crime and factional violence played a decisive role, complicating any simple correlation between religious reform and rising levels of conflict. Furthermore, the discussion highlighted the uneven availability of evidence across Europe: while in France and Inner Austria the scarcity of sources constrains our ability to reconstruct female participation in violence, in Italy (particularly in Venice) there is an abundance of legal and normative material on the regulation of violence, which opens different interpretive possibilities. The symposium thus underscored the necessity of moving beyond linear narratives of decline in violence. By focusing on justification, whether in courts, in honour disputes, or even in dance, the event highlighted how violence was negotiated within changing political, legal, and cultural landscapes. The symposium fostered a productive exchange between scholars from Slovenia, the UK, Ireland, the US, and Italy, paving the way for further comparative research. The bilateral projects will continue to investigate the ways in which interpersonal violence was framed and legitimised, with the aim of situating the Slovenian and Central European experience within broader European developments. The event confirmed the value of cross-regional dialogue and interdisciplinary approaches in reassessing the role of violence in early modern Europe. Far from being merely the residue of a pre-modern past, interpersonal violence was a dynamic practice, constantly redefined by law, custom, and cultural creativity.

Angelika Ergaver

Conference Report on *12th Istrian History Biennale: International Scientific Conference:* Violentia, conflictus, aggressio...*: Violence in the History of the Adriatic*, 22–24 May 2025, Poreč/Parenzo

From 22 to 24 May 2025, the Twelfth Istrian Historical Biennale (Croatian: *12. Istarski povijesni biennale*) was held in Poreč/Parenzo in Croatia, at the Istrian Assembly Hall. The international scientific conference was organised and hosted by the Regional Museum of Poreč, the State Archives in Pazin, as well as the Department of History and the Research Centre for the History of the North Adriatic Population at the Juraj Dobrila University of Pula.

This time, the biennale was entitled *Violentia, conflictus, aggressio...: Violence in the History of the Adriatic* (Croatian: *Violentia, conflictus, aggressio...: o nasilju u povijesti na jadranskom prostoru*) and brought together scholars to examine the complex phenomenon of violence in the Adriatic region from the Middle Ages to the modern era. Particular emphasis was placed on analysing the manifestations and consequences of violence, as well as its historical contexts and broader significance for the region's social and cultural development.

The conference comprised five sessions and included presentations by twenty researchers from Croatia, Slovenia and Spain. The official languages of the event were Croatian, Italian, Slovenian and English.

Following opening addresses, the conference was commenced with the presentation of the conference volume from the Eleventh Istrian History Biennale, entitled *Villae, rustici, agricolae...: The Village and the Peasantry in the History of the Adriatic* (Croatian: *Villae, rustici, agricolae...: o selu i seljaštvu u povijesti na jadranskom prostoru*). The volume was presented by Marija Mogorović Crljenko (Juraj Dobrila University of Pula, Croatia), Urška Bratož (Science and Research Centre Koper, Slovenia) and Gaetano Benčić (Regional Museum of Poreč, Croatia).

The first session, chaired by Elena Uljančić (Regional Museum of Poreč), Neven Budak (University of Zagreb, Croatia) and Marija Mogorović Crljenko, featured the paper *Forms and Psychology of Violence in the Early Modern Period (Zadar – Nin – Pag)*, delivered by Zdenko Dundović and Zvjezdan Penezić (University of Zadar, Croatia). Drawing on archival sources from the sixteenth to eighteenth centuries preserved at the archives in Zadar, Venice and Rome, the authors examined varied expressions of violence in the wider Nin and Pag areas. They explored both individual and group violence, analysing motives and social context. Through an interdisciplinary approach combining historical and psychological methods, their paper illustrated the underlying causes and broader implications of early modern violence while highlighting some universal patterns in social behaviour.

The next paper, *Kidnappings, Murders and Vengeances. Albanian Crime in the Poreč Area (The Seventeenth Century)* was presented by Bruno Pomara (University of Valencia, Spain). Focusing on the multi-ethnic environment of early modern Istria, the paper analysed the settlement of Albanians in the rural Poreč area as part of Venetian colonisation. Predicated on criminal trial records from the Venetian Captain of Rašpor, Pomara employed a criminological lens to investigate tensions and conflicts between the indigenous Morlach population and Albanian newcomers, offering insight into the broader socio-ethnic dynamics of the region.

The final lecture of the first day, *Children Between the Family Haven and Criminal Responsibility in Selected Towns of Northern Istria in the Middle Ages*, was presented by Darja Mihelič (Research Centre of the Slovenian Academy of Sciences and Arts, Milko Kos Historical Institute, Slovenia). Addressing the historical role and legal status of children, the paper drew parallels with the contemporary issue of violence among children. Based on town statutes and legal records from mediaeval northern Istria, Mihelič examined family structure, inheritance and the threshold of criminal responsibility, showing how children appeared in judicial sources both as victims and as perpetrators.

The second day of the conference began with a session chaired by Neven Budak, Ivan Jurković (Juraj Dobrila University of Pula) and Urška Bratož. The first paper, *Violent Negotiations: Game Theory and Strategic Violence in Medieval Alpine-Adriatic Politics (Patriarchate of Aquileia, Twelfth to Fifteenth Centuries)*, was given by Josip Banić (Science and Research Centre Koper). Banić explored the strategic use of violence by the Counts of Gorizia, particularly Albert I, as a negotiation tool and reputation-building mechanism, challenging the common view of mediaeval violence as irrational. Drawing on archival sources, he argued for a reconceptualisation of violence as political strategy.

Next followed the paper *Performative Role of Violence in the Medieval Context*, by Robert Kurelić (Juraj Dobrila University of Pula). Kurelić posited that violence functioned as a ritualised and symbolic act embedded in societal norms, rather than spontaneous aggression. While personal violence could stem from emotional impulses, collective violence was governed by custom and often had political or juridical significance.

Žiga Oman (Institute IRRIS for Research, Development and Strategies of Society, Culture and Environment, Slovenia) concluded the session with his paper, *Elite Violence in the Early Modern Habsburg Adriatic and its Hinterlands*. Analysing intra-noble violence in cases from the Inner Austrian territories of Istria, Gorizia, Carniola and Styria, Oman argued that the elite continued to use violence in its disputes long after the prohibition of feuding, serving as a means to negotiate honour, power and social status. His paper situated these findings within a broader early modern European context.

The second session of the day, chaired by Robert Kurelić, Danijela Doblanović Šuran (Juraj Dobrila University of Pula) and Zdenko Dundović, began with a paper, entitled *With a Stick or a Stone – Violence and Violent Behaviour in the Kvarner*, by Kosana Jovanović (University of Rijeka, Croatia). Analysing mediaeval statutes from the Kvarner region, her paper examined how legal codes addressed violence, with particular attention to social status, gender and the severity of offences, as well as sanctioned forms of punitive violence.

The following presentation, *Amaza, amaza Resounded Through the Doge's Palace on 10 March 1514*, by Ivan Jurković, discussed the 1513 betrayal and capture of Marano by Count Krsto Frankopan. Through the case of a treacherous priest, Bartol, who betrayed Venetian defences under the pretext of an early morning hunt and was because of this tried before the Council of Ten, Jurković illustrated the complex entanglement of treason, warfare and Venetian justice during the War of the League of Cambrai.

In her paper *Violent Women and Violence Against Women – Early Modern Istrian Examples*, Marija Mogorović Crljenko analysed various forms of violence both committed by and inflicted upon women in early modern Istria. Drawing on ecclesiastical and secular sources, particularly marital disputes from the Diocesan Archives of Poreč, she challenged the simplistic victim-perpetrator dichotomy and showed that women were not merely passive victims but also active agents of violence, with their responses shaped primarily by power dynamics rather than gender alone.

Zrinka Blažević (University of Zagreb) concluded the session with *Vidi ego marmorea proiectum a mole cadaver: Desecration as a Cultural Sensation in Renaissance Rome*. Focusing on the accidental discovery of an ancient Roman marble sarcophagus with the completely preserved embalmed body of a young woman in 1485 along the Appian Way, the paper analysed the event through a praxeological lens, interpreting the desecration of the sarcophagus as an act of symbolic violence. Drawing on a Latin epigram by Ilija Crijević, an eyewitness and member of the Second Roman Academy, Blažević explored how humanist culture attributed complex iconic meanings to the body, highlighting broader tensions between antiquarian curiosity and moral anxiety in Renaissance Rome.

The afternoon session, following a guided tour of Poreč and the Euphrasian Basilica, was chaired by Zrinka Blažević, Dragica Čeč (Science and Research Centre Koper) and Neven Budak. Maja Ćutić Gorup (University of Rijeka) presented *Sanctions in the Counter-Reformation Records of the Habsburg Authorities*, analysing legal responses to Reformation sympathisers in the County of Pazin. Drawing on episcopal reports, she demonstrated how religious affiliation became entangled with issues of loyalty, influencing the enforcement of punitive measures.

The paper by Angelika Ergaver (Institute IRRIS for Research, Development and Strategies of Society, Culture and Environment), titled *Regulating Violence in the Adriatic between the Fifteenth and Eighteenth Centuries,* presented an analysis of customary legal mechanisms that regulated and prevented violence in early modern Adriatic societies. It challenged the dismissive attitudes of nineteenth-century legal historians towards feuding practices, demonstrating how these traditions were integral to social structures that effectively restrained violence. Ergaver compared these customary practices with criminal statutory law on corporal offences and prescribed penalties. Her paper endorsed the viewpoint of legal anthropologists and historians who advocate for a complementary relationship between written laws and oral legal traditions, emphasising instances of coexistence rather than opposition.

Ante Bećir (Croatian Institute of History, Croatia) presented *Ad concordiam inter partes. Factional Violence and Reconciliation Processes in Dalmatian Communes (The Fourteenth and Fifteenth Centuries)*. His paper explored instances of violent factional conflict within the mediaeval Dalmatian urban context and the role of external authorities, namely the central Venetian and royal Hungarian authorities, in facilitating reconciliation. Based on selected documents, Bećir examined efforts to reintegrate exiled factions in the communes of Trogir, Šibenik and Split during the fourteenth and fifteenth centuries. These cases were situated within the broader discourse on reconciliation and conflict resolution in late mediaeval Europe, with particular attention to the limitations and prospects of achieving enduring peace among factions with a history of mutual violence.

The presentation that followed was given by Tomislav Popić (University of Rijeka). In his paper, *Medieval Records of Criminal Courts of Split and Zadar in the Study of the Historical Phenomenon of Violence*, Popić explored the significance of rare surviving criminal court records from mediaeval Croatia, Dalmatia and Slavonia. Although most records have been lost, the well-studied minutes of Dubrovnik's Criminal Court have survived, alongside lesser-known fragments from the Criminal Courts of Split (1345) and Zadar (1411–1413). Despite their limited scope and quantity, these documents provide valuable comparative material for the study of mediaeval violence. Popić's paper highlighted the importance of these 'remains of the remains' in illuminating legal practices and violence during the period.

Florence Fabijanec (Croatian Academy of Sciences and Arts, Institute for Historical and Social Sciences, Croatia) concluded the session with *Korčula's Daily Dose of Fists and Hair Pulling in the Second Half of the Fifteenth Century*. She examined the collection of legal proceedings from the fund of the Korčulan Princes, revealing vivid accounts of everyday violence and social conflict. The cases portray dramatic reversals of guilt through witness depositions and unfold across a range of settings and times. Alongside richly detailed narratives, the material illustrates the legal procedures of the Korčula court and highlights notable linguistic shifts from Latin to Italian dialect. Fabijanec proposed a comparative analysis with other Adriatic communes to better understand Korčula's socio-cultural specificity.

The final day began with a session moderated by Darja Mihelič, Marija Mogorović Crljenko and Elena Uljančić. Zrinka Novak (Institute for Historical and Social Sciences of the Croatian Academy of Sciences and Arts, Croatia) opened the session with her paper, titled *Contra l'honor de Idio et contra tutte le leggi diuine et humane: About Verbal and Physical Violence in the Commune of Rab in the Mid-Sixteenth Century*. She examined criminal cases from the office of the Rab Prince Antun de Canale (1557–1559), revealing frequent verbal and physical violence within this diverse early modern community. Through court records analysis, the paper explored the social, legal and moral dimensions of offences, showing how statutes sought to restrain violence. Punishments were enforced not only to sanction perpetrators but also to deter further breaches of public order.

Matija Drandić (Historical Research Centre in Rovinj, Croatia) followed with *Infanticide in Istria Between 1500 and 1800: A Research Proposal Through Archival and Cultural Sources*. Given the lack of direct sources, Drandić analysed parish registers, pastoral visits, judiciary acts and city statutes. Furthermore, his paper explored the representation of infanticide in oral tradition and literature. Rather than offering conclusive findings, it proposed a nuanced approach to studying this complex and sensitive subject, reflecting on the challenges of reconstructing infanticide within the constraints of limited historical evidence.

Dragica Čeč addressed similar themes in *Attitudes Towards Violence Against Illegitimate Pregnant Women and Mothers During the Age of Enlightenment: Discourse and Practice*. She explored the mercantilist-populationist policies aimed at protecting illegitimate mothers and children, who were subject to social violence and neglect. Čeč examined legal, political and medical discourses of the Enlightenment era that advocated maternity and foundling homes as protective institutions. Drawing on archival materials from the Trieste foundling home, she analysed whether these measures genuinely safeguarded vulnerable women and children or perpetuated hidden violence.

The concluding paper, *Reporting Violence and Newspaper Discourse at the Turn of the Twentieth Century*, was presented by Urška Bratož. Analysing press reports from Trieste and Istria at the turn of the twentieth century, she examined the newspaper coverage of violence, highlighting the dual role of the press in reporting and shaping public opinion. She noted that violent crime reports were often sensationalised, relying on detailed descriptions and fictionalised dialogue to engage readers. The paper also addressed long-standing concerns about such reporting, considering how vivid portrayals of violence might incite aggression, encourage imitation, or violate victims' privacy.

The conference concluded with a trip to Kaštelir and Labinci, two villages near Poreč.

Veronika Kos

Conference report on the 23rd International Oral History Association Conference *Re-Thinking Oral History,* 16–19 September 2025, Krakow

The 23rd International Oral History Association Conference, the latest edition of the most important periodical meeting of oral historians in the world, took place in Krakow in Poland between 16 and 19 September 2025. This year's title, *Re-thinking Oral History*, outlined the clear aim of taking stock of the evolution of oral history, especially in the post-COVID-19 period and in the context of the emergence of new technologies, and Artificial Intelligence. It mainly focused on the challenges posed by humanitarian crises, wars, and climate change, considering the role of this discipline in society. The organizers' aim was to reconsider the idea and practice of oral history, through awareness of the role that conducting interviews has on a person and on the wider community, while also considering the formation of memory for future generations. It also called upon oral historians to reflect on their role towards society in a period of democratic regression and on their possible contribution in enhancing dialogue and deliberation. Indeed, oral history is a fundamental approach which can help train us in respectful confrontation and how to accept different positions and memories, in a world that is becoming more divided and intolerant.

As a member of the Centre for Oral History of the IRRIS Institute and part of Working Group 2 Culture, Cognition and Narratives of Legitimization of COST Action CHANGE-CODE – *Research Network for Interdisciplinary Studies of Transhistorical Deliberative Democracy*,[1] I embraced the occasion as a chance to participate in a global event, together with almost 400 researchers from 55 countries, exploring the deliberative power of oral history in contemporary society. The conference counted a total of 63 sessions, covering a wide range of topics and problems.

CONTINUITIES AND DISCONTINUITIES

Oral history developed after the Second World War in the US and later spread in Western Europe, where it emerged as a specific approach in the 1970s, carrying certain political connotations, especially the idea of hearing the voices of previously excluded people (Contini & Martini, 1993, 99–100). Since the 1980s, oral history has spread throughout Eastern Europe, especially after the fall of the socialist regimes at the start of the 1990s, allowing contrasting narratives to emerge. In the past thirty years, Latin America has become the perfect soil for the development of the *historia reciente* that aims to analyse the elaboration of traumatic memories in the transition from dictatorships to democracy (Casellato, 2021, 12–15).

At this year's conference, the wide-ranging geographical provenance of the speakers reflected the rooting of oral history in various continents, with the anglophone world

1 This report is a result of the Young Researchers and Innovators (YRI) Conference grant within the COST Action CA22149 *Research Network for Interdisciplinary Studies of Transhistorical Deliberative Democracy* (CHANGECODE) supported by COST (European Cooperation in Science and Technology).

the most widely present, especially the US with its oral history stronghold, Columbia University, where the first centre for oral history was founded in 1948 by Allan Nevins. Other groups came from the UK and South American countries, places where oral history particularly flourishes, but a consistent number of researchers from Eastern Europe also registered (perhaps in part because of the conference location), together with smaller groups from Western Europe, Central Africa, the Far East, and Oceania.

The conference demonstrated the ability to innovate in oral history, which is experiencing an expansion in investigated periods and areas, but also in terms of its connection to its roots. An interesting mixture of traditional themes, regarding the memory of the Second World War and the Holocaust, on which oral history was initially consolidated, met with stimuli of the present, like the Israeli-Palestinian and Russian-Ukrainian conflicts, climate change, post-memory, and ethics, as well as technical issues connected to transcription, archiving, and the re-use of oral sources.

The conference also showed continuity with the original aim of European oral history, the valorisation of marginalized voices. In her keynote lecture, Mary Marshall Clark, director of the Columbia University Centre for Oral History Research (US), traced the development of the main oral history reflections from the teachings of Luisa Passerini, Alessandro Portelli, and Michael Frisch, who are considered the pioneers of this discipline, and who – she noted – still talk about the same things they discussed at the beginning of their studies in the 1970s and 1980s. Therefore, as she observed, 'nothing has changed, yet everything has changed'. Marshall Clark reiterated the importance of remembering the lessons of these great anticipators, that are still innovative even after all these years: the value of listening, the dialogue, the importance of the environment in which the interview took place, which must be conveyed in the final product, and the imagination needed to give sense to what we hear. These fundamental teachings that young researchers could engage with in the opening workshops held by Alessandro Portelli, former professor at the University La Sapienza in Rome and founder of the Circolo Gianni Bosio (Italy), Michael Frisch, former professor at the University of Buffalo and founder of The Randforce Associates (USA), and Anna Wylegała (Institute of Philosophy and Sociology, Polish Academy of Sciences, Poland), are now being combined with new questions arising from our contemporary world

Another main feature that has accompanied oral history since the beginning and was confirmed here, is its interdisciplinary nature, which has nourished this practice with the contributions of anthropologists, linguists, and sociologists. This cooperation is one of the added values offered by oral history, a field in which the majority of people define themselves as outsiders, because they come from different expertise, oral history is not their main focus, or they use it without being aware of it. This is both a weakness and a strength of the discipline, which is still not fully recognized or legitimized even in countries where it has been developed for half a century, like Italy (Casellato, 2025); despite this, it is still able to welcome heterogenic contributions and be enriched by them. Indeed, this conference hosted anthropologists, sociologists, psychoanalysts, engineers, artists, and experts in memory studies and trauma studies.

The solidity of the older generation of historians that consolidated and spread this practice was once again evident, but it was intertwined with a florid young generation, quite extensively represented, that gave new stimuli to the discussions, proposing new topics and intriguing approaches.

OVERVIEW OF THE MAIN TOPICS

Migration and war, from past to present, were confirmed as the pillars of oral history practices. The last conference in 2023 demonstrated that oral history is still able to maintain its militant vocation in the various countries across the world facing wars, and political, climate and migratory crises, as demonstrated by the plenary discussion: *Oral Historians Facing Crises: Attitudes, Fears, and Hopes*. It addressed the social and political meaning of oral history in the contemporary world and illustrated its deliberative role in empowering people by letting them narrate their own stories and depicting the positive and negative effects that this process can have on them. The presence of Maria Bashshur Abunnasr, an independent Lebanese researcher who works with the Palestinian Oral History Archive in the American University of Beirut (Lebanon), and Natalia Otrishchenko, member of the Center for Urban History of East Central Europe (Ukraine), who conducts oral history in the context of the war in Ukraine, stimulated the discussion on the possibilities and problems of oral history-making in a war context. As Abunnasr affirmed: 'Narrating matters. It might not change the world, but it saves memory'. On the other hand, oral history can do harm, as Otrishchenko clarified, and it is challenging to conduct it in a context lacking trustworthy institutions. Her testimony from the Ukraine conflict appeared as a cry of alarm regarding the small contribution that historians can offer in a context of destruction, drawing attention to human beings in a dehumanized world, and emphasizing the responsibility to preserve the voices of people who might not be here tomorrow. The focus on two of the main conflicts of our time was evident because a session was reserved to reflect on the role of oral history after 7 October 2023, but it lacked a Palestinian point of view. On the other hand, the Ukrainian research on the current conflict was widely presented by a great number of researchers, also because of the vicinity of the conflict – 250 kilometres from Krakow – but the absence of a Russian counterpart and, in general, the exiguity of Russian presence, must be noted.

Another interesting consideration related to migration questions and the Western politics of contrast, that has been widely analysed by American researchers. For example, Fanny Julissa García (Oral History Association, USA), described her project *Separated: Stories of Injustice and Solidarity* focused on the Zero-Tolerance policy, adopted in 2017 by the previous Trump administration, under which 5,000 families were separated. Her research problematized the issues of conducting research in a context of state-inflicted violence, highlighting the menaces that American researchers experience, and that analysing certain political topics has become dangerous. She captured the phenomenon of anticipatory silence, a preventive silence that people adopt in order to avoid revealing information that might be incriminating for them in the future, and the precautions that researchers assume to protect their witnesses.

Topics like this draw attention to the increasing emphasis on data protection that oral historians all around the world have adopted to protect their witnesses and themselves, and how the spaces for free research are shrinking.

Moreover, the conference facilitated discussions on the environment and climate change, on which the keynote lecture by Rib Davis (Oral History Society, UK) *Oral History and Climate Change: Testaments of Weirding,* focused. By presenting his project of mapping of 90 projects on climate change from all over the world, he highlighted the role of oral historians in collecting people's life stories in the context of climate change, which speak more vividly than scientific data, with the aim of avoiding the normalization of the weird, i.e., the phenomenon by which people adapt to change until it becomes the new normality.

Following the rise of trauma studies, the notion of trauma was extensively discussed as an interpretative category. It was used, for example, by Ngozika Anthonia Obi-Ani (University of Nigeria), a researcher who has collected the voices of Nigerian women who experienced sexual violence during the civil war, were later blamed and excluded from society, and are now starting to tell their stories that nobody previously wanted to hear. The use of this category was highly debated by some researchers, like Emina Zoletić (University of Warsaw, Poland), who argue that it is used too loosely to describe situations that entail a certain level of suffering, and that the presence of trauma should be assessed through psychological analysis, particularly if we refer to collective trauma.

Attention was also dedicated to the effects that an interview can have on the two interlocutors. The debate on the consequences that interviews can pose to the informants and their families in re-living tragic experiences is still open. Interviews require maximum sensitivity by researchers, who should present to their interviewees information on opportunities for psychological therapies to deal with re-opened wounds. On the other hand, some researchers focused on the therapeutic role of oral history in coming to terms with the past and lightening the burden of pain which has often been hidden for years. We should also not forget that researchers can be traumatized by the dialogues in which they engage; in the opinion of Oni-Ani, this can be reduced thanks to Automatic Speech Recognition systems (ASR), that allow them to avoid repetitive listening to tapes.

Oral history has emerged not only as academic practice, but also as a way to empower communities and preserve their memories. Various sessions focused on this topic, and some interesting examples were provided by the project of the Group Varosha Famagosta to save the urban memory of Cyprus, and by the Mott Haven History Keepers program, directed by the County Bronx Historical Society and sponsored by Columbia University (US), to sustain the community of South Bronx in New York City to preserve its memory and valorise individual stories. Moreover, the plenary discussion *Oral History and Community Archives – Intersections and Impacts* described these kinds of entities, run by volunteers, that document the existence of a village, a community, or a social movement, and in various countries navigate between the need for funding, the fundamental independence they maintain from the state, and the need to follow national regulations.

The connection between communities and oral history was presented in two sessions dedicated to education and public history, highlighting the possibilities for pupils and members of the public to engage in it as creators, protagonists, and users. The power of dissemination is crucial in our field of study, in involving communities in the preservation of their heritage, in testifying their present and boosting their acceptance of the other, and in increasing deliberative practices. Oral history connects people, reflecting on their memories and on their intergenerational transmission, thereby saving stories as a way of preserving culture. The Truth and Reconciliation Commission is doing this in Canada by collecting stories narrated by Indigenous elders in the Gwich'in language as a way to transmit endangered memory and language to children, as Leslie McCartney from the University of Alaska Fairbanks (USA) exposed.

FRONTIERS OF RESEARCH

A range of topics connected with new sensitivities, technologies, and methodological approaches, represents the future of this discipline.

The role of AI in the practice of oral history has increased sharply in recent years and has completely revolutionized the practice. ASR systems can help oral historians in the transcription of oral sources, simplifying the often tiring listening and punctual writing of words. However, Michael Frisch thinks that these systems are too accurate; they capture every sound and interruption, but do not always distinguish different voices. Moreover, transcription is much more than a mere list of words; it has to express suprasegmental signs that 'carry implicit meaning and social connotations' and the involvement of the narrator (Portelli, 1998, 65), and therefore the ASR transcription only represents an initial draft, which then has to be enriched and be transformed into something accessible and readable. That is why Frisch dedicated a workshop to ASR systems that help to reorganize the transcription according to the needs of the researcher and the public.

These systems open up many new possibilities, but they also bring along many uncertainties and threats to personal data, which may be collected and used for different, potentially unethical, purposes. ASR systems were one of the central themes of the conference, and were raised by various researchers who highlighted their qualities in easing the work or criticized the ethical and environmental threats associated with the massive quantity of electricity they require. A couple of sessions discussed the pros and cons of various ASR platforms, their accuracy according to the language analysed, and their possible uses. In addition, one innovative approach is the so-called Multimodal Digital Oral History (Smyth, Nyhan & Flinn, 2023) that connects the products of oral interviews, like sound, transcript, and metadata, to detect non-verbal and paralinguistic elements, like laughter, but also aims to understand how they can become language cues since they have different meanings across cultures.

The field of ethics was the most widely explored, with six sessions dedicated to it, expressing contemporary oral historians' concerns regarding the ethical implications of our work for interlocutors and researchers, because of strict legal regulations and individual concerns. A topic that emerged for its innovative approach was connected to oral history and health, considering the challenges of collecting the testimonies of individuals with mental and physical disabilities, to make oral history an empowering discipline for all. Other interesting reflections related to the challenge of interviewing people with dementia, a practice that empowers and gives them autonomy and social interaction, but also gives rise to many ethical problems connected with their awareness and ability to consent to being interviewed.

Another approach that is not new, but is in constant development, is post-memory (Hirsch, 2012). Post-memory considers the relationship that descendants have with the traumas that they did not live through personally, but whose memory was so powerfully transmitted by their parents or grandparents as to create a memory of their own. Various sessions considered the processes of intergenerational transmission, the selection of memories, and their re-elaboration by descendants, but the term is still improperly used, or the approach is not sharply defined. The transmission of memory and its stratification was innovatively investigated by some young researchers: Anabelle Selvaggio (Deakin University, Australia), who studies the Sicilian diaspora in Australia, literally compared the narrations of the same memories by different generations in her family, while Emina Zoletić considered the intergenerational transmission of memory of the Bosnian War in the context of catching the semi-structured memory of children, noting how their narration was stimulated by the events in Gaza that they can relate to their experience. Also, Keira Gomez (University of Brighton, UK) explored the memories of young people in Londonderry (Derry) in the Northern Ireland conflict, analysing how these interviews acted as a catalyst for change in their relationships with their parents. This approach shifts our perspective on oral history, whereby rather than looking for direct witnesses and merely collecting information about events, researchers analyse the formation, transmission and evolution of memory. This approach seems to be expanding since the last witnesses of the great events of the twentieth century are disappearing.

This last challenge formed the basis of the panel discussion *Oral Archives: Which Voices Should be Preserved for Future Generations?*, that focused on ways of preserving and using the voices of people who are now deceased. Archives are containers of memory that express the resilience of words in time, and therefore require careful planning, valorisation, and updating. Bettina Favero, coordinator of the Archive of Word and Image in Mar del Plata (Argentina), which collects memories of Italian and Spanish immigrants in Argentina, reflected on her institution's methods of archiving these sources, their representativeness, the social value that motivates their preservation, and their possible meaning for research and future memory. Other panellists focused on the re-discovery and re-use of old archival oral sources and the new questions we can ask them. Urška Lampe from Institute IRRIS for Research, Development and Strategies of Society, Culture and Environment (Slovenia) explored the Archive of the Slovenian Security and Intelligence Service, one of the main institutions of the Communist regime that took control of Slovenia after the Second World War, questioning the value of these voices and exploring the reasons why they were preserved, while Armelle Girinon (Université Grenoble Alpes, France) and Ninon Chevrier (École normale supérieure de Lyon, France) presented their experiment of re-listening Nuto Revelli's interviews with women and how they can be reinterpreted by researchers in contemporary women studies.

The ongoing project of the re-use of oral sources of Resistance promoted by the Italian Association of Oral History (AISO) and the network of Institutes for the

History of Resistance ‘Ferruccio Parri’, that I presented in this session, is a pioneering experiment in dealing with the valorisation of Italian partisans’ voices collected since the 1970s, that have frequently been forgotten in archives, on formats that are now obsolete. These sources give a voice to marginalized people, who gained the right to speak by putting their lives at stake in their fight for democracy. These interviews also represent a window on the war and on the period in which they were taped; therefore, they can become a means by which to investigate memory, everyday life, women, work, environment, and other topics previously left out of the analyses. Moreover, this idea of re-use exemplifies how historical narratives influence perceptions of the past and can shape contemporary deliberations. Therefore, AISO and the Parri Network have promoted the re-discovery of these sources, and their re-use and mapping, debating the infrastructural, psychological, juridical, ethical, and epistemological questions connected to their study (Casellato, 2025, 204–205).

On the one hand, some academic projects have rediscovered these sources and tested the possibility of asking new questions that are urgent in our contemporary social and political context, and launching research on the seasons of memory and seasons of the oral history of Resistance, that appear to be the frontiers in this field. On the other hand, their re-use is oriented towards public history and education, by making the interviews accessible to a wider public in innovative forms like podcasts, interactive exhibitions, urban hiking, and audio-guided walks. Such debates demonstrated how crucial the wider reflection on this topic is, in terms of rethinking the construction of oral archives, and consolidating praxes for their use, to definitively prove their scientific validity.

CONCLUSION

This year’s conference demonstrated the vitality of oral history and its growing diffusion. At events of this kind, the depth and innovation of the topics presented are often uneven, and the discipline still arguably suffers from its limited institutionalization and its liminality with others, resulting in approaches that are sometimes perhaps incomplete or outdated. However, this was compensated by the great number of new reflections outlined above, that constitute the new frontiers of research in this field. The added value of this biennial meeting is to foster encounters between scholars from very different backgrounds and trainings, in order to develop contacts and cross-contaminations. But we can do more by promoting IOHA scholarships and international exchanges, to encourage the development of the discipline in marginalized areas and help to receive stimuli from young researchers, thus keeping the discipline connected to communities and surrounding realities. Oral history’s strength lies in its concrete engagement with the world around us and the militant commitment of historians, and it must increasingly value multipolar and democratic deliberations. The next IOHA conference in 2028 in Macao in the People’s Republic of China will be a testing ground for this.

Cecilia Furioso Cenci

SOURCES AND BIBLIOGRAPHY

Casellato, Alessandro (2021): Introduzione. Buone pratiche per la storia orale: un cantiere aperto. In Casellato, Alessandro (ed): Buone pratiche per la storia orale. Florence, Editpress, 9–68.

Casellato, Alessandro (2025): Clio, ci senti? Fonti e archivi orali per la ricerca storica: il "caso" italiano. Italia contemporanea, 307, 185–206.

Contini, Giovanni & Alfredo Martini (1993): Verba manent. L'uso delle fonti orali per la storia contemporanea. Rome, La Nuova Italia Scientifica.

Hirsch, Marianne (2012): The Generation of Postmemory. New York, Columbia University Press.

Portelli, Alessandro (1998): What Makes Oral History Different. In: Perks, Robert & Alistair Thomson (eds.): The Oral History Reader. London–New York, Routledge, 63–74.

Smyth, Hannah K, Nyhan, Julianne & Andrew Flinn (2023): Exploring the Possibilities of Thomson's Fourth Paradigm Transformation. The Case for a Multimodal Approach to Digital Oral History?. Digital Scholarship in the Humanities, 38, 2, 720–36.

OCENE

RECENSIONI

REVIEWS

OCENE/RECENSIONI/REVIEWS, 837–840

Zajc, Marko, Smiljanić, Ivan & Meta Remec:
SAMOMOR MED SIMPTOMOM IN METAFORO
Ljubljana, Inštitut za novejšo zgodovino, 2025, 187 strani

Monografija *Samomor med simptomom in metaforo*, ki so jo v soavtorstvu pripravili dr. Meta Remec, dr. Ivan Smiljanić in dr. Marko Zajc, predstavlja zgodovinske poglede na fenomen samomora v 20. stoletju ter njegovo umeščenost v družbeni in kulturni kontekst kot simptom časa, preko katerega je mogoče prepoznati prelomnice in družbene napetosti v različnih zgodovinskih obdobjih. Monografijo sestavljajo tri poglavja, v katera so kontinuirano vpeti empirični primeri, razviti v dialogu z interpretativnimi pristopi, pri čemer avtorji iz analize zgodovinske pojavnosti fenomena prehajajo k razkrivanju načinov njegovega družbenega razumevanja ter vloge, ki jo je samomor zavzemal v javnih in ideološko pogojenih razlagah.

Uvodno poglavje ponuja pregled zgodovinskih pogledov in družbenih razumevanj fenomena samomora ter raznolikih interpretacij njegovega izvora in družbenega pomena, pri čemer je tematika dlje časa ostajala zaznamovana z izrazito družbeno tabuiziranostjo. Prvo poglavje monografije nadaljuje uvodno zastavljen pregled in obravnava zgodovinski razvoj pogledov na vzroke ter razširjenost samomora na Slovenskem. Izpostavi interpretativna nasprotja med biološkimi in družbenimi razlagami samomora ter predstavi razlike v njegovem razumevanju med različnimi družbenimi skupinami in strokovnimi okolji, saj so se v obdobju po drugi svetovni vojni razlage povečane samomorilnosti sprva naslanjale na kritiko »zadušljivega predvojnega sveta«, kasneje pa na ideološko pričakovanje, da bo »uresničitev socialistične vizije« zmanjšala pojavnost samomora. Ker do pričakovanega zmanjšanja samomorilnosti ni prišlo, je samomor v javnih in političnih razlagah postopoma začel pridobivati instrumentalno funkcijo, pri čemer je postal tudi »orodje političnega spopada«. Posebno pomembni so statistični prikazi, ki kažejo na dinamiko pojavnosti samomora glede na spol, starost ter regionalne in socialne razlike ter osvetljujejo razlike med tedanjimi razlagami samomorilnosti in empirično izkazanim stanjem – od prostorske porazdelitve primerov do hipotez o vzrokih povečanega pojava. Osredotočenost družbenega diskurza o samomoru na določene družbene skupine, predvsem meščanstvo in mladino, je predstavljena kot odraz družbenih predstav in kulturnih vplivov obravnavanega obdobja, saj je bila samomorilnost izrazito visoka tudi med starejšimi in se je razširila tudi na podeželje. Poskusi sistemskega reševanja vprašanja samomorilnosti so se tudi v poznejšem obdobju, vse do leta 1991, pogosto preusmerili v iskanje krivcev za razmere. Večplastna narava ter številni načini njegove razlage, interpretacije in instrumentalizacije samomora so predstavljeni kot medsebojno prepleteni in kontekstualno pogojeni procesi, v katerih samomor »ni le dogodek posameznika, temveč zgodba skupnosti«.

Zgodovina samomora je v monografiji predstavljena kot zgodovina njegovega družbenega razumevanja in obravnave. Naslednje poglavje obravnava specifičen tip samomora, in sicer koncept t. i. »herojskega samomora«, ki je analiziran sprva skozi družbene poglede nanj, ter skozi preplet izročila krščanske etike in kulturnih vplivov ter marksistične etike, prisotne med partizanskimi borci med drugo svetovno vojno. Razlika med eksplicitnimi navodili za ravnanje v primeru zajetja s strani sovražnika in implicitnimi, neizrečenimi pričakovanji med borci in vodstvom partizanskega gibanja je analizirana skozi primere iz vojnega časa. Samomor, ki je bil v marksistični etiki obravnavan kot tabu (čeprav iz drugačnih razlogov kot v krščanski), je bil, zlasti v obliki »herojskega samomora« v začetnem obdobju zamolčan, po vojni pa so se družbene in strokovne razlage tega pojava začele spreminjati, kar je v poglavju prikazano skozi zgodovinopisne analize in raziskovalne pristope od druge svetovne vojne do devetdesetih let 20. stoletja. Tipološka razvrstitev partizanskih samomorov – od t. i. »herojskih« do »sramotnih«, kolikor jih je sploh mogoče opredeliti kot samomore zaradi mitološke reinterpretacije smrti ali namernih zamolčanj in spreminjanj v virih ter spominih – razkriva kompleksnost družbenega razumevanja tega pojava, ki je bil v manj ritualno-mitološki obliki obravnavan šele v sedemdesetih letih 20. stoletja. Herojski samomor je bil različno interpretiran glede na časovni, prostorski, ideološki kontekst in diskurz; poglavje posebej izpostavi »moralno in ideološkopolitično nedorečenost«, ki je zaznamovala koncept partizanskega herojskega samomora.

Zadnje poglavje ponuja zgodovinsko utemeljena teoretična razmišljanja o samomoru kot metafori za Slovence kot »naroda samomorilcev« – skozi prizmo intelektualne zgodovine in zgodovine politične misli. Ideja slovenskega naroda kot »samomorilskega« ni bila produkt jugoslovanske države, temveč se je pojavila že na začetku 20. stoletja, kar je razvidno skozi različne medije in pri različnih piscih do časa po drugi svetovni vojni, ko se je stopnja samomorilnosti v Sloveniji izrazito povečala. Obdobje do osamosvojitve Slovenije in samomor kot metafora sta prikazana skozi specifike trenj znotraj slovenske literarne in kulturne sfere med nekaterimi vidnimi osebnostmi: Vitomilom Zupanom, Jožetom Javorškom in Dušanom Pirjevcem. Spor in njegovi zapleti ter preplet z ideološkim položajem povojne socialistične oblasti služijo kot narativna rdeča nit raziskave. V poglavju so uporabljeni zlasti literarni viri, ki so jih takratni pisci ustvarili pod vplivom samomorov v njihovem zasebnem okolju; ti deli slovenske literarne produkcije razkrivajo napetosti med individualnimi in družbenimi interpretacijami fenomena samomora, k čemur so dodatno prispevali idejnopolitični nazori oblasti in njihova (ne)skladnost z nazori protagonistov sporov. Razlike v razumevanju slovenske identitete in samomora kot fenomena, pritiski oblasti, razlike v stopnji samomorilnosti med posameznimi regijami ter generacijske razlike v odnosu do družbenih sprememb kažejo na kompleksen preplet družbenih dejavnikov in akterjev; ta pa razkriva samomor ne le kot družbeno statistično pojavnost, temveč kot izraz širše družbene krize, ki je v diskurzu mlajše generacije kulturnikov in literarnih akterjev postala pomembno izhodišče kritike obstoječega družbenega sistema. Hkrati je bila visoka pojavnost samomorilnosti med Slovenci razlagana kot eden izmed pojavov, »ki so kazili dobro zastavljen socialistični projekt«. Poglavje se zaključuje z mislijo, da je samomor prerasel v »metaforo, ki jo lahko razumemo tudi kot ›prazno posodo‹ za različne kulturne in družbenopolitične agende«.

Monografija *Samomor med simptomom in metaforo* predstavlja v slovenski historiografski sferi najverjetneje najboljšo vstopno točko za bralca ali raziskovalca, ki se s tematiko samomora na Slovenskem (in širše) še ni srečal. Že sama struktura monografije tak pristop spodbuja, saj od uvodnega dela, v katerem predstavi ključne sociološke teorije, kulturne specifike in razvoj zgodovinskih razumevanj tematike, preide v poglavja, ki obravnavajo fenomen z več analitičnih perspektiv. Bralcu ponudi statistično predstavitev pojava in družbene interpretacije samomora skozi čas, vpogled v raznolikost razumevanj tega fenomena in posledic njegove povečane pojavnosti v družbi skozi raziskovanje različnih tipologij. Poleg tega predstavi samomor kot ideološko orodje različnih miselnih tokov ter ponuja širok nabor teoretičnih in metodoloških pristopov k raziskovanju in razumevanju tematike. Monografija predstavlja pomemben prispevek k slovenski in širši historiografski obravnavi samomora in njegovega mesta v družbi ter hkrati potencialno široko zasnovan in metodološko razčlenjen uvodni vpogled v tematiko za znanstveno in širšo javnost. Čeprav raziskava mestoma odpira vprašanja, ki bi jih bilo mogoče razviti še izraziteje, predstavlja sistematično in poglobljeno obravnavo fenomena samomora v slovenskem zgodovinskem prostoru.

Štefan Hadalin

UDK/UDC 94(05) Volume 33, Koper 2025 ISSN 1318-0185
e-ISSN 2591-1767

VSEBINA / *INDICE GENERALE / CONTENTS*

Inštitut IRRIS