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TWO  
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MIGRATION STUDIES

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R A Z P R A V E O I Z S E L J E N S T V U

44 • 2016

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## VSEBINA / CONTENTS

### TEMATSKI SKLOP / THEMATIC SECTION

The Legacy of *Liberalism, Community and Culture*  
Dediščina knjige *Liberalism, Community and Culture*

MITJA SARDOČ

The Legacy of *Liberalism, Community and Culture* 7  
Dediščina knjige *Liberalism, Community and Culture*

JEFF SPINNER-HALEV

Uncertain Theoretical Foundations of Cultural Rights 13  
Negotovi teoretični temelji kulturnih pravic

AVIGAIL EISENBERG

The Assessment of Cultures and the Autonomy of Communities 25  
Vrednotenje kultur in avtonomija skupnosti

EAMONN CALLAN

Kymlicka on Cultural Rights and Liberalism 37  
Kymlicka o kulturnih pravicah in liberalizmu

HELDER DE SCHUTTER

The Liberal Linguistic Turn: Kymlicka's Freedom Account Revisited 51  
Liberalni lingvistični obrat: pregled Kymlickovega argumenta svobode

WILL KYMLICKA

*Liberalism, Community and Culture* Twenty-Five Years On: 67  
Philosophical Inquiries and Political Claims  
*Liberalism, Community and Culture* 25 let kasneje:  
filozofske raziskave in politične zahteve

### RAZPRAVE IN ČLANKI / ESSAYS AND ARTICLES

MARINA LUKŠIČ HACIN

Theorizing the Concept of Multiculturalism through Taylor's 79  
'Politics of Recognition'  
Teoretska tematizacija koncepta multikulturalizma skozi Taylorjevo  
politiko prepoznanja

ANA MARIA ARAGONÉS, UBERTO SALGADO

Denmark and Norway: Matching Labor Market Needs with Qualified Migrant 93  
Danska in Norveška: potrebe trga in kvalificirani migranti

<b>ALEKSEJ KALC</b>	
Nadzor migracijskih gibanj in migrantov v cesarski Avstriji od 18. stoletja do prve svetovne vojne	111
Control over Migrants and Migration Movements in Imperial Austria from the 18th century to WWI	
<b>NATAŠA ROGELJA, KRISTINA TOPLAK, MOJCA VAH JEVŠNIK, JERNEJ MLEKUŽ</b>	
Napotitve delavcev iz Slovenije: nekatere specifičnosti in problemi	125
The Posting of Workers from Slovenia: some Particularities and Problems	
<b>KSENIJA ŠABEC</b>	
Slovenski učbeniki kot akter etnocentrične in rasistične socializacije: primer osnovnošolskih učbenikov za geografijo	139
Slovene Textbooks as an Agent of Ethnocentric and Racist Socialization: the Case of Elementary School Geography Textbooks	
<b>DEJAN VALENTINČIČ</b>	
Vračanje potomcev slovenskih izseljencev v ZDA in Kanadi k slovenski identiteti v kontekstu globalnega trenda individualizacije	153
Reclamation of Slovenian Identity by the Descendants of Slovenian Immigrants in the USA and Canada in the Context of the Global Trend of Individualization	
<b>ZALA PAVŠIČ</b>	
Razmerje med tujino in domovino na zemljevidu Maruše Krese	167
The Relationship between Foreign Country and Homeland on Maruša Krese's Map	

## **KNJIŽNE OCENE / BOOK REVIEWS**

Bimal Ghosh, <i>The Global Economic Crisis and the Future of Migration: Issues and Prospects, What Will Migration Look Like in 2045?</i> Palgrave Macmillan, 2013 (Ansar Uddin Anas)	181
Zaira Vidau, <i>Upravljanje jezikovne različnosti v javni upravi: Primer slovenske, furlanske in nemške skupnosti v deželi Furlaniji Julijski krajini</i> , Univerzitetna založba Annales, Koper, 2015 (Miran Komac)	183

## **POROČILA / REPORTS**

Aktivnosti projekta, <i>Napotitev delavcev: izmenjava izkušenj, promocija dobrih praks in izboljšanje dostopa do informacij; Posting of workers sharing experiences, promoting best practices and improving access to information</i> (Kristina Toplak)	187
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T E M A T S K I   S K L O P

THE LEGACY OF LIBERALISM, COMMUNITY AND CULTURE  
DEDIŠČINA KNJIGE LIBERALISM, COMMUNITY AND CULTURE

T H E M A T I C   S E C T I O N





# THE LEGACY OF *LIBERALISM, COMMUNITY AND CULTURE*

Mitja SARDOČ<sup>1</sup>

COBISS 1.03

## ABSTRACT

### *The Legacy of Liberalism, Community and Culture*

This article introduces the thematic section of *Two Homelands* celebrating the 25<sup>th</sup> anniversary of the publication of Will Kymlicka's *Liberalism, Community and Culture*, one of the seminal books on multiculturalism and contemporary political theory in general. It contextualizes this symposium [thematic section] by identifying some of the assumptions that the then-existing liberal conceptions of justice were based upon when addressing issues related to cultural diversity. At the same time, it summarizes the argument for cultural rights advanced by Kymlicka in *Liberalism, Community and Culture*. It then presents the papers that are part of this symposium [thematic section] and their contribution to the understanding the liberal conception of multiculturalism has had on all subsequent theorizing over cultural diversity and civic equality.

KEYWORDS: liberalism, multiculturalism, civic equality, cultural rights, Will Kymlicka

## IZVLEČEK

### *Dediščina knjige Liberalism, Community, and Culture*

Prispevek predstavlja tematski sklop revije *Dve domovini*, ki obeležuje 25-letnico izida knjige Willa Kymlicke *Liberalism, Community and Culture*, ene od utemeljitvenih del multikulturalizma in sodobne politične teorije nasploh. Prispevek simpozij [tematski sklop] kontekstualizira skozi identifikacijo nekaterih predpostavk, na katerih so temeljila liberalna pojmovanja pravičnosti pri reševanju vprašanj, povezanih s kulturno raznolikostjo. Hkrati povzema argument Willa Kymlicke za kulturne pravice, predstavljen v knjigi *Liberalism, Community and Culture*. Sledi predstavitev člankov, ki so del simpozija [tematskega sklopa] ter njegovega prispevka k razumevanju vloge liberalnega pojmovanja multikulturalizma pri vseh poznejših teoretiziranih kulturne raznolikosti in državljske enakosti.

KLJUČNE BESEDE: liberalizem, multikulturalizem, državljska enakost, kulturne pravice, Will Kymlicka

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Up until the end of the 1980s, discussions over the demands of ethnocultural groups for the recognition and accommodation of cultural differences were either altogether absent from mainstream theorizing about justice (e.g. Rawls 1971) or – at best – premised on a set of assumptions arguing [i] that (national) cultures are largely homogeneous; [ii] that culture is irrelevant in considerations over justice; and [iii] that civic equality and equal treatment are coextensive. At the turn of that decade that was all about to change, however. Over a period of just a few years, the dominance of the standard liberal conception of civic equality and its uniform treatment approach towards cultural diversity was challenged by a handful of scholars (e.g. Spinner-Halev, 1993; Taylor 1992; Young 1990) arguing that this conception of civic equality failed to recognize the legitimate interest of ethnocultural groups in a stable cultural context and lacked the means to compensate adequately for individuals' unequal circumstances. They also argued that the standard liberal conception of equality did not sufficiently protect the interests of culturally disadvantaged groups, including national minorities, immigrants and indigenous peoples.

Among the different alternatives articulated, a distinctively liberal conception of recognition and accommodation of cultural diversity was advanced by Will Kymlicka in his book *Liberalism, Community and Culture* [originally published in 1989]. In contrast to the mainstream liberalism of its day, he succinctly argued that ethnocultural groups have a legitimate interest in a secure and stable cultural context and that accommodation of cultural diversity is a requirement of justice. As Brian Barry pointed out in a review of Kymlicka's book *Multicultural Citizenship*, the central and original argument of *Liberalism, Community and Culture*

was that [members of cultural minorities] have a claim of justice against the larger society to special measures such as subsidization or self-governing institutions in order to have the same chance to preserve their culture as the members of the larger society are able to take for granted. (1996: 153)

At the same time, Kymlicka also maintained – largely in contrast to conceptions of critical multiculturalism – that group rights are the most viable means to assist ethnocultural groups in their claims for the recognition and accommodation of diversity and that group rights and other difference-sensitive policies are basically consistent with a liberal conception of civic equality. In fact, as Chandran Kukathas argues, Kymlicka 'had defended his version of multiculturalism as a liberal theory of equality' (Kukathas 2013: 508).

At the time of its publication, *Liberalism, Community and Culture* was endorsed by some of the most prominent contemporary political theorists.<sup>1</sup> In her book review, Susan Moller Okin praised it as 'essential reading for political and legal theorists and philosophers who are interested in real, urgent political issues' (Moller Okin 1991: 128). And there was no shortage of 'urgent political issues' back in 1989. In fact, some of them turned out to have a decisive influence on subsequent discussions over multiculturalism and related issues. In November of that year, following mass demonstrations in East Germany, the Berlin Wall fell, leading to the collapse of communism throughout Eastern Europe. This was accompanied by the rise of both xenophobic nationalism and religious fundamentalism. Preceding the fall of the Berlin Wall by just a few weeks, three Muslim girls were suspended in a French public school for wearing the *hijab*. This was a prelude to the headscarf controversy [*l'affaire du foulard*]<sup>2</sup> that still reverberates in contemporary debates on citizenship education and related areas. As Kymlicka emphasizes, the debates

1 Ever since *Liberalism, Community and Culture* was published, Kymlicka's work has been extensively reviewed. Besides the customary book reviews, survey articles and review essays, his body of work soon found its place also in tertiary literature addressing minorities, migration, nationalism, citizenship, indigenous populations as well as multiculturalism and political philosophy in general, including handbooks (Spinner-Halev 2006), companions (Kukathas 2013) and encyclopedias (Sardoč 2014). Moreover, several of his subsequent books were subjects of journal symposia, e.g. a symposium on *Multicultural Citizenship* was published in *Constellations* (1997) and two symposia on *Multicultural Odysseys* were published in *Ethnicities* (2008) and the *Jerusalem Review of Legal Studies* (2010).

2 For a comprehensive presentation of some of the most pressing conceptual problems associated with *l'affaire du foulard*, see Laborde (2008).

over minority rights fall into a 'pre-1989' debate and an 'after-1989' debate (2007), making 1989 a kind of 'Year One' on the calendar of discussions on ethnocultural diversity.<sup>3</sup>

In another book review following the publication of *Liberalism, Community and Culture*, James P. Sterba argued that Kymlicka advances a defence of 'contemporary liberalism against a variety of communitarian critiques' (Sterba 1992: 152). His distinctive response to the theoretical controversies and practical challenges associated with cultural pluralism that is based on the articulation of cultural membership as a primary good [in the Rawlsian sense of the term] changed the course of contemporary discussions on ethnocultural diversity as well as the very identity of liberal political philosophy itself. As Chandran Kukathas points out, Kymlicka's theory is 'the most influential in the literature of multiculturalism and is generally credited with initiating the debate that has ensued' (Kukathas 2013: 506).

At the same time, from very early on, *Liberalism, Community and Culture* has been subject to criticism from both the advocates of liberalism – most notably by Brian Barry (2001) and Chandran Kukathas (1992) – as well as its critics (e.g. Parekh 1997; Young 1997). In his article 'Are there any cultural rights?', Chandran Kukathas challenged Kymlicka's assertion that special rights for ethnocultural groups are consistent with both the liberal conception of equality and with its commitment to individual autonomy. A number of other objections to the liberal conception of minority rights initiated in *Liberalism, Community and Culture* have been articulated over the years criticizing various of its foundational elements.

Twenty-five years on, Kymlicka's *Liberalism, Community and Culture* and its main argument for 'the primary good of cultural membership' (Kymlicka 1989: 166) remains deeply entrenched in both conceptual and normative theorizing about cultural diversity and multiculturalism in general. The conceptual framework of liberal culturalism he developed functions as the 'starting point for philosophical discussions of multiculturalism' (Kukathas 2013: 508) and has precipitated a major sea change in theorizing about minorities, migration, nationalism, secession, citizenship, indigenous populations etc. As Jacob T. Levy emphasizes, it was *Liberalism, Community and Culture* that 'brought multiculturalism and ethnicity to the forefront of academic liberal political theory' (Levy 2004: 318).

This thematic section of *Two Homelands*, entitled 'The Legacy of Liberalism, Community and Culture', brings together four contributions that address the impact of *Liberalism, Community and Culture* and its continuing influence over more than a quarter of a century since its original publication. As the articles assembled here bear witness, there are a number of different ways that this evaluation can be approached. Jeff Spinner-Halev carefully reconstructs Kymlicka's main arguments for group differentiated rights advanced in *Liberalism, Community and Culture* and evaluates the transition towards *Multicultural Citizenship*, where his liberal theory of minority rights is fully articulated. Avigail Eisenberg identifies two separate problems associated with the influence of the arguments advanced in *Liberalism, Community and Culture* on normative theorizing about cultural pluralism as well as its contemporary relevance for recognition and accommodation of cultural diversity, i.e. the cultural assessment problem and the misidentification problem. Eamonn Callan's article sheds light on Kymlicka's subsequent theorizing on the ethical foundations of minority rights and links it with an example of contemporary theorizing of cultural diversity advanced by Alan Patten in his book *Equal Recognition*. In his article, Helder de Schutter raises a set of questions associated with the main argument advanced in *Liberalism, Community and Culture*, i.e. that individual freedom requires a cultural context of choice. This symposium [thematic section] ends with a rejoinder by Will Kymlicka where he addresses some of the most important issues advanced in the articles published here. As is evident from the contributions that celebrate the 25<sup>th</sup> anniversary of the publication of *Liberalism, Community and Culture*, neither the papers from the contributors nor Kymlicka's reply confine themselves to the 'test of time argument'. Given the fact that the majority of issues associated with ethnocultural diversity remain far from settled, that would be too shortsighted a route to undertake.

3 The 'Year One' analogy is based on the French Republican Calendar created in 1792 during the French Revolution after the abolition of the monarchy in France.

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## POVZETEK

### DEDIŠČINA KNJIGE *LIBERALISM, COMMUNITY AND CULTURE*

Mitja SARDOČ

V zadnjih dveh desetletjih so zagovorniki multikulturalizma uspešno relativizirali tri temeljne predpostavke liberalnega pojmovanja kulturne različnosti, in sicer [i], da so [nacionalne] kulture praviloma homogene; [ii] da je v okviru razprav o pravičnosti problematika kulturne različnosti irelevantna; ter [iii] da sta državljanska enakost in enako obravnavanje koekstenzivna. Med avtorje, ki so pomembno prispevali k tej razpravi, nedvomno sodi Will Kymlicka, katerega knjiga *Liberalism, Community and Culture* velja za eno od utemeljitvenih del multikulturalizma in sodobne politične teorije nasploh. V njej opozori na vlogo in pomen kulturne različnosti v okviru liberalnega pojmovanja državljanske enakosti. V nasprotju s takratnim liberalnim mainstreamom je namreč trdil, da sta sprejemanje in spoštovanje kulturne različnosti etničnih skupin del širših zahtev po pravičnosti. Prispevek predstavlja simpozij [tematski sklop] revije *Dve domovini*, ki obeležuje 25-letnico izida knjige Willa Kymlicke. V uvodnem delu simpozij [tematski sklop] kontekstualizira skozi identifikacijo nekaterih med predpostavkami, na katerih so temeljila liberalna pojmovanja pravičnosti pri reševanju vprašanj, povezanih s kulturno raznolikostjo. Prispevek hkrati povzema argument Willa Kymlicke za kulturne pravice, predstavljene v omenjeni knjigi. Sledi predstavitev člankov, ki so del simpozija [tematskega sklopa] ter njegovega prispevka k razumevanju vloge liberalnega pojmovanja multikulturalizma pri vseh poznejših teoretiziranih kulturne raznolikosti in državljanske enakosti.



# UNCERTAIN THEORETICAL FOUNDATIONS OF CULTURAL RIGHTS

Jeff SPINNER-HALEV<sup>1</sup>

COBISS 1.01

## ABSTRACT

### Uncertain Theoretical Foundations of Cultural Rights

Will Kymlicka's *Liberalism, Community and Culture* attempted to explain why cultural identity was important to people, and how liberal theory could accommodate cultural identity. Kymlicka's book argued that minority cultures deserve to have certain kinds of rights to help them survive. Cultural membership, he argued, was such an important good that liberal political theory was amiss in overlooking it; it needed to be amended in order to recognize that the self-respect of most people was tied to cultural membership, and that people needed a secure cultural context in which to make choices. Yet the importance of the self-respect argument fades in Kymlicka's later book *Multicultural Citizenship*, which gives more emphasis to larger cultural groups that are marked off by language. In this article, I focus on the shift that Kymlicka makes between the two books, arguing that the revisions that Kymlicka made to the argument in *Liberalism, Community and Culture* were necessary, while making the argument less theoretically satisfying.

KEYWORDS: Kymlicka, cultural rights, multiculturalism, liberalism, minorities, nationalism, community, pluralism, culture

## IZVLEČEK

### Negotovi teoretični temelji kulturnih pravic

Prispevek se ukvarja s knjigo Willa Kymlicke *Liberalism, Community and Culture*, ki skuša pojasniti pomen kulturne identitete za ljudi ter način, na katerega bi jo lahko sprejela liberalna teorija. V knjigi je avtor trdil, da si manjšinske kulture zaslužijo določene pravice, ki jim pomagajo preživeti, in da je kulturna pripadnost tako pomembna dobrina, da se je liberalna politična teorija zmotila, ko jo je spregledala. Za spoznanje, da je samospoštovanje večine ljudi povezano s kulturno pripadnostjo in da za sprejemanje odločitev potrebujejo varen kulturni kontekst, jo je bilo treba dopolniti. Vendar pa argument po samospoštovanju v njegovi poznejši knjigi *Multicultural Citizenship* zbledi, saj v njej bolj poudarja večje, z jezikom omejene kulturne skupine. V članku se osredotočam na premik, ki ga je Kymlicka naredil v novejši knjigi, z utemeljitvijo, da so popravki argumenta v knjigi *Liberalism, Community and Culture* sicer nujni, vendar pa to ni v njegov prid.

KLJUČNE BESEDE: Kymlicka, kulturne pravice, multikulturalizem, liberalizem, manjšine, nacionalizem, skupnost, pluralizem, kultura

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The year 1989 was one to remember: the Berlin Wall fell and Eastern European countries rushed to embrace national identity, with some also embracing liberalism. This was a political earthquake, but also a theoretical one: the common idea that liberalism could simply dismiss cultural or national identity as an anachronism was no longer tenable. As this earthquake erupted, Will Kymlicka's *Liberalism, Community and Culture* (LCC) was published (Kymlicka 1989). It was well-written, thoughtful, and timely, since it supplied an explanation of both why cultural identity was important to people, and how liberal theory could – in fact, needed – to accommodate cultural identity. Kymlicka's book argued that minority cultures deserve to have certain kinds of rights to help them survive. Cultural membership, he argued, was such an important good that liberal political theory was amiss in overlooking it; it needed to be amended in order to recognize that the self-respect of most people was tied to cultural membership.

Liberal theory was also ready for an argument about community, culture and identity. The revival of liberal theory in the early 1970s led by Rawls and Nozick focused on the individual. Rawls's argument asks us to imagine what principles of justice we would choose behind a "veil of ignorance" (Rawls 1971). In Rawls's original position we don't speak a particular language, or live in a particular state, or belong to a particular community. In the original version of Rawls's argument, the principles of justice applied everywhere in the same way. Similarly, Robert Nozick's libertarian argument is universally applicable, with its focus on the individual and her property rights (Nozick 1974). Communitarians such as Michael Sandel and Michael Walzer responded in the 1980s, arguing that the disembodied individuals in liberal theory bore little resemblance to how people viewed themselves, since most people are embedded in particular communities (Sandel 1998; Walzer 1983). But liberals responded that liberal theory actually allows people to live among different communities – one could be an Italian-American, a Catholic, and a Red Sox fan; liberals then asked the communitarians which community mattered the most, which identities had political claims, and which did not, and in what ways did they want to posit the community over the individual. The communitarians did not have much of an answer to these pointed questions.

But Kymlicka did, and he did so from within liberal theory, as someone who wanted to amend liberal theory, not tear it down to replace it with something vague and uncertain. Kymlicka's aspiration was to combine the liberal focus on the individual with the human need to live within communities. *Liberalism, Community and Culture* spawned an important literature in contemporary political theory, centering around a complicated question: what is the role of the cultural group in liberal political theory? The traditional focus of liberalism on the individual seemingly allows private groups, but grants little public recognition for groups. However, the fall of the Berlin Wall in 1989 and the persistence of some groups within liberal polities – indigenous peoples, various national minorities, and ethnic groups – strongly suggested that something was missing from liberal theory.

What set Kymlicka's argument apart from the liberal idea that communities and associations of all kinds exist within liberal states (and can exist readily within liberal theory) is that his arguments for group rights (or as he defined more precisely later, group differentiated rights, as I explain below) was based on the idea that certain groups were important to individual autonomy. Yet ultimately what constituted a group, and what kind of rights they have, is something that changed as Kymlicka refined his argument. My argument here will focus on some of the important changes between Kymlicka's first book, *Liberalism, Community and Culture*, and his second book, *Multicultural Citizenship* (MC), published in 1995 (Kymlicka 1995); some of these changes are obvious to the reader, but others are subtle. Few scholars have remarked on these changes, but they are important in order to gain a clear understanding of Kymlicka's argument. What I hope to show here is that Kymlicka is right to argue that liberal states cannot always ignore certain kinds of identities, and that no state can be completely neutral in how it treats language and other cultural markers. Yet the theoretical foundations of his argument became less certain as his argument quietly changed from *Liberalism, Community and Culture* to *Multicultural Citizenship*.



## CULTURAL STRUCTURE

The first part of Kymlicka's *LCC* defended liberalism against its communitarian critics. Kymlicka denied that the fundamental basis of liberalism is abstract individualism or skepticism of the good. Whether the charges of atomism might fit the liberalism of John Locke was left aside by Kymlicka. He undertook to defend a certain liberal tradition that stretched from John Stuart Mill through Ronald Dworkin and John Rawls, which focuses on the individual but is not atomistic. Drawing on these theorists, Kymlicka argued that liberalism is about people living what they consider to be the good life, to live life "from the inside." Rawls tried to argue for this view by distinguishing between the right and the good. Rawls argued that liberalism properly focuses on the right – protecting the ability of people to choose and pursue the good life as they choose. Perfectionists, some of whom are liberal, are wrong to specify some content of the kind of life people should live.

Kymlicka argued that Rawls was right on the substance of his argument, but wrong to characterize it as a clash between the right and the good. Part of what it means to lead a good life is to lead our own life; no life is made better when one is forced to choose one value over another for its own good. Achieving this kind of life means a state that is committed to allowing people to choose the life they want. To do this, we have to be able to figure out what this life is, so we have to be able to deliberate, think and choose. What is crucial for Rawls (and for Kymlicka) is the "freedom to revise our projects, as well as the freedom to pursue existing projects." This all is in fact important "for leading a life that is in fact good" (Kymlicka 1989: 34-35). But what this means is that the liberal good life is based on choices from which to choose. Kymlicka's argument places autonomy at its (liberal) center, with the choices and options from which to choose crucial to the liberal good life.

While Kymlicka argued persuasively that the best interpretations of liberalism need not be atomistic, he also argued that liberal theory wrongly overlooked the ways in liberal states actually did recognize minority rights – and how in other places liberal theory influenced liberal practice to ignore minority rights, with unfair results. Many liberals took Black Americans as their model – excluded from mainstream society, what Black Americans wanted was inclusion and respect for their individual rights. This desire fits in with the standard liberal view of focusing on the individual and her or his rights. But this is not necessarily what all minorities want: many indigenous peoples want to separate from mainstream society, for example, and they want protections that will enable them to maintain their cultural distinctiveness. Further, many indigenous people have some collective rights. They are Canadian or American citizens, but some parts of tribal law applied to tribal lands; and many wanted to keep it this way, or in fact, have even more tribal autonomy than what they currently have. Black Americans opposed forced separation; indigenous peoples opposed forced integration. When former Canadian Prime Minister Pierre Trudeau called for the end of recognition of indigenous peoples, he was calling for integration – and, against the wishes of many indigenous peoples – the end of many tribal identities.

What Kymlicka did was combine the liberal emphasis on choice and the human reality of cultural groups (and their importance to their members) to produce a liberal theory of minority rights. Kymlicka argued that liberal states recognized cultural groups for good reason, even if that reason was rarely articulated. If we recognize indigenous peoples only as Canadian citizens, the choice to retain one's tribal identity, and perhaps way of life, becomes much harder (if not impossible) to do. It is the importance of choice to the autonomous individual that led Kymlicka to protect minority rights. People don't make choices within a vacuum. Kymlicka argued that they must be situated within a culture to make their choices. Cultures give meaning to our options and to the practices around us. But culture is certainly amorphous, and Kymlicka quickly formalizes what he means by culture: it is through a "rich and secure *cultural structure* that people can become aware, in a vivid way, of the options available to them, and intelligently examine their value" (Kymlicka 1989: 165–166). Cultural membership is not a means used in the pursuit of one's ends. It is rather the context in which we choose our ends. The ideas

of freedom and choice are not particularly meaningful in a vacuum. Cultural structure is what gives us options; cultural structure is what makes sense of who we are and the possible roles we can play and the choices we can pursue.

Kymlicka added a second argument, maintaining that Rawls was correct to think of self-respect as a primary good – a good that all citizens need if they are able to pursue their plans and projects. If our cultural community was not held in respect by the larger outside community, then it follows that the community's members would have their self-respect diminished. If people in the dominant community ridiculed those in minority communities, those in the minority would feel a loss of self-respect. They might also feel a loss of self-respect if they were simply ignored, particularly if their group was small and had a hard time surviving. Members of a cultural group that was left to wither might find themselves unable to navigate the world with the same kind of confidence as those in the dominant community. If people had their self-respect undermined, then they would not feel empowered to pursue their plans and projects; they would not pursue their vision of the good life. In Kymlicka's argument, the right to a culture – or rather a right to a cultural structure – was a primary good, something that all people would want in the original position.

Kymlicka's argument at this point combined two intertwined streams. First, cultural structure provides people with a context of choice, and second, it is a source of self-respect. If indigenous peoples, for example, are not given the right to define their membership, then whites can easily outnumber them in their communities, and outvote them to redefine land ownership rules. This would mean that the indigenous tribe would lose their context of choice and their self-respect. The idea is not necessarily to protect a specific cultural content, but to protect the ability of the cultural community to control itself, so it can control its culture. This formula allows for cultural change from the inside, but also protects it from outsiders who may destroy the cultural structure. This is why Kymlicka discussed cultural structure, and not simply culture, in *LCC*.

Kymlicka added a third argument based in equality and fairness. The problem with many liberal theorists, Will Kymlicka says, is that they work with a "very simplified model of the nation-state, where the political community is co-terminous with one and only one cultural community" (Kymlicka 1989: 177). The different political communities that exist, Kymlicka notes, contain all sorts of communities, but in general only the dominant community receives cultural support. This argument is a response to the idea that it is unfair for smaller cultural communities to receive "special" benefits from the state that the majority does not receive. Kymlicka's response is that the majority does in fact receive all kinds of cultural support from the state, it is just not that visible: "the special measures demanded by aboriginal people serve to correct an advantage that non-aboriginal people have. . . . For the whites who wish to bid for resources in Northern Canada, the security of *their* cultural community is not in question" (Kymlicka 1989: 189). But of course, the security and survival of smaller cultural communities are in question, and are much more likely to fade if they do not receive state support.

This is contrary to what many liberals argue who say that cultural identity, like religion, should be a private matter; the state should respond to religious and cultural affiliation with "benign neglect" (Kymlicka 1995: 3). Just as the state usually ignores whether its citizens are Catholic, Protestant or Hindu, it should be uninterested if they are Italian American, Sikh Canadian, or French Algerian. Liberal neutrality, on this argument, demands ignoring all cultural identity. But Kymlicka correctly insisted that this argument ignores the ways in which states must support some ethnocultural groups: neutrality is not an option because it is not possible. Every state in the world supports a limited number of official languages. Kymlicka notes that a state can avoid having an official religion, but "the state cannot help but give at least partial establishment to a culture when it decides which language is to be used in public schooling, or in the provision of state services" (Kymlicka 1995: 111). While it is conceivable that France could accommodate some members who do not speak French, it is harder to conceive of a France that gives equal footing to all languages. If someone only speaks Breton, her opportunities in France will be severely limited in a way that will not be the case for a French speaker. Equality, then, cannot mean

ignoring all groups in the same way; it means instead recognizing that majority ethno-cultural groups receive state support, which is unfair to small groups. In other words, public space is never neutral. Some people will find that the public space is more inviting to them than to others.

## WHICH GROUPS?

Kymlicka's argument, which he refined in a series of articles that became the basis of his book *Multicultural Citizenship*, spawned a huge literature. While that literature has slowed down, it is still with us today. Many questions arose: which groups should receive group-differentiated rights? Do some groups deserve more robust rights than others? What about illiberal groups? Does it make sense to talk about group differentiated rights in an era where the world is more globalized and in many ways less diverse than ever before?

One of the most difficult of these challenges that Kymlicka's argument faced was the issue of "which groups"? While Kymlicka's main example in *LCC* was indigenous peoples, the argument was a general one, that was meant to be widely applicable. It could be and was readily used to make sense of the nationalist claims popping up all over Eastern Europe after 1989, as well as Quebec. But within the Western democracies, questions also arose: there are dozens of immigrant groups in many large cities in the Western democracies: do they all deserve group differentiated rights? Do they all have the right to keep outsiders from challenging their norms and customs? Indeed, one irony about Kymlicka's argument was that its focus was on indigenous peoples, yet many indigenous peoples disappeared over the course of the nineteenth and twentieth centuries. Many that remain are quite small, perhaps too small to sustain themselves. Some responded that if some cultures disappear, and others change, why do we need a right to something as amorphous as culture or cultural structure?

Moreover, some argued that people need to be attached to some culture (or cultures), but this does not mean they must be attached to a *particular* culture – people, after all, move between cultures all the time (Waldron 1991). Immigrants are often between two cultures, with the children firmly part of the culture in the new country, but sometimes they are able to straddle two cultures. So why should we worry about attachment to culture? Few people, if anyone, would be without *any* culture. Prime Minister Trudeau didn't want aboriginal peoples in Canada to be without any culture; he wanted to integrate them into the Canadian culture. Some people move from one culture to another; other cultures may fade over time; those cultures that do survive change over time, sometimes considerably.

Kymlicka's context of choice argument does not fully respond to this criticism – we need a context of choice, but that does not explain why we need a specific context of choice. That leaves Kymlicka's two other arguments, one about self-respect and the fairness/equality argument. The self-respect argument is based on the simple idea that people are often attached to their culture; changing culture is not something that can be done easily or readily: "Someone's upbringing isn't something that can just be erased; it is, and will remain, a constitutive part of who that person is. Cultural membership affects our very sense of personal identity and capacity" (Kymlicka 1989: 175). Kymlicka then argues that facilitating assimilation often fails, pointing to failed attempts to assimilate American Indians (Kymlicka 1989: 176). This is why our self-respect is tied to our culture: our personal identity is intertwined with our culture; if our culture is denigrated, then we are denigrated as well. In some ways this is an empirical matter, something that Kymlicka does in fact suggest. The connection between individuals' self-respect and national culture, Kymlicka admits, does not hold for everyone, but it does for most people. While he is not quite sure where this connection comes from, he suspects "it lies deep in the human condition, tied up with the way humans as cultural creatures need to make sense of the world." In any case, "this bond does seem to be a fact" (Kymlicka 1995: 90); Kymlicka briefly cites one empirical book about language in his argument.

While the empirical evidence for the self-respect argument that is presented by Kymlicka is rather weak, it is not hard to see that many people are in fact tied to certain identities. The eruption of national identity after the fall of the Berlin Wall took many by surprise, and was surely evidence that at least some people, if not many, were attached to their national identity. Moreover, we can point to many examples where people are quite attached to their identities. That Kymlicka did not point to a bevy of evidence does not mean that the attachment to one's group is a mirage.

The challenge is that, if anything, the self-respect argument proves too much. If our self-respect is tied to our cultural membership, does that mean that all cultural groups deserve state support? And is the self-respect that one garners from group members inherently a cultural group, or could it be a wide variety of groups? How about religious groups, for example? While it may seem silly to toss sports teams onto the list of possible groups, the connection that some people feel for their team is deep and often tied to their self-respect.

Perhaps because the self-respect argument casts such a wide net, its role in Kymlicka's theory was quietly reduced in *MC*. In the more recent book, a claim for robust state support for a culture is only valid if that culture is also a societal culture. Other groups get some support, but they are what Kymlicka calls "polyethnic rights", and do not have a right to separation (I explain these groups in the section below). Separating groups into two categories is one of the key differences between the two books; Kymlicka says little about why he creates this division but determining why will tell us much about his argument.

Societal cultures have social, political and economic institutions, and so they can give people a variety of options from which to choose. Societal cultures are large enough so one can lead a fully modern life within them. One can go to school in the societal culture's language, attend a university and get one of many possible jobs within the societal culture. Kymlicka draws on Ernest Gellner's well-known argument which links modernization with the nation-state. As Kymlicka explains Gellner's argument, "modernization involves the diffusion throughout a society of a common culture, including a standardized language, embodied in a common economic, political and educational institutions." (Kymlicka 1995: 76) While Kymlicka does not give a precise number to be counted as a societal culture, it seems likely to be at least one million people, and probably more. Societal cultures, Kymlicka says, are in fact national groups (Kymlicka 1995: 80). This means that in the revised version of the argument, national minorities or national majorities provide the context of choice, and so deserve support to maintain a separate set of institutions from the mainstream society.

One can see how this definition of societal culture is needed to make sense of the context of choice argument: only cultural groups large enough to sustain a variety of institutions could actually provide a context of choice that gave their members many options. Cultural groups with hundreds or even thousands and perhaps even hundreds of thousands of members could not provide much of a cultural context to provide many choices. If protection of cultural structure or societal culture is about protecting people's choices, then the societal culture must be large enough to actually give people a large variety of choices.

While the context of choice argument is clarified in *MC*, what is less clear in all this is the role of self-respect, which was so prominent in *LCC*. Self-respect might play some role in explaining why our attachment to a societal culture means we are tied to a particular societal culture, but then why isn't self-respect attached to smaller groups? Or is it, but in a less important way?

Kymlicka never directly answers these questions. What he does do is reduce the importance of the self-respect argument in *Multicultural Citizenship*. Though Kymlicka never explains why he does so, I believe it is tied to the move from cultural structure, the terminology in *LCC*, to societal culture, the terminology used in *MC*. *Multicultural Citizenship* relies more on the idea of a context of choice argument than does *Liberalism, Community and Culture*, and Kymlicka also focuses more on large cultural groups in the newer book. In the first formulation of his argument, Kymlicka places self-respect within a cultural structure as a Rawlsian primary good, making it a robust liberal right. Doing so was one way that

made the initial argument so important and riveting – a liberal right held by individuals but one that supported cultural communities was a new and exciting idea. In the second formulation of Kymlicka's argument, however, the framework of a Rawlsian primary good drops out, and the role of self-respect takes an uncertain secondary role.

Emphasizing context of choice more than self-respect in *MC*, enables Kymlicka to give more robust rights to societal cultures than polyethnic groups. Members of each group may have their self-respect tied to each group membership – though this is uncertain in *MC* -- but only societal cultures provide a context of choice, which gives them a claim to rights that give them protection and separation from others. Or so it seems.

## MODERNIZATION AND CULTURAL RIGHTS

Kymlicka's third argument, one about fairness and equality, subtly changes between the two books. The fairness/equality argument in *LCC* focuses on cultural structure in a broad way, but in *MC*, the focus is mostly on language – language is a key marker of societal cultures, which are typically either national minorities or majorities. In *LCC*, the kinds and sizes of cultural groups eligible for state support are numerous, but the move to a focus on language in *MC* is a move toward the larger societal cultures, reducing the number of groups that should receive robust group differentiated rights. Kymlicka does grant what he calls "polyethnic rights" to immigrants, religious groups, and other non-national cultural groups in *MC*, a category of group that does not exist in *LCC*. Polyethnic groups want to integrate, but not at the price of complete assimilation. Sikhs may want to become Canadian Mounties, but without giving up their turban, for example (Kymlicka 1995: 31). Some members of these groups may want some financial support for their associations, magazines and parades. Kymlicka argues that since members of those groups mostly want to integrate, the state should look upon these sorts of requests as reasonable. Kymlicka notes that granting these requests is not giving any rights to the group as a collective, which is one reason why he prefers the term group differentiated rights. A Sikh should be able to choose to wear his turban as a Mountie if he wants to do so, but the right to wear the turban does not mean he must do so. The choice remains up to the individual Sikh; here we see how group differentiated rights is compatible with individual rights. And while giving money to an ethnic association is, in a way, giving money to a collective, this does not give the ethnic group any power over its members. Ultimately, though, the meaning of polyethnic rights is vague, perhaps because they are so context dependent.

Members of societal cultures deserve to have their context of choice (and self-respect) protected. Those that are members of immigrant or religious groups do not receive this kind of protection. What about national minorities that are small? Kymlicka says we should leave the decision of support for their truncated societal culture up to the members. Even if they lack a strong societal culture now, they can rebuild it: "weakened and oppressed cultures can regain and enhance their richness, if given the appropriate conditions" (Kymlicka 1995: 100). One could see how relatively large societal cultures, like the Quebecois in the 1970s, could rebuild or strengthen their societal culture, but could cultural groups with a relatively small number of members do so? What if they have thousands or tens of thousands or even hundreds of thousands of members? How can they ever become a societal culture, with universities, school systems, and an economy in a language spoken by only a few people?

The tension here is that societal culture, as Kymlicka defines it, is a product of modernity: it is a mass society, which is why he invokes Gellner when discussing it. But Gellner's argument explains why so many small cultures have a hard time surviving in the modern world, so Kymlicka's argument that smaller cultures should be allowed to become societal cultures is hard to understand. To be sure, this is a brief argument in *MC*, only about a page, but because it marks out a crucial difference between the two books, it is important, and it is unfortunate that Kymlicka discusses it in only a cursory fashion. If

self-respect is a Rawlsian primary good, and self-respect is tied to group membership, then all groups that confer self-respect should receive state support. This expansive argument is compatible with *Liberalism, Community and Culture*, but not *Multicultural Citizenship*, where smaller groups do meet the definition of a societal culture that receives robust group differentiated rights.

Kymlicka does say that we should not give states a perverse incentive to undermine national minorities – it is unfair to ensure that a small culture have a hard time surviving by undermining it, and then say it is too small to justify extra resources. But this argument is just too brief to answer the many questions it raises. Many indigenous peoples in the past have had their culture structures undermined, yet it is also the case that the process of modernization would have undermined or transformed many of them in any case. Does that matter? Indeed, many were never a societal culture in the modern sense. What if a national minority has a relatively small number of members (say, less than one million, or less than half a million), and the chances of them ever becoming a societal culture is nearly zero. What then?

The tension between the rights that Kymlicka wants to grant and the modernization process that he accepts can be seen in his view of linguistic rights for immigrants. He argues that the host community's linguistic expectations of new immigrants are often misguided. In the U.S. and Canada, which have dozens of immigrant communities, policies aim for immigrants to learn English and put their native tongue – if not for them, then for their children – behind them: “current policy has operated on the assumption that the ideal is to make immigrants and their children as close as possible to unilingual native-speakers of English,” rather than bilingual (Kymlicka 1995: 97). Supporting immigrant languages is a polyethnic right, according to Kymlicka, though not at the expense of English; helping immigrants maintain their native tongue need not compete with learning English, since it is not hard to be bilingual. Yet a few pages earlier, Kymlicka announces that immigrants' language cannot survive in their new state, except on the margins. This is because in industrialized countries the languages that will survive are those that are used publicly (Kymlicka 1995: 78). Other languages, including the languages of immigrants, will survive only among a small elite, or in ritualized form, “not as a living and developing language underlying a flourishing culture” (Kymlicka 1995: 78). Indeed, Kymlicka is emphatic that immigrant languages should not be sustained in the same way as the languages of national minorities. Yet taking Kymlicka's two arguments together means that the state should support dozens of languages that are bound, according to Kymlicka, to die off or become marginalized.

Kymlicka claims in *LCC* that assimilationist policies do not work (Kymlicka 1989: 176), but many of them have in fact worked, as Gellner's argument, which Kymlicka approvingly invokes, suggests. Immigrants the world over have successfully assimilated, while many smaller language groups have disappeared.<sup>1</sup> Perhaps some assimilationist policies do not work; but we need to figure out which ones work and which do not and why. Or perhaps assimilation is the wrong concept: new groups integrated, and while they gave up many of their cultural practices, they often help change the culture of their new home. Are some groups less willing or able to integrate than others?

Kymlicka is in fact clear that immigrants do not have a right to the societal culture they just left behind. Kymlicka argues that immigrants voluntarily waive their right to their national culture (Kymlicka 1995: 96). Yet given the number of people who leave their country behind because of oppressive political conditions or lack of economic opportunity, the idea that most immigrants left their country voluntarily is hard to sustain, as Kymlicka admits. Kymlicka also argues that refugees have a claim to make about rights violations, but against the government that persecuted them, who obviously will not honor that rights claim. Yet this still leaves the millions of immigrants, who are not refugees, but who leave their homeland because of limited economic opportunity. Beyond that questionable assumption that immigrants voluntarily leave their homeland, Kymlicka never explains why people can waive this right. As Joe Carens points out, liberals usually assume that rights are not alienable: people can't generally give up their right to free speech, to assemble, to a free trial and so on (Carens 2000: 81).

1 For an example of assimilation in one country, see Weber 1976.



If the right to one's societal culture is an important liberal right as Kymlicka believes, then it is hard to understand why it can be waived.

Navigating between the idea of cultural rights and the fact that modernization is, in many ways, a process of assimilation is not an easy road to travel. If everyone's self-respect is tied to their cultural group, and this self-respect is a primary good, then everyone deserves state support for their cultural group. This was the implication of Kymlicka's argument in *Liberalism, Culture and Community*. It was an exciting argument, important and innovative. But also unsustainable. There are simply too many cultural groups for them to all have a menu of robust rights, which makes the move to societal culture sensible but also paradoxical. Many societal cultures have become so through a process of assimilation, by absorbing many smaller cultural groups.

## CONCLUSION

Ultimately, Kymlicka's argument seems to give little protection to many smaller cultures and to poly-ethnic groups, and more protection to larger, societal cultures. This is, I think, intuitively plausible, but the theoretical foundation of Kymlicka's argument is vague. Dividing groups into societal cultures and polyethnic groups seems theoretically unsatisfying, but it is pragmatic and sensible. To say that most people are quite attached to their cultural structure does not really say enough, since this leaves (at the least) the question of small cultures and immigrants at issue. It is surely true that having one's cultural context changed is very wrenching and disorientating, as Kymlicka suggests. Yet there are many ways in which one's cultural context can be changed in confusing ways: the fall of the Soviet Union changed the structure of many Eastern European countries in ways that many found disorientating; the industrial revolution was similarly wrenching and confusing for many; many people today, particularly older people, find new technology to be perplexing. Indeed the process of modernization was also a harsh one, and as cultures (or societal cultures) changed, many people were marginalized – people who held jobs that became obsolete because of mechanization, older people who felt at loss in a fast changing world. Similarly, any period of rapid technological change, like we are experiencing today, will be felt to be disorientating by some. It may be that society should help those at loss and adrift, but it is hardly clear that the *rights* of these people were violated.

Perhaps Kymlicka is simply making a pragmatic argument: the fact that we cannot protect all cultural groups does not mean that we should protect none of them. The fairness argument is correct – some groups get cultural protection for free, which others do not. Kymlicka's reliance on indigenous peoples as his prime example in *LCC* suggests another reason: that if a culture is decimated by the dominant culture, it is not fair if the people that remain are told they cannot receive any support for their cultural identity, an argument Kymlicka only briefly suggests (Kymlicka 1999). How and if this argument is compatible with the idea of cultural structure as a context of choice is another issue that may not be easily resolved, which may be why Kymlicka does not rely on it very much in his later works.

Kymlicka's argument pointed to the clear unfairness of the fact that some people were part of a dominant culture that was intertwined with a modern state; along with that entanglement came certain kinds of benefits that members of minority cultural groups did not receive. Kymlicka too was clearly correct to argue that cultural identity matters, and matters quite a bit, to many people. How these insights are linked to individual autonomy and to context of choice is unclear. Still, it is certainly true that few people give up the comforts of their cultural identity easily; if they do, it is almost always because they feel some duress. Bringing this to the attention of political theory and philosophy was a major achievement. The idea that a liberal state can only be about protecting individual rights and that a state can be culturally neutral were once reigning liberal assumptions. Yet these ideas today seem obviously wrong, in large part because of Kymlicka's argument, and in this important way, Kymlicka has changed the course of liberal political theory.

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## POVZETEK

### NEGOTIVI TEORETIČNI TEMELJI KULTURNIH PRAVIC

Jeff SPINNER HALEV

V knjigi *Liberalism, Community and Culture* je Will Kymlicka trdil, da si manjšinske kulture zaslužijo določene pravice, ki jim pomagajo preživeti. Prav tako je trdil, da je kulturna pripadnost tako pomembna dobrina, da se je liberalna politična s tem, da jo je spregledala, zmotila. Treba jo je bilo dopolniti, da bi lahko prepoznali, da je samospoštovanje večine ljudi povezano s kulturno pripadnostjo. S trditvijo, da je zaščita določenih skupin pomembna za zagotovitev in okrepitev individualne avtonomije, je Kymlicka predstavil novo liberalno teorijo, ki je v politični teoriji ustvarila pomembno novo literaturo. Vendar pa je dopolnitev argumenta na koncu povzročila spremembo v tem, kaj konstituira skupino in kakšne pravice naj bi te imele. Trdim namreč, da so teoretična izhodišča njegovega argumenta s tem, da je z leti svoj argument spremenil, še zlasti v knjigi *Multicultural Citizenship* iz leta 1995, postala manj jasna. S preoblikovanjem svojega argumenta je Kymlicka nekatere skupine podprl bolj kot druge. To je pragmatično sicer smiselno, saj ne morejo biti vse skupine deležne močne podpore, vendar pa so teoretični razlogi za novo razlikovanje vse prej kot zadovoljivi.



# THE ASSESSMENT OF CULTURES AND THE AUTONOMY OF COMMUNITIES<sup>1</sup>

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## ABSTRACT

### **The Assessment of Cultures and the Autonomy of Communities**

Cultural rights are one response to the mistreatment of minorities by dominant groups. Their protection has become a litmus test for the liberal nature of democratic states. At the same time, criticisms of cultural rights abound in scholarship and popular discourse. These include concerns that cultural rights distort and essentialize culture, that cultural protections shield gender discrimination, and that cultural rights legitimize a false narrative about the capacity of Western states to act justly towards subjugated minorities and, in particular, indigenous peoples. The question addressed here is whether the protection of cultural rights, as defended by Kymlicka in his 1989 book *Liberalism, Community and Culture*, is still an important project today in light of these criticisms and against the background of recent political circumstances which find some political leaders distancing themselves from multiculturalism and where, once again, cultural difference is used to exclude minorities from the full rights of citizenship.

KEY WORDS: Kymlicka, liberalism, multiculturalism, cultural minorities, colonialism

## IZVLEČEK

### **Vrednotenje kultur in avtonomija skupnosti**

Zaščita manjšin je postala lakmusov test za liberalno naravo demokratičnih držav. Čeprav so kulturne pravice eden od odgovorov na zlorabe manjšin s strani prevladujočih skupin, se hkrati tako v akademskem kot tudi v javnem diskurzu vse pogosteje pojavljajo kritike na njihov račun. Te izražajo zaskrbljenost, da kulturne pravice izkrivljajo in esencionalizirajo kulture, da kulturna zaščita zakriva diskriminacijo na podlagi spola ter da legitimirajo lastno pripoved o zmoti zahodnih držav, da so pravične do podrejenih, zlasti avtohtonih manjšin. V članku se avtorica sprašuje, ali je danes, »v luči omenjenih kritik ter glede na nedavno distanciranje nekaterih političnih voditeljev od multikulturalizma«, varovanje kulturnih pravic, kot jih je v svoji knjigi *Liberalism, Community and Culture* iz leta 1989 branil Kymlicka, še vedno pomembno, ter kje se s pomočjo kulturnih pravic manjšine ponovno izključuje iz polnopravnih državljanskih pravic.

KLJUČNE BESEDE: Kymlicka, liberalizem, multikulturalizem, kulturne manjšine, kolonializem

<sup>1</sup> Thanks to Colin Macleod for his helpful comments on a previous draft. Like many scholars who write about these debates, I have benefited not only from Kymlicka's scholarship but also from his encouragement and support. He is well known for his generosity, which extends to a wide diversity of scholars, including many who disagree with him.

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Over the last 50 years, minorities have sought recognition and protection of their distinctive interests and have offered several now-familiar arguments for why their claims ought to be recognized. These arguments are sometimes met with familiar counterarguments by those who worry that cultural rights distort culture or who consider these rights a threat to individual freedom because of their group-based nature or who worry that minority rights fragment the public sphere and undermine a sense of common good.

As familiar as these arguments and counterarguments are today, they did not receive much attention before the 1980s, except perhaps in Canada, where, in the 1980s, the Canadian public and political elite were focused on the threat of Quebec's secession and constitutional reform. At that time, Canadians debated 'individual versus collective rights' and the nature and scope of indigenous rights. Terms like 'communitarianism' and 'individualism' made their way into our national newspapers. So, in 1989, when Will Kymlicka published *Liberalism, Community and Culture*, the book made a significant impact on how Canadians came to understand issues of diversity.

As we know, Kymlicka's book had a similar impact in Europe where, starting in 1989, debates shifted away from left-right, Cold War issues to focus instead on the upsurge in conflicts about national self-determination. Nested in these conflicts were questions that happened to be at the heart of Kymlicka scholarship, about whether each national community has the right to a state of its own and, if not, whether multinationalism and multiculturalism could be reconciled with the liberal ideal of the nation-state. Whereas Kymlicka couldn't have written his book with all of these issues in mind, his scholarship shows remarkable foresight about the need to trace the connection between liberal justice, culture and self-determination, and it helped set the stage for considering late 20<sup>th</sup> century conflicts about diversity from a fresh perspective.

My focus here is on the real-world impact of Kymlicka's arguments. In the course of putting to rest the liberal-communitarian debate of the 1980s, Kymlicka's work gave credibility and moral resonance to claims for cultural protection from a liberal and individualist perspective and in doing so attached considerable importance to the presence of cultural differences and the survival of real-world cultural communities. As we know, arguments about protecting cultural communities gained traction not only in scholarly circles but eventually also amongst public policy-makers, in court decisions, and in dozens of constitutional reform processes. This was partly because Kymlicka's work illuminated what the abstract principles found in liberal scholarship could look like in practice.

That being the case, the legacy of this influence is mixed in two senses explored here. First, Kymlicka's arguments raised questions about how culture ought to be assessed and who should make such assessments. His approach seemed to require that decision-makers sometimes assess the importance of a cultural practice to a minority group and decide what kind of accommodation a group's culture merits. In doing so, his account opened the doors to distorted and problematic readings of culture by state actors who frequently are poor judges of cultural difference or of the nature and salience of cultural practices. Second, these distortions were especially acute in relation to indigenous peoples whose core concerns are not adequately addressed by cultural accommodations. In subsequent scholarship, Kymlicka clarified the distinction between different kinds of minorities and different kinds of minority claims,<sup>2</sup> but the sometimes confusing overlap between minority claims for cultural accommodation and for group-based jurisdictional autonomy and self-determination can be traced to the attempt made in *Liberalism, Community and Culture* to justify both these claims in terms of a liberal approach to cultural difference.

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2 See especially Kymlicka 1995: 26–33.

## THREE AIMS OF CULTURAL RIGHTS

Whereas the leading accomplishment of Kymlicka's book was to guide a generation of scholars through the terrain of liberal philosophy and to uncover the normative resources within the liberal philosophical tradition that addressed cultural diversity, it's worth recalling that his work also sought to uncover a legacy of failures by liberal states to treat minorities fairly. This legacy was, in part, the result of racist and imperialist ideologies that shaped public policies which systematically excluded and coercively assimilated minorities and colonized peoples.<sup>3</sup> Although the book was written primarily as a philosophical examination of liberal theory, the many examples it employed throughout point to this political project. In this regard, one aim of Kymlicka's argument was to consider liberal theory against the background conditions found in actual liberal states which included, in the 19<sup>th</sup> and early 20<sup>th</sup> centuries, states that relied on the complicit participation of elites, dominant majorities and state actors in social, political and legal cultures of domination. In some cases, these cultures of domination were supported by philosophical theories that betrayed the very principles they defended to justify the subjugation of cultural and religious minorities.

The second aim of Kymlicka's arguments was to consider how postwar liberal principles and policies, which favoured individual rights and personal choice, had systematically ignored the collective dimensions of people's attachments to their cultures, languages and other markers of identity. Postwar individualism, though seemingly neutral about the survival of sub-state communities, was often hostile to the collective measures needed to sustain minority cultures or languages.<sup>4</sup> Kymlicka argued that the neutrality of postwar individualism could lead to disadvantage and injustice for minorities. This is because, in the absence of minority protections, the public sphere is shaped by majority cultural practices and language, and so minorities, whose practices are different from the mainstream, will be faced with either choosing to participate in the public sphere in order to access the benefits there or choosing to exclude themselves from the public sphere and thereby relinquishing access for themselves (and their children) to these benefits.

Even at the level of abstract theorizing, this postwar liberal outlook ignored the dilemmas that some minorities faced and the ill effects of cultural insecurity on them. Kymlicka argued that, for members of some minorities, abandoning their cultures and assimilating into the mainstream was the only way to meet what liberals had identified as the conditions required for individual freedom. He argued that cultural membership is a primary good to which people have a basic right and that protecting this good sometimes requires using the legal and political force of liberal rights discourse and state institutions to limit majority rule when it has a direct and disadvantageous effect on the cultural security of minorities.

The third aim of his arguments was a pragmatic one – to illuminate what the abstract principles of liberal multiculturalism look like in practice and to formulate principles by which state policy could be reformed in order to improve cultural security for minorities while remaining faithful to the principles of liberal equality. Kymlicka's book was full of examples of many kinds disadvantages minorities faced and how these should be assessed in light of liberal principles and addressed by reforming public institutions and policies. Reforming liberal political ideals was thereby intended to be part of a project to effect policy change in liberal states.

With these three aims in mind – 1) to illuminate the racist and imperialist history of liberalism's treatment of minorities, 2) to address the failure of postwar liberal individualism to recognize the importance of cultural security to individual well-being, and 3) to identify policy-relevant principles which could address injustice towards cultural minorities – Kymlicka developed a liberal framework for the protection of cultural rights (also referred to here as the 'liberal framework'). By the late 1980s, several

<sup>3</sup> Kymlicka 1989, especially Ch. 7.

<sup>4</sup> *Ibid.* See also Ch. 10.

political theorists had developed theoretical approaches which shared these aims (Young 1989; Taylor 1992 and Tully 1995). And over the next two decades, their reflections on the ongoing real-world struggles of minority groups contributed to changes in policies towards minorities,<sup>5</sup> including changes to dozens of state constitutions in North America, Europe and Latin America to address minority and indigenous disadvantage.<sup>6</sup> This era, which is often described as the era of 'identity politics', consisted of both optimism about the potential for policy reform towards minorities and skepticism about status quo ideals and policies about minority rights, especially those informed by liberalism's past.

## THE BENEFITS AND BURDENS OF ASSESSING CULTURE

The practical reforms recommended by the liberal framework were designed to have an impact on legal and political decision-making in at least three key respects. First, the framework encouraged public decision-makers to be more sensitive to the collective dimensions of minority injustice. When cultural, linguistic, and religious ties are considered part of a person's cultural identity, rather than a matter of individual and voluntary choice, they tend to be viewed by those who hold them as non-negotiable features of the self which the state must respect in order to treat people as equals.<sup>7</sup> From a perspective sympathetic to cultural and other forms of identity-based rights, states that fail to respect legitimate group-based ties risk placing some citizens in the impossible position of having to choose between being true to their deepest attachments and having access to the benefits of citizenship.

The recognition of the collective dimensions of minority rights can be found in numerous recent legal decisions about minorities. For instance, in the late 1980s, Canadian courts began citing 'respect for minorities' amongst the reasons to legally accommodate religious and cultural practices that had previously been restricted. In one of the leading Canadian cases about minority discrimination, *Multani v. Commission Scolaire Marguerite-Bourgeoys*,<sup>8</sup> a school's no-weapons policy is found to unfairly restrict Sikh boys from wearing kirpans to school.<sup>9</sup> The court states that "[a]ccommodating [Multani] and allowing him to wear his kirpan under certain conditions demonstrates the importance that our society attaches to protecting freedom of religion and to showing respect for its minorities."<sup>10</sup> In this way, the court looks beyond the impact of the restriction on the individual and recognizes how legal restrictions on individuals can affect the larger identity group and the respect it enjoys in Canadian society.

The concern that legal restrictions on minority practices may lead to disrespect for groups as a whole also informs many cases in Europe, including, in 2008, a case about the Roma right to beg in Italy. In this case, the Italian Supreme court overturned the conviction of a Roma woman of reducing her 4-year-old child to servitude partly on the basis that the Court was convinced that begging is a 'deeply rooted' cultural tradition of the Roma people that deserves some respect. The court states:

5 For example, both Kymlicka's and Taylor's work have been used extensively by courts and policy-makers in Canada and elsewhere in the world. See Kymlicka (1998) for a collection of research papers written originally for the Canadian government. Also see the Bouchard Taylor Report (2008) which was written for the Quebec Government to assess government policy about the accommodation of minority rights in Quebec.

6 Explicit mention of 'identity', or articles that directly address cultural rights or 'indigenous identity', can be found in the constitutions of Argentina, Belize, Bolivia, Brazil, Bulgaria, Croatia, Ecuador, Guatemala, Kosovo, Mexico, Nicaragua, Panama, Paraguay, Peru, Poland, Romania, Slovakia, Slovenia, Venezuela, as well as statutes passed by regions in Italy, Spain (Cataluña), and Germany (Lander). In most cases, these provisions have been entrenched in the last thirty years. See Ruggiu (2012: 219–24, 224–33).

7 For a discussion of identity politics that focuses on the non-negotiable character of identity claims see Waldron (2000: 155) and Weinstock (2006: 15).

8 *Multani v Commission scolaire Marguerite-Bourgeoys* [2006] 1 SCR 256.

9 A kirpan is a ceremonial dagger worn by devout Sikh males to symbolize, amongst other things, their commitment to defend their faith.

10 See Mulanti (introductory remarks to majority opinion). Respect is also discussed in *Multani*, para 79.

“begging is a traditional way of life deeply rooted in the culture and in the mentality of the people... It is important to consider the real situations in order to avoid criminalizing behaviours that are part of a group’s cultural tradition.”<sup>11</sup> The sensitivity to the group-based dimension of the case allowed the court to consider that begging is not merely an individual choice, nor only a matter of economic necessity, but a cultural tradition worthy of respect.<sup>12</sup>

The second impact of the liberal framework was to make decision-making more sensitive to the background social and historical dimensions of injustice. Again, the framework has been somewhat successful in this respect. This sensitivity is apparent even in contexts where states steadfastly maintain that the restrictions they impose on minority practices are legitimate and fair. For instance, those in France who have been critical of the state’s laws that prohibit the full-face veil worn by some devout Muslim women worry that these legal restrictions contribute to a broader narrative of anti-Muslim sentiment in France and other parts of Europe. This concern is shared by many outside of France including some judges (albeit a minority) on the European Court of Human Rights in the case of *SAS v France*.<sup>13</sup> The arguments made in these various contexts suggest that, without considering the background context, policy-makers and judges miss the injustice the community claims to experience, which is not simply a matter of having the activities of its members restricted, nor even a matter of restricting their right to religious freedom. Legal prohibitions can also be part of a history of group-based exclusion and a narrative of persecution that constitutes a pattern of injustice which is far more profound than what is revealed by a snapshot assessment of how individuals are treated today. Where the discourse of rights is employed solely in order to consider current restrictions on individual actions, it can fail to address many kinds of injustice. Even where judges and legislators decide against protecting a minority’s practice, as they did in *SAS*, the capacity of state actors to recognize the collective, social and historical dimensions of minority injustice in their decisions and policies while using the language of rights contributes to a powerful and important public discourse which can track a broad set of injustices and can be employed to effect change.

The third respect in which the liberal framework of cultural rights has had an impact on legal and political decision-making is that today, the protection of minority rights is more likely to require that state actors such as judges and legislators explicitly assess the culture of a minority group in the course of their decision-making.<sup>14</sup> Such assessments are sometimes required in order to determine whether a law unfairly restricts a cultural practice. They can require that judges address controversial questions about the centrality and importance of a practice to a minority in order to weigh the importance of the practice against the importance of the law that restricts it. In some cases, judges must decide whether a law unfairly restricts a disputed practice by first deciding whether the practice is part of a recognized cultural or religious tradition. For instance, they must decide whether begging is a Roma cultural tradition, whether the kirpan is a symbol of Sikh religion, or whether wearing the burka is a practice of faith. They must also decide whether the practice is important to the tradition. Is begging a widespread and important tradition of the Roma or an infrequent and marginal practice? Is the kirpan a requirement of faith or is it an excessive display of religious orthodoxy? Answering these kinds of questions is often contentious not only because judges can make mistakes but also because minority communities are pluralistic and members disagree about the significance and centrality of particular group traditions. State actors who are members of the majority can easily misinterpret minority practices, and import their own crude stereotypes into decision-making. At the same time, minorities can disagree about the

11 See Ruggiu (2016: 32–3).

12 In the end, the Court changed the charge to ‘maltreatment of a child’ and ordered a new trial.

13 *SAS v France* (43835/11, ECHR, July 1, 2014) para 149.

14 For a more complete discussion of this shift, see Eisenberg 2009.

value and importance of particular practices and about whether laws that restrict their practices are unfair impositions or a means to welcome change.<sup>15</sup>

The risks and problems that public institutions have confronted as a result of this third feature of the liberal framework of cultural rights have generated by far the strongest criticisms of multicultural theory and policy. These criticisms were largely unanticipated by Kymlicka's theory. In fact, in 1989, Kymlicka avoids questions about cultural interpretation and about whether particular cultural practices ought to be protected. Instead, he emphasizes that the liberal framework is designed only to protect the cultural community as a context or structure for people's choices (i.e. the 'cultural structure') and not to protect the particular 'character' of the community or its traditional ways of life at any given time. The particular character of the community, including its traditions and practices, he argues, is the product of choices, which people should be free to endorse or reject (Kymlicka 1989: 172, 178). Cultural protection is intended to protect the primary good of cultural membership or cultural structure, not to protect the particular character of cultural communities at any given time.

But in real-world struggles, the distinction between cultural structure and cultural character is notoriously slippery. Even if we follow Kymlicka's lead and agree that 'cultural structure' includes matters crucial to the survival of cultural communities – e.g. a minority language, traditional territories or crucial resources, public works programs that support culturally specific work patterns (*ibid.*, 183) – nothing about the distinction between 'structure' and 'character' helps sort out how to decide when a practice is crucial to cultural survival. In part this is because, with few exceptions, no cultural practice is so utterly integral to a culture that restricting it would undermine the whole cultural structure of a group. And in part this is because most cultural practices can be characterized as central and integral to a culture, depending on how the practice is characterized and whom one asks. For instance, in the case of the Roma mentioned above, how begging is protected depends on how it is characterized. Is the practice best described as 'begging with one's children' or instead, as 'making one's living from begging'? And if the latter, then what standard ought to be used to assess whether members of the community are free to make a living begging? Is it enough to protect the right of the Roma to beg as they did 100 years ago? Or should protections of the practice ensure a middle-class income for Roma beggars by protecting their access to begging so that they can reach a level at or above subsistence through the practice.

These are difficult questions and they are also an inevitable feature of the liberal framework of cultural rights. If we accept the argument that justice requires members of a minority to have access to a secure cultural context in which to make decisions about how to lead their lives, then resources crucial to that context must be protected from being overtaken or used up by majorities or dominant groups. Within the general parameters of this guideline, many questions have to be answered including how to identify which resources are crucial, how broadly or narrowly these resources ought to be characterized, and how to balance them against the interests and rights of non-members. In all these ways, the need to protect the cultural structures of minorities requires that a culture be assessed with the aim of deciding whether a disputed resource is integral to the survival of that culture. These assessments must consider not only whether a resource or practice has been traditionally important to the culture of the group, but whether it is currently part of the identity of the community; that is, how members actively identify with the resource or practice and by what cultural practices their identification is sustained. In this way, any concrete account of 'cultural structure' will be tied to an account of the current practices, resources, and values that sustain the structure today.<sup>16</sup> In short, any real world application of cultural protection requires state actors to engage in the controversial business of assessing cultures and identifying and characterizing crucial cultural practices. The distinction between cultural structure and cultural character provides no helpful guidance to this project.

<sup>15</sup> Legal restrictions on sexist cultural and religious practices are potentially divisive in this way. For studies that focus on the impact of legal restrictions on such practices within communities see Deveaux (2006) and Shachar (2001).

<sup>16</sup> Cf. Carens (2000: 61); Eisenberg (2009: 53–4); Forst (1997).



## COMMUNITIES BEYOND CULTURE: MISIDENTIFYING INJUSTICE

So far, I've considered some of the leading benefits and burdens of the liberal framework of cultural rights. Amongst the benefits, the liberal framework has helped decision-making become more sensitive to the collective, social and historical dimensions of minority injustice. At the same time, the framework has placed a significant burden on public institutions, which must assess culture and sometimes determine the importance of a cultural practice to a minority in order to resolve cultural conflicts. These assessments are controversial. They present a significant challenge to the practical viability of Kymlicka's arguments, which on the one hand require such assessments in order to give practical force to the theoretical arguments for minority rights, yet on the other provide little helpful guidance about how such assessments can be successfully made.

The second challenge for Kymlicka's arguments is to correctly identify when injustice is cultural and when it has some other source or cause. In this regard, the liberal framework has been criticized for misrepresenting the nature of some minority claims and distorting some political struggles. According to this second challenge, the liberal framework has mistakenly characterized many minority struggles as struggles about the recognition of cultural difference when often the most pressing cases of minority injustice are better understood as problems of group-based dominance.

Several critics of cultural rights have argued that the presence or absence of cultural rights is neither the cause nor cure of some of the worst disadvantages that minorities suffer, and yet the liberal framework of cultural rights frames minority injustice primarily in terms of cultural recognition and thereby places the onus on the state to address the problem. According to this view, most states, especially those with a colonial history, are enthusiastic to adopt the liberal cultural framework and even to recognize and offer some limited protections to minorities because to do so imposes less of a burden on them than would be imposed if they had to address deeper forms of injustice that better explain the disadvantages minorities suffer. One strong rendition of this criticism holds that the liberal framework of minority rights obscures the more damaging legacies of systematic racism and colonialism, including, for instance, the theft of land, the destruction of kinship systems, and the coercion and subjugation of indigenous peoples. The rendering of these injustices as 'cultural injustice' has led to false prescriptions for how to understand and address the claims of some minorities. For instance, indigenous peoples have long argued that their claims against colonial states are not, in the first instance, claims to protect or recognize their cultural distinctiveness but rather are claims for self-determination, self-government and territorial autonomy that do not depend on the presence or absence of cultural differences between them and dominant groups.<sup>17</sup> Some critics of the liberal framework argue that liberalism is incapable of addressing these deeper problems because it is built on the foundational ideal of retaining the state as the primary and best context of governance for all peoples within a territory. From the perspective of these critics, arguments for cultural rights appear to be, in the first instance, arguments to further expand the powers of the state by creating the perceived need for cultural justice and then empowering liberal states to address this need rather than considering the state to be the source of injustice in the first place.<sup>18</sup>

This is a powerful and important criticism, which cannot be fully addressed here. Yet, it is worth recalling that the liberal framework of cultural rights was developed, in part, as a response to the background legacy of the injustice of colonial policies towards indigenous peoples and thereby conveyed more skepticism about the capacity of liberal states to right past wrongs than these criticisms acknowledge. The liberal defense of cultural rights was not intended as a means to detect and protect cultural difference per se, and certainly not to provide a principled rationale for endorsing all cultural practices. Rather, one aim was to work out the kinds of cultural claims that merit protection within liberal states

<sup>17</sup> Cf. Asch (2014); Coulthard (2014); Tully (1995).

<sup>18</sup> Cf., in particular, Brown 1995.

while identifying the limitations of existing liberal states as contexts in which some minorities can securely live. At the same time, there is no doubt that the liberal framework was designed to improve the legitimacy of the liberal state and employs the apparatus of the state as an appropriate means for establishing just policies towards minorities.

At the same time, Kymlicka's approach allowed considerable scope for limiting the power of the state over some minorities, especially indigenous peoples. For instance, Kymlicka argued that some indigenous communities in Canada and the US must be protected from being outbid or outvoted in decisions about land use where their survival depends on access to land and resources. The protections he had in mind were to be instituted by the state and included restrictions on the voting rights of non-indigenous peoples within a given territory, and autonomous tribal courts with the capacity to decide matters internal to indigenous communities. He argued that, 'it would be wrong to override a consensus [within an indigenous community] about how best to entrench aboriginal rights' (Kymlicka 1989: 197) and further, that it should come as no surprise to the dominant groups that indigenous people would put greater trust in tribal courts given that external courts have an "absolutely appalling record" in respecting either the individual or collective rights of indigenous peoples. In these respects, his arguments point out that, sometimes, protecting cultural community demands removing jurisdictional power over a minority from the dominant group. Clearly, this doesn't amount to an argument to get rid of the state. But it suggests that, in some real-world contexts, the best way to secure cultural survival for a minority is to extend jurisdictional autonomy to that minority.

## CONCLUSION

The liberal framework of cultural rights gave credibility and moral resonance to claims for cultural protection from a liberal perspective, and in doing so attached considerable importance to the survival of real-world cultural communities. Here I have argued that the liberal framework developed in Kymlicka's *Liberalism, Community and Culture* had three central aims which were to illuminate the racist and imperialist history of liberalism's treatment of minorities, to address the failure of postwar liberal individualism to account for the role that cultural security plays in individual well-being, and to identify policy-relevant principles which could address minority injustice. Arguments for cultural rights gained traction in scholarly circles and eventually also amongst public policy-makers, in court decisions, and in dozens of constitutional reform processes.

The analysis of the liberal framework offered here also shows that the implementation of cultural rights has encouraged public decision-makers to consider the collective, social and historical dimensions of injustice and sometimes requires the assessment of culture. These effects of the framework have, in turn, raised serious challenges to the protection of cultural rights, including that cultural rights have invited distorted and problematic readings of culture by state actors who are frequently poor judges of the nature and salience of minority practices. Finally, critics have pointed out that some of the most pressing cases of minority injustice are not best understood in terms of cultural injustice nor best addressed with cultural protections. The liberal framework has thereby been criticized for distorting minority claims and obscuring the root causes of some forms of injustice towards minorities.

It's worth mentioning two counterarguments to these criticisms that bear on the protection of cultural rights. First, whereas the risks that judges will distort minority cultures are serious, the limitations of approaches that ignore cultural identity and consider only whether individuals are free to choose their practices and memberships can be debilitating for some minorities. State policies that ban veils and kirpans are appropriately the targets of criticism today in part because they buy into the myth of the liberal individual whose freedom is solely expressed through choice and voluntary commitments to others. The liberal framework for the protection of cultural rights sought to replace this myth by reminding us of the false neutrality of postwar individualism. The framework helps to support

the expectation that, today, democratic states cannot swamp minorities and then justify their actions by arguing that majorities ought to rule, but instead ought to recognize, as part of the shared narrative of public reasons, distinctive group standpoints and the struggles that have informed and shaped both minority and majority practices.

Second, the liberal framework for cultural rights is not hostile to the state, but it is deeply critical of how states treated minorities in the past and was developed against a partial account of this history. Whereas minority advocates and claimants are usually aware of the historical and collective experiences of their communities, the liberal framework encouraged decision-makers to be sensitive to these histories and the collective, social, and historical patterns of injustice. One aim of this awareness was to inculcate an institutional humility about the correctness of state-based decision-making and encourage state actors to consider disputes today from a historical perspective that was broader than the here and now.

Finally, in the real world, decision-making and advocacy about minority rights has always been strategic and deeply political in ways that sometimes distort the attractive aims that policies and principles are intended to serve. There is no reason to think that the liberal framework for the protection of cultural rights developed by Kymlicka would be exempt from this fate. But it seems important to distinguish principled ideals from political strategies, aims from political distortions, and accomplishments from setbacks. The enduring contribution of any theory or scholarly argument depends on making these distinctions.

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## POVZETEK

### VREDNOTENJE KULTUR IN AVTONOMIJA SKUPNOSTI

Avigail EISENBERG

Prispevek obravnava pomemben učinek knjige Willa Kymlicka *Liberalism, Community and Culture*. Sprašuje se, kako so liberalna načela, ki jih je zagovarjal, v realnem svetu vplivala na politično in pravno odločanje, povezano s priznavanjem in z zaščito kulturnih manjšin. Najprej identificira tri praktične cilje Kymlickovega pristopa, kar oblikuje kontekst za tehtanje dosežkov njegovih argumentov in izzive, s katerimi so se soočali. Prvi cilj je bil izpostaviti dediščino neuspehov liberalnih držav, da bi z manjšinami ravnale pravično, in v tem smislu liberalno teorijo premisliti v povezavi z okoliščinami, ki vladajo v dejansko liberalnih državah. Drugi cilj je bil premisliti, kako so povojna liberalna načela in politike, ki so favorizirali pravice posameznika in osebno izbiro, sistematično ignorirali kolektivne dimenzije navezanosti ljudi na njihove kulture, jezike in druge označevalce identitete. Tretji cilj je bil osvetliti, kako so abstraktna načela liberalnega multikulturalizma videti v praksi, in oblikovati načela, po katerih bi bilo mogoče državno politiko spremeniti in na tej podlagi izboljšati kulturno varnost manjšin, hkrati pa ostati zvest načelom liberalne enakosti.

Čeprav je bila LCC pri izpolnjevanju vsakega od opisanih ciljev delno uspešna, je liberalni pristop, ki ga zagovarja, naletel tudi na ovire. Izziv in ena od najmočnejših kritik liberalnega pristopa je, da so za presojo kulturne in verske prakse manjšinske skupnosti, s pomočjo katere se lahko reši konflikte, včasih potrebni državni akterji. Drugi izziv je bil ta, da liberalni okvir včasih vodi do napačne identifikacije »kulture« kot vira nepravčnosti. Več kritikov trdi, da liberalni okvir manjšinskih pravic zakriva škodljivo dediščino systemskega rasizma in kolonializma. Trdijo, da ta pristop zmotno podpira državo kot panacejo za krivice do manjšin, namesto da bi jo obravnaval kot primarni vir krivic. Avtorica trdi, da so Kymlickovi argumenti ta problem deloma že predvideli.



# KYMLICKA ON CULTURAL RIGHTS AND LIBERALISM<sup>1</sup>

Eamonn CALLAN<sup>1</sup>

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## ABSTRACT

### **Kymlicka on Cultural Rights and Liberalism**

Kymlicka's *Liberalism, Community, and Culture* originated a highly influential argument about the ethical foundations of minority cultural rights. The argument is explained and assessed in its original context and in the more developed form it took in his later book, *Multicultural Citizenship*. In its original version the argument was seriously underspecified, but the later version cleared up some problems only to create others. Minority cultural rights were either classed as the rights to self-government of national minorities or the rights of immigrants to integration into the receiving society, a form of incorporation that welcomes the retention of hyphenated cultural identities. The argument still left ample room to doubt that nationality suffices to justify self-government and that reasons derived from the value of multicultural integration could really support immigrant rights. Alan Patten's recent book, *Equal Recognition*, goes far to remedy these shortcomings while remaining firmly within the liberal paradigm of cultural rights that Kymlicka established with his first book.

KEYWORDS: multiculturalism, recognition, identity, Alan Patten, Will Kymlicka

## IZVLEČEK

### **Kymlicka o kulturnih pravicah in liberalizmu**

Will Kymlicka je v knjigi *Liberalism, Community and Culture* prvi zagovarjal zelo vpliven argument o etičnih temeljih kulturnih pravic manjšin. Ta argument je dodatno pojasnil in ocenil v svoji poznejši knjigi *Multicultural Citizenship*. V prvotni različici je bil argument precej nedodelan, novejša različica pa je razrešila nekatere težave, vendar za ceno nastanka nekaterih drugih. Manjšinske kulturne pravice so bodisi opredeljene kot pravice do samostojnega upravljanja narodnih manjšin ali kot pravice priseljencev do vključevanja v priseljenško družbo na način, ki upošteva ohranitev kulturnih identitet. Argument še vedno pušča dovolj prostora za dvom, ali nacionalnost v zadostni meri utemeljuje samoupravo ter ali razlogi, ki izhajajo iz multikulturne vključenosti, lahko podpirajo pravice priseljencev. Zadnja knjiga Alana Pattena *Equal Recognition* gre v odpravi teh pomanjkljivosti še dlje, kljub temu pa trdno ostaja v liberalni paradigmi kulturnih pravic, ki jih je s svojo prvo knjigo utemeljil Kymlicka.

KLJUČNE BESEDE: multikulturalizem, priznanje, identiteta, Alan Patten, Will Kymlicka

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## I

I first read *Liberalism, Community, and Culture* very soon after its publication, and it impressed me more deeply than any book I had read by a living political philosopher since Dworkin's *Taking Rights Seriously* a decade earlier (Kymlicka 1989). But after twenty-five years, even excellent scholarly books are apt to hold diminishing interest as academic progress makes their contents increasingly *passé*. Returning to *Liberalism* in recent months, however, I found the book every bit as fresh and stimulating as I did on that first reading.

Although "multiculturalism" does not even figure in its index, arguments sketched in *Liberalism* about the nature of culture and its relevance to political morality would ground the theory of multicultural citizenship that Kymlicka developed in subsequent work. My main purpose here is to probe the strength of the foundation and to say something about its abiding relevance to philosophical arguments about cultural rights. For that reason I concentrate on the tantalizingly brief parts of the text where the relevant arguments are made, as well as some passages in *Multicultural Citizenship* that advance the line of thought they initiate (Kymlicka 1995). Finally, I say a little about Alan Patten's recent book, *Equal Recognition*, which seems to me by far the most important contribution to the liberal theory of cultural rights since Kymlicka's path-breaking work and also a testament to his continuing influence (Patten 2014). Patten's book is certainly original, but it also adheres closely to the particular liberal paradigm that Kymlicka established.

## II

*Liberalism, Community, and Culture* has to be understood in the context in which it was written. The collapse of the European colonial projects during the middle decades of the twentieth century spurred belated public awareness in Western democracies of the immense cultural destruction, along with more palpable harms, that colonialism had wrought. And with the emergence of identity politics in the aftermath of America's civil rights movement, the appeal to cultural rights as a shield against social exclusion and stigma emerged in the political vernacular of many countries in the West. "Culture" became a valorized abstraction for a certain style of leftist politics, to be invoked when traditional but socially marginal communities were under threat from the assimilative powers of the state or international capitalism. By the same token, "assimilation" became a dirty word that suggested betrayal and complicity in oppression.<sup>2</sup>

The big question for political philosophy that arose from these developments was whether arguments expressed in the new vocabulary amounted to a breach with the received principles of liberal democrat politics, a departure to be extolled or denounced according to one's attitude to them, or whether their partisans could at least sometimes be understood as extending these principles to the particular historical circumstances of contemporary states. Kymlicka's project is to develop an account of cultural rights that locates them within the tradition he calls "modern liberalism," which he associates with Mill, Hobhouse, Green, Dewey, and more recently, Rawls and Dworkin. What unites the tradition is the attempt to ground principles of political justice in the equal respect and consideration owed to all who are subject to the authority of the state (Kymlicka 1989: 10–19).

A basic assumption of the modern liberal tradition is that each of us seeks to achieve a good life, though we often differ irreconcilably about what that life comprises. Nevertheless, we can agree that certain things are necessary to pursue whatever idea of the good we happen to have – roughly, "primary

2 The very word "assimilation" has taken on such invidious overtones in Western Europe that it is now almost universally eschewed. See Kastoryano (2002: 30–31). On the other side of the Atlantic after the 1960s, assimilation came to be seen "as an ethnocentric and patronizing imposition on minority peoples struggling to retain their cultural and ethnic integrity." (Alba and Nee 2007: 124)



goods” in Rawls’s vocabulary. These sustain the capability to choose our ends in life and also to revise them should we come to see our choices to be mistaken. Kymlicka argues that recent liberal philosophers, while accepting this general view of how justice and the good are connected, tend to treat a secure cultural setting for individual choice as an unacknowledged primary good. That is bad news for cultural minorities for whom the availability of such a setting is by no means assured. The injustice of their plight is rendered invisible by theories that assume they differ in no morally relevant respect from majorities (Kymlicka 1989: 10–19, 162–179).

The obviously cogent claim here is that our ability to pursue the good as we see it must depend on *some* sort of adequate cultural framework that government might protect, neglect, or in the very worst case, destroy. Kymlicka’s is also the kind of argument to which modern liberals (and their classical precursors) will necessarily appeal because it derives exclusively from the basic interests of human beings who are subject to political authority. The possibility that cultural practices have a value that is not reducible to the interests of particular human beings, a possibility dear to the hearts of some anti-liberals, is irrelevant to modern liberalism. The argument also coheres with what Kymlicka and some others have taken to be an entailment of their egalitarianism – viz., the idea that equal concern for all must be neutral concern for the many different conceptions of the good that people permissibly endorse within limits set by others’ rights: “[G]overnments are not allowed to use controversial judgments about the nature of human excellence or perfection in deciding how to promote the conditions of individual freedom.” (Kymlicka 1995: 80) Finally, the example to which Kymlicka repeatedly recurs of a people deprived of the necessary cultural framework for choice – aboriginal Canadians – is without doubt intuitively evocative. But the evocativeness of the example comes with certain disadvantages as well.

The oppression experienced by aboriginal Canadians has been so massively over-determined that strong moral intuitions about the case require some unraveling. Their oppression includes wholesale theft of land, coercive assimilation under the guise of educational opportunity, treaties that were exploitative or else fitfully or never upheld, social stigmatization on a massive scale, and widespread violation of their rights to liberty and equal treatment. We do not need to posit distinct cultural rights in order to recognize multiple egregious wrongs done to them since the arrival of Europeans in North America, though a reasonable surmise is that had the wrongs not been done, or if they could somehow be rectified at a stroke, the cultural infrastructure of aboriginal communities would be in much better shape than it is now.

Kymlicka says that a culture’s distinctive good consists in the fact that it “provides meaningful options for us and [aids] our ability to judge for ourselves the value of our life plans” (Kymlicka 1989). But liberty and educational opportunity, traditional items on the liberal list of primary goods, confer that good as well, and it is not clear from the argument in *Liberalism* just what the remaining deprivation would be if these were fully provided as justice requires. Much the same problem arises with the link between self-respect and cultural rights to which Kymlicka refers (Kymlicka 1989: 165–166). No doubt the combination of extreme poverty, poor educational opportunity, and social stigmatization that have long afflicted aboriginal communities in Canada erode the self-respect of youth. If these wrongs were corrected, some residual frailty in their self-respect could well require distinct cultural rights in order to be remedied. But we need more detailed argumentation than Kymlicka supplies in *Liberalism* to know that such a requirement in fact holds.

The cause of justice for aboriginal peoples also includes claims to national self-determination that are compelling in light of a history of colonization and persistent misgovernment by Canadian federal authorities. In the rhetoric of aboriginal justice, the case for self-determination is braided together with claims about the value of cultural preservation, and that creates some temptation to reduce the one to the other. Yet the self-determination of a people and its cultural preservation are not the same thing. Conceptions of culture and collective self-government that stay close to how the concepts actually work in our political vernacular would have to permit us to say that people aspire to govern themselves for cultural among other reasons, and that if and when they achieve it, cultural preservation is only

one among other many ends they may pursue. Whether a given people will exercise whatever powers of self-government they have to preserve their culture is always an open question. Suppose we could know that the cultural distinctiveness of one of Canada's First Nations would very likely fare worse with greater rather than less power to rule themselves. The case for their having greater powers as a matter of right would not collapse; in fact, I am not sure it would be diminished much.<sup>3</sup>

This gap between cultural and other reasons of self-government is obscured somewhat by Kymlicka's conceptual apparatus in *Liberalism*. For he seems in one important passage to define the sense in which cultural preservation matters to liberal justice so narrowly that mere demographic continuity suffices to preserve a culture:

It is of sovereign importance to this argument that the cultural structure is being recognized as a *context of choice* . . . In one common usage, culture refers to the character of a historical community. On this view, changes in the norms, values, and their attendant institution in one's community (e.g. membership in churches, political parties, etc.) would amount to the loss of one's culture. However, I use culture in a very different sense, to refer to the cultural community, cultural structure itself. On this view the cultural community continues to exist even when its members are free to modify the character of the culture should they find its traditional ways of life no longer worthwhile. (Kymlicka 1989: 166–167)

The example that he gives of this phenomenon is the Quiet Revolution during the 1960s in Québec. This was a period of rapid and intense cultural change that permanently altered Québec's educational, political, and religious character. Still, the cultural community that existed prior to these changes still existed after them. Kymlicka does not specify the criteria for the persistence of a cultural community. But one might infer from the text that once a distinctive community persists over a certain span of time, he believes that whatever happens to its character during that time is irrelevant to the persistence of culture in the sense that liberal theory should privilege. That cannot be right.

Consider a revealing contrast to the Quiet Revolution. The community that existed within the borders of China prior to the Cultural Revolution was the same one that struggled back to stability in its aftermath. The big, obvious difference between the cases is that in Québec social change was channeled through a set of political, economic and other institutions that were flexible and resilient enough to maintain social peace. In China there was massive institutional breakdown across the board. Thus without a sufficiently thick and flexible cultural framework of public and private institutions, Quebecers would not have had an enabling context of choice that endured through cultural tumult; instead, their fate would have been something like those who were unfortunate enough to endure the chaos of the Cultural Revolution. But that means we need to care about the persistence of a substantial cultural *content* and not just the perpetuation of a demographically continuous community. The character of a community is not irrelevant to the persistence of its culture. Kymlicka's own allusion to

3 In the recent Scottish referendum, moral revulsion after years of Tory (aka English) assaults on the welfare state seem to have been at least as big a consideration for many who favored independence as any reasons that would be ordinarily classified as "cultural." The Northern League in Italy flaunt their loyalty to local traditions in seeking greater regional autonomy, but the prospect of keeping more taxes for the North is an independent and perhaps more potent source of attraction for many supporters. And a commitment to cultural preservation or revival had relatively little to do with Ireland becoming a republic. The country has also become far more culturally akin to England in the decades since it won independence than it ever was during centuries of British colonialism. Although some Irish people bemoan that change as a fatal cultural decline, most view it with indifference or approval. Cultural preservation is just very low on their list of priorities, which is not to say they care any less about maintaining Ireland's political independence than their more culturally nostalgic compatriots. No doubt the daily maintenance of common institutions and a still vivid sense of shared history will be enough to ensure that the Irish retain a certain cultural distinctiveness. But to equate the retention with their self-determination would entail a very eccentric use of "cultural distinctiveness."

cultural “structure” in the above passage certainly suggests some awareness of this, and the awareness becomes much more explicit in the concept of a “societal culture” that emerges in subsequent work.

The overall case that Kymlicka made for minority cultural rights in *Liberalism* is intriguing but underspecified. If culture belongs on the list of primary goods, we need a better understanding of its relation to other goods on the list, and that is not forthcoming in the book. Does the distinctive value of culture require us to re-think our conceptions of educational opportunity, for example, so that their equal conferral on cultural majorities and minorities will often entail differential educational provision? Or should we think of culture (in part or whole?) as an irreducibly distinct good whose fair distribution cannot be determined merely by ascertaining the optimal distribution of freedom, educational opportunity and the like, however these standard primary goods are interpreted? The question is of more than pedantic interest because our capacity to enact and revise a conception of the good plainly relies on more than culture, and without a clear sense of how culture fits with the standard items on the liberal list of justice-relevant goods, the upshot of Kymlicka’s argument at the level of substantive policy is elusive. To my knowledge at least, this remains a lacuna in the liberal theory of cultural rights.

The second point at which Kymlicka’s argument was underspecified was in its account of the persistence conditions of culture. Liberal politics certainly cannot be indiscriminate in its opposition to cultural change. But if liberals must acknowledge minority cultural rights, a reasonable assumption might be that their point is to fortify vulnerable minority cultures against decline. For reasons I have already rehearsed, Kymlicka’s barely sketched distinction between cultural content and community does not enable us to distinguish between mere change and decline. A more plausible distinction would be the centerpiece of Kymlicka’s next and most famous book.

### III

The notion of a “societal culture” is the key concept in the theory of multiculturalism that Kymlicka presents in *Multicultural Citizenship*. In fact, we might as well abbreviate this awkward phrase to “society” since societies are exactly what Kymlicka has in mind.<sup>4</sup> An adequately stable society is one that “provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres.” (Kymlicka 1995: 76) What constitutes a given society are the particular shared institutions that organize “the full range of human activities,” institutions that can endure across long periods of time even as conduct within their parameters brings about much change. Societies also tend to be territorially concentrated and marked by a common language; the intensity and complexity of social cooperation that each requires would likely not be possible otherwise. “The capacity and motivation to form and maintain such a distinct culture is characteristic of ‘nations’ or ‘peoples’ . . . Societal cultures, then, tend to be national cultures.” (Kymlicka 1995: 80) Almost all modern states are also multi-national, and the right of national minorities to maintain their societies within such states is the normatively central claim in Kymlicka’s theory. That is to say, national minorities can rightfully claim sufficient authority within the structure of the state to enable them to control their future. Without that right, the integrative pressures exerted by the majority will inevitably erode the institutions of the minority society, however scrupulous the state is in avoiding discrimination.

Besides the rights of national minorities, Kymlicka acknowledges a category of cultural rights that can be claimed uniquely by immigrants (Kymlicka 1995: 95–101). To emigrate is to leave one society to make one’s future as a member of another. Learning to adapt to the new society may be an emotionally and cognitively taxing process, especially for older immigrants, and if the expectation of the receiving society is that newcomers will completely abandon their prior cultural practices on arrival, adaptation

4 Kymlicka’s concept of societal culture is borrowed from the analysis of society in Copp (1992).

can be experienced as deeply degrading. That moral cost is also unnecessary because immigrants can be effectively integrated into the major institutions of the receiving society without being completely assimilated. They (and their descendants) can be permitted, even encouraged to retain ancestral traditions and the like provided these do not compromise immigrants' full participation in the public institutions of the receiving society.

The paired concepts of society and nationality gives Kymlicka a much clearer way of explaining the sense in which the pursuit and revision of our life plans depend on an enabling societal context than the hurriedly made distinction between the character and continuity of a cultural community in *Liberalism*. But even if "the capacity and motivation to form and maintain" societies is characteristic of nations, it does not follow immediately that those who embrace some minority national identity can thereby justly claim a right to national self-government. The problem is to show how the individual interest in nationality is pervasive and morally weighty enough to generate a collective right to self-government. The most obvious source of doubt is this: being able to enact and revise a satisfactory conception of the good in a society in which one has little or no sense of common nationality with fellow citizens is not a rare condition, even for those who never emigrated, nor is it always experienced as a deprivation. There may be a way of getting from premises about the autonomy of individuals to conclusions about a collective right to national self-determination but it would take a much longer path of inference than any Kymlicka traces in *Multicultural Citizenship* or its predecessor.

Once again, Kymlicka's conceptual apparatus may obscure as much as it illuminates. In the first place, the unfortunate conflation of cultural rights with the self-government of peoples is now explicit and almost complete. The concession to immigrants' multicultural rights is an addendum to the argument for minority national rights and, as I argue below, there may be less to the concession than meets the eye. The distinction between minority and majority nations is certainly an important one that was badly neglected in much twentieth century liberal philosophy, and the concept of a society usefully draws attention to the boundary between the two. But culture qua society cannot coherently apply to the vast cultural differences within many contemporary liberal societies, especially but not only those most shaped by immigration. Nor can it capture the cultural convergence between societies that globalization has induced. The point is not that Kymlicka is unaware of these things; he certainly is. But I am not sure he sufficiently registers how contemporary migration and globalization may signal a weakening of national attachments in some cases. I also doubt that integration-derived rights for immigrants can throw much light on the unruly intra-societal political claims that are now made in the name of culture.

Kymlicka stresses the steep learning curve that must be managed by migrants who leave their national home to build a life in some other society. But the curve is not so daunting for educated migrants nowadays, given the globalization of culture. When I came to work at Stanford University from Canada, I found myself living in a suburban neighborhood quite like the one I had just left, shopping in stores that were just other branches of the ones I had been accustomed to using, and having much the same academic conversations in just the same language with students and colleagues who were barely distinguishable from their Canadian counterparts. I was now living in a new society, but there was remarkably little discontinuity between my cultural experiences in the two societies. No one would dream of saying that Canada and the U.S.A. do not comprise distinct societies, although they bear innumerable close resemblances and are nested within an increasingly integrated North American (and global) Anglophone culture.

No doubt the ease with which I was able to move from one society to another is far from typical of today's migrants. But I think Kymlicka certainly overstates the case about even the least fortunate among them when he compares migrants to medieval monks taking a vow of poverty as they abandon their secular status. In countries such as Ireland, with a very long history of raising children for lives abroad, I think this will seem far too one-sided an image. The decision to migrate may be a difficult one, but only in some cases is it experienced as a permanent hardship. And in places where poverty is very

bad and future prospect bleak, Kymlicka's comparison will seem the exact opposite of the truth. For people in such places the monk's vow of poverty is much more like the decision to stay put.

Intra-societal cultural differences also pose difficulties. Compare my experience of immigration to the USA to what might happen to a Latina who is admitted to Stanford from a rural community a hundred miles away. Her ancestors have lived in California for many generations. Yet she might well experience a serious rupture of identity as she forsakes one established cultural community for another while traveling a very short distance within a single, but exceptionally diverse society. She is not an immigrant, and she does not necessarily want minority national status for any group to which she belongs. If she demands respect for her particular culture, Kymlicka's theory cannot make sense of what she says.

He does present another interesting argument for the rights of national minorities in *MC*, one that explicitly engages with the concept of identity. He quotes Margalit and Raz:

Identification is more secure, less likely to be threatened, if it does not depend on accomplishment. Although accomplishments play their role in people's sense of their own identity, it would seem that at the most fundamental level our sense of our own identity depends on criteria of belonging rather than on those of accomplishment. Secure identification at that level is particularly important to one's well-being (Kymlicka 1995: 89; Margalit, Raz 1994: 447–449).

But failures of belonging are common among even the more privileged of those who live as members of national majorities or autonomous minorities in liberal states. So self-determining nationhood, even in combination with a secure context of choice, is not sufficient for the relevant good. And it is plainly unnecessary. The facets of personal identity that yield a full sense of belonging in the world need not implicate societal membership; religion, family, friendship, or other things can amply fill that particular hole. That said, I think identity is likely a necessary concept to any satisfactory liberal theory of cultural rights. I take this point up in the following section.

The addition of special cultural rights for immigrants in *Multicultural Citizenship* creates other difficulties. The particular rights that Kymlicka specifies are quite limited in scope, and their rationale is not to provide an enabling context for choice; the receiving society will do that well enough (Kymlicka 1995). Their point is to facilitate immigrants' integration without the wholesale erasure of whatever cultural baggage they bring with them from their country of origin. Two particular problems are evident here.

First, as many others have noted, the asymmetry between the rights of national minorities and the much sparser rights of immigrants is not easy to reconcile with the principle that citizens in both categories are owed equal consideration and respect. If the good of a secure context of choice and sense of belonging is adequately provided by policies that merely facilitate the integration of immigrants into the receiving society, why cannot the same good be made available to a national minority by helping them incorporate into the majority nation? Alternatively, if the relevant goods cannot be conferred through such policies, why cannot immigrants also lay claim to the rights of national minorities? Kymlicka's answer in *Multicultural Citizenship* relies heavily on the claim that emigration – setting aside the big, special problem of refugees – is a voluntary choice. Immigrants to a multicultural society could have stayed where they were if they were sufficiently averse to integrating into another society. But much the same could be said about many members of national minorities under pressure to assimilate to a majority society whenever they have some opportunity to go elsewhere: they could leave if the prospect of integrating was repugnant to them. Voluntary choice cannot sustain a distinction between strong rights to self-government for nations and thin, integration-promoting rights for immigrants.

Kymlicka has correctly pointed out that the modest expectations of contemporary migrants to liberal democracies differ, as a matter of obvious empirical fact, from those of established national minorities. They want a fair opportunity to integrate into the receiving society; they do not propose to colonize it incrementally by creating one of their own on its territory (Kymlicka 1995: 95–96). But the

question is about legitimate expectations, and a reasonable hypothesis about why immigrants typically ask for little is that the process of adaptive preference-formation moderates their claims.<sup>5</sup> In that case, the legitimacy of their expectations would be questionable. Prospective immigrants know they are never unambivalently welcomed in the receiving society, and keeping their expectations modest makes them far more likely to get in and win acceptance than those who would present themselves as colonists. Furthermore, once they arrive, the prevailing assumption that “good” immigrants will integrate as rapidly as possible creates a standard of conformity and ample pressure to internalize it. Alternatively, the expectations of national minorities are typically formed in a context of much greater collective strength, with institutions of their own and with a long history of presence within the state and at least intermittently peaceful coexistence with their compatriots. The question is how we might establish the legitimacy of these divergent expectations because the empirical fact of divergence does not entail their legitimacy.

Furthermore, framing the supportive policies that Kymlicka would favor for immigrants in terms of individual rights is misleading if their justification derives only from the end of integration. The most natural way to think about integration is as a desirable goal of state policy, akin to reducing our carbon footprint or attracting private economic investment to poor regions. Such goals are to be pursued as best as we can without infringing on people’s rights, and immigrant integration is plausibly deemed to be among them. After all, immigrants who fail to integrate will to that extent fail to contribute to the common good; they are apt to become a burden on public resources, a stimulus to xenophobia, and in very rare cases, even a threat to their fellow citizens. So the desirability of integration as a public goal seems unassailable.

In the case of such public policy goals, we frequently revise how we pursue them in light of new knowledge. Given what we know now about the kind of multicultural policies that Kymlicka favors for immigrants, it does seem that they expedite the process of integration in comparison to alternatives that are less supportive of immigrants’ culture (Bloemraad 2006). But our knowledge in this area is still quite modest, and with a richer, more detailed understanding of the effects of multicultural policies, they might be shown to promote integration well in some circumstances but not in others, or to work well for some kinds of immigrants but not for others. In fact, a more recent study by Bloemraad suggests that the integrative potency of multicultural policies may dissipate as early as the second generation (Bloemraad 2014). Should we then withdraw or reduce multicultural rights in cases where their efficacy as vehicles of integration is known to be relatively weak? The correct answer surely is that if immigrants have a *right* to certain kinds of cultural protection and support from the state, they have a valid claim to these things even if respect for the right fails to contribute to some laudable public end. If that is true, then the basis of their rights cannot be the goal of integration.

## IV

Kymlicka’s name appears frequently in Patten’s *Equal Recognition*, typically to register some disagreement. But I think the disagreements belie a deeper common ground. Patten offers a precise and detailed argument that moves from premises about the equal respect due to individual agents to conclusions about the cultural rights that must be ascribed to them under certain social conditions. That is essentially Kymlicka’s project. Patten prefers to speak of a fair opportunity for self-determination rather than equal respect for autonomous agents, but my best guess is that the difference in diction does not reflect much interesting theoretical divergence.

5 Adaptive preferences are formed (not necessarily consciously) in reaction to what is perceived as possible (e.g., by virtue of others’ unjust expectations). See Elster 1985: 109–140.



According to Patten, liberal justice implies that the state has strong but defeasible reason to be neutral toward the different conceptions of the good to which citizens subscribe. Neutrality cannot be achieved in many cases other than by instituting minority cultural rights, and when that is so, the reason to be neutral is often strong enough to outweigh whatever opposing reasons might be marshaled against them (Patten 2014: 104). Patten's argumentation is never less than meticulous, and I cannot attempt to do justice to his version of multiculturalism here. But I want to indicate something of the promise of his approach by showing how it might converge with much of what is plausible in Kymlicka's theory while evading some of its pitfalls.

State neutrality on Patten's account is not a basic principle of liberal politics; it is an entailment of fair opportunity for self-determination. When the state observes neutrality, citizens can select, pursue or revise their life-plans by choosing among the range of values that are properly eligible for adoption under a liberal regime, and they can do this without their choices being unfairly tilted in one direction or another by the state. State neutrality can take different forms, and the one that underpins many cultural rights is what Patten calls "evenhanded entanglement": "the main idea ... is for the state to remain actively involved in providing and/or regulating particular goods and activities that are of special importance to some conceptions of the good and not others, but to do so in a pluralistic fashion such that a roughly equivalent form of regulation or provision is applied to various rival conceptions." (119) Patten's usefully low-key example is the "pluralistic" supply of public recreational facilities: parks, playgrounds, swimming pools, ice rinks, baseball and football fields, etc. The uncontroversial public rationale for doing this is to improve public health and encourage neighborliness. Yet by maintaining such services, local government is directly "entangled" in meeting the recreational preferences of people in the community. Neutrality means that authorities should be "evenhanded" in their accommodation of the relevant preferences, Patten would argue, and that requires something other than doing whatever the majority wants. A majoritarian rule could mean that minorities get no recreational options that attract them from a substantial public investment, and that would hardly be fair. Of course, if enthusiasts for skating or hockey are few, the case for building an expensive rink cuts no ice, so to speak. Then again, if a facility can be conveniently and cheaply adapted from time to time for the few devotees of some exotic sport, the case for doing so is strong. And if modest investment in options that would be alluring to substantial minorities is feasible, the argument for accommodation will be even stronger. The right ideal is to furnish a range of opportunities in physical recreation so that as many people as possible can find something to their liking.

But government could meet the requirement for neutrality more simply by abstaining altogether from involvement in the sponsorship of recreational facilities, and if it did abstain, no one could seriously claim that their rights had been violated. Why then cannot a culturally diverse state abstain from cultural entanglements without triggering valid minority claims about the violation of their rights? Kymlicka's answer to that question has been that on a range of critically important issues the state simply cannot be culturally neutral. Patten's answer is slightly different and (I think) better:<sup>6</sup> the only way the state can achieve or at least approximate neutrality on a range of matters that all culturally diverse states must address is through some strategy of evenhanded entanglement.

Public institutions are necessarily "formatted" in ways that instantiate cultural partiality: decisions have to be made within the state about the boundaries of sub-state governmental institutions and how authority is to be distributed among them, and these decisions may be more or less responsive to the aspirations of minorities who have a big stake in the outcome; officials must communicate with the public in one or a very few natural languages, and to that extent, there will be at least *de facto* official languages none of which are the native language of some citizens; public holidays will be well-aligned with

6 Kymlicka's argument stresses the adverse consequences for national minorities that flow from decisions about official languages and the like that are determined solely by the majority's culture (Kymlicka 1995: 112–115). But non-neutral consequences for any social group cannot by itself show a policy to be unfair.

one or more religious calendars, but certainly not all; the history and art of some groups will figure in school curricula but not everyone will find a place there. Further, the ways in which the state disfavors certain cultures through institutional formatting are liable to be experienced by citizens as disrespectful of who they are, and not merely as disappointing or annoying. That is so because our identities (in a morally salient sense)<sup>7</sup> are apt to be implicated in our national sentiments, our ability to communicate in our native language with public officials, our opportunity to celebrate holy days marked by our religion, our assurance that public schools fairly represent who we are, and so on.

The “equal recognition” espoused by Patten requires that the state accommodates identity-based preferences in the formatting of its institutions on a pro-rated basis. Proration is necessary for the same reason that public expenditure on a new municipal ice-rink for a handful of avid skaters cannot be justified. The costs involved in cultural accommodation would be prohibitive if every language favored by a few citizens were made an official language. But equal recognition is violated, for example, if sizeable linguistic minorities are denied *any* public accommodation despite the feasibility of doing so at modest cost.

This is a merely a rough summary of the central argument in *Equal Recognition*, but it is enough to show both why the book advances our understanding of cultural rights in liberal theory and how it retains much of the spirit and substance of Kymlicka’s work. For one thing, Patten gives us a much more contextually sensitive principle for assigning cultural rights than the bifurcated categories of national self-government and immigrant integration. Any claim on the support or protection of the state that applies to the formatting of public institutions and is grounded in identity in the relevant sense is at least a candidate for accommodation on the basis of equal recognition. Whether it comes from a national minority or immigrant group is irrelevant, strictly speaking.

One advantage of Patten’s theory is that the strength of the argument it yields for self-government is indexed to the place of national sentiment in the identity of the minority in whose behalf the argument is made. Where such sentiment is generally feeble, for example, but serves as a convenient pretext for regional resource hoarding, Patten can explain why the argument would be correspondingly weak. I doubt that that conclusion would be repugnant to Kymlicka, but nothing in his theory can really explain the variable moral weight that different claims in behalf of national minorities might have. The centrality of nationhood to modern identity in Kymlicka’s theory is taken to be a hard fact from which the right to self-government can be directly inferred. But Patten re-casts that point as a more plausible conditional: *if* the cultural attachments of a given community have mutated into a strong and pervasively distinct national identity, then we have a cultural case for self-government. Of course, there’s a vital question here at the level of application about just how strong and pervasive the sentiment has to be for it to yield a right to self-determination, and one might expect a lot of reasonable disagreement about when the point is reached.

Immigrant rights are also put on a more robust and morally apt footing in *Equal Recognition*. If the increased presence of immigrants in our schools, for example, warrants revisions to curricula that adequately reflect the history and traditions of prominent new ethnic groups in our midst, equal recognition would supply that warrant not because the proposed curricular change promotes integration but because respect for the identity of those within such groups requires no less.

7 “I think of a preference as identity related when it has two main characteristics. First the preference is connected in a particular way with the other beliefs and preferences that make up a person’s conception of the good. The preference is informed by, or an expression of, the fact that the preference holder identifies with a particular group or community, and values that identification to at least some degree. Second, the satisfaction, or at least the equal treatment, of the preference matters to the holder in a special way. It would be an especially serious setback for the person if the preference went unsatisfied, and/or if the state treated it unfavorably.” (Patten 2015: 157) This seems to me a particularly clear and plausible way of connecting identity related preferences with the expectation that the democratic state will treat us equally.



But the contextual sensitivity of equal recognition also means that it grounds a substantially more limited accommodation of cultural diversity than some would hope for. The limitation is a consequence of the fact that equal recognition is a defeasible principle of political morality subject to the constraint of proration. I do not say that defeasibility and proration trivialize cultural rights; I merely suggest that they indicate a more precarious place for them in the determination of public policy than Patten (and perhaps Kymlicka) would be ready to acknowledge.

Patten stresses the fact that even when equal recognition must yield to more morally pressing reasons in public policy, the moral loss we thereby incur is one we are obliged to redress in the future. He acknowledges the liberal nationalist worry that the imperative of nation-building might sometimes tell against the case for minority cultural rights. But he is sanguine that the strategies of liberal nation-building can over time secure a sufficiently cohesive nation without sacrificing equal recognition. All that may well be true, but I suspect that other considerations will commonly and rightly crowd out equal recognition in the all-things-considered determination of public policy.

The point I want to make about defeasibility is banal but easily forgotten the further we get from actually making or assessing the tradeoffs that are inescapable in real world policy-making. Consider some of the initiatives that might with some show of reason be espoused in the name of equal recognition in education: bilingual schooling for the children of immigrants to provide access to a curriculum that would otherwise be largely intellectually opaque; bilingual schooling for linguistic minorities to ensure the retention of ancestral languages that are widely cherished; new curricula for schools – with the new textbooks and other resources that this implies – that fairly represent the social presence of new minorities; state-sponsored religious instruction (or separate denominational schooling) that bestows on new minorities educational privileges hitherto enjoyed only by long established faith communities . . . and so on.

Arguments for equal recognition in these circumstances will almost inevitably be in contingent conflict with other rights-based arguments that have at least as much moral respectability. The case for more investment in the education of the disabled or for policies that mitigate the effects of poverty on educational opportunity can certainly claim that status. And of course, the argument for maintaining, much less increasing public spending on education can be countered by other rights-based arguments about healthcare, foreign aid and the like. Rights are the heavy artillery in the arsenal of moral argument, or so says Loren Lomasky (Lomasky 1985). But valid rights claims do not confer much advantage when those with rival policy priorities all have very big guns.

Reasons morally important enough to defeat equal recognition in the first place are unlikely to lose their relevance and weight in future instances of decision-making; in fact, they are likely to be applicable whenever the obligation to redress the earlier defeat applies. I would guess that the most common scenario in which a policy recommended by equal recognition rightly loses out to an alternative is when the public resources needed to implement it are better spent on alternative worthy purposes, such as improvements to universal healthcare, antipoverty projects, foreign aid, etc. Whatever the obligation might be to correct the moral loss that occurs when recognition is defeated, it cannot mean that we could engineer our political circumstances so that powerful countervailing reasons will not be adduced against the principle later on. The imperatives of securing universal healthcare, etc. just will not go away.

Proration is a constraint that applies at a more basic stage in determining whether there is a right in the first place. Patten says almost nothing about how it is supposed to work. But it is presumably bad news for some small minorities with costly claims against the state, and unless an immigrant community has somehow already created a more or less institutionally complete society of its own, it is hard to see how they could reasonably lay claim to the immense resources necessary to create one if all claims are subject to proration. This has the important implication that proration could explain why immigrants' modest cultural claims are *rightly* modest in scope, regardless of whether mechanisms of adaptive preference shape them.

A final point of comparison between Kymlicka and Patten might be the place each gives the idea of cultural loss within normative theory. I noted earlier that “culture” is more or less swallowed up by “society” in Kymlicka’s theory. One unfortunate consequence of that conceptual move is that it inflates the importance of cultural loss. The disintegration of whole societies is something none of us could regard with equanimity, given the immense difficulty of rebuilding them when they have been severely damaged. (The examples that come to my mind are in failed or very weak states.) But the loss of cultural practices is another matter entirely, even when they are central to some formerly cherished way of life. Whether such losses turn out to have normative political relevance will be an open question, but we merely suppress the question if we fail to register them as cultural loss so long as the society in which they are embedded endures.

In Patten’s case, even though he devotes a great deal of highly ingenious argumentation to the question of what constitutes a culture early in the book, the argument I summarized above makes no reference to cultural loss whatever; its fulcrum is the idea that identity is implicated in a morally privileged sense in certain claims that minorities make against the state. Patten would argue that culture is still deeply relevant here because what minorities typically claim is some accommodation that will help a vulnerable culture or cultural practice to survive in a more or less adverse social environment. It is because the identity of the claimants is so tightly bound up with cultural survival that the concept of culture remains (implicitly) central to the argument, or so he seems to think.

I am doubtful about this. Proration surely means that the cultural claims of the smallest, most vulnerable cultures are more susceptible than others to being downgraded if not dismissed entirely. At least that is likely to be true when substantial ongoing costs would be incurred by the state if it were to provide the requested accommodation. That would seem an unfortunate implication for a theory that purports to be centrally concerned with the survival of vulnerable cultures. On the other hand, if proration is discarded, equal recognition ceases to be a politically realistic or normatively attractive principle: strictly equal recognition for all cultures regardless of size is scarcely imaginable in any society with more than very modest levels of cultural diversity. But I am inclined to think that questions about cultural survival are irrelevant to liberal multiculturalism for reasons that parallel the irrelevance of questions about religious survival.

When people exercise their religious liberties, they often do so in the effort to ensure that their own faith is sustained into the future. But the reason why liberal states respect religious liberty is not necessarily the same as what motivates the individuals whose liberty it is. The state protects that liberty because religion is central to the moral identity of citizens, and so long as it exists as a social practice, some people will be unable to live a subjectively tolerable, much less a good life, unless they are free to live openly in light of their faith. But it does not follow that the state has an interest in the survival of any religious faith. That will be up to the decisions of individuals exercising their rights under a just political dispensation; in Patten’s terms, it will be up to the self-determination of citizens under fair background conditions. If a particular religion is dying out, that warrants no special solicitude on the part of the state. Of course, if dying out is a consequence of religious persecution, the state must intervene to correct that wrong. Whether or not the correction is enough to revive the religion is nothing to point. I do not see how the logic of cultural rights in liberal theory could be any different if Patten is right about their normative grounds.

That comparison between religion and culture in liberal theory leads me to a more speculative point. Religion is without doubt an important concept to some areas of philosophical inquiry. Still, does it really matter in liberal theory so long as we do not stray much from ordinary usage? If someone asks for an exemption from some legal duty on dubiously religious grounds, for example, the principles that warrant the exemption will indeed be crucial to an adequate conception of liberal justice. But I think we muddle the problem if we think that the meaning of “religion” in disputed cases is centrally at issue in efforts to identify and apply the necessary principles. If what is claimed as a “religious” exemption has just the same normative salience in the claimant’s conception of the good as garden variety religion

has in the life of a typical believer, then for all it matters we can substitute “chopped liver” for “religion”: the case for accommodation will have just as much or as little merit as it would if the same exemption were claimed in the name of some paradigmatic religion. I suspect that parallel claims about culture and cultural rights may be true. Very little of consequence to our political morality may ride on theoretical disputes about the meaning of “culture”. At the very least, we can surely say that rights do not get some extra jolt of importance just because they are “cultural” rather than something else.

The place of minority cultural rights in liberal theory that I have tried to make visible in this essay might be a bit more modest than Kymlicka would commend, though I am not even sure of that. But it is certainly far more robust than the likes of David Cameron and Angela Merkel have been willing to countenance in their unfortunate diatribes against multiculturalism. It is sad that our philosophical understanding of minority cultural rights has advanced so far, through his and now Patten’s good offices, while our vernacular political discourse is still so often corrupted by absurd caricatures of what such rights would signify.

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## POVZETEK

### KYMLICKA O KULTURNIH PRAVICAH IN LIBERALIZMU

Eamonn CALLAN

Will Kymlicka je v knjigi *Liberalism, Community and Culture* prvi zagovarjal zelo vpliven argument o etičnih temeljih kulturnih pravic manjšin. Ta argument je dodatno pojasnil in ocenil v svoji poznejši knjigi *Multicultural Citizenship*. V prvotni različici je bil argument precej nedodelan, novejša različica pa je razrešila nekatere težave, vendar za ceno nastanka nekaterih drugih. Manjšinske kulturne pravice so bodisi opredeljene kot pravice do samostojnega upravljanja narodnih manjšin ali kot pravice priseljencev do vključevanja v priseljenško družbo na način, ki upošteva ohranitev kulturnih identitet. Argument še vedno pušča dovolj prostora za dvom, ali nacionalnost v zadostni meri utemeljuje samoupravo ter ali razlogi, ki izhajajo iz multikulturne vključenosti, lahko podpirajo pravice priseljencev. Temeljni cilj pričujočega prispevka je analizirati samo utemeljitev manjšinskih kulturnih pravic v okviru liberalnega pojmovanja multikulturalizma. V uvodnem delu se osredotočam na posamezne izseke iz knjige *Liberalism, Community and Culture* ter nekatere odlomke iz knjige *Multicultural Citizenship*. V sklepnem delu prispevka analiziram vpliv dela Willa Kymlicke v nekaterih sodobnih pojmovanjih pripoznanja, npr. v knjigi *Equal Recognition* Alana Pattena, ki je najpomembnejši sodobni prispevek k liberalni teoriji kulturnih pravic. V omenjeni knjigi avtor sicer odpravi nekatere od pomanjkljivosti standardnega pojmovanja manjšinskih kulturnih pravic, kljub temu pa ostaja trdno umeščena v liberalno paradigmo kulturnih pravic, ki jih je s svojo prvo knjigo utemeljil Will Kymlicka.

# THE LIBERAL LINGUISTIC TURN: KYMLICKA'S FREEDOM ACCOUNT REVISITED

Helder DE SCHUTTER<sup>1</sup>

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## ABSTRACT

### The Liberal Linguistic Turn: Kymlicka's Freedom Account Revisited

This article revisits the principal argument Will Kymlicka has developed for a marriage between liberalism and multiculturalism: that the liberal value of freedom requires a cultural context of choice. I show that this freedom argument rests on a romantic philosophy of language. Critics of this freedom argument have pointed out that it is not necessarily an individual's own culture that provides freedom: any culture could do so. I articulate a romantic-Kymlickean response to this critique by showing how individuals' life choices come to be entwined with the particular culture that provides their context of choice. But while that safeguards existing individuals from assimilation, it does not block future generations from being introduced into the life-world of an additional cultural context. Such slow intergenerational assimilation projects are not necessarily worrisome, however. They can sometimes have the virtue of realizing non-identity values in addition to freedom.

KEY WORDS: Kymlicka, romanticism, Herder, assimilation, group-differentiated rights, multiculturalism

## IZVLEČEK

### Liberalni lingvistični obrat: pregled Kymlickovega argumenta svobode

Članek ponovno premisli glavni Kymlickin argument zveze med liberalizmom in multikulturalizmom: da liberalno vrednotenje svobode zahteva kulturni kontekst izbire. Hkrati članek pokaže, da ta argument svobode temelji na romantični filozofiji jezika. Kritiki omenjenega argumenta so namreč poudarili, da svobode ne zagotavlja nujno posameznikova lastna kultura, temveč jo lahko omogoči katerakoli kultura. Avtor na omenjene kritike poda romantično-Kymlickijanski odgovor, s katerim pokaže prepletenost posameznikovih življenjskih odločitev s tisto kulturo, ki določa njegov kontekst izbire. Toda medtem ko ta današnje posameznike varuje pred asimilacijo, prihodnjim generacijam ne preprečuje izbire dodatnega kulturnega konteksta. Počasni medgeneracijski asimilacijski projekti niso nujno zaskrbljujoči, saj lahko poleg omogočanja svobode prispevajo k uresničevanju z identiteto nepovezanih vrednot.

KLJUČNE BESEDE: Kymlicka, romantizem, Herder, asimilacija, skupinske pravice, multikulturalizem

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## INTRODUCTION

Like many scholars working on questions of ethnocultural justice, I have been, and remain, fascinated by the work of Will Kymlicka. His books *Liberalism, Community and Culture* and *Multicultural Citizenship* are to the field of ethnocultural justice what Rawls's *Theory of Justice* is to justice in general: they constitute a paradigm that maps the normative issues and provides a comprehensive moral outlook. Scholars interested in these questions cannot ignore that paradigm.

In this paper, for a commemorative volume celebrating the 25<sup>th</sup> anniversary of *Liberalism, Community and Culture*, I critically examine the central argument Kymlicka gives for group-differentiated rights: the argument that individual freedom requires a cultural context of choice.

In section I, I argue that the freedom argument is a liberal articulation of a romantic understanding of the value of language. In section II, I address an often-phrased objection to the freedom account: that it cannot ground a right to a particular culture. I argue that this objection can be overcome because it is in reference to a culturally specific choice-set that the life choices of already-existing people have been made and continue to be upheld. In section III, I argue that the freedom argument does however allow for legitimate nation-building efforts that seek to add contexts of choice to existing contexts.

## THE FREEDOM ARGUMENT

Many liberals, especially after World War II, have denied outright the legitimacy of minority rights or other forms of group-based recognition. But Will Kymlicka has developed a distinctively liberal defence of minority rights. He argues that freedom, of key importance to liberalism, is always embedded in a cultural context of choice. In order to freely decide what is valuable in life, people need options to choose among. Yet "[i]n deciding how to lead our lives, we do not start *de novo*" (Kymlicka 1989: 164). We reflect upon the values, beliefs and models offered to us within our culture and language, and then choose to defend or reject particular values from that given choice-set. Culture and language thus function as a *context of choice* (1989: 164). Our cultural structure makes us aware of the options available to us, so that we can examine them and select the ones we find valuable. Language and culture are the "media through which we come to an awareness of the options available to us, and their significance; and this is a precondition of making intelligent judgments about how to lead our lives" (1989: 165). Without our cultural context of choice, we could not meaningfully exercise our capacity for making autonomous life choices. "Put simply, freedom involves making choices amongst various options, and our societal culture not only provides these options, but also makes them meaningful to us" (1995: 83).

Therefore, if liberals want to realize individual freedom and autonomy, they need to endorse rather than ignore the value of languages and cultures. They ought to recognize that membership of a culture is a primary good in the Rawlsian sense (1989: 166). Rawls assumed that the political community is culturally unified. But in cases where this is not the case, such as in multinational states which host more than one national-cultural group, group-differentiated rights are warranted, to enable the groups to provide their members with a context of choice. In short, the freedom argument serves as the engine for Kymlicka's defence of group-differentiated rights. Such rights enable individual freedom.

Kymlicka does not historicize this freedom argument; he works it out relying on the work of contemporary liberals like Ronald Dworkin (see e.g. 1995: 82–84). Yet, the freedom argument has a significant historical pedigree. In particular, it was at the heart of a tradition sometimes referred to as the Hamann-Herder-Humboldt view, which also pervades the work of theorists like Hans-Georg Gadamer and Charles Taylor (Lafont 1994: 13; Taylor 2016: 48). I will call this tradition in what follows the 'Romantic Tradition'. In the romantic tradition's philosophy of language, language has a *world-disclosing* function. Language opens up a world of language- and culture-specific meanings. Language is not simply a tool by which already fully formed individuals can communicate with others. Language in fact constitutes

people by cognitively influencing them: it is through language that people get the information they need to develop their own beliefs. Our native language, says Herder, is the first world that we see (Herder 1987: 336). The world is not present to everyone in the same way. Instead, languages give speakers access to a situated view of the world. As Gadamer argued, to have a world we need to have a language (Gadamer 1975: 411).

In this view, language knowledge functions like a key to a room: one needs to speak the language to access what is discussed in the room. Once inside the room that the key gives access to, one is surrounded by arguments and styles of discussing that are not readily available to people who don't speak the language unless through translators who hold the key to other rooms. Each room is called a "life-world": a set of shared assumptions and ideas about the world. It is this life-world that is disclosed through language. For Gadamer, and for Herder and Taylor alike, our experience of the world unfolds from within our language (Gadamer 1975: 145).

It follows that if the interest of individuals in having access to their language and cultural life-world is not respected, they cannot fully realize themselves. Herder has argued that if we lose the disposition to think in the language in which we are brought up, we lose ourselves, and also the world (Herder XVIII: 336-337). From this, theorists like Herder and Taylor also drew the conclusion that the world-disclosing function of language generates a legitimate justification for policies that seek to explicitly recognize and protect languages (see e.g. Herder XVII: 59; Taylor 1993: 46-47; 53-54). People need access to their language and cultural tradition in order for them to function well, to receive a (first) position.

Kymlicka's liberal multiculturalist account of the value of language and cultural membership rests on this romantic view of the life-world. For Herder, language and culture function as a psychological matrix in which we are raised as social beings (Herder V: 135; Barnard 1965: 57). This is similar to describing culture (as Kymlicka does relying on Dworkin) as the 'spectacles' through which we experience the world (Kymlicka 1995: 54). The phrase that culture 'provides options', and 'makes them meaningful to us' (Kymlicka 1995: 83) might as well have been written by Herder.<sup>1</sup> Both accounts take it that individuals need their language to be able to be full human beings, because individuals do not start and reflect upon the world from a view of nowhere, but require cultural and linguistic 'spectacles' through which they see their world.

So Herder (and his followers) has argued that individuals need to have access to their linguistic and national-cultural life-world, which provides them with a "horizon of meaning" that they need in order to fully realize themselves (Taylor 1993: 46-47). Kymlicka (and his followers) have argued that individuals need access to their linguistic and national-cultural context of choice, which provides them with shared options from which they can make autonomous and free life choices. Both hold that language and culture help structure what we think and choose in life *and* that this linguistic and cultural structuring justifies policies that seek to explicitly accommodate linguistic and cultural groups.

Yet, while the freedom argument is grounded in romantic life-world premises, Kymlicka's version of multiculturalism is not a replica of the romantic tradition. Kymlicka articulates an explicitly *liberal* version of the romantic 'linguistic turn'. As a liberal, Kymlicka integrates the romantic conception of the value of language and culture into an explicitly liberal framework. This liberalization changes the argument in two ways. First, it means that the freedom argument is articulated with liberal premises: language and cultural membership are presented as necessary for the liberal value of freedom. Since language and culture structure our life options, and since liberals care about enabling individual choices, liberals have a reason to give people access to language and culture. Second, liberalizing the argument implies imposing liberal limits on what can be tolerated in the name of securing access to linguistic and cultural membership. For example, 'internal restrictions', by which a group attempts to

1 Moreover, for liberal nationalists like Kymlicka and for Herder alike, we are not just embedded in cultures, but in national cultures. Kymlicka uses culture as synonymous with 'nation' or 'people' (1995: 18). Herder also uses 'people' (Volk) and 'nation' interchangeably. He understands the nation as a cultural entity with a shared language as its essential feature (Herder XIII: 257-258; 363-365).



silence individuals who seek to change the character of culture, are illegitimate from a liberal point of view (Kymlicka 1995: 104–105). They are illegitimate because they are freedom-destroying instead of freedom-enhancing. The resulting liberal nationalism<sup>2</sup> can be understood as a nationalism that has been stripped off anything illiberal. Nationalistic politics are not aggressive against other national identities and typically expose a ‘thin’ or open conception of national identity.<sup>3</sup> So Kymlicka’s version of the freedom argument can be characterized as a liberal romanticism: it gives a distinctively liberal shape to the argument, and it sanitizes romanticism from its illiberal off-shoots by formulating liberal limits to what can be demanded in the name of multiculturalism. It would therefore be wrong to see Kymlicka as a romantic theorist *pur sang*. But Kymlicka and Herder (and the Hamann-Herder-Humboldt tradition more generally) are united in the account given of the value of cultural membership. This account serves for both as the ground for the political concern for cultural groups. It holds that individuals are not fully formed beings prior to having language and culture: individuals need their situated horizon. Language is not simply a tool for communication; it influences our cognitive constitution and thereby structures our life options. And individuals have a legitimate interest in the protection of their linguistic and cultural life-world. Kymlicka takes this romantic account, liberalizes it, and put it at heart of a comprehensive political theory of multiculturalism.

## FREEDOM IN A PARTICULAR LANGUAGE

The romantic tradition is radically different from another tradition of linguistic justice: the French revolutionary take on language policy. Understanding the difference between both traditions is helpful to understand, and rebut, an objection levelled against Kymlicka (which I deal with below) about the reason why particular languages and cultures are to be respected. Revolutionary ideologists like Barère,

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- 2 Liberal nationalisms often acknowledge their indebtedness to Herder. Yael Tamir (1993) has argued that liberal nationalism “is a direct descendant of the cultural pluralism of Herder” (1993: 79). And Taylor, who is characterized as a liberal nationalist by Kymlicka (2001: 210) mentions Herder as one of his most important intellectual fathers (1993: 135–139).
  - 3 Herder is not generally seen as a central theorist of liberalism. At the same time, Herder upholds the importance of the rights and interests of individuals. Herders’ nationalism can also be called liberal in the sense of moderate. It is not based on racial or ethnic criteria but on linguistic and cultural ones. And both Herder’s and Kymlicka’s versions of nationalism grant group-differentiated rights such as self-government rights to national minorities, instead of seeking to assimilate minorities within a statewide nationalism. It is a common criticism that romantic political theories tend to limit the moral community to the national community and thus ignore the moral duties they have to individuals of other nations (see Larmore 1996: 54–56). But this characterization does not apply to Herder, who systematically grounds his nationalism in the universal moral equality of individuals and their shared *Humanität* (e.g. XIII: 346). And Herder clearly spoke against state policies that seek to crush nations within it. He instead defends the idea that each people with a shared language and national character should form a distinct state (XIII: 384–385). In fact, Herder’s nationalism is essentially anti-imperialist in nature – his passionate anti-colonialism was grounded in the idea that nations are to be self-determining. Note that this is close to the justification offered by Kymlicka for a moderate nationalism. Compare for instance Herder’s idea of a dam against being engulfed by others (*ein Damm gegen fremde Überschwemmungen*), with Kymlicka’s statement that “[i]t is one thing to learn from the larger world; it is another thing to be swamped by it, and self-government rights may be needed for smaller nations to control the direction and rate of change” (Herder XVIII: 236; Kymlicka 1995: 104). More generally, Kymlicka legitimates his normative proposal to grant national cultures distinct political units of their own within multinational states as external protections against the impact of bigger or more powerful nations within the same state. They allow the group “to protect its distinct existence and identity by limiting the impact of the decisions of the larger society” (Kymlicka 1995: 36). But despite the fact that Herder can be called liberal in the sense of ‘moderate’, he did not work out a defence of culture from within the liberal tradition, nor did he formulate liberal limits to what is entitled in the name of culture. Instead, in Kymlicka’s work, liberalism functions both as an engine and as a filter for nationalist demands, and both dimensions are not present in Herder. For an account of Herder’s liberal credentials, see Patten 2010.



Grégoire, Duhamel, Talleyrand, and others were concerned with language, and with the role language plays in the thought process. They were convinced that the success of the revolution depended in part on its ability to eradicate vague language and to purify the language from confusions and sources of misunderstanding. Their solution was to purify French and to spread it all over France. This purification entailed 'revolutionizing' French by weeding out synonyms and confusing manners of speech, and by producing an unambiguous spelling, grammar and dictionary. And its spreading, they thought, necessitated the eradication of linguistic diversity, especially resulting from diversity of *patois* and of foreign languages on French territory. The title of l'Abbé Grégoire's report presented to and accepted by the Assemblée nationale in 1794 – *Rapport sur la nécessité et les moyens d'anéantir les patois* – illustrates this commitment to remove the *patois*. Because language and thought are connected, linguistic diversity within a state implies the existence of groups with distinct political and other ideas. The *patois* made 30 peoples out of one people, argued l'Abbé Grégoire (2002: 337 [1794]). This has negative consequences. It leads for example to a lack of cohesion and stability. And it is incompatible with the revolutionary ideal of equality because social equality implies linguistic homogeneity: people must be confronted with the same ideas and life opportunities. Instead France ought to be linguistically unified.

So these revolutionary theorists advocated a policy of unilingualism on the basis of the idea that knowledge is influenced by language. They wanted to liberate *patois* speakers from the yoke of their locality by destroying the *patois* and by assimilating its speakers into French. They posited that the ideas of *patois* speakers and speakers of foreign languages were intertwined with their local linguistic background (see e.g. Grégoire 2002: 336, 348), and they assumed the choice-structuring function of language. But they did not believe that this function was a reason for protecting local languages. Instead, they saw it as a reason to engage in the very opposite of protecting local languages: to eliminate those languages and to liberate speakers from their narrow background. They assumed that language structures choice, but they did not hold that language is therefore protection-worthy. It is with regard to this second element that the romantic tradition strongly diverges from the French-revolutionary outlook. Romantic theorists like Herder, and many contemporary multiculturalists alike, premise their argument for language recognition on the argument that people's choice sets are bound up with their native language and culture. French revolutionaries shared that premise but instead argued for language policies that disconnect people from their life-world so as to assimilate them into another. They did so for non-identity reasons such as equality, state cohesion or the political success of revolutionary ideas. In doing so, they are similar to contemporary liberals like Brian Barry (2001), Thomas Pogge (2003) or Daniel Weinstock (2003), who argue for intervening in cultural affairs in such a way that non-identity values such as socioeconomic equality (Barry and Pogge) or democracy (Barry and Weinstock) are promoted, which for them often means promoting the state's majority language.<sup>4</sup>

This contrast between the romantic and the French revolutionary traditions of linguistic justice lies at the heart of an objection addressed at Kymlicka's multiculturalism. One of the most frequently levelled objections to the freedom argument – the argument that one needs a cultural-linguistic context to be presented with options to choose from in life – is that it cannot ground a right to a specific culture. The freedom argument may establish the need to ensure access to a cultural-linguistic context. But how does it justify protecting one's *own* language and culture, rather than assimilating people into the life-world of another culture? For example, Margalit and Halbertal (1994) have argued that Kymlicka's understanding of culture as a precondition of individual freedom can only justify a right to culture, not a right to a particular culture. They argue that if a minority culture would be destroyed by the presence of a larger majority culture and if the members of the culture have the opportunity to assimilate (against their will), Kymlicka cannot object since the new culture can equally function as a context for individual choice (for this critique, see also Forst 1997: 66; Galeotti 2002: 208; van Leeuwen 2006). If this objection is correct, then the argument for culture is consistent with two possible outcomes: the

4 To be sure, they are not advocating the removal of minority languages, as Grégoire and Barère did.

romantic/Kymlickean outcome to protect people's own cultures and the French revolutionary outcome to pursue assimilation into a language and culture of wider opportunities and of democracy. So the argument can cash out both as multiculturalism and as non-multiculturalism. It is therefore unclear what role the freedom argument plays in grounding multiculturalism.

Can the argument for cultural recognition based on the romantic/Kymlickean freedom argument answer this objection? I see two strategies for it to overcome the assimilation critique. The first strategy is to supplement the argument with another culture-determining argument. For example, Kymlicka has argued in a footnote in *Politics in the Vernacular* that identity considerations provide a basis for specifying which culture will provide the relevant context for the context of choice (or autonomy) argument:

I admit that my argument here was unclear, but what I meant to argue was that considerations of identity provide a way of concretizing our autonomy-based interest in culture. In principle, either the minority's own culture or the dominant culture could satisfy people's autonomy-interest in culture, but considerations of identity provide powerful reasons for tying people's autonomy-interest to their own culture. Identity does not displace autonomy as a defence of cultural rights, but rather provides a basis for specifying which culture will provide the context for autonomy (Kymlicka 2001: 55, n. 7).

In this view, the freedom/autonomy interest can be satisfied within any culture: minority members could realize it in the minority culture and as well as in the majority culture. But the minority members bring an extra interest to the table to show why the freedom interest is to be realized in the minority language: identity interest in the minority culture.

This is also the approach taken by Chaim Gans (2003), who takes the two as independent arguments. In Gans's approach, people have a fundamental interest in freedom, as well as in being respected for, and not humiliated by, their identity (2003: 43). By the culture of their identity, Gans and Kymlicka mean the particular culture that people want to adhere to: it is the culture of their preference (2003: 43). So both Gans and Kymlicka refer to two arguments for group-differentiated rights: freedom and identity.

This dual approach successfully avoids the Margalit and Halbertal critique. But one problem with it is the normative status of the identity argument. It is not immediately clear why the fact that an individual or group has an identity in X is a reason for X to be required by justice. This reason may possibly be provided, but the overall argument is then no longer as intimately tied to liberalism itself. The argumentative virtue of the freedom argument is its intrinsic connection to liberalism's core value of freedom. This allowed Kymlicka to marry liberalism with multiculturalism, by connecting the liberal emphasis on choice with culture as a context of choice: if you are a liberal, you have to care about cultures. It is however not as immediately clear how satisfying identity interest is tied to the liberal project. It is compatible with liberalism to do so but does not seem required by it. We need an additional argument to say why identity is important. By appealing to a value (identity) that is not as directly connected to liberalism, it leaves the path open for a liberal to take the freedom but not the identity interest on board. So the success of the argument now hinges on the strength of that additional argument as to why identity matters. And it is not immediately evident that that argument can be a liberal one.

Moreover, the fact that the freedom argument cannot do the work in itself in this view opens up the argument to other criticisms. For there are other auxiliary arguments that are equally compatible with liberalism and also provide a basis for determining in which culture to realize the freedom interest. The French revolutionary arguments are examples. If, as Grégoire, Barry and Pogge have it, socioeconomic equality is to provide that basis, then the right language policy towards minorities may entail doing what we can to make them realize their freedom interest in the majority language, which gives speakers better socioeconomic opportunities. Another auxiliary argument is democracy: since democracy may function better in a unilingual environment, we might seek to ensure that French

speakers in Canada realize their freedom interest in English so as to ensure a smooth Canada-wide English public sphere.

In short, taking the freedom interest to ground the right to 'a' culture and the identity interest to ground the right to a 'specific' culture introduces theoretical hybridity into the argument. That hybridity decreases the argument's liberal credentials, and, especially, it makes it a straightforward move to counterbalance the identity argument with non-identity arguments such as stability, equality or democracy that may point towards the majority language and culture as the best location determiner for the satisfaction of the freedom interest.

The second strategy, which I prefer and will now lay out, resists the move to understand the freedom interest as inherently lacking a location determiner. It argues that the freedom interest cannot be satisfied within any culture but instead requires the individual's own culture.

In the romantic tradition, language and culture open up a life-world. They do so by situating an individual and presenting her with particular choices to choose from. Inside the room that language is a key to, one is presented with particular values, beliefs and options.<sup>5</sup> For example, growing up in a language and culture, one is presented with particular traditions in literature or a specific history focus in schools. One is also introduced to particular metaphors, political catch phrases, historical narratives that help structure one's life choices and opinions.

As a result, individuals who have grown up in a specific language and culture have selected options from that particular life-world and developed life options that are meaningful within the context of that culture. Once they have begun to make their own life choices, the intelligibility and the exercise of these choices require the continued availability of the cultural-linguistic choice-set. The person they have become depends on the particular choice set offered by their own culture, and requires that culture for their choices and personality to continue to make sense. So the life choices, desires, values and beliefs of individuals are entwined with the *particular* language(s) one speaks.

Therefore, to impose a different language and culture on people who are already situated in a cultural context, through linguistic and cultural assimilation, would imperil their freedom. Not only would they face linguistic difficulties to understand the new values. They would also be cut off from access to options that are meaningful to them and from the life-world in which their life choices make sense. This would result in 'loss of world', in alienation. They might rebuild it in some way, by reintroducing parts of their values in the new cultural group, by translating metaphors and by developing a distinctive minority accent in the new language. But it would be a form of patching up, and the loss of freedom is beyond complete repair. Once we take the idea seriously that our culture structures our choices, the freedom interest not only grounds the idea that individuals need a language, but also that they need their own language, which is the language of their parents and of their fellow speakers and cultural members.

That a life-world can be destroyed through linguistic assimilation does not mean that life-worlds cannot integrate new material. Cultural mediators and translators bring along new stories, concepts and ideas. There are also new phenomena, such as technologies or natural events. They too are added to the language, and embedded in the linguistic and cultural horizon. This adding of external or new ideas to a

5 Of course multilingual people can frequent other rooms, and bring back newly acquired ideas and describe them to the fellow speakers of the language.

language and culture, however, does not call into question the ‘framework idea’ of language and culture – the fact that linguistic and cultural options come in the form of a comprehensive package.<sup>6</sup>

I hope to have made it credible that, in my version of it, the freedom argument does the work on its own, and does not require an auxiliary argument. It has therefore parsimonious virtue compared with the bifurcated approach. It contains both the ‘what’ and the ‘where’: it says what culture provides to the individual (access to a situated context of choice) and has an in-built location determiner (the culture that provides the content is the one in which the individual has grown up and in connection with which she has developed and connected her life choices). French-style *liberal* assimilationism is thereby ruled out: the ‘romantic’ nature of the freedom argument grants people a right to their own language. Moreover, the fact that the argument for the value of culture is based purely on the freedom argument retains a tighter fit within liberalism’s core principles, and allows for the conclusion that group-differentiated rights are required by liberalism rather than being merely compatible with it.

## FUTURE ASSIMILATION

At this point we must consider an objection to this self-standing interpretation of the freedom argument. One might question if the ‘romantic’ interpretation of the freedom account fully escapes the assimilation critique. The self-standing version only works, one might object, for currently living people. It does not apply to future people who have not yet connected their life projects with a particular context of choice. This objection can come in two versions.

The first version states that the freedom interest of new-borns could be exercised in any culture. New-borns and future unborn generations don’t have a particular context of choice yet, so they might be inculcated with any culture and language. My argument above that the freedom interest can be self-standing depends on the fact that people’s past expectations and life choices were made in reference to an already existing choice-set. But that choice-set is not there yet for future people.

At the same time, however, new-borns are dependent children who need parents. Parents do have a language and life-world, and they have a responsibility to help their children navigate their way

6 Against Kymlicka’s argument, Jeremy Waldron has argued that even though options are culturally mediated, “it does not follow that there must be one cultural framework in which each available option is assigned a meaning. Meaningful options may come to us as items or fragments from a variety of cultural sources” (Waldron 1992: 783). I think it is important to recognize the possibility of having more than one linguistic-cultural framework. Indeed, in multilingual areas like in Catalonia, Brussels, or Singapore, it is far from uncommon to find people who have two or more linguistic and national ‘contexts of choice’. Kymlicka has not explicitly thematised this possibility in his theory (see for this criticism De Schutter 2011). But admitting the possibility of having two linguistic-cultural life-worlds does not damage the freedom argument in itself. From the fact that individuals may have two linguistic-cultural frameworks, it does not follow that that the idea of a linguistic-cultural framework does not make sense. A bilingual Catalan-Spanish citizen will integrate foreign elements like originally Indian yoga and Korean-produced smartphones, and both the Catalan and Spanish frameworks can integrate such elements within their web of beliefs and existing options, bestowing meaning upon it. International politics will be reported in the newspaper in Spanish and in Catalan, and both languages embed the content of the news in their own framework of metaphors and linguistic particularities. It is also possible for certain elements to be integrated more by one than by the other linguistic horizon. And when this bilingual citizen reads a Scandinavian novel, she will do so in a version translated in one of the languages she masters. As Kymlicka argues (1995: 85), that an Irish-American eats Chinese foods and reads her children Grimm’s Fairy-Tales “is not moving between societal cultures. Rather it is enjoying the opportunities provided by the diverse societal culture which characterizes the Anglophone society of the United States.” The fact that it is possible to be a full member of two societal cultures does not call Kymlicka’s freedom argument into question: it just means that freedom can be realized in two cultures. So, Waldron is right to say that meaningful options come to us from a variety of cultural sources. And there is indeed no need to assume that one can only have one life-world. But these are all compatible with holding the the importance of there being culturally and linguistically mediated life-worlds that do structure options. There must not be one cultural framework, but each framework one is a member of structures options in a particular way.

around in their particular society or culture until they are grown up and are able to autonomously steer their life course. It is hard to see how parents could do so without transferring knowledge of a particular set of expectations, stories and metaphors. This enables the children to speak a language fluently and have a 'mother-tongue', to grow up with the parents' stories, with the childhood songs that the parents know, with the often implicit values and expectations that exist within a life-world, and so on. The children have both emotional and cognitive needs that the parents must provide, and, other things being equal, the best location for the children's freedom interest is their parents' culture. As the case of adoption shows, a child can grow up in any language; but it is important that they know the language of the people they grow up with. For new-borns the freedom interest is realizable in any culture (as opposed to that of people who have already grown up in a specific culture) but it is the parental bond that provides the reason for locating its realization within the specific culture that the parents are raised in.

Yet, apart from new-borns, contexts of choice can and do change: the contexts of choice of current generations are not identical to that of their grandparents. The second version of the objection states that the language and culture of future generations can become structurally unrecognizable to us due to ongoing intergenerational cultural change. So the assimilation objection still retains some force with regard to the future shape of a culture's structure. Is it not legitimate for the group's cultural structure to change, or even entirely disappear?

To answer this we must follow the logic of the freedom argument as the theoretical engine of the liberal case for group-differentiated rights. The freedom argument holds that individuals must be given a context of choice from within which they can choose their own life options. This context of choice can change. And that change can occur both character-wise, as far as its values and beliefs are concerned, and structure-wise, as far as the cultural structure or the existence itself of the culture is concerned (Kymlicka 1989: 167). Character-wise, as far as the content and the values of the cultures are concerned, a culture could evolve from Christian to secular or from agrarian to post-industrial. As Kymlicka argues, it "is right and proper that the character of a culture change as a result of the choices of its members" (1995: 104).

But it could also legitimately change its structure (a possibility not explicitly discussed by Kymlicka, see 1995: 104-105). It is possible that, in the course of a few centuries, language A changes to such an extent that it could no longer be understood by the earlier speakers of A, while the freedom interest of its speakers is never harmed. 15<sup>th</sup> century Dutch and contemporary Dutch are not mutually intelligible, due to the linguistic evolution Dutch has undergone. From the point of view of the freedom argument, nothing is problematic about such a structural change, as long as the change occurs gradually and does not leave living speakers of the previous structural stage behind. It is also possible for a part of a language or cultural group to develop a distinct language and culture of its own, thereby radically changing the boundaries of the existing cultural structure, for example by developing a dialect of language into a self-standing language.

So the second articulation of the objection is correct. The self-standing interpretation of the freedom argument only applies to currently living people: it cannot protect a culture from changing quite radically over the course of time. There is nothing wrong with changes in the cultural values or structure. The freedom argument does not rule out such changes.

I have just given an example of a case in which the cultural character or structure changes in such a way that a significant difference exists between the culture at different points in time. It is also possible for the life-world to remain similar but for the people to shift between two different life-worlds. Indeed, over a few generations, the life-world could for example move from language A to language B, while at each single instance in time fully providing a context of choice to individuals. As Alan Patten has argued:

Imagine that language *L* did gradually decline in use – to the extent that it fell below the threshold in which it offers a context of choice. It would be a mistake to conclude from this fact alone that *L*-speakers would be left without a context of choice. It would only be unilingual *L*-speakers who would necessarily have lost their context

of choice since multilingual *L*-speakers may find meaningful options and opportunities in other languages. And the very same processes that generated the decline in usage of *L* in the first place – the massive attraction of some other language, for instance – would help to ensure that there are very few unilingual *L*-speakers (Patten 2001: 707–708).

Provided the change indeed occurs at a slow enough rate, freedom-enabling contexts of choice can adjust in such a way that no-one experiences significant lacks of freedom. For example, in areas where two languages exist of which one is more dominant than the other, often the children born to parents with different first languages are bilingual, but the grandchildren already lean towards the dominant language. A language shift can then occur relatively smoothly, with at no point leaving individuals stranded without a context of choice. Van Parijs has summarized this ‘Laponce law’ of unilingualization after a few generations as: “The nicer people are with one another, the nastier languages are with each other” (Van Parijs 2000: 219; Laponce 2001: 188–189). This law partly explains the radical transformation of Brussels from predominantly Dutch at the end of the 19<sup>th</sup> century to predominantly French a century later.

In short, people’s cultures and languages can change in two ways. Either the culture or language itself evolves, as in the differences between 15th century Dutch and contemporary Dutch. Or people could slowly change their structure and values from one to another culture or language, as in Brussels many ancestors of contemporary speakers of French (often with Dutch surnames) have done. And it is possible for each generation to have a fully comprehensive context of choice, either at some point within the internal evolution of a language and culture, or at some point on the continuum between unilingualism in language A and unilingualism in language B. So the freedom argument is compatible with such changes, provided they don’t occur overnight.

That the freedom argument is compatible with such changes does not necessarily mean they ought to be encouraged; we might seek to block them. Yet such changes ought not always to be seen as regrettable. As we saw before (and as Kymlicka) acknowledges, languages and cultures not only provide a context of freedom but also serve non-identity purposes such as equality and democracy. We may sometimes judge that the non-identity reasons for sharing a particular context of choice are so compelling that it is desirable to seek to adapt the structure of the culture in such a way that non-identity purposes are served in addition to freedom interests. This will often clash with ethnocultural justice, since it may lead to the ‘revolutionary’ linguistic assimilation strategy that the freedom argument is supposed to withstand. Yet in some cases I think we should allow for such a conclusion in a way that doesn’t negate the freedom argument. I will give two examples of such cases: that of intralinguistic differences within a language in the form of regional dialects, and that of building a European identity.

What does the freedom argument say in the context of dialects? In a typical linguistic situation marked by a standard version of the language (such as standard German) that is functionally superposed over different regional dialects (such as *Bavarian*), the linguistic context of choice will be partly provided for by the standard version. The standard version is usually the language of the public sphere, of media, of political life, of universities, and of schools. As a result, individuals partly satisfy the freedom interest through the standard language.

Of course, there are historical reasons for why the freedom interest is already partly realized through the standard language: it is the result of the success of linguistic nation-building. The modern nation-state has over the course of its history attempted to unite the citizenry and to create a common national language. The current result of this history of nation-building and standardization is, in the usual case, the existence of a ‘diglossic’ context of choice: while for certain freedom-related functions such as family relationships the dialect provides a context of choice, for others like political engagement or for written sources, the standard is the normal choice (Ferguson 1959). It is common to have two such choice contexts at once, and even for one (the standard) to be clearly dominant in terms of

status, as it is the standard version that receives the lion share of state recognition (in public schools, in the laws, in the courts, and so on).

There clearly are non-identity benefits to be had from having a standard language and from spreading its knowledge among the population. These include efficiency, democracy (which is easier when there is a shared language version that is mutually understood) as well as equality (as a larger job market, and better socioeconomic mobility, are enabled this way).

Yet, in some cases dialects may be strong, big or widespread enough to be able to in principle sustain a full context of choice in the dialect alone. Bavarian, a group of German dialects, is an example, and its 14 million speakers make it a more widely spoken language than for example Danish or Greek, which each provide full choice contexts. In such cases, the freedom argument is compatible with lending full political support to the dialect. But it is also perfectly compatible with seeking to maintain the current diglossic situation with the standard version having most of the status and state recognition. So the choice for dialectal dominance or standard dominance, then, cannot be based on the freedom argument alone. That choice can also be informed by non-identity arguments. This dialect/standard discussion shows, I think, that contexts of choice can be layered in the sense that individuals have freedom interests in two language versions: both in the standard and in the dialect. And it makes sense to seek to avoid only having such interests in the local dialect, to maintain the standard version of the language, and to spread its knowledge among the speakers of the dialect.

My second example of a case where the malleability of the freedom interest should not be seen as a problem is the attempt in Europe to build a European identity in addition to existing national identities. Kymlicka's view is that we should not make EU institutions directly accountable. Indirect accountability is more appropriate. The result is a form of representation with the national representative as a medium between the people of the member state and the European decision-making body. This is the intergovernmental view of the EU: the EU is steered by the nation-states, such as in the European Council. It stands in contrast to the supra-national view of the EU, in which a direct relationship between individuals and EU institutions and representatives is fostered, such as by granting more powers to the directly elected European Parliament rather than to intergovernmental organs like the Council. In Kymlicka's view, citizens debate at the national level how they want their national governments and representatives to act in intergovernmental contexts (2001: 317–326). Freedom, equality and democracy are best exercised within national-cultural-linguistic units, such as within the Danish, Catalan or Flemish units, and not directly at the European level.

While I fully agree that national-cultural choice contexts are to be protected and are entitled to political autonomy, I do not share this normative disagreement with European supra-nationalism. The national-cultural groups all came into existence through active nation-building efforts. Kymlicka also defends nation-building policies for currently existing nations, provided the policies are liberal. But he is not prepared to pursue nation-building or identity-building at levels above the nation. It is not clear to me, however, why existing nations have a privileged position here. If recent processes of globalization and Europeanization are creating a new *civil society* in Europe (Kymlicka 2001: 326), and also



to some extent new identity structures,<sup>7</sup> there is no reason within the liberal nationalist preoccupation with the importance of identities to inhibit the nascent emergence of a European supranational 'life-world' (enabled by for example a European culture, Europe-wide cross-national mobility, or shared European symbols) fully compatible with the continued importance national life-worlds. Yet, even if this choice context is still very tentative or fragile, there may be non-identity reasons unrelated to the freedom argument – though compatible with it – to stimulate the development of such a supranational cultural layer. Within the European context one might argue, for instance, that a strong European identity might help foster the development of a generous redistribution from richer to poorer regions, or even simply to uphold existing schemes of (limited) intra-EU solidarity as exemplified in the European scheme to uphold a plan to share the burden of the influx of asylum seekers in Europe, or support for bailing out Greece, or even simply to help sustain the solidarity between net contributors to the EU like the Netherlands or Sweden and net beneficiaries like Poland or Hungary (Cipriani 2014: 14–15).

The answer to the question whether we should stimulate an EU identity layer depends on what one thinks the EU is to do, and whether EU-wide redistribution is desirable. My (unargued for) normative premise is the desirability of extending the project of distributive justice beyond the nation-state, and I support the emergence of an EU layer of distributive justice that redistributes wealth between richer and poorer nations and individuals within the EU (while EU-distribution is in my view itself only a stepping-stone towards global distributive justice). In this view, we should support a supranational view of the EU. Other views about the normative goal of the EU may indeed lead to less ambitious takes on the need for EU identity. However, a full answer to whether EU redistribution is desirable requires a more worked out normative theory of the EU, and of distributive justice, which I have not provided here. But the point is that this choice between fostering or withstanding EU identity-building cannot be made on the basis of the freedom argument alone. That argument allows for both an intergovernmental and a supranational conclusion, for keeping identity local and for fostering an EU-wide identity. It is ultimately the non-identity arguments that normatively point to the desirable future location of the context of choice.

These two examples of dialect/standard choice contexts and the desirability of an additional European identity layer show, in my view, that it is compatible with the freedom argument, and sometimes desirable, to steer future generations' freedom contexts in a certain direction. The freedom argument does not need a supplementary argument to block assimilation into another culture since existing people's choice contexts are entangled with the particular culture they adhere to. But this is not true for future generations' projects, so we do need to involve additional arguments for determining the desirable future location of the choice context. Two prominent such supplementary arguments are equality and democracy. Of course, these supplementary arguments may uniquely support the current

7 While European identity surely is significantly weaker than national identities, it does nonetheless exist. It even exists in a way that resembles national identity positions in multinational states: many citizens have dual identities, others have only national identities and still others uniquely conceive of themselves as European citizens. 8% of Europeans self-define as 'European only' or 'European and national'; 38% self-identifies as 'national only', and 52% see themselves as 'national and European' (Eurobarometer Spring 2015). It is therefore not the case that the EU suffers from a problem that the member states by definition don't have. Several EU member states are multinational states, such as Belgium, Spain or the United Kingdom: they contain more than one nation and have sought to politically accommodate such national identities in envisioning their own unity. These multinational states themselves can be understood to have a state-wide demos alongside sub-state national demo. Citizens may be members of more than one national community at once (such as of the Spanish and of the Catalan nation simultaneously), and different individuals of the same 'nation' may be internally divided with regard to which context is the most relevant one (38.7% of Flemish respondents in a 2014 survey answered that they self-identify as much with Flanders as with Belgium; 31.1% self-identified only as Flemish or more as Flemish than Belgian; 29.8% only as Belgian or more as Belgian than Flemish, see Swyngedouw et al. 2015). The practices of such multinational states and the nested identities they make possible offer an example of the type of practice we can and in my view ought to pursue at the level of the European Union.



context location. But in many cases the supplementary arguments will point in a different direction. In such cases difficult trade-off assessments must be made. The dialect/standard and the EU examples are in my view two cases where new choice contexts have been (in the case of the standard language) and can be (in the EU) stimulated, without destroying or diminishing existing choice contexts. In both cases I think the attempts are desirable.

In conclusion, the freedom argument in the self-standing version I have defended can resist the linguistic assimilation conclusion for the current generation and also for new-borns. Current generations perceive their options and have devised their life plans in reference to a specific cultural context – that in which they were brought up. Assimilating them into another culture obfuscates their options, and makes their life plans less meaningful. And it is in the interest of new-borns to be raised in the language and culture of current generations. But while the freedom interest protects the language and culture of current and near-future generations, it cannot, on its own, withstand a very long-term project of adding a cultural context. If there are good non-identity reasons for doing so, and provided such long-term changes occur slowly enough and don't imperil currently existing choice contexts, they can be legitimate.

## CONCLUSION

We can see Kymlicka's project as having married liberalism with the romantic idea that language and culture open up a distinct life-world. Individuals who grow up in it have a legitimate interest in state recognition for their language and culture, as a means of preserving their context of choice. We do not need additional arguments to safeguard the realization of this freedom interest within individual's own cultures as opposed to any culture, since their chosen choice set is dependent on and attuned to their own culture. Yet in some cases we may seek to add new choice contexts if there are good non-identity reasons for doing so. Provided that existing choice contexts continue to be protected, and the non-identity arguments are compelling, we ought to sometimes do so, and the liberal linguistic turn accomplished by Kymlicka allows for it.

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## POVZETEK

### LIBERALNI LINGVISTIČNI OBRAT: PREGLED KYMLICKOVEGA ARGUMENTA SVOBODE

Helder DE SCHUTTER

Podobno kot je knjiga *A Theory of Justice* Johna Rawlsa izhodiščno delo teorije pravičnosti, predstavlja knjiga Willa Kymlicke, *Liberalism, Community and Culture* eno od najpomembnejših del na vsebinskem področju varovanja manjšin ter ostalih etnokulturnih skupin oz. kulturne pravičnosti nasploh. V tej knjigi (ter podrobneje v svoji knjigi *Multicultural Citizenship*) je Kymlicka artikuliral teorijo manjšinskih pravic, ki ponudi alternativo standardnemu liberalnemu pojmovanju državljske enakosti ter s tem povezano razumevanje kulturne različnosti. Članek ponovno premisli glavni Kymlickin argument zveze med liberalizmom in multikulturalizmom: da liberalno vrednotenje svobode zahteva kulturni kontekst izbire. Hkrati članek pokaže, da ta argument svobode temelji na romantični filozofiji jezika. Kritiki omenjenega argumenta so namreč poudarili, da svobode ne zagotavlja nujno posameznikova lastna kultura, temveč jo lahko omogoči katerakoli kultura. Avtor na omenjene kritike poda romantično-Kymlickijanski odgovor, s katerim pokaže prepletenost posameznikovih življenjskih odločitev s tisto kulturo, ki določa njegov kontekst izbire. Toda medtem ko ta današnje posameznike varuje pred asimilacijo, prihodnjim generacijam ne preprečuje izbire dodatnega kulturnega konteksta. Počasni medgeneracijski asimilacijski projekti niso nujno zaskrbljujoči, saj lahko poleg omogočanja svobode prispevajo k uresničevanju z identiteto nepovezanih vrednot.



# LIBERALISM, COMMUNITY AND CULTURE TWENTY-FIVE YEARS ON: PHILOSOPHICAL INQUIRIES AND POLITICAL CLAIMS

Will KYMLICKA<sup>1</sup>

As Mitja Sardoč notes in his introduction essay to this symposium, 1989 was “year one” (Sardoč, 2016: 9) for the explosion of interest in the governing of ethnic diversity, triggered by what Daniel Moynihan called “ethnic pandemonium” in world affairs (Moynihan 1993). Confronted by this pandemonium, both policy-makers and academics desperately looked around to see what had been written about the relationship between liberal democracy and ethnic diversity, and my just-published doctoral dissertation - *Liberalism, Community and Culture* - was one of the few academic publications that addressed the topic. As a result, I quickly went from being a typical philosophy graduate student to being an “expert” on ethnic diversity, initiating a string of invitations to write and advise on the governing of ethnic diversity that has continued unbroken for almost 30 years now.

I would like to say that I had presciently foreseen the growing political salience of ethnic diversity, and selected my dissertation topic in order to better prepare societies for this emerging political challenge. But in fact, I was as surprised as everyone else by the explosion of ethnic conflict after the fall of Communism – or by the rise of regionalist and indigenist movements in other parts of the world. Indeed, I did not set out with the intention of becoming an expert on ethnic diversity. What began as a purely philosophical inquiry into the conceptual underpinnings of liberal views of individual freedom gradually morphed into a more policy-oriented inquiry into the governing of ethnic diversity and the evaluation of the political claims of minorities. This process took many years, and I think of *Liberalism, Community and Culture* (hereafter LCC) as reflecting a fairly early stage in it: mainly still focused on the philosophical inquiry into liberalism, with just a hint of the more policy-oriented inquiry that would take up much of my time over the subsequent 25 years.

I mention this because I think it helps situate the excellent reflections of my five commentators. As I read them, they all, in different ways, suggest that LCC falls between two stools: it is not precise enough to stand as a philosophical account of the underpinnings of liberalism, yet it is seriously underdeveloped as a framework for diagnosing or evaluating the political claims-making of minorities and indigenous peoples. And my basic response, across the board, is to simply agree: I think LCC is flawed in exactly the ways they identify. I could hardly have asked for more fair-minded commentators, and their criticisms are, indeed, fair.

However, since object concession does not make for an interesting reply, let me say something, not so much in defense of LCC, but in defense of the two projects that are unsatisfactorily spliced together in that book. If we separate out more carefully than I did in LCC the philosophical inquiry into the foundations of liberalism from the more applied theory of minority rights claims, I think we can identify what is of enduring value in LCC. It may also suggest some ways in which the commentators’ objections can be blunted.

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## THE PHILOSOPHICAL INQUIRY: ATOMISM AND THE SOCIAL THESIS

Let me start with my original motivation for embarking on LCC, which was to address an influential philosophical objection to liberalism – and more specifically, to the rights-based, neutralist or anti-perfectionist liberal egalitarianism of John Rawls and Ronald Dworkin. I was excited by the progressive image of justice elaborated by these two liberal theorists, which I viewed as combining the best of the liberal commitment to individual autonomy with the social-democratic commitment to ending involuntary disadvantage. (Indeed, these theories seemed to me to render obsolete the old debates about “freedom versus equality” that had dominated my youth). I was surprised and puzzled, therefore, to discover that many of my fellow progressives in the mid-1980s were not excited by liberal egalitarianism, which they rejected as too “individualistic”. I had a difficult time even understanding what this meant, until I came across Charles Taylor’s powerful work, particularly his famous article “Atomism” (Taylor 1985) and his lesser-known Canadian paper “Alternative Futures: Legitimacy, Identity and Alienation in Late-Twentieth Century Canada” (Taylor 1986).<sup>1</sup>

In these articles, Taylor argued that liberalism was condemned to a self-defeating inconsistency. His argument, to oversimplify, went something like this:

1. Liberal modernity rests on a picture of individuals choosing autonomously amongst ways of life and exercising responsibility for these choices,
2. Liberals prioritize individual civil rights and anti-perfectionist state neutrality as the essential pre-conditions for enabling individual autonomy/responsibility;
3. However, there are other social and cultural preconditions of liberal modernity: individuals can only be (or can only become) these autonomous responsible individuals in a certain kind of society and culture (what Taylor calls “the social thesis”);
4. Therefore, anyone who cares about individual autonomy should care about its social/cultural pre-conditions. Access to, and protection of, the culture of freedom is a legitimate aim of state policy.

So far, I have no quarrel with Taylor: these claims seem unimpeachable.<sup>2</sup> But he went on to make three further claims which troubled me:

5. Liberalism cannot recognize the *need* for these culture-securing policies because of its “atomism” (i.e., liberalism denies the social thesis);
6. Liberalism cannot recognize the *legitimacy* of these policies because of its “neutrality”;
7. Liberalism is therefore self-undermining, and even those who care about individual autonomy should reject liberal atomism/neutrality for a communitarian politics of the common good.

Taylor illustrated his argument by citing various post-war liberals in Canada who rejected a range of measures to protect Aboriginal and Québécois cultures. Taylor provided a neat, elegant explanation for this, which, if sound, would provide credible grounds for questioning the adequacy and viability of the liberal egalitarian theories of justice I found so attractive.

The fundamental goal of LCC was to defend liberal egalitarianism, by contesting the last three steps in Taylor’s critique. More specifically, I wanted to show that: (a) liberals are not atomists, but rather

1 The latter paper was commissioned from Taylor by Canada’s Royal Commission on the Economic Union, for which I briefly worked as a research assistant, and Taylor’s paper helped set the intellectual agenda for that summer job. Note that these two articles significantly preceded what is now seen as Taylor’s central contribution to the multiculturalism debate – his 1992 essay on “Multiculturalism and the Politics of Recognition” (Taylor 1992).

2 In fact, I find Taylor’s account of these claims not just plausible, but deeply insightful, and have learned a great deal from them.

accept the social thesis, and have a plausible story about how individual autonomy relies on a cultural context of choice; (b) policies adopted to protect this cultural context of choice are consistent with liberalism's commitment to anti-perfectionist state neutrality, and may be required by liberal egalitarian justice if they remedy involuntary disadvantages; and (c) this liberal egalitarian defense of cultural protection provides a more secure foundation for minority rights than perfectionist (Taylor) or relativist (Walzer) communitarian defenses. My hope was that, if these arguments were accepted, progressives would no longer instinctively reject liberal equality as "individualistic", and that both liberals and social democrats could coalesce around its image of justice.

My commentators raise a number of incisive criticisms of the arguments in LCC, but for my purposes we can divide them into two groups: first, doubts about how I specify the "cultural context of choice"; second, doubts about how my liberal defense of the legitimacy of cultural protection relates to the actual political claims of minorities and indigenous peoples. As I said earlier, I broadly accept both sets of criticisms, but I also think they partly offset each other, in a way that leaves some key claims of LCC intact.

## CONCERNS ABOUT THE CULTURAL CONTEXT OF CHOICE

Regarding the first issue, my argument in LCC that individual autonomy depends on a cultural context of choice depends on two key assumptions: first, that individuals have an autonomy interest, not just in accessing some or other cultural context of choice, but in accessing *their own* cultural context; and second, that individuals have an autonomy interest in protecting the "structure" of their culture from potential external threats, but the same autonomy interest permits, and indeed requires, allowing that the "character" of their culture change in accordance with the choices of members.

As various commentators note, my discussion in LCC of these two assumptions is imprecise. Eisenberg notes, for example, that I don't give a very satisfactory philosophical account of what exactly distinguishes the structure of a culture from its character, let alone how we might try to legally or politically operationalize this distinction. And as De Schutter, Spinner-Halev and Callan all note, my argument that individuals have an autonomy interest in their own cultural context requires qualification. For example, it might not hold for particularly small cultures (Spinner-Halev), and it might not hold if we think about sufficiently long-term processes of cultural merging (de Schutter; Callan).

I agree with all of this, and am happy to endorse most of their suggested amendments and reformulations of the freedom-culture link. For one thing, LCC was self-consciously programmatic – an attempt to start a debate, not conclude it – and so I welcome improvements and refinements.<sup>3</sup> But more importantly, I don't view any of these criticisms as undermining my fundamental aims for the book, which, to repeat, were to show (a) that liberalism does not rest on atomism, but rather can endorse sensible views about the cultural context of choice; (b) that liberal neutrality does not preclude concern for maintaining this cultural context; and (c) that liberal egalitarian defenses of minority rights are more plausible and promising than the available communitarian defenses.

So far as I can tell, my commentators do not dispute any of these three claims. And if so, I take that as noteworthy: these claims were not self-evident when I started the project. I would particularly stress the third point. Prior to 1989, there was virtually unanimous agreement in both the legal and philosophical literature that to defend minority rights required endorsing the communitarian critique of liberalism and embedding minority rights within a broader communitarian political theory. Yet none

3 To be honest, for several years after LCC, I expected that someone would point out that a perfectly adequate liberal theory of the cultural context of choice already existed, and that I had somehow just overlooked it due to my poor grasp of the liberal tradition. But it seems this question hadn't been systematically addressed before. There really were just isolated passages to draw on – from Mill to Green to Dworkin and Rawls – and the sketchiness of LCC reflects the thinness of the sources.

of my commentators suggest that Taylor, Sandel, MacIntyre or Walzer provide a more promising basis for defending minority rights. Of course, this is just a small sample, but I think it accurately reflects the broader literature: most authors today divorce, rather than combine, the communitarian critique of liberalism and the defense of minority rights.<sup>4</sup> In that respect, I read the commentaries as vindicating my fundamental aim in LCC – namely, to immunize liberal egalitarianism from communitarian claims about liberal indifference to the cultural conditions of individual freedom.

## CONCERNS ABOUT EVALUATING THE POLITICAL CLAIMS OF MINORITIES

This isn't to say that the commentators' critiques of, and amendments to, my context-of-choice argument are unimportant or inconsequential. On the contrary, they all suggest that the philosophical deficiencies they identify have real-world political effects on how we evaluate the political claims of minority rights.

And this raises the second broad set of concerns, about how my liberal defense of cultural contexts of choice relates to the actual political claims of minorities and indigenous peoples. All of the commentators, in different ways, suggest that my defense of policies to protect cultural contexts of choice simply does not line up well with the actual political claims of minority groups, either in terms of the content of those claims or the nature of the arguments and justifications given for them.

As I see it, there are two complaints about how my argument relates to actual political claims:

- (a) Because the link between autonomy and cultural membership is looser than I proposed in LCC, this autonomy interest underdetermines what we ought to do in relation to minority cultures. In most real-world contexts, there is more than one way to respect this autonomy interest.
- (b) Moreover, there are lots of other interests, and lots of other grounds, for minority claims-making. Minorities might legitimately claim certain rights and resources – and states might legitimately contest these claims – on grounds of historic injustice or historic agreements, democratic participation and political domination, anti-stigmatization and anti-discrimination, economic efficiency or social solidarity, and so on. These other interests are at least as important, if not more, for understanding and evaluating minority rights claims as the autonomy interest in cultural contexts.

In short, the autonomy interest in cultural context is radically incomplete as a framework for thinking about minority rights claims: this interest does not by itself pick out unique solutions, and moreover it is not the only interest at stake.

This is particularly true of the central example I used: namely, indigenous peoples in Canada. As several commentators note, I invoke this example as a case where liberals can justify a range of group-specific political rights as helping to secure indigenous peoples' cultural context of choice, but indigenous peoples themselves are more likely to justify these claims in the language of decolonization, self-determination, treaty rights, land claims, redressing historic injustice, and the struggle against political domination. This makes the example confusing in two respects. First, as Callan notes, our duty to recognize indigenous rights is "overdetermined" (p. 3), and so the fact that readers are intuitively inclined to support these rights does not mean that "respect for cultural contexts of choice" is playing

<sup>4</sup> For a recent attempt to revive a more communitarian approach to minority rights, see Newman 2013. Of course, a fuller inquiry would need to consider not just liberal egalitarian and communitarian approaches, but a wider range of radical, agonistic, contestatory, critical race theory, and postcolonial approaches. For a good overview of this fuller range of views, see Laden and Owen 2007. But as of 1989, those approaches to minority rights were not yet developed.



a central role (or any role) in our judgement. Second, as Eisenberg notes, my argument risks misrepresenting the actual aspirations of indigenous peoples, displacing their own radical demand for political autonomy with the more tame liberal demand for cultural accommodation.

Here again, my basic response is simply to concede the objection. To some extent, I think this objection rests on a misreading of the scope of my argument in LCC. My aim in LCC wasn't to offer a systematic or exhaustive theory of minority rights, enumerating all of the possible forms that minority rights can take, or all of the arguments that can be advanced for them. Rather, my aim was the more modest one of showing that the protection of the cultural conditions of individual autonomy is a legitimate public aim, and hence that insofar as minorities advance a culture-based argument, this should not be inherently dismissed as illiberal. I never meant to imply that this was the only legitimate basis for minority rights, and certainly never meant to force minorities to frame their claims in the language of cultural accommodation. My aim was to open up political space for legitimate political mobilization around cultural context claims, not to close down space for mobilization on other claims.

Still, even if this is a misreading, I certainly could have been clearer in LCC about how my cultural context argument relates to the broader set of considerations that underlie real-world minority and indigenist claims. In any event, I fully accept my commentators' fundamental point that our autonomy interest in a cultural context underdetermines the appropriate policy response, and that we need to consider a much broader set of interests and factors in developing a normative theory of minority rights. Put another way, we need not only a liberal theory of the cultural context of individual autonomy – which was my project in LCC – but also a more systematic theory of state-minority relations, and of the persistent sources of injustice in those relationships, and of the sorts of rights and resources that can remedy those injustices.

Indeed, quickly after LCC was published, this became my central project. Due to the explosion of state-minority conflicts after 1989 around the world, it became clear to me that what we required was not further refining of the old liberal-communitarian debate about atomism, but rather a more direct exploration of the normative structure of majority-minority relations in multiethnic, multinational and postcolonial settler states. And this suggests a quite different starting point for the analysis. For example, if we want to explore the normative structure of state-minority relations, an obvious first question is to ask, how did this minority come to be a minority in the first place? How did a particular state come to have (or to assert) a right to rule this particular minority and its territory? The fact that a particular state rules a particular minority is clearly not a God-given fact, but rather has emerged out of a particular historical process, and these processes matter normatively.

For example, in the case of settler states ruling over indigenous peoples, the state's claim to rule indigenous peoples and territories is rooted in the process of colonization. Moreover, as Eisenberg notes, in order to justify this process of political domination and territorial acquisition, settler states typically generated ideologies of racial supremacy which denigrated indigenous societies as backward or primitive, and as unworthy to rule themselves or to participate in ruling the larger society. A normative theory of indigenous rights must be responsive to this deep structure of settler colonialism, and this requires something much more than a theory of cultural accommodation. Settler colonialism certainly disrupted the cultural context of indigenous societies, but this was not the only injustice, and many of the policies that I discussed in LCC as helping to serve legitimate culture-protecting functions can be justified more quickly and directly as remedies for the multiple injustices of colonialism.

In other cases, a minority came to be part of a larger state, not as a result of conquest or colonization, but as a result of voluntary federation, in which two or more national groups agree to come together to form a larger polity. A normative theory of national minority rights must be responsive to this deep structure of political federation, and here too this requires something more than a theory of cultural accommodation. In this case, unlike the case of settler states, the process by which the state came to assert rule over a minority may not have been unjust. Yet history shows that these original pacts are rarely honoured, and that dominant national groups are tempted to withdraw guarantees of

regional autonomy and language rights that were negotiated at the time of federation. And if so, then minority claims to restore or regain these rights can be seen not just as helping to secure their cultural context of choice, but as restoring the original basis on which the very legitimacy of the state rests. Here again, policies that I defended in LCC as serving culture-protecting functions can be defended more quickly and directly in terms of political domination.

Other groups come to be minorities not through colonization or voluntary federation, but through migration – that is, by being admitted to a country as individuals or families. And in this context, a normative theory of immigrant minority rights needs to be responsive to the deep structure of migration, admission, settlement and integration. On my account, both indigenous peoples and national minorities have a right to form and maintain self-governing units within which they form a majority, and where self-governing institutions are used to uphold and reproduce the group's cultural structure. Commentators on my work have sometimes wondered why immigrants do not have a similar entitlement, and indeed it is true that this is conceivable route to ensuring their autonomy interest in a cultural context. But once we situate the freedom-culture link in a larger theory of state-minority rights, it becomes clear that this cannot be a requirement of justice. Enabling immigrants to settle on, and then assert self-governing rights over, a particular chunk of the state's territory would in effect be allowing them to colonize a part of the territory of the state (Baubock 1996, 2008). This is exactly what colonizing settlers did throughout the Americas, and granting immigrants the right to establish self-governing societal cultures would be to reproduce that injustice yet again. And so we need to find some other way of securing the autonomy interests of immigrants, and this then requires that we situate their cultural interests within a broader account of the fair terms of multicultural integration into the host society.

These reflections on the broader matrix of state-minority relations provide the starting point for the theory that I developed in *Multicultural Citizenship* (Kymlicka 1995) and in *Politics in the Vernacular* (Kymlicka 2001), which I have variously labelled a theory of “multicultural citizenship” and/or “a liberal theory of minority rights”. These labels are intended to capture the idea that they are not just theories of the cultural conditions of individual autonomy, but are theories of the normative requirements of justice in state-minority relations. These later works offer what I hope is a more satisfactory multidimensional theory of minority rights, one which is better aligned with the actual claims and aspirations of different minority groups than the mono-dimensional theory offered in LCC, focused solely on the freedom-culture linkage.

I hasten to add that the freedom-culture link remains important to my overall theory of minority rights. Any recognizably liberal theory has to be concerned with the way that the cultural context either facilitates or impedes individual autonomy. And this means, inter alia, that any liberal account of how to support indigenous decolonization, or how to uphold federal partnerships, or how to secure fair terms of integration for immigrants, must seek to ensure that culture-protecting policies do not limit individual members' freedom to challenge and revise inherited cultural practices.<sup>5</sup> But the freedom-culture link is just one part of a larger theory of minority rights. It lays out a fundamental criterion for a liberal approach to governing diversity and to evaluating minority claims, but it operates within a broader framework that recognizes multiple grounds for minority rights, emerging out of multiple patterns of state-minority relations.

As I read the commentaries, their worries about the potential misalignment between LCC and real-world minority claims echo my own motivations for shifting in later work to a broader normative theory of minority rights, rooted in a deeper theory of the structure of state-minority relations. In that sense, I not only accept, but indeed embrace, their criticisms, which were fundamental to my own work after LCC. An LCC-type theory of the cultural context of individual autonomy is central to responding

5 In *Multicultural Citizenship*, I elaborate this injunction through the distinction between “external protections” (policies aimed at reducing a cultural group's vulnerability to external power and threats) and “internal restrictions” (policies aimed at reducing the freedom of members to contest inherited practices). A liberal theory of minority rights should endorse the former, but resist the latter (Kymlicka 1995).

to the communitarian critique of liberal egalitarianism, but a politically-adequate theory of minority rights has to engage broader issues about state formation and state legitimacy, self-determination, constitutional pacts, the drawing of territorial borders (internally and externally), democratic participation, citizenship, and so on.

However, I may disagree with some of my commentators about how these broader considerations tend to play out. As I've already suggested, I view these broader considerations as bolstering the case for minority and indigenous rights. These other considerations do not contradict or weaken the culture-protecting argument for minority rights, but rather provide further – and often more direct – arguments for these rights. The legitimacy of minority rights, in this sense, is – as Callan notes – often “overdetermined”: we have multiple compelling arguments in defense of them.

Yet Callan himself later in his paper suggests that the net effect of considering these broader considerations is likely to weaken the argument for minority rights. Drawing on Alan Patten's recent reformulation of a liberal theory of minority rights (Patten 2014), Callan suggests that minority rights should be seen as only *pro tanto* claims, and that “other considerations will commonly and rightly crowd out” claims for cultural recognition. So whereas Callan begins by acknowledging that support for minority rights is often “overdetermined” – and so criticizes me for ignoring all the “other considerations” that support minority rights beyond the freedom-culture link – he ends up by suggesting that in fact it is the rejection of minority rights that is overdetermined, and criticizes me for ignoring all the “other considerations” that tell against minority rights.

Responding to this disagreement requires digging a bit more deeply into Patten's theory, and in particular his view that minority rights is about “cultural formatting”. For Patten and Callan, the liberal state is committed to a set of universally-justified policies that do not in themselves privilege majorities over minorities, but which can often only be delivered in ways that are “culturally formatted”. Just as any written text needs to be printed using a specific font – say, in Helvetica rather than Palatino or Arial – so liberal public policies will sometimes need to be formatted in a culturally specific way (e.g., in the English language rather than in Navajo or Vietnamese). Minority rights, in this view, are a response to the potential unfairness when public policies are disproportionately formatted in ways that reflect the majority's culture rather than the minority's. According to Patten, minorities have a *prima facie* claim to a pro-rated share of resources spent in these formatted ways, although this claim can be overridden by other considerations of economic well-being, democratic functioning, political stability, and so on.

In my view, Patten's metaphor about cultural formatting misrepresents the real issues at stake, and this helps to explain why he and Callan view minority rights as easily overridden. We can distinguish two very different conceptions of the “formatting” metaphor. On one view, it is a regrettable fact that there is no universal font, such that states have to choose between, say, (majority) Helvetica, (indigenous) Palatino or (immigrant) Arial, but it is important to emphasize that this choice has no substantive significance. It is simply a technical decision that is unrelated to the substance of the text being published, and should ideally be ignored as much as possible in people's thinking and reading of the text.

But I would argue that this is not how real-world liberal states think about their cultural formatting. On the contrary, states continually emphasize their distinctive formatting, and encourage citizens to think of it as essential to their identity. Having chosen Helvetica, say, states justify that decision by saying that “we are Helveticans”, living in Helveticaland, and that the fact that we are Helveticans living in Helveticaland is precisely what makes us a “people” who belong together, and who can legitimately claim rights to popular sovereignty, and to form a distinct political unit. In this view, the state is a vehicle by which Helveticans enact their popular sovereignty, and it would be wrong and unjust for anyone to try to divide Helveticans or to merge them with other peoples. Because Helveticans belong together and have the right to govern themselves, it would be an injustice if the state were divided into two, or if it were merged into a larger state, even if a divided or merged state is fully democratic, compliant with all human rights standards, and more economically efficient. In short, liberal states engage in cultural formatting not just because it is a technical necessity (like choosing a font), but to

create and consolidate a national identity and a sense of peoplehood. Formatting, in this view, is not a regrettable necessity, but a political aim: it is a way of building and sustaining a sense of belonging together as a distinct demos. Even if there were a universal font, we would still use Helvetica, because we are Helveticans, exercising our rights as a people through the Helvetican state.

How we think about minority rights – both their content and strength – will depend on which of these two images of formatting we adopt. If we adopt this first perspective – in which cultural formatting has no larger nation-building purpose or goal, but is simply a regrettable technical necessity – then it makes sense to endorse Patten's pro-rated funding as a *prima facie* principle. It also makes sense to apply this principle across the different types of state-minority relations, applying it equally to indigenous peoples, national minorities and immigrants. If the problem of state-minority relations is simply the lack of pro-rated formatting, they are all equally situated. And since cultural formatting is a benignly-motivated technical necessity, rather than a highly motivated political agenda, it also makes sense to override this principle for other considerations.

But if cultural formatting is about nation-building, then the stakes are much higher, and we need to evaluate minority rights in relation to a broader normative theory of nation-building and state formation. And then we are likely to apply quite different principles to the cases of indigenous peoples, national minorities and immigrant groups. In the case of indigenous peoples and national minorities, I would argue that they should have their own powers of nation-building: they have as much legitimate right to engage in nation-building as the majority, and recognition of this fact is central to any broader normative theory of decolonization or federal partnership. If Helveticans can use the state to exercise their sovereignty as a people, so too the indigenous Palatinos should be able to exercise their self-determination. Asserting nation-building power for the state, while rejecting it for indigenous peoples and national minorities, is incompatible with any plausible theory of justice in a multination state, and to invoke "other considerations" to deny rights of self-government is to reproduce political domination. Robust minority rights are part of the very structure of a legitimate multination or postcolonial settler state: they are conditions of the very legitimacy of the state in the first place.

For immigrants, by contrast, there is no realistic or legitimate option for allowing parallel nation-building. As we've seen, this would entail granting immigrants the right to colonize part of the state. And so we need to situate immigrant rights in relation to some broader story about their recognition and accommodation within the larger national project, about how they can come to see themselves, and be accepted as, equal members of the Helvetican people. Callan notes that giving immigrant Arians a pro-rated share of culturally formatted policies is not necessarily an effective or desirable means of ensuring their equal membership in the Helvetican people. I agree. He takes this as evidence that minority rights claims are weak and easily overridden. I take it instead as evidence that his pro-rated conception of minority rights fundamentally misinterprets the issues at stake. In the case of immigrant groups, minority rights are best understood as claims to fair terms of integration into a multicultural nation, as demands that the Helvetican nation be reconceived in ways that allow immigrant Arians to be, and be accepted as, full members of the nation. This is not about providing Ariel-formatted services in place of Helvetican-formatted institutions – as Callan's pro-rated proposal envisages – but rather about adapting Helvetican-formatted institutions to recognize and accommodate the identity and practice of Arians. And these demands, in my view, can be very robust: insisting that Arians integrate into the Helvetican nation without such multicultural accommodations is fundamentally unjust. So here too multicultural rights are part of the preconditions of the very legitimacy of nation-building.

If we interpret cultural formatting as nation-building, then the case for minority rights becomes more robust. Across all of these cases – indigenous, national minority and immigrant – claims for minority rights are tied to fundamental issues of majority power and privilege, used to impose costs and expectations on minorities that majorities would never accept if imposed on themselves. These costs implicate a range of human interests – autonomy, identity, cultural recognition, social status, language, democratic participation, self-government, economic opportunities, access to public services and social

protection. Critics of minority rights sometimes say that, before we can endorse these rights claims, we need to specify which combination of these values is doing the moral load-bearing work, in what proportions, and this can be a difficult analytical task. But in fact we do not need this level of analytical precision in order to see the hypocrisies and double-standards in the exercise of majority power. The reality is that majority groups jealously guard their own rights to engage in majority Helvetican nation-building – using state power to uphold and diffuse their language and culture and to protect spheres of self-government in which they form a majority – while castigating minority Palatino and Arial aspirations as “ethnic”, “particularist”, “collectivist”, “special status”, “privileged” or “disloyal”. The precise mix of motives that underlies majority and minority aspirations may be difficult to specify, but the double-standards by which those motives are evaluated is clear: majorities give their own aspirations to self-government and cultural recognition a free pass, while putting minority aspirations under a (distorted) microscope.

Of course, this leaves open the question of how we should respond to these double-standards. I have implicitly assumed that, in response to Helvetican nation-building, we should strengthen minority rights. But one might respond by seeking to retract the majority’s right to diffuse ideas about being Helveticans who belong together and exercise self-government in Helveticaland. Should we seek instead a cosmopolitan world order, operating in Esperanto, in which neither majorities nor minorities would have language rights or self-government rights or multicultural accommodations?

De Schutter suggests that my argument in LCC about the cultural context of choice need not preclude such a cosmopolitan ambition, so long as the process of cultural adaption and merging is sufficiently long-term. At one level, I do not disagree. My target in LCC, and elsewhere, is not primarily Esperanto cosmopolitans, but those who endorse majority nation-building while rejecting minority rights. LCC and MC were written for a world of nation-states, and were trying to identify the rights of minorities in a world of nation-states.

It is an interesting question what such an alternate Esperanto universe would look like, and what rights, if any, “minorities” would have in such a world (or even how we would identify minorities). But I’m reasonably confident that the main obstacle to such a universe is not that stubborn minorities would refuse to give up their minority rights, but that dominant majorities are unwilling to give up their rights to use state power to protect and diffuse their language and culture. And I have some sympathy for this majority reluctance. As Liav Orgad notes, it is not only minorities who are vulnerable to external threats, and the desire to have a safe and secure national life is not unreasonable, for either majorities or minorities (Orgad 2015).

So I suspect we will continue to live in a world of nation-states for the foreseeable future. And if so, we cannot evade the question of how minorities fit into this world of nation-building states. Answering this requires a multidimensional theory of justice in state-minority relations, responsive to the full range of (cultural, social, economic, political) interests at stake. Such a theory will range far beyond the philosophical theory of the link between freedom and culture laid out in LCC, but I believe that in most cases it will work to strengthen not weaken the liberal case for minority rights.

## CONCLUSION

My commentators rightly criticize both my philosophical argument in LCC about our autonomy interest in a cultural context of choice, and my political analysis of the content of real-world minority rights claims. The philosophical argument, they suggest, tries to draw too tight a connection between individual autonomy and a particular account about cultural contexts. And the political analysis, they suggest, misidentifies the broader set of considerations, beyond cultural accommodation, that underpin minority claims-making. LCC tried to make a particular philosophical account of the cultural conditions of individual autonomy carry most if not all of the moral load of a liberal theory of minority rights. That

not only asks too much of what are inevitably vague ideas of “cultural structures” or “societal cultures”, but it also risks misdiagnosing the actual aspirations and grievances of many minority groups.

In this reply, I have essentially conceded both sets of criticisms, but I have also suggested that the two critiques may offset each other. When we supplement the mono-dimensional focus in LCC on autonomy interests in culture with a fuller exploration of structural injustices in state-minority relations, the result, I believe, is to confirm the basic tenets of the theory of the liberal theory of minority rights I have developed. Notwithstanding the perceptive criticisms of my commentators, I still believe that multicultural citizenship remains the most promising route to justice in a world of deep diversity.

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R A Z P R A V E I N Ā L A N K I

E S S A Y S A N D A R T I C L E S





# THEORIZING THE CONCEPT OF MULTICULTURALISM THROUGH TAYLOR'S 'POLITICS OF RECOGNITION'

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## ABSTRACT

### **Theorizing the Concept of Multiculturalism through Taylor's 'Politics of Recognition'**

Contemporary debates on multiculturalism, regardless of whether we speak of proponents or sharp critics, were greatly influenced by Charles Taylor's essay *Multiculturalism and 'The Politics of Recognition'* (1992). It highlighted the need for the right of recognition and identity, built on the assumption of universal dignity. This paper tries to answer the question – in connection with Taylor's essay – of the sources of the reasons for today's problems with the concept of multiculturalism, and to provide suggestions for alternative paths out of the present paradoxical circumstances.

KEY WORDS: multiculturalism, recognition, identity, difference, Charles Taylor, diversity

## IZVLEČEK

### **Teoretska tematizacija koncepta multikulturalizma skozi Taylorjevo politiko prepoznanja**

Na sodobne razprave o multikulturalizmu, pa če govorimo o zagovornikih ali ostrih kritikih koncepta, je močno vplivala razprava Charles Taylorja z naslovom *Multiculturalism and 'The Politics of Recognition'* (1992). V ospredje je postavila nujnost pravice do prepoznanja in identitete, ki jima je predpostavljeno univerzalno dostojanstvo. V prispevku skušam odgovoriti na vprašanje, kje – v povezavi s Taylorjevo razpravo – lahko tičijo razlogi za sedanje težave koncepta multikulturalizma in kakšni so predlogi za alternativne poti iz nastalih paradoksalnih okoliščin.

KLJUČNE BESEDE: multikulturalizem, prepoznanje, identiteta, razlika, Charles Taylor, raznolikost

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## INTRODUCTION

Debates about organizing social relationships for living in a diverse society are currently at the forefront of social and political considerations, whether we discuss individuals and their rights in communities or majority/minority communities and relationships between them. The topic itself is not new and has been manifesting in one way or another – in the form of exclusivism or inclusivism in relation to difference – throughout human history. Similarly, the roots of multiculturalism do not lie in the 1960s, as related ideas can be found at least as early as the beginning of the 20<sup>th</sup> century, imbedded in the concept of cultural pluralism, while practice shows them to have been present far earlier within certain socio-historic contexts.

Regardless of whether we speak about proponents or sharp critics of the concept, Charles Taylor's essay *Multiculturalism and 'The Politics of Recognition'* (1992) greatly influenced the contemporary debates on multiculturalism. It highlighted the necessity of the right to recognition and the right to identity for both to assume universal dignity. In today's debate on multiculturalism the notion of dignity can no longer be avoided, ignored or overlooked. At the same time, it is often forgotten that dignity is an egalitarian concept, established universally while assuming agreement regarding fundamental human rights, and only as such protects the right to difference. Perhaps the inherent controversy of this concept is the reason for the problems that the theory of multiculturalism is encountering today, when some reject it entirely while others search for alternative interpretations that reach beyond the traps and contradictions in which it is entangled. In this paper I explore how dignity is defined in Taylor, how he understands difference, and what the relationship between them is. Does Taylor understand them as absolute categories or does he see them as mutually dependent? One particularly important question today is how to understand the right to difference and whether the right to difference has limits – at the level of both individual and community. In this paper I return to the dilemmas I discuss in my book *Multiculturalizem in migracije* [Multiculturalism and Migration] (Lukšič-Hacin 1999), which I have already placed into new contexts in the articles *Multiculturalizmi: varijante upotrebe pojma i njihova razmimoilaženja* [Multiculturalisms: variants of the use of the concept and differences between them] (2012) and *Pohlepa u kontekstima različitih multikulturalnih diskursa* [Greed in the context of various multicultural discourses] (2015). What is new in those two essays, as well as in the present paper, is primarily the context – today's socio-political dynamics in Slovenia and beyond, in which debates about the rights of people to dignity and difference don't define the basic concepts and relationships between them, but instead take them as self-evident, separate and absolute categories.

In *Multiculturalism and 'The Politics of Recognition'* (1992), Taylor sets discourse of recognition and identity as the starting point for the debate on multiculturalism as a concept for arranging social relationships in diverse societies. Recognition is understood as a vital human need. It is a necessity which is constitutively linked to identity, or in other words, with how individuals understand firstly who we are and secondly what are the fundamental traits that make us human. Thus the identity of a human (individual) or people (group) is constructed through dialogue in negotiations with the environment in which it is formed, and recognition from the environment is one of the key factors of this process. How the environment perceives us is constructed through the hegemonic relationship with the Other. Nonrecognition or misrecognition on the part of the Other can cause a self-destructive self-image of individuals or groups, when not only the destructive prejudices of the environment are unwittingly reproduced, but the even more destructive self-prejudice. Nonrecognition of identity is harmful; it is a form of pressure on the individual, a form of pushing the individual into destructive, reduced and harmful modes of being. (ibid.: 25)

Nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being. (...) Within these perspectives, misrecognition shows not just a lack of

due respect. It can inflict a grievous wound, saddling its victims with a crippling self-hatred. Due recognition is not just a courtesy we owe people. It is a vital human need (ibid.: 25–26).

To illustrate the complexity of the problem, Taylor uses Hegel's dialectic of the master-slave relationship (ibid.: 26); here I should point out that it is only the internalized slave identity that makes a slave a slave, and that the slave is the one that gives the master the mandate of the master. The realization of the master-slave relationship is therefore only possible through the social construction of an imposed and destructive identity.

They have internalized a picture of their own inferiority, so that even when some of the objective obstacles to their advancement fall away, they may be incapable of taking advantage of the new opportunities. And beyond this, they are condemned to suffer the pain of low self-esteem. Their own self-depreciation, on this view, becomes one of the most potent instruments of their own oppression. Their first task ought to be to purge themselves of this imposed and destructive identity (ibid.: 25–26).

The key question for Taylor is how this can happen. What makes individuals internalize self-destructiveness and give someone, in a Hegelian sense, the mandate of the master, i.e. how can the circumstances that reproduce existing master-slave relationships be overcome? He looks for the answers in a historical perspective.

## **THE HISTORICAL ROOTING OF 'THE POLITICS OF RECOGNITION'**

In his debate about historic dynamics, Taylor emphasizes two key changes that led to the inevitability of the modern preoccupation with recognition and identity. The first is the collapse of the social hierarchy, which was the basis for the phenomenon of honor (ibid.: 26), and the second the development of individualized identity, linked to authenticity, which appeared at the end of the 18<sup>th</sup> century (ibid.: 28).

### **Honor versus dignity**

Taylor claims that in the collapse of the social hierarchy, one very important issue is the replacement of the phenomenon of honor with the phenomenon of dignity. In its ancient definition, honor was strongly linked to social inequality, when its existence and reproduction had to be justified (ibid.: 27). In situations like these it is a given that honor is not for everyone, and that this is just! The eighteenth century brings a gradual shift from honor to dignity. Taylor identifies Rousseau as the initiator of the new discourse on honor and dignity. He says that in addition to the two existing traditional paths available to contemplate the two concepts, Rousseau developed a third – he developed a discourse in which he completely rejected honor and introduced dignity, and he is the source of the thesis about the right of all the people to equal dignity. Taylor claims that Hegel developed the principle of equal dignity on the basis of Rousseau's explication of dignity, and developed the master-slave dialectic directly from it. The old discourse about honor has pride at the center, while for the new discourse about dignity the key is recognition by others. Thus dignity is constitutively defined through recognition, i.e. recognition is a constitutive act/process of dignity. The old hierarchical concept of honor broke down because it wasn't able to respond to new needs for recognition. It was replaced by a regime of mutual recognition (ibid.: 35–36, 48–51). Honor is a hierarchical concept and is tied to a narrow segment of the population and expressions such as Lord and Lady, while dignity is linked to democratic (liberal) society and tied to the concepts of Mr., Mrs. and Miss. Honor can be linked to lordship and the rule of the few, and dignity to its universal occurrence in all people, democratization and egalitarianism.

As against this notion of honor, we have the modern notion of dignity, now used in a universalist and egalitarian sense, where we talk of the inherent 'dignity of human beings,' or of citizen dignity. (...) It is obvious that this concept of dignity is the only one compatible with a democratic society, and that it was inevitable that the old concept of honor was superseded. But this has also meant that the forms of equal recognition have been essential to democratic culture. For instance, that everyone be called 'Mr.,' 'Mrs.,' or 'Miss,' rather than some people being called 'Lord' or 'Lady' and others simply by their surnames. (...) Democracy has ushered in a politics of equal recognition, which has taken various forms over the years, and has now returned in the form of demands for the equal status of cultures and of genders (ibid.: 27).

To sum up the collapse of the social hierarchy according to Taylor in a different way, it holds that honor is based on pride, which belongs only to the narrower group of 'more developed' people within the hierarchically structured social relationships of inequality. In contrast, dignity is universal, egalitarian and constitutively linked to mutual recognition within democratic social relationships.

If we apply dignity thus defined to the current discussions about multiculturalism we're witnessing, I should point out that it is often overlooked that the concept of multiculturalism based on the assumption of a universal egalitarian right to dignity internalizes the irreconcilable conflict between honor and dignity. As a theoretical concept it is thus in a necessarily irreconcilable conflict with social (sub)systems based on honor, hierarchy and social inequality. The concept of multiculturalism – as a model of organizing social relationships – isn't useful in and for such (sub)societies; it is in irreconcilable conflict with them and, to be even clearer, it opposes them and tries to change and surpass them in the name of universal dignity in the direction of democratization and social equality. Thus defined, multiculturalism fundamentally cannot be a defense of the (re)production of (cultural) systems based on honor and the hierarchical social inequality of which it is the very negation. Such use is not only incorrect and a manipulation of the concept, but is also its abuse, negation and abolition, because with it, the postulates of the very concept are negated.

## Individualized identity and authenticity

The second important historic change Taylor mentions is the development of individualized identity linked to authenticity and internalized norms. He claims that it is only at the end of the 18<sup>th</sup> century that a change in the understanding of individual identity appears in a form in which we can talk about individualized identity and its authenticity.

We might speak of an *individualized* identity, one that is particular to me, and that I discover myself. This notion arises along with an ideal, that of being true to myself and my own particular way of being. Following Lionel Trilling's usage in his brilliant study, I will speak of this as the ideal of 'authenticity' (ibid.: 28).

Parallel to the processes of individualization and establishing individualized identity, a shift in public morality occurs, because it is no longer tied to God and external criteria of executing its principles.<sup>1</sup> Morality slowly connects to the 'voice within' and the internalization of norms. The inner policeman is

1 "The idea was that understanding right and wrong was not a matter of dry calculation, but was anchored in our feelings. Morality has, in a sense, a voice within. (...) To see what is new here, we have to see the analogy to earlier moral views, where being in touch with some source – for example, God, or Idea of the God – was considered essential for full being. But now the source we have to connect with is deep within us." (ibid.: 28–29).

established. Additionally, the idea of authenticity,<sup>2</sup> which also takes root at this time, becomes important. Taylor describes Rousseau (ibid.: 29) as the originator of the modern discourse on authenticity; while the essence of recognizing identity, he says, was developed by Hegel in his *The Phenomenology of the Spirit* (ibid.: 36). When developing the notion of authenticity, Taylor leans on Herder when he says that every one of us has their own original way of being human. The idea of authenticity is strongly present in the modern conscience:

This idea has burrowed very deep into modern consciousness. It is a new idea. Before the late eighteenth century, no one thought that the differences between human beings had this kind of moral significance. There is a certain way of being human that is *my* way. I am called upon to live my life in this way, and not in imitation of anyone else's life. But this notion gives a new importance to being true to myself. If I am not, I miss the point of my life; I miss what being human is for *me*.<sup>2</sup> (ibid.: 30) "Being true to myself means being true to my own originality, which is something only I can articulate and discover. In articulating it, I am also defining myself. I am realizing a potentiality that is properly my own. This is the background understanding to the modern ideal of authenticity, and to the goals of self-fulfilment and self-realization in which the ideal is usually couched" (ibid.: 31).

Authenticity can also be presented as striving for originality, ingenuity or a unique way of being, and some sort of fear of conformity, pressure from the outside that can cause the loss of who I am. Here let me point out that 'nonconforming authenticity' thus positions itself in contrast to recognition, which constitutively needs a dialectical relation with its environment. I can only become what I am through a dialogue with my environment, and at the same time, the process has to be carried out so that I can be what I am in my own immanent, non-conforming way. This clearly reflects the contradictory manifestation and dynamics of social relationships which we can understand through the fact that only the universal has allowed the establishment of the particular/individual. This inevitable permanent contradiction is first realized through the socializing process on the external relationship of the self to the environment. The second contradiction appears with a delay in the course of socialization, between the authenticity and the 'inner policeman', as the latter is the internalization of the external social relationships, and thus the contradiction becomes immanent for the individual. Here, we should also point out that authenticity as such is also a historical construct which the individual internalizes in the course of socialization.

Taylor says that all this creates the basis of modern (bourgeois liberal) culture and new forms of conscience. Individualized identity, linked to the internalized norms and authenticity, strongly depends on the dialogue with an important other, who either recognizes it or not, and thus importantly fulfils it or not. Identity is also determined in the dialogue with the important other, particularly through internalized norms that are cultural/social in origin (ibid.: 33–34). Taylor warns that this problem occurs when there is non-recognition of 'me' as 'me' in a minority community and in my eyes. This necessarily has a feedback effect on identity. If, for example, a woman internalizes the image of her own inferiority and subordination, she becomes inferior and subordinate (ibid.: 25). He claims that any internalizing of stigma can influence identity and can cause stigmatization of a population. He explains that this happened, for example, in the time of colonial relationships, when value systems were established that were based on numerous negative stereotypes of the non-white populations (ibid.: 26). Such watershed historic moments are thus crucial, as they are the moments in which the process of formulating

2 "The notion of authenticity develops out of a displacement of the moral accent in this idea. On the original view, the inner voice was important because it tells us what the right thing to do is. Being in touch with our moral feelings matters here, as a means to the end of acting rightly. What I'm calling the displacement of the moral accent comes about when being in touch with our feelings takes on independent and crucial moral significance. It comes to be something we have to attain if we are to be true and full human beings." (ibid.: 28)

identity takes place on an intimate level, in constant dialogue and confrontation with the important other, when because of the demands for authenticity, social relationships are set as the key factors of self-discovery and self-affirmation. Through this relation, the individualized identity is placed into the conditions of even greater and more defining dependency on the social environment; however, this dependency is a lot less visible due to the internalization of the norms (inner policeman), but at the same time carries much more importance for the individual than it used to when social status and identities were understood to be self-evident. In a situation like this, stigmatization is amplified by the even more destructive self-stigmatization (ibid.: 36).

As we have already noted, the key question for Taylor is how this can happen. What is it that causes individuals to internalize self-destructiveness and give, in a Hegelian sense, to someone, somewhere, the mandate of master, i.e. how can one go beyond the circumstances which reproduce the existing master-slave relationships. Taylor searches for answers in a more concrete milieu and in his analysis moves from the general, more abstract level of thinking about a human being as an entity, to the level of socio-political systems or political communities (states).

## FROM HISTORICAL ANALYSIS OF CHANGE TO THE POLITICS OF MULTICULTURALISM

First of all, let me point out that in reality there are important differences between political systems in terms of strategies, policies and attitudes to life in diversified societies. Diachronic and synchronic perspectives present different models of organizing relationships/life in diversified societies: from a) complete denial and exclusion of people who are different through citing their underdevelopment and immanent inability to assimilate, where culture/society is understood through a hierarchical concept of culture (Morgan 1981); through b) a tendency of forced assimilation of others into the dominant culture/society, which is declared more developed (Morgan 1981); c) accepting differences and understanding different cultures/societies through a differential concept of culture (Benedict 1976), their acceptance through the idea of a melting pot, which has a built-in immanent danger of silent assimilation and disappearance of diversity; to d) the model of cultural pluralism/multiculturalism/interculturalism, where culture/societal norms are understood through the differential concept of culture (Benedict 1976); the right to dignity, respect, recognition and the need to retain diversity is emphasized, yet the universal similarity among people must not be forgotten. With his multiculturalism and politics of recognition, Taylor supports the latter.

After his analysis of historical changes in the field of identity formation, Taylor ponders the possibilities for a politics of multiculturalism that would enable the realization of the newly created social phenomena of dignity and diversity. From the universal level of analysis of the human condition he moves to a more particular level, that is to the level of policy, and observes, from a political perspective, the possibilities for implementing new principles of regulating relationships "in and between" socio-political-cultural realities. He adds citizenship and state to the mix of central categories of analysis (Taylor 1992: 38). He thus focuses his analysis on the state as a political community that should provide its members/citizens with a system of rights that would allow them the recognition of equal dignity and difference, which he links to the necessity that "the principle of equal citizenship has come to be universally accepted" (ibid.: 38). He uses historical changes to support the necessity of two politics – the politics of equal dignity and the politics of difference.

Within the first, the politics of equal dignity, the principle of the right to equal recognition plays an important role. This is an area in which the shift from honor to dignity led to the politics of universalism.<sup>3</sup> The importance of the equal dignity of all citizens is emphasized. The rights and obligations of all become equal (ibid.: 36–38). The politics of equal dignity is necessarily based on the idea of the universal, egalitarian human potential:

The politics of equal dignity is based on the idea that all humans are equally worthy of respect. (...) Thus, what is picked out as of worth here is a *universal human potential*, a capacity that all humans share. This potential, rather than anything a person may have made of it, is what ensures that each person deserves respect." (ibid.: 41)

Taylor links the universal human potential to the concept of fundamental rights when he says: "But now the rights in question are conceived to be the fundamental and crucial ones that have been recognized as such from the very beginning of the liberal tradition: rights to life, liberty, due process, free speech, free practice of religion, and so on" (ibid.: 59). At the same time, he warns about the dangers of the concept of fundamental rights. On the one hand, fundamental rights are a precondition for universality. On the other, we have to be careful with the very definition and criteria of fundamental rights, and we must not forget their limits:

On this model, there is a dangerous overlooking of an essential boundary in speaking of fundamental rights to things like commercial signage in the language of one's choice. One has to distinguish the fundamental liberties, those that should never be infringed and therefore ought to be unassailably entrenched, on one hand, from privileges and immunities that are important, but that can be revoked or restricted for reasons of public policy – although one would need a strong reason to do this – on the other (ibid.: 59).

Taylor links the second of these politics, the politics of difference, to authenticity and individualized identity, yet he emphasizes that this is based on the politics of equal dignity. We could say that the politics of difference thus depends on it and can only be relayed through it. Hence the politics of difference cannot be taught as a separate, independent phenomenon, but can only be taught on the assumption of the politics of universal dignity, based on the universal human potential and respect for fundamental rights: "In the case of the politics of difference, we might also say that a universal potential is at its basis, namely, the potential for forming and defining one's own identity, as individual, and also as a culture. This potentially must be respected equally in everyone" (ibid.: 42).

So multiculturalism is understood through the politics of recognition, with the politics of recognition being defined as an intertwining of two mutually contradictory politics which are in the process of constant (contextual) negotiations of their mutual borders, yet at the same time the first is a prerequisite for the second. We also must not forget the complexity of the contradictory reality which we have already highlighted in the treatment of individualized identity (which is a part of the politics of difference), when a particular 'non-conforming authenticity' is set into a contradictory relationship with universal dignity (a part of the first politics) and dignity being at the same time a prerequisite for difference, yet can only be constituted through a dialogue with the environment, and is in inverse correlation with authenticity. This clearly reflects the controversial dynamics of social relationships, which we can also understand through the paradox that only the universal has enabled the establishment of the particular/individual.

3 Here, the key phenomenon is dignity, which he constitutively defines through recognition, i.e. recognition is a constitutive act/process of recognition; this – let us remember – contains an internalized inherent conflict with hierarchical honor and social inequality. For universal basic rights to discourse on dignity it is of key importance that dignity is universally, in an egalitarian manner and constitutively linked to mutual recognition within democratic social relationships.

These two modes of politics, then, both based on the notion of equal respect, come into conflict. For one, the principle of equal respect requires that we treat people in a difference-blind fashion. The fundamental intuition that humans command this respect focuses on what is the same in all. For the other, we have to recognize and even foster particularity. The reproach the first makes to the second is just that it violates the principle of non-discrimination. The reproach the second makes to the first is that it negotiates identity by forcing people into a homogeneous mold that is untrue to them (ibid.: 43).

Taylor links his thinking about the right to be different to cases of social minorities and diaspora,<sup>4</sup> where at first he considers the rights of all social minorities (vulnerable groups), yet as he goes on he focuses on cultural minorities and forgets about others, for example the gender perspective, for which he has been reproached by some critics of his multiculturalism (Wolf 1992, Okin 1999).

## THE TRAPS OF MULTICULTURALISM IN RELATION TO THE INDIVIDUAL AND THE CONCEPT OF CULTURE

In his essay on multiculturalism and minorities (he says very little about migration), Taylor sticks to the level of relationships between groups or communities and ignores the question of the position and rights of individuals within minorities. In this way, he becomes ambiguous. His multiculturalism comes across as a vindication of minority (cultural) groups even in cases when social inequality and subordination are (re)produced for individuals within these sub-societies/sub-groups, and their respect and dignity are not ensured – to mention only the polemics about the position and rights of women. Such understanding of Taylor's 'politics of recognition' quickly finds itself at odds with the bases that Taylor develops in the first part of his essay. Taylor's neglect of the question of the rights of an individual who finds him- or herself in a conflict situation with the society/culture to which she or he should belong, and the reduction of the analysis of the position of the minority to merely a cultural dimension, are the bases for numerous criticisms of Taylor's multiculturalism. Let me point out just two inconsistencies, which are very salient to this debate:

First, Taylor doesn't think about individuals who don't want to belong to their minority/majority. Thus people who don't position themselves within an ethnic/cultural community slip through the context of Taylor's understanding of their rights. Taylor only speaks about this once, in his criticism of Kymlicka and his multiculturalism, when he says:

Will Kymlicka, in his very interesting and tightly argued book *Liberalism, Community and Culture* (...), tries to argue for a kind of politics of difference (...). Kymlicka's reasoning is valid (perhaps) for *existing* people who find themselves trapped within a culture under pressure, and can flourish within it or not at all. But it doesn't justify measures designed to ensure survival through indefinite future generations. For the populations concerned, however, that is what is at stake. We need only think of the historical resonance of "la survivance" among French Canadians (ibid.: 40–41).

With this, Taylor does approach the problem of the rights of an individual at odds with the minority system, but other than refuting Kymlicka's positions, Taylor avoids further analysis, and nowhere in his discussion does he offer a response to the situations which Kymlicka discusses in the specific cases. I believe Taylor ends his discussion of this very important issue far too quickly – also because cultures are

4 Taylor speaks very little about migrations in his work (he also uses the concept of diaspora). For the most part, he discusses the situation of minorities. He only briefly discusses migrations and diaspora and the specifics of these populations (ibid.: 63–64).



not nature-given, but historically and socially constructed realities (Berger, Luckmann 1966). As Kuper points out:

This is why I insist that you don't belong to your culture, but it is imposed on you by a very authoritarian political movement with its national and nationalistic program within which you're disciplined every time you think differently, ask inappropriate questions or even want to get off (2005: 36).

So what, in Taylor's view, happens to people who don't want to belong to their culture, who rebel against the hierarchy and subordination they are ascribed within this culture? The subordinate status that is ascribed to them may even negate the universal human dignity and (re)produce a system of honor and social inequality that Taylor's politics of dignity and recognition was designed to surpass. What is the position of multiculturalism in the relation to the rights of people who are ascribed unequal statuses in the name of preserving culture (cultural tradition)? Taylor claims that the right to be different is based on a universal egalitarian dignity, the bases of which are fundamental human rights. What attitude should multiculturalism defined in this way take towards cultures that reproduce honor? Taylor offers no answers to these questions. Consequently, he also does not respond to the question posed in connection to the immanent conflict of the concept of universal dignity, which is a prerequisite for authenticity within the politics of difference, with the concept of honor. This raises the question of the relationship between universal dignity and honor, or what attitude should be held towards systems that are based on and (re)produce the concept of honor within hierarchical social relationships of inequality, of which dignity is a negation. Can principles of universal dignity truly serve as a vindication of the right to (re)produce systems of hierarchical honor of which they are a negation and with which they are in irreconcilable conflict, or are there limits to the use of the concept of dignity – in other words, is multiculturalism with the politics of recognition useless here? How can we understand the situation in which multiculturalism is supposed to protect the right to preserve a culture that is patriarchal and violates the rights of women, thus refusing them dignity? As I personally understand the first part of Taylor's discourse, fundamental rights and universal dignity are the prerequisite for the politics of difference, and only when the social conditions for the implementation of the first politics are secured can we defend the second politics and the politics to difference, so difference is not an absolute and independent category; the right to difference is preconditioned and these conditions set boundaries for it and establish contexts within which the right to difference can be constituted.

Second, Taylor uses the notion of culture, but doesn't define it. He only uses it as self-evident or given, as a static, impermeable structure rather than a dynamic process that is in constant interaction – internal interaction, and external interaction with other cultures when it comes to multicultural exchange, and the borders between them are changing. Similarly, he doesn't define the notion of civilization where the hierarchical concept of culture (Morgan 1981) rears up from the background, because he divides civilizations into developed and undeveloped when he talks about the "North Atlantic civilization" (Taylor 1992:71). Also problematic is his discussion about multiculturalism and identity, when he speaks about identity as a phenomenon which is connected exclusively to culture and forgets about other, non-cultural intertwining of identity both at the level of the individual and the level of community. With this he approaches the danger that social relationships are positioned into culturalism, which can also be understood as cultural racism. The anthropologist Kuper also warns about the problem of the definition of culture in the concepts of multiculturalism and the danger of culturalism in his criticisms, when he says he's afraid of the power people ascribe to culture. Culture is now touted as a new force that is all-inclusive and in multiple cases it has replaced economics, sociality and class. The concepts of culture and cultural difference are frequently used to explain wars, starvation, poverty, crime and mental illness. In this way it conceals the truth which was expressed, for example, by the notions of government, power, and social class, which described social relationships, social power relations and governing in another way. Kuper continues that the idea of culture is ambiguous and omnipresent, yet

at the same time very strong and cyclical. He sees a great difficulty in placing too much emphasis on values and symbols which can make us neglect or overlook material, biological, economic and social influences. This leads to a further issue:

The second part of the problem is the fact that cultural discourse imposes the often artificial or at least porous borders between different parts of the population and nations, but claims such borders to be static and firm and based on fundamental differences of origin. Even more, they even claim that they stem from the differences in people's identity, without which the people would lose their sense of who they are and what they want to do (Kuper 2005: 36).

Kuper rejects the idea of a static identity and its unconditional link to a single culture that is static, indispensable and of vital importance – he speaks about situations in which people share a common culture, but have different identities: “As an anthropologist I can claim without reservation that people can share a culture although they obviously don't share an identity,” (ibid.: 37) and warns that cultural identity cannot be a criterion for establishing rights. In his discussion on multiculturalism – in addition to the problematic of definition of the notion of culture – he warns that it is necessary to rethink cultural relativism. With respect to cultural relativism, Kuper says:

How can I agree with an idea that claims that there are different people living in the world with numerous cultures and different standards, which cause them to see the world very differently and respond to it differently, which means they cannot effectively communicate with each other? They are supposedly caught in a framework which it is not possible to step outside of. This claim seems questionable from the empirical point of view, since I, as a guest in many countries and in my scientific research, have always encountered astonishing similarities between people, be it in the cold and snowy regions of Antarctica, in hot Africa or in Europe. It is for this reason that I loudly proclaim the belief that most people, all around the world, have a lot in common (ibid.: 36).

Philips (2007) also considers the problem of the concept of culture within multiculturalism, particularly in connection with the position of women. Unlike Okin (1999), who rejects multiculturalism, Philips searches for a compromise, an alternative interpretation that would represent the rights of different social minorities, for instance culture and gender to mention only two. In the end she develops an idea of multiculturalism without culture, with a defense of the right of the individual to choose as a basic characteristic. In this way, majorities and minorities depend on the choices of individuals and their identifications with groups following the pattern of the concept of the “imagined community” (Anderson 2006). Of course, this discussion can be continued with the question of what constitutes individual free choice and whether it is even possible, if we start from the fact of the social construction of reality (Berger, Luckmann, 1966). And yet it is important that in this version of multiculturalism, in the entire context of social relationships among groups an alternative is provided for the individual, in which she or he can refuse the “ascribed” belonging. A similar, yet in a way very different alternative to multiculturalism, is offered by Parekh in his work *Rethinking Multiculturalism*, as he understands multiculturalism as “a perspective on human life” (2000: 336) and refuses to allow that it could be simply a philosophical theory or political doctrine. With this, the importance of dialogue and heterogeneity of cultures is emphasized – cultures differ from each other, but they are not only not internally homogeneous, they are heterogeneous and diversified (ibid.: 336–346). Lately, also in connection to the traps of understanding of the concept of culture and the danger of culturalism, there are growing tendencies to change the name of the multiculturalism/interculturalism model, to build upon it and move away from the “politics of multiculturalism” to the “politics of diversity”. In this way, it would be easier to avoid the danger of culturalism in organizing equal living in diversified societies (Manji 2014a, 2014b).

## CONCLUSION

The main objective of this paper was to use Taylor's perspective to try to find an answer to the currently important question of how to understand the right to difference and whether this right has limits – both at the level of the individual and the community. How is dignity defined by Taylor, how does he understand difference, and what is the relationship between them? Does he understand them as absolute categories or does he place them in mutual dependency? What does all this mean for multiculturalism and what are the current alternatives if we shed the light on the debate on multiculturalism through the prism of the understanding of the concept of culture?

Alternative searches and thinking about how to continue with multiculturalism were presented in the closing part of the last subchapter, in which I refer to selected authors who present alternative approaches: Kuper, who says that the concept of culture needs to be redefined and the concept of cultural relativism rethought; Philips, who searches for possibilities for multiculturalism without culture, and whose basic postulate is the right of the individual to choose; Parekh and his search for the basis for multiculturalism "as a perspective on human life"; and newer trends of a total reversal from the politics of multiculturalism to the politics of diversity, championed for example by Manji (2014a, 2014b).

The response to the fundamental questions of the present essay is more complex. The contemporary problems of the theory of multiculturalism are linked to the complexity of the situation it deals with. The very reality that multiculturalism tries to encompass is complex. Besides, it derives from basic theoretical concepts (culture, gender, difference, equal opportunities, fairness etc.), and there are huge differences among different authors in the understanding of those concepts. These differences are sometimes explicit, but sometimes implicit and concealed. We must add to this the different "ideological bounds" of the authors of multiculturalism, who use the same categorical apparatus to actually defend different social orders. Today, for example, we often encounter Taylor's concepts of dignity, recognition, respect, and difference, and realize that their content and justification are forgotten. When defending the right to difference it is often forgotten that the prerequisites of the politics of diversity are universal, egalitarian dignity and universal human potential. Too much emphasis is placed on the fact that people are different from each other, while forgetting the basic assumption, i.e. the origin, of Taylor's debate – that we are first and foremost similar to each other. It is only within the assumption of strong similarity between people that we can also speak about the differences among us, about our right to be different and live respectfully in diversity – all while assuming we can choose our group affiliations ourselves and are not forced into them, and that no affiliation to a group causes social inequality and unequal treatment for an individual or a group. Multiculturalism is a theory based on the simultaneous existence of equality and difference, on a constant contradiction of dignity and authenticity, which works on the principle of the mutual interdependence of universality and particularity. This is frequently overlooked! This contradiction is what creates limits for the rights of individuals and groups in specific cases through regulated political processes of negotiation, as this is the only way a common political system, which joins different groups, communities and individuals into a single political and legal system, can stand. Without borders such a system could not stand. The borders of the political and legal system also limit the right to diversity, for example of cultural practices. Here, let us remember that cultures are not "given by nature", they're not static, they are internally heterogeneous (not homogenous) and have been forever in flux. They are not absolute. Cultures are processes which change and come into contact with each other. It follows from this that cultural difference is relative; it is a process and an interaction. This is also how we must think of culture: as a dynamic, constant process of interaction. Thus even multiculturalism, as a system of managing difference, cannot and must not be conceived as a system that protects static cultures. It must be seen as a dynamic process of managing dynamic, complex and procedural differences which are in interaction.

Yet 'cultural minorities' are not the only analytical category when describing a concrete reality. There are numerous other social minorities whose rights have to be equally respected. In concrete

reality, social minorities intertwine, and an individual is at the same time a member of several minorities – thus the respect and dignity of all, the right of all to difference, can only be conceived of through the connection of multiculturalism with an intersectional approach. This means that we're dealing with two types of intersection that interact to set the boundaries of social space; and it is only within this space that we can talk about the fulfilment of the preconditions for the realization of human dignity, which is a foundation of social heterogeneity, and as a consequence also the limit of enjoying the right to difference – the first one is the intersection of rights between different groups/communities, and the second the intersection of rights between individuals and the social groups/communities these individuals belong to.

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## POVZETEK

### TEORETSKA TEMATIZACIJA KONCEPTA MULTIKULTURALIZMA SKOZI TAYLORJEVO POLITIKO PREPOZNANJA

Marina LUKŠIČ HACIN

Danes se pogosto dokazuje, da je teorija multikulturalizma ali zašla v slepo ulico ali da je preživeta. Težave teorije multikulturalizma so povezane predvsem s kompleksnostjo obravnavanega stanja, saj je kompleksna že sama realnost, ki jo multikulturalizem želi zajeti. Ob tem pa je teorija multikulturalizma izvedena iz bazičnih konceptov, kot so npr. kultura, spol, razlika, enake možnosti, pravičnost itd., ki jih različni avtorji različno opredelijo in so tako različne tudi njihove definicije multikulturalizma. Na sodobne razprave o multikulturalizmu, pa če govorimo o zagovornikih ali ostrih kritikih koncepta, je močno vplivala razprava Charles Taylorja z naslovom *Multiculturalism and 'The Politics of Recognition'* (1992). V ospredje je postavila nujnost pravice do prepoznanja in identitete, ki jima je predpostavljeno univerzalno dostojanstvo. Danes se pojmu dostojanstva v razpravi o multikulturalizmu nihče več ne more izogniti, hkrati pa se pogosto pozablja, da je dostojanstvo egalitaren koncept, utemeljen na univerzalni ravni ob predpostavki soglasja o temeljnih človekovih pravicah; šele kot tak omogoča zaščito pravic do razlike. V prispevku me zanima, kako je dostojanstvo definirano pri Taylorju, kako razume razliko in kakšen je odnos med njima? Ali ju Taylor razume kot absolutni kategoriji ali ju postavlja v vzajemno soodvisnost? Predvsem pa je danes pomembno vprašanje, kako razumeti pravico do razlike in ali ima pravica do razlike meje – tako na ravni posameznika kot skupnosti.



# DENMARK AND NORWAY: MATCHING LABOR MARKET NEEDS WITH QUALIFIED MIGRANTS

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## ABSTRACT

### Denmark and Norway: Matching Labor Market Needs with Qualified Migrant

The relevance of our article is based on the fact that migrant workers have been very important in recent years, and since the 2007-2008 financial crisis, these kinds of workers have been playing a substantial role in the developed countries, particularly the highly qualified migrants. These countries are facing several problems. Structural demographic changes have negatively affected the labor market, which has also caused problems in the education sector. These are obstacles to economic growth in the framework of the knowledge economy, and incorporating highly skilled migrants and talented foreign students is a way to overcome these difficulties. In this article, we analyze two Scandinavian countries, Denmark and Norway, and the ways they are adopting various strategies to overcome their problems, implementing new public policies to retain talented foreign students and hiring highly qualified migrant workers.

**KEYWORDS:** highly skilled migration, qualified worker, knowledge economy, demographics, foreign students

## IZVLEČEK

### Danska in Norveška: potrebe trga in kvalificirani migranti

Članek obravnava pomembnost visokokvalificiranih migrantskih delavcev. Od finančne krize 2007–2008 igrajo odločilno vlogo v razvitih državah, ki se soočajo s številnimi težavami. Strukturne demografske spremembe so namreč negativno vplivale na trg dela in povzročile težave tudi v izobraževalnem sektorju. Te težave, ki ovirajo ekonomsko rast v okviru ekonomije znanja, premagujejo s privabljanjem visokokvalificiranih migrantov in nadarjenih tujih študentov. Avtorja analizirata dve skandinavski državi, Dansko in Norveško, njune strategije za reševanje težav in uvajanje novih ukrepov, s katerimi bi zadržali nadarjene tuje študente in zaposlili visokokvalificirane migrantske delavce.

**KLJUČNE BESEDE:** visokokvalificirani migranti, kvalificirani delavci, ekonomija znanja, demografija, tuji študenti

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## INTRODUCTION<sup>1</sup>

The recessive effects of the 2007-2008 financial crisis have changed some aspects of the labor market in most developed countries. One of the consequences is the formation of a new migratory pattern that is expected to continue in the coming years. Many developed countries are facing demographic and educational difficulties, which can explain why they have been significant receivers of migrant labor. They are forced to hire not only migrant workers but qualified<sup>2</sup> migrants if they want to continue their economic growth and maintain the level of innovation required in a knowledge economy. Their workers or employees are retiring, causing a dearth of qualified workers. Therefore they are forced to hire qualified migrants. The new migratory pattern in which qualified migrants play a significant role means that developed countries will have to implement more flexible migration policies to satisfy their labor demands in a world where the number of qualified workers is limited.

In previous crises (1929 and 1972) the migrant workers, essentially undocumented and low-skilled migrants, were dramatically affected. But we have to recognize that even if the latest crisis has had similar repercussions on this kind of migrant workers, the circumstances of highly skilled migrant workers are completely different. The first thing to note is that today's qualified migrants benefit from more favorable migration policies and labor conditions (Cerna 2010). This means the world is spawning new conditions for a specific kind of migrant workers, those we call highly qualified migrants. Unlike what happened in previous crises, today, migration of highly qualified workers is not only recovering from a small drop at the peak of the crisis, but the tendency is for that migrant flow to grow significantly because migrants respond to the demands and needs of the international labor market. From these structural conditions we can see how the new migratory pattern is developing.

This has led to a global competition to mobilize, attract, and retain the most qualified workers. This new trend is the result of neoliberal globalization. Globalization, however, was initially characterized by the liberalization of capital and commodities, and at the same time the restriction of worker mobility. But since the end of the last century, a substantial change has occurred, manifested in the liberalization of the global movement of highly skilled labor. This change, based on the development of what has been called the "knowledge economy," generates new knowledge, technology, and innovations in strategic sectors of the economy, allowing developed countries to not only increase productivity and economic growth, but also to overcome the recent global structural crisis (Dabat, Ordóñez 2009; Dabat, et al. 2012). Some authors (Naidoo 2011; Rhee 2009) hold that the development of the "knowledge economy" creates a kind of "new imperialism," in that innovations and the concentration of knowledge correlate directly with countries' economic and political power. In this context, not only is the attraction of highly qualified migrants central, but so are international students in institutions of higher education, who represent a strategic wellspring of resources. This is why many universities in the developed world have policies to recruit and retain them. This global trend of concentrating knowledge as a way of achieving hegemony has given rise to metaphors like "the war for talent." A series of authors have analyzed the way in which this affects higher education and educational institutions as well as the consequences that this involvement has on these institutions in the so-called international "economic war" (Li, Lowe 2016).

In our previous research, we began by analyzing the United States, because it was considered the leader of the knowledge economy, and the structural crisis had dealt a blow to its leadership. We wanted to analyze how the United States tried to recover from the structural crisis and why it thought the ideal strategy for overcoming it and restoring its previous high levels of competitiveness was

1 The authors are grateful for the support of UNAM's Program for the Support of Research Projects and Technological Innovation (PAPIIT), which funded project IN300716. We are also grateful to Andrea Luna, Elizabeth Ortiz and Rafael Valencia for locating and systematizing the information, and to Birger Grinneby and Heather Dashner for their valuable revision of the text.

2 In this work, "qualified" refers to a certain level of education or formal qualification (OECD 2002).



through promoting innovation (Aragonés, Salgado 2013). In a second study, we broadened the analysis to include Australia, Canada, Japan, and the United Kingdom. We found very similar features in all of these countries, both with regard to the level of their labor needs and the importance they placed on concentrating on the knowledge economy (Aragonés, Salgado 2014). It was evident that their demographic and educational conflicts interfered with the knowledge economy. The quick solution was to attract skilled migrant workers and create more flexible migration policies for talented<sup>3</sup> foreign students. These countries had a very specific interest in retaining the most talented students with graduate degrees in disciplines like engineering, mathematics, technology, and science. It is not surprising that the disciplines preferred by the foreign students were also closely related to knowledge economy requirements. Finally, we also studied two other countries, Finland and Sweden, and the results were very similar to those for other developed countries (Aragonés, Salgado 2015).

In this context, our reasoning is that the United States and a significant number of developed countries, among which we would underline the majority of the countries in the European Union, require the contributions of highly skilled migrants since they face similar internal structural obstacles, such as an aging population, as well as problems in education, that affect labor markets. Both factors are difficult to resolve in the short term, and in this scenario, skilled migration becomes a solution to the shortage of qualified natives. And we should not forget the fact that highly qualified workers contribute to the creation of knowledge, with important repercussions in productivity and growth (Bosetti et al. 2015).

European migration policy has undergone important transformations since the Lisbon Strategy of 2000. The European Commission has encouraged member states to open up their labor markets to highly skilled migrants since it recognizes that these countries are facing a scarcity of domestic qualified labor (Zimmermann 2004). These were the circumstances that made it possible to establish the basis for a new legal migration framework in the EU, whose aim was to attract workers with higher skill levels and the creation of the Blue Card in 2009. Despite the fact that the blue card can be considered a big achievement, this directive was missing several pieces; the blue card does not guarantee migrants full access to the entire European labor market, but rather only that of their first destination country (González et al. 2013). The explanation given for retaining this restriction is that income disparities exist in member states and that, therefore, many highly qualified migrants could apply for the permit in a poor country and later move to a rich one (Ibid). This is not the case, for example, in the United States, where a highly skilled migrant who works in one state can move without restriction to another one. This lessens Europe's ability to successfully compete for these talents when compared with the facilities offered by the United States (Docquier, Machado 2015).

We turn our attention to Denmark and Norway, even though they don't use the blue card, because they have adopted another kind of migration policy in order to attract highly qualified workers, a situation that places them in the context of global competition for talent. The Scandinavian countries are considered top benchmark countries in their capacity to attract, retain, and develop the skilled employees that their organizations need. According to the 2015 global talent index report (Economist Intelligence Unit 2015), Denmark and Norway hold the second and fifth positions in the global ranking.

Our thesis revolves around the idea that developed countries have internal structural demographic and educational problems which become considerable obstacles in pursuing their plans to advance the knowledge economy. Their strategy for overcoming these obstacles quickly and easily has been to incorporate highly skilled immigrants into their workforce. Demographers point to the difficulty countries face once their fertility rates begin to spiral downwards, because the trend cannot be reversed through internal measures (McDonald 2008). Since highly qualified migrant workers are scarce, the

3 Talented students are defined as those whose skills are distinctly above average in one or more areas of human performance (Gagné 2000).

strategy for attracting them involves making migration policies more flexible, offering better conditions than those in place earlier.

This situation has negative consequences for sending countries. First of all, we cannot overlook the fact that the sending countries have invested in training these workers, and second, that their emigration implies the loss of human capital vital for the country's own development. In this scenario, we might ask what type of strategies should be put in place to turn the potential losses into gains.

## HIGHLY QUALIFIED LABOR IN THE CONTEXT OF THE ECONOMIC CRISIS

In past economic crises, migrant workers were the first to feel the effects. This happened in France and Germany during the crisis that began in 1970, prompting them to halt their guest worker programs (Duncan and Waldorf 2010) to protect their labor markets from unemployment. The difference today is that even during the crisis, some countries are reluctant to place restrictions on the inflow of highly qualified laborers. Although the migration of qualified workers is not new, what makes today's trends different from what was happening 20 years ago is the surprising increase in the flow of these types of workers, further encouraged by intense global competition (Ibid). More interesting still, this situation has prompted developed countries to introduce a set of immigration policies to attract these workers by offering them better conditions, even during the global economic crisis. It is also important to note that these kinds of workers bring special abilities, training, and experience not easily replaced in the short term. It is also a way for them to make up for the scarcity of these types of workers in their home markets and still meet those labor market needs (Cerna 2010).

Authors like Krugman (2012) and Pollin (2011) raise the question of a need to encourage innovation and to develop green technologies as central to overcoming the crisis. We are proposing that to achieve this goal, it is necessary for developed countries to hire highly qualified migrants and retain talented foreign students. It is not surprising that Scandinavian countries are characterized by rapid growth and the production of new technologies. These countries have introduced research and development strategies consistent with changes in global economic conditions. They also maintain an extensive, modern system of social protection and labor market regulation that subjects all workers, whether immigrants or native, to the same standards.

The Danish economy has traditionally been organized around flexible, specialized small and medium-sized firms, with a predominance of raw-material-based production and a focus on international markets. The economy has been concentrated in an agro-industrial complex, which is the most important export sector (Danish Agriculture & Food Council 2014). Research and development intensity in Denmark has led to a modern industry that also has competitive advantages in biotechnology and pharmaceuticals, boosting its high-technology profile (Okamoto 2010). In Denmark, the economic transformations were based on social consensus and complemented by a centralized wage negotiation system (Benner 2003).

Norway, meanwhile, was not under as much pressure to structurally change the economy, since the country has large oil reserves. Its investment in R&D is not as significant as other Scandinavian nations (Christensen 2013). Leaving aside the slight differences between Scandinavian countries, overall they have successfully adapted to the demands and restrictions of the knowledge economy and have even done so better than the largest economies in Europe. Jessop (2002) argues that much of this success is due to the application of a model combining a neo-statist strategy in response to the challenges of the new economic regime with active state participation in supplying the infrastructure needed for innovation, supported by decentralized knowledge networks, and the introduction of wage pacts that support wage consensus and changes in industrial organization.

Additionally, Scandinavian countries are highly committed to reducing carbon dioxide emissions by increasing the amount of renewable sources in overall energy production and improving energy

efficiency in all industries (Norden 2014). Denmark and Norway are recognized as the most environmentally friendly economies in all of Europe. Norway generates all its electrical energy from renewable sources, and Denmark derived 43.1% of its electricity from renewable sources in 2013 (Eurostat 2015).

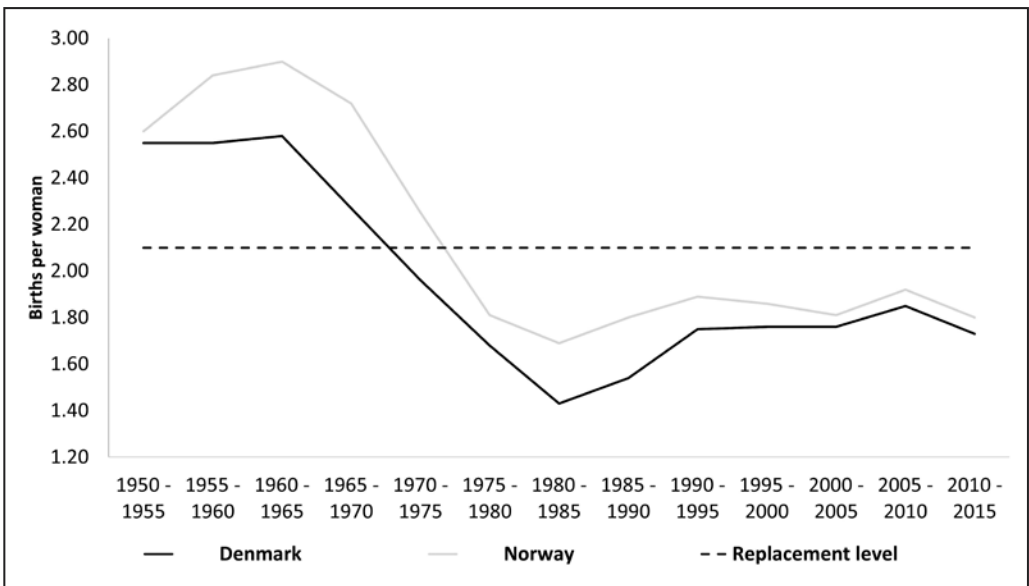
This sector of the economy is tremendously important for Scandinavian countries and creates significant demand for highly qualified workers in order to promote environmentally friendly innovations. So, together with the knowledge economy, these investments in renewable energy increase the demand for highly qualified migrant workers.

The present article is divided into three sections. First it analyzes the demographic characteristics of the Norwegian and Danish populations; secondly it studies the impact of internal policies for improving educational levels and how international student mobility is incorporated in these countries. Finally it presents a brief analysis of the various immigration policies aimed at recruiting and retaining global talent to contribute to the knowledge economy.

## DEMOGRAPHIC INDICATORS IN DENMARK AND NORWAY

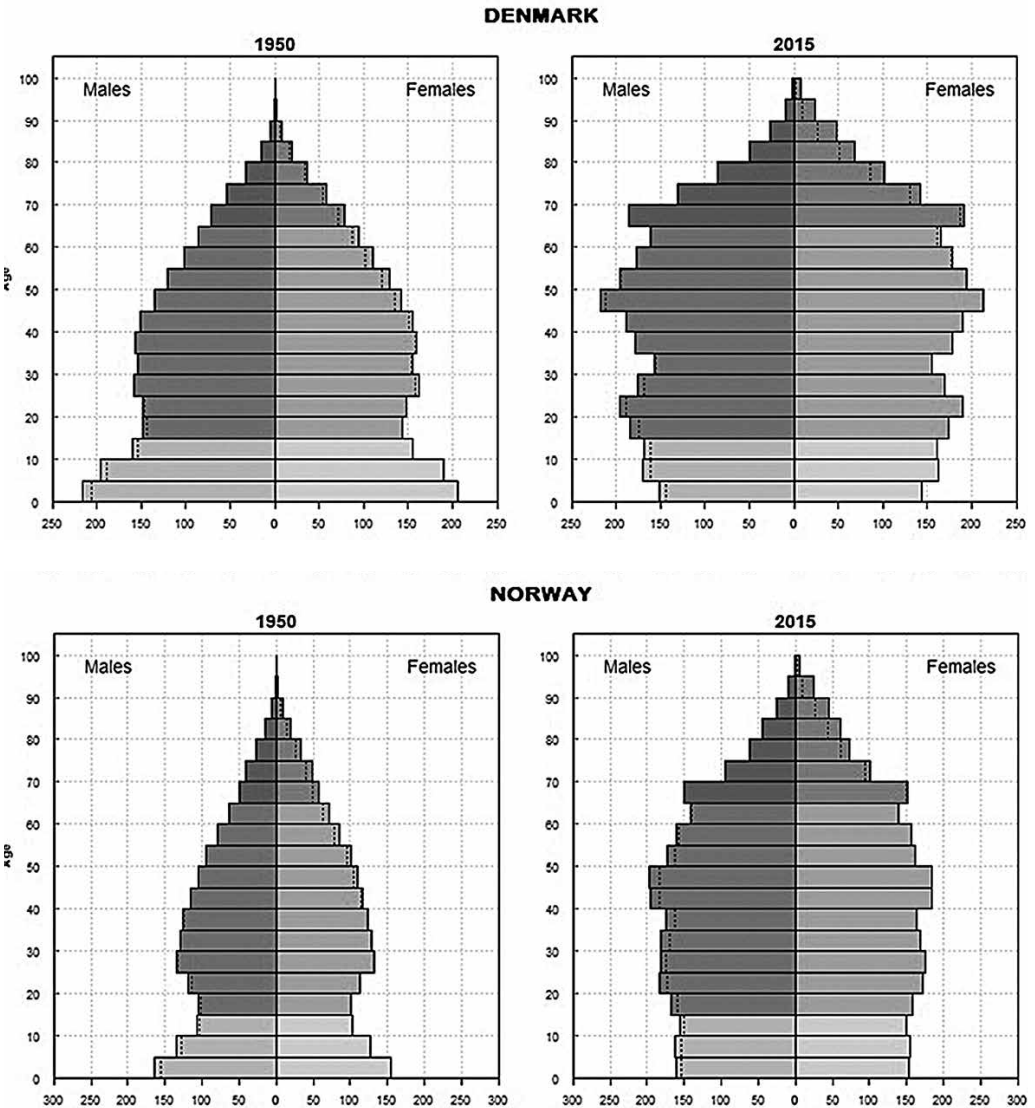
As in the rest of Europe, demographic trends in Scandinavian countries reveal an aging population. Life expectancies have been rising and now average 80 years, a result of the modernization, general scientific, economic and other developments such as social security and welfare programs introduced by their governments in the past. Mortality rates will continue to decline in the future, but to varying degrees according to projections for each country. The aging of the population in Scandinavian countries is a result of several changes: one of the most important determinants of population aging is a below-replacement level of fertility (2.1 births for each woman of childbearing age) (Figure 1); there are also some other important causes of population aging (e. g. mortality decline in older age groups, age selective migrations etc.) (Bryld, Lazdane 2006).

Figure 1: Fertility Rates and Replacement Levels for Denmark and Norway by Five-year Period (1950–2015) (Source: Statistics from the United Nations (2015), *World Population Prospects: The 2015 Revision, Key Findings and Advance Tables*).



Population growth below the replacement rate in Scandinavian countries has resulted in a gradual aging of their populations, which is obvious when we analyze the population pyramid by age groups in these countries (Figure 2). The population was considerably younger in 1950, presenting the characteristic pyramidal form. But we see a rise in the proportion of inhabitants over 60 in the general population, more pronounced by 2010 (Figure 2).

Figure 2: Population by Age Group and Gender (Source: Statistics from the United Nations (2015), *World Population Prospects: The 2015 Revision, Key Findings and Advance Tables*).

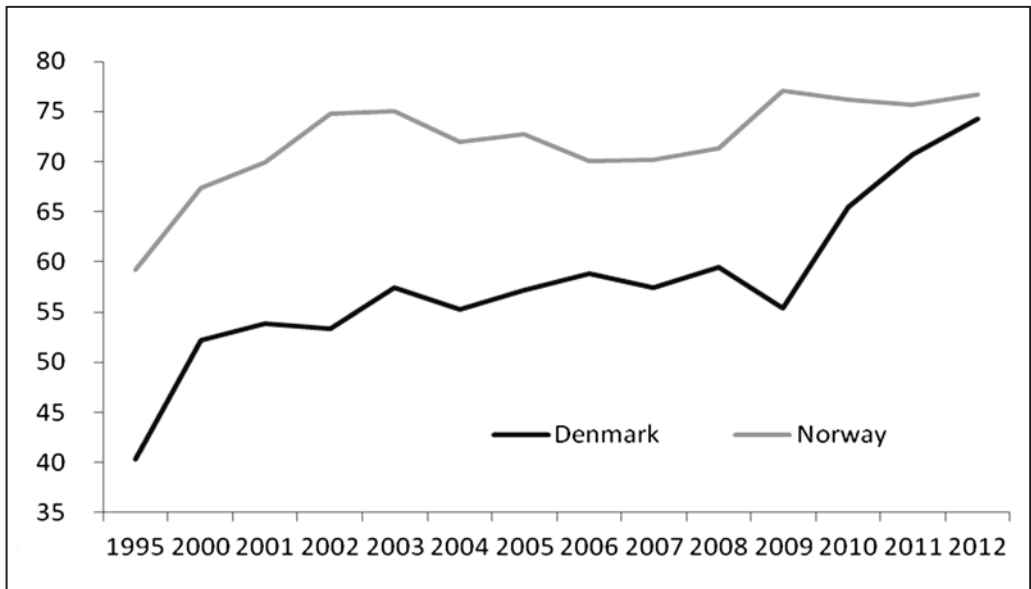


According to demographic projections for these countries, the elderly adult populations will more than double by the year 2050 (Mamolo, Scherbov 2009). Another factor weighing on labor markets is the population of working age. The average retirement age from 2007 to 2012 in Denmark was 65, and in Norway, 67 (OECD 2015), which means more inhabitants depend on each worker. This demographic situation is partially responsible for the scarcity of workers in the labor market, and is, in turn, an obstacle to long-term economic growth potential. It is interesting to note that despite the tremendous effort that all the countries have made to educate their populations, internal demographic contingents remain insufficient to meet the demand of strategic sectors (such as Science, Technology, Engineering and Mathematics, STEM) to build their knowledge economy (SHRM Foundation 2014).

## EDUCATIONAL ASPECTS IN DENMARK AND NORWAY

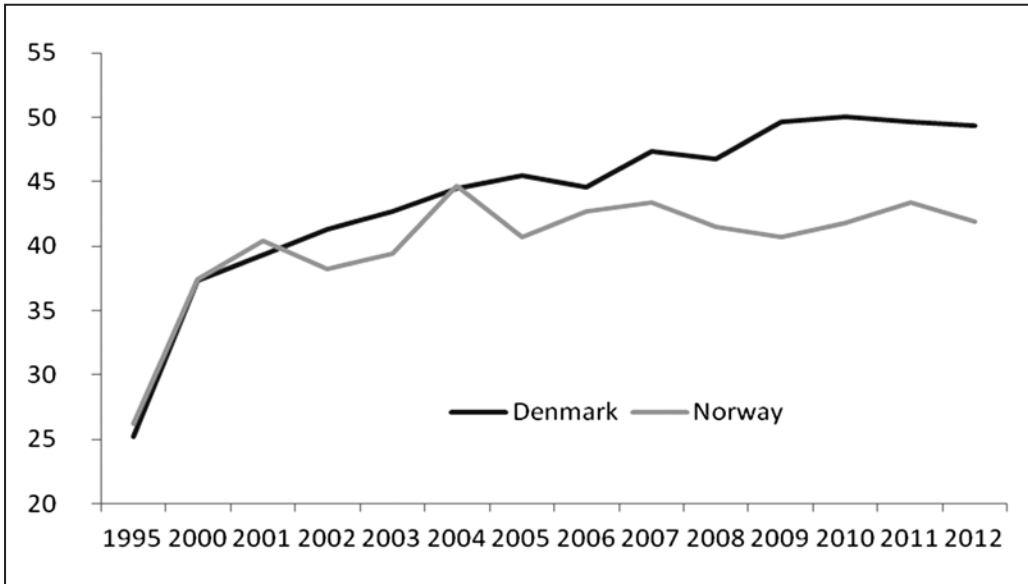
Knowledge is the driving force in international economic competition and the capacity to attain higher levels of development. For this, a country needs enough human capital trained in certain professions, like scientists, engineers, mathematicians, and computer technicians, so they can produce innovations that can generate an extraordinary surplus. Because of this, Denmark and Norway have made a huge effort to educate their populations, spending 7.9% and 7.4% of GDP respectively for overall education during 2011, both higher than the 6% OECD average (OECD 2014). This educational effort can be seen in Figure 3, which shows that a substantial proportion of young people are enrolled in institutions of higher learning.

Figure 3: Students Enrolled in Higher Education in Denmark and Norway (percentage of the corresponding age group) (2000–2012) (Source: Calculations by the authors based on data from the OECD).



When we look at terminal efficiency, we find that in 2012, in Denmark, slightly under half the enrolled students completed their degrees; in Norway, the rate was close to 40% (Figure 4).

Figure 4: Terminal Efficiency Rate for Higher Education in Scandinavian Countries (1995–2012) (Sum of age-specific graduation rates, by program duration) (Source: Calculations by the authors based on data from the OECD).



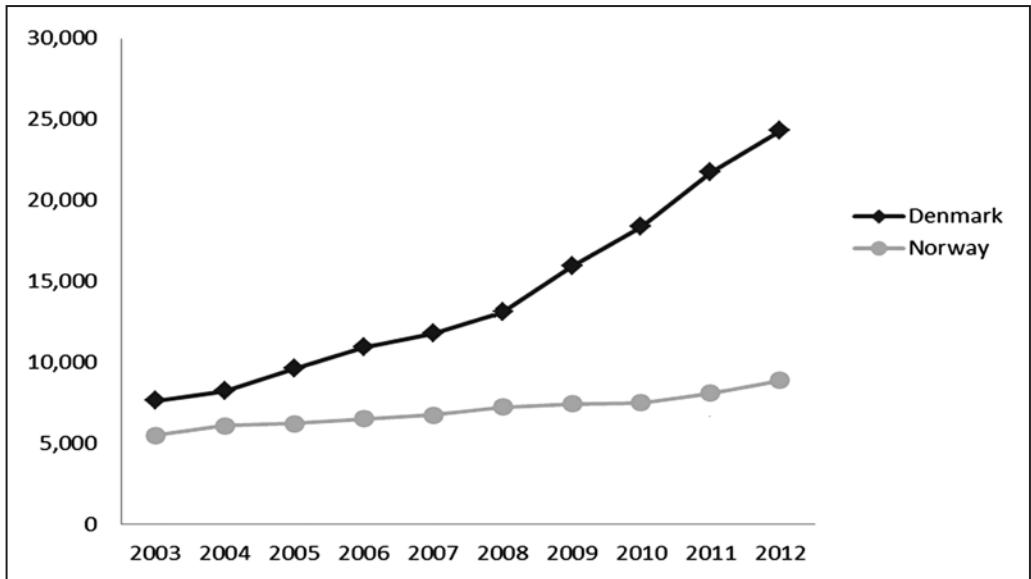
With a gradually aging population and fewer than half of Danish and Norwegian young people completing their academic degrees, the demands of the labor market within the framework of the knowledge economy cannot be met by internal contingents. This makes it necessary to incorporate highly qualified migrant workers. These countries have implemented two mechanisms to recruit global talent. The first is easing immigration policies to facilitate the transition from a temporary to a permanent residence visa (Thuesen 2011). The second mechanism is to attract foreign university students, offering them the guarantee of a job and permanent residence.

Clearly, advances in communications technology and transportation have increased education-based migration to unprecedented levels (Sutter, Jandl 2006). However, in order to make this student mobility and acquired knowledge a strategic mechanism for countries of origin, their governments would have had to plan and create jobs and infrastructure needed to fully incorporate these new professionals and employ them at a level matching their high training. This is what could make student mobility (in order to attain higher levels of training) a trigger for greater competitiveness based on knowledge and contribute to developing their countries of origin. The problem is that very few underdeveloped countries strategically plan this student mobility, and it becomes an obstacle for workers who wish to return (Zaafraane 2011). Ironically, it also becomes an incentive for host countries that urgently need to attract talent from all around the world. International students are ideal candidates because over time they have adapted to receiving countries' cultures and societies. The problem is that these countries' main objective is to make up for the scarcity of talent in their own labor markets, so they do not want highly skilled immigrants to return to their countries of origin (Sutter, Jandl op cit.).

Norway does not charge international students enrollment fees; this, together with the availability of programs in English, explains the sharp rise in the number of foreign students enrolled there between 2003 and 2012 (Norwegian Centre for International Cooperation in Education 2007a). The absence of fees for foreign students in these countries, however, prompted a debate about the costs they represent for higher education. In response, Denmark, which formally required no formal enrollment fees for international students, introduced a fee schedule in 2006–2007 for students from outside

the European Union (EU) or the European Economic Area (EEA) (OECD 2011). The Danish government, on the other hand, provides scholarships and assistance through government institutions and loan schemes (West 2013). This policy of subsidizing tuition for foreigners has considerably increased the number of foreign students in the country, as shown in Figure 5. In Norway and Denmark, we can see an increase in foreign student enrollment even during the 2008 crisis (Figure 5).

Figure 5: Foreign Students Enrolled in Higher Education (2003–2012) (Source: Calculations by the authors based on data from the OECD).



## NORWEGIAN AND DANISH IMMIGRATION POLICIES

### Norway

Norwegian immigration policy defines three categories of highly qualified or specialized immigrants: the first category is made up of technicians who received professional training at technical schools or higher levels. The second category consists of individuals who have completed their undergraduate or graduate degrees; and the third category is made up of workers who have a trade and have obtained special qualifications through their extensive experience combined with specialized courses (Utlendingsdirektoratet 2013).

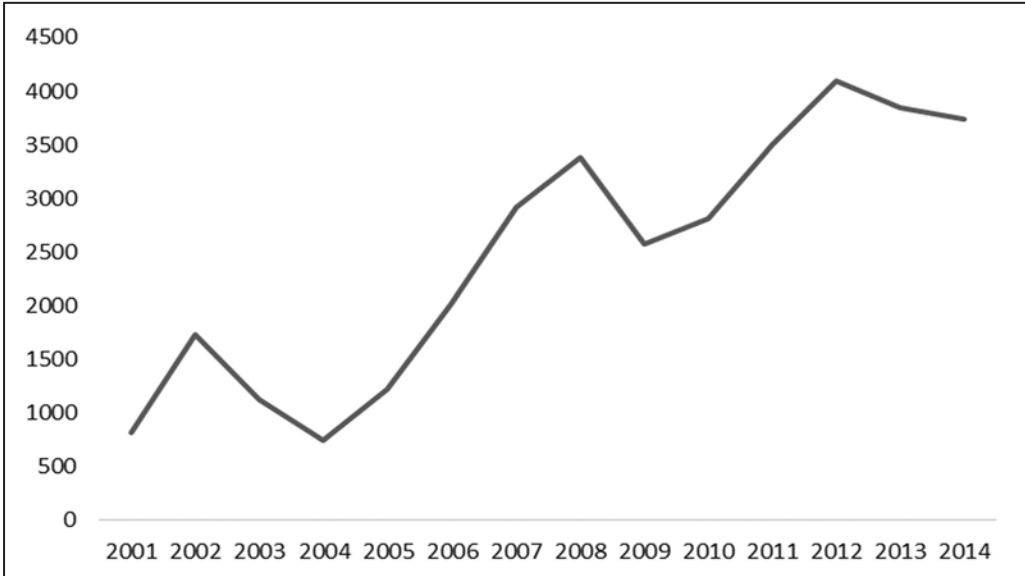
Norway bases its immigration laws on the regions of origin. If they come from the EU or EEA, regulations are less strict, while immigrants from outside those areas face some restrictions. For example, to obtain permanent residency, they must have remained in Norway for three years uninterrupted; these highly qualified immigrants are allowed to bring their families with them, and their spouses are guaranteed a work permit as well. Additionally, in Norway immigrants cannot be paid lower wages than natives with the same qualifications, because the government wants to avoid a social “dumping” effect from hiring cheaper labor (Brenne, Jense 2013).

Norway’s two main political parties (the Labor Party and the Conservative Party) have declared that one of the government’s goals should be to facilitate the attraction of highly qualified immigrants, arguing that importing talent will contribute to the country’s economic growth. Most of the demand for these types of workers comes from the oil and gas industries. In fact, Norwegian political parties



signed a cooperation agreement (*samarbeidsavtale*) on September 30, 2013, dealing with various issues regarding immigration policy, in order to facilitate the entry of a greater number of highly qualified workers (Ibid.). The measures taken by Norway have resulted in a stronger inflow of qualified workers. In Figure 6, we can see a clear rising trend in the arrival of these kinds of workers.

Figure 6: Work Permits Issued to Highly Skilled Immigrants (2001–2014) in Norway (Source: Calculations by the authors based on data from Årsrapport various years, Norwegian Directorate of Immigration.)

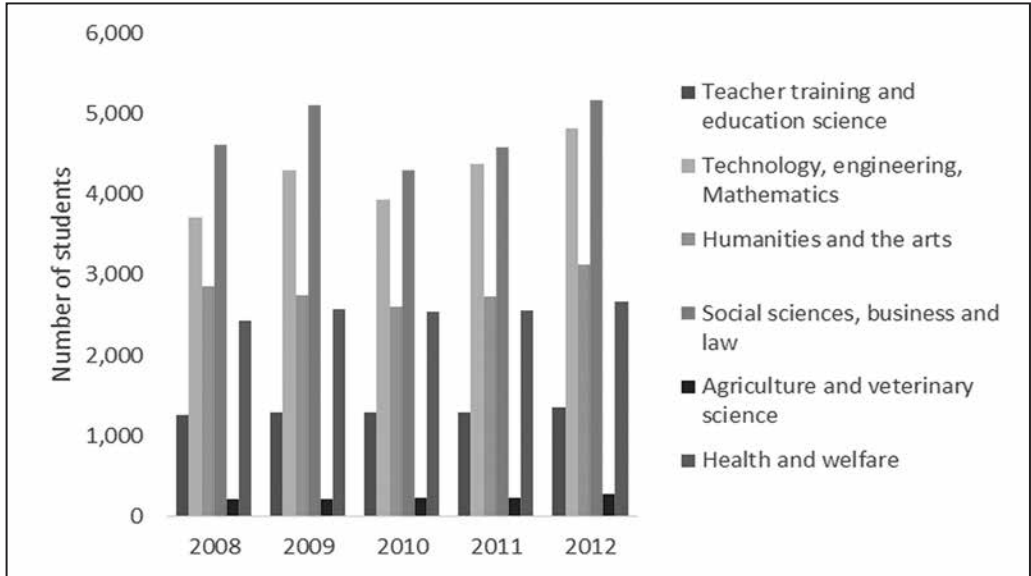


Another policy Norway has introduced to attract talent to the country has been to recruit international students, who are allowed to work part-time while studying and full-time during vacations. Norway's high standard of living, good quality higher education, tuition-free higher education even for the international students, coupled with ample financial support for its students and grants to students from Third World countries, have made it attractive to international students (Cox 2012).

The government offers various scholarships for students from developing countries, specifically for Master's and doctoral programs (Norwegian Centre for International Cooperation in Education 2007b). When they complete their studies, students must return to their countries of origin and remain there for 12 months. If they do not return to their country of origin, they must repay the scholarship (Tronstad et al. 2012). The government uses this measure as a way to build relationships of cooperation between developing countries and Norway (Norwegian Centre for International Cooperation in Education, n.d.). In 2005, however, it changed its immigration laws to allow foreign students to exchange their student visa for a residence permit, thus allowing them to settle in Norway for six months after graduation with the intention of finding a job and the possibility to extend their stay (Cox op cit.). This amendment to the law is a clear sign that the government wants to attract and retain qualified personnel. The result of these policies has earned Norway the eighth place among the countries that retain the most foreign students. According to 2008 OECD data, the retention rate was 23%, meaning almost one in four foreign students who arrive in Norway managed to turn their student visa into a permanent residence permit. These legal modifications reflect the tremendous significance of global student mobility in the knowledge economy. It enables Norway to deal with the domestic scarcity of human capital resulting from its demographic difficulties by bringing in foreign students. Interestingly, most of these students enter fields of knowledge related to STEM sectors (see Figure 7).



Figure 7: Number of Foreign Students by Field of Study in Norway (2008–2012) (Source: Calculations by the authors based on data from EUROSTAT).



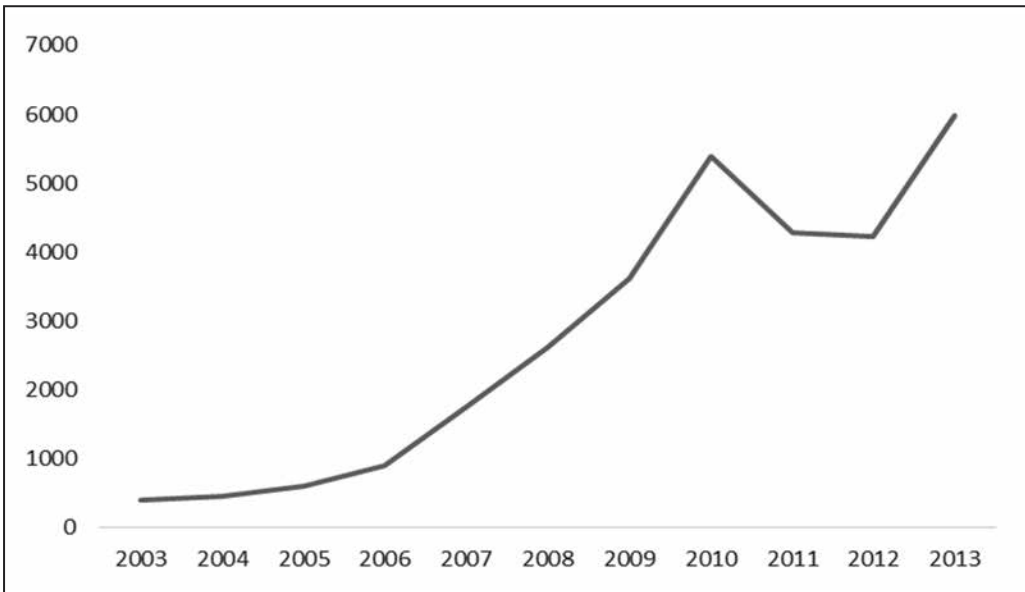
## Denmark

Immigration policies in Scandinavian countries are fairly similar across the region. All of them have the same systems for according special status to immigrants from the EU or EEA region, who are freely allowed to join the labor markets. Likewise, all have special regulations that apply to immigrants from regions outside of these. The Danish government has designed a system to facilitate the entry of highly qualified immigrants to the labor market, under one of the job-card schemes established by its immigration service (Danish Immigration Service 2015):

1. If the immigrant is a highly qualified professional, he or she may participate in the “green card” system, which guarantees residency and permission to work in Denmark for three years. This scheme is based on a point system that benefits the youngest and most qualified immigrants.
2. Immigrants with special abilities, such as scientists or guest researchers, can conduct their activities without the need for a residency or work permit if the term of their stay does not exceed three months. If they must remain for more than that, they must apply for a work permit to cover the rest of their stay, and since research is considered to be closely tied to the researcher, this guarantees that they will obtain the work permit.
3. The Positive List scheme is a list of professions and fields in Denmark that are experiencing a scarcity of professionals. If the immigrant has qualifications for any of these published vacancies and can prove that his or her degree of education, salary, and employment conditions correspond to Danish standards, access to the Danish labor market is facilitated.
4. The Corporate Scheme simplifies inter-company transfers of workers with special abilities so they can apply to work at the Danish affiliate. The work this type of immigrant performs must be considered innovative or formative.

These Danish regulation schemes facilitate the transition toward permanent residence for highly qualified immigrants who have resided in Denmark for five years, have not received certain types of public assistance for a period of three years before requesting permanent residence (or while their application is being processed), have passed a Danish language test, and have worked regularly or were part of an educational program in Denmark for between three to five years before requesting permanent residence. Applicants are allowed to continue working while their application is being processed (Ostling 2013). One significant incentive for highly qualified immigrants to decide to work in Denmark is the application of preferential tax rates to researchers or “key employees,” amounting to the equivalent of 26% of their earnings for 60 months (Tax Ministry of Denmark 2015). The result of these policies to facilitate the attraction of highly qualified immigrants can be seen in a rise in residence permits for highly qualified immigrants, as shown in Figure 8.

Figure 8: Residence Permits Granted through Job-card Schemes in Denmark (2003–2013)<sup>4</sup>



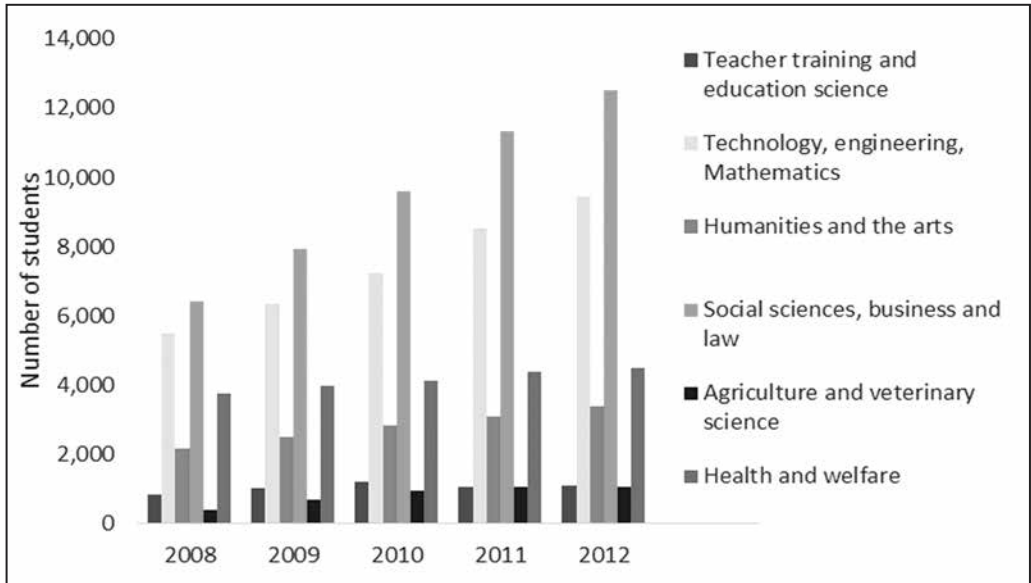
The second mechanism to attract global talent is to bring in students and encourage them to stay and live in Denmark; one such mechanism is allowing foreign students to work while they study. Students enrolled in a higher educational program have the right to work for 20 hours a week during the ordinary school year and to work full-time in June, July, and August (Danish Ministry of Higher Education and Science, n.d.a). Once they have received their degree they can apply for a permit to stay for a maximum of six months to find a job (Danish Ministry of Higher Education and Science, n.d.b), and if they do, it may qualify for one of the aforementioned work schemes, thus paving the way for permanent residence.

The Danish government recently launched an ambitious plan to attract and retain more international students. Minister for Higher Education and Science Sofie Carsten Nielsen declared that her country has a significant need to attract international talent to ensure the future of its economy. The plan consists of 24 initiatives, among them increasing the length of residence permits from the current

<sup>4</sup> Includes permits regarding the positive list, corporate, and green card schemes; and residence permits for those seeking employment if they have lost their jobs through no fault of their own. Source: Calculations by the authors based on Statistical Overview Migration and Asylum, 2008 and 2013, Danish Immigration Service.

six months to two years. According to Nielsen, these measures are intended to facilitate the transition from study to the Danish labor market for foreign students (Danish Ministry of Higher Education and Science 2014). As in other Scandinavian countries, this policy aimed at retaining students is part of a plan to meet labor market demands related to the knowledge economy. It is not surprising that many foreign students are enrolled in fields of knowledge in which mathematics, science, and engineering play a predominant role (see Figure 9).

Figure 9: Foreign Students by Field of Study in Denmark (2008–2012) (Source: Calculations by the authors based on data from Eurostat).



## CONCLUSIONS

Structural crises have given rise to transformations in immigration patterns by changing international labor market demands and needs and the forms of developed-developing articulation. In the context of this new migratory pattern taking shape in response to the 2007–2008 structural crisis, highly qualified workers who played an outstanding role toward the end of the last century are once again becoming increasingly important. Governments are convinced that one of the ways to overcome the crisis is to facilitate the conditions for the knowledge economy. However, since qualified workers are scarce in their countries because of the problems analyzed in this study, they will ultimately require qualified immigrant workers. There has been renewed interest among foreign students to join these countries' work forces once they earn their degrees, particularly those whose professions relate directly to the knowledge economy. This strategy implies tremendous benefits for host countries, since it gives them a ready supply of already trained qualified immigrants. With regard to foreign students trained in host countries, the advantage is that their qualifications are consistent with the needs of the labor markets. If this process continues, what may happen is that the world's countries will begin to have to compete for this talent. This would have various repercussions: among them, highly qualified immigrants would become a form of subsidy for developed countries with very little positive impact on the immigrants' countries of origin, because outward migration implies a loss for the country of origin (Aragonés, Salgado 2011). This would deepen asymmetries with developed countries, condemning the developing nations to remain in the same conditions of underdevelopment.

Another possibility, however, is that countries of origin will realize that development requires not only educating their population in the framework of the knowledge economy, but addressing the pressing need to transform their economic, political, and social projects to create research and technological innovation centers, universities, etc., so they can absorb their own human resources and avoid forcing their graduates and trained professionals to emigrate. This would trigger a basic change that could alter the inequitable relationship of forces and allow countries to progress toward development.

If not, these countries will continue to lose essential human resources and remain in a recursive pattern that is becoming a new way of deepening asymmetries among countries.

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## POVZETEK

### DANSKA IN NORVEŠKA: POTREBE TRGA IN KVALIFICIRANI MIGRANTI

Ana Maria ARAGONÉS, Uberto SALGADO

Članek obravnava pomembnost visokokvalificiranih migrantskih delavcev. Od finančne krize 2007–2008 igrajo odločilno vlogo v razvitih državah, ki se soočajo s številnimi težavami. V nasprotju z dogajanjem v prejšnjih krizah, danes migracije visokokvalificiranih delavcev po rahlem upadu na vrhuncu krize ne samo naraščajo, temveč so, ker se migranti odzivajo na zahteve in potrebe mednarodnega trga dela, v bistvenem porastu. Strukturne demografske spremembe, kot je staranje prebivalstva, so negativno vplivale na trg dela in izobraževalni sektor. Ovire za ekonomsko rast v okviru ekonomije znanja rešujejo s privabljanjem visokokvalificiranih migrantov in nadarjenih tujih študentov, kar vodi v globalno tekmovanje za mobilizacijo, privabljanje in zadržanje najbolj kvalificiranih migrantskih delavcev. Visokokvalificirani migranti so postali odločilni dejavnik v novih migracijskih tokovih ne samo zaradi pomembne vloge pri premagovanju krize, pač pa tudi kot nujno dopolnilo domači delovni sili in kot način reševanja notranjih strukturnih težav. Avtorja v članku analizirata dve skandinavski državi, Dansko in Norveško, in njuno uporabo različnih strategij za reševanje omenjenih težav. Obe državi sta uvedli dva mehanizma za privabljanje nadarjenih tujih študentov. Prvi je preprostejša priseljenska politika, ki omogoča lažji prehod od vize za začasno bivanje k vizi za stalno bivanje. Drugi mehanizem pa tuje univerzitetne študente privablja s ponudbo za zagotovljeno delo in stalno prebivališče.





# NADZOR MIGRACIJSKIH GIBANJ IN MIGRANTOV V CESARSKI AVSTRIJI OD 18. STOLETJA DO PRVE SVETOVNE VOJNE

Aleksej KALC<sup>1</sup>

COBISS 1.02

## IZVLEČEK

### **Nadzor migracijskih gibanj in migrantov v cesarski Avstriji od 18. stoletja do prve svetovne vojne**

Prispevek obravnava nadzor nad migracijami in migranti v cesarski Avstriji od terezijanskih časov do konca prve svetovne vojne. Prikazuje prehod od absolutističnega k liberalnemu migracijskemu režimu v drugi polovici 19. stoletja, restrikcije svobode gibanja, odnos do tujcev iz sovražnih držav med prvo svetovno vojno ter povojno institucionalizacijo državnega upravljanja migracijskih procesov. Večji poudarek je na oblikah nadzora in omejevanja migracijske svobode v liberalnem obdobju od šestdesetih let 19. stoletja do prve svetovne vojne. Nakazana je potreba po diferenciranem preučevanju migracijskega nadzora zaradi regionalnih in lokalnih razlik v izvajanju zakonodaje.

KLJUČNE BESEDE: nadzor nad migracijami, migracijski režim, migracijska politika, prva svetovna vojna, cesarska Avstrija

## ABSTRACT

### **Control over Migrants and Migration Movements in Imperial Austria from the 18th century to WWI**

The article deals with migration control in Imperial Austria from the times of Maria Theresa up to the end of WWI. It examines the transition from the absolutistic migration regime to the deregulation and the liberalisation of migration in the second half of the 19th century, the restrictions on freedom of movement and the treatment of enemy aliens during the war, and the post-war implementation of the state regulation of migration. Special emphasis is placed on the control and limitations of freedom of emigration in the laissez-faire period from the 1860s to WWI. The need for a differentiated approach to the topic is also addressed because of regional and local differences in implementing the migration legislation.

KEY WORDS: migration control, migration regime, migration policy, WWI, Imperial Austria

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## UVOD

V 19. stoletju so evropske države spremenile odnos do migracij in prostorske mobilnosti prebivalstva. V režimih starega reda je bilo za potovanje ali selitev na tuje in znotraj držav potrebno oblastno dovoljenje, možnosti premikanja pa so se razlikovale glede na poklicne in družbene kategorije. Absolutistična država je nadzorovala, uravnavala in aktivno usmerjala prostorska gibanja skladno z gospodarskimi, varnostnimi in drugimi interesi. Do konca šestdesetih let 19. stoletja se je ta migracijski red umaknil *laissez faire* odnosu do notranjih in zunanjih selitev. Deregulaciji je od francoske revolucije botrovalo uveljavljanje svobode gibanja ter izseljevanja kot naravnih individualnih pravic. Narekoval pa jo je tudi liberalni družbenoekonomski razvoj, ki je terjal usklajevanje demografske rasti in redistribucijo človeških virov s proizvodnimi procesi zrelega kapitalizma ter z modernizacijo. Država starega reda je videla v prebivalstvu svoje osnovno bogastvo in v izseljevanju njegovo pešanje. V liberalizmu je odhajanje prebivalstva postalo način lajšanja demografskih neravnovesij in socialnega pritiska v izogib malthuzijanskim pastem. Liberalizacija migracij se je uresničevala z umikom nadzornih inštrumentov in postopkov. Na notranjih relacijah so potna dovolila najprej zamenjali identifikacijski dokumenti, ki so sčasoma omogočali premikanje tudi med nekaterimi državami. V šestdesetih letih so nato v Zahodni in Srednji Evropi odpravili vize, nekatere države pa tudi potne liste. Sploh je bilo, z izjemo meja z Rusijo in nekaterimi južnobalkanskimi državami, ukinjeno sistematično pregledovanje dokumentov na državnih mejah (Torpey 2003: 75–82; Kalc 2016: 25–26). Kontinentalna in prekomorska gibanja prebivalstva so se zdaj dogajala na podlagi tržne logike v transnacionalnem ekonomskem prostoru, ki je dopuščal razmeroma prosto kroženje blaga, kapitala in ljudi (delovne sile).

S prvo svetovno vojno se je obdobje migracijskega *laissez faire* prekinilo in sredi dvajsetih let končalo. Med vojno so države močno omejele svobodo notranjega in čezmejnega gibanja ter upravljale premikanje delovne sile v skladu s potrebami vojne ekonomije. Začasno so obnovile in zaostriale sisteme kontrole nad migracijami ter tujci. Po vojni pa so jih le omilile in ohranile migracijska gibanja pod institucionalnim državnim nadzorom. Za potovanja v tujino je ostal obvezen potni list, ponovno so bile uvedene vize in sistematično pregledovanje dokumentov na mejah. To je sovpadalo z nastopom ekonomskega protekcionizma, v okviru katerega so države upravljale tudi migracijska gibanja, da bi varovale nacionalne trge dela, dostop do svojih socialnih sistemov in nacionalne vrednote pred kontaminacijami nezaželenih tujcev. Migracije so se odvijale v skladu z mednarodnimi dogovori ali normami za omejevanje ter selekcijo migrantov. Med vojno in po njej so se državni aparati usposobili za izvajanje striktnih kontrole, ki je v liberalni dobi tehnično še niso zmogli (Torpey 2003: 86; Bade 2001: 275–279; Kalc 2016: 28–29). Postali so neobhodni inštrumenti za izvajanje novega migracijskega reda, restriktivnih politik in samega ekonomskega protekcionizma.

Tudi v liberalnem obdobju so bile notranje in zlasti mednarodne migracije samo relativno proste in podrejene nadzoru. Pravni položaj migranta so določale z ene strani individualne svoboščine državljanja, z druge kolektivni javni interes. Liberalna država je namreč državljanu dopuščala svobodo gibanja in odhajanja, a jo je omejevala s klavzulami, ki so ščitile interese njene skupnosti (npr. omejevanje svobode gibanja vojaških obveznikov). Še bolj je ta antagonizem prihajal do izraza pri priseljevanju, pri čemer je veljalo mednarodno pravo. To ni priznavalo individualnih pravic do svobodnega vstopa v tujo državo oziroma dolžnosti države, da sprejme priseljenca. Ravno nasprotno, suverena država si je lastila neodtujljivo pravico, da omeji ali prepereči vstop ter izžene tujce, zato da zagotovi svoje neodvisnost, varnost, družbeni red, gospodarske in širše nacionalne interese. V spopadu teh načel je vselej imel prednost javni interes (Pifferi 2009: 49–52). Nanj so se sklicevali regulativi izseljenskih držav in selektivne priseljenke politike, ki so se v tem obdobju začeli pojavljati v Ameriki (Zolberg 2006: 1) in na začetku 20. stoletja tudi v nekaterih evropskih državah. Naperjene niso bile kot prejšnje omejitve samo proti nevarnim, nesposobnim ipd., ampak tudi proti določenim »nezaželenim« etničnim, političnim ali verskim kategorijam. Šlo je za eksperimentalne oblike nadzora, ki so po vojni prerasle v splošne nadzorne in restriktivne migracijske avtomatizme (Kalc 2016: 26–27).

Izkristalizirali so se tudi nekateri koncepti, ki so postali ključni pri opredeljevanju tujcev in razlikovanju med upravičenimi in neupravičenimi do vstopa v države ter integracije v njihove družbene sisteme. Med temi je bil princip prednosti državljanov pred tujci na trgu dela, ki je izviral iz protislovja med prostim dotokom tuje delovne sile, strukturno brezposelnostjo in socialno državo. Drugi je bil koncept državljanstva kot unitarnega, recipročno izključujočega načela pripadnosti nacionalni državi. Državljanstvo je postalo temelj za določanje pravnega statusa migranta ter diskriminanta za sprejemanje ali zavračanje tujca. Enovit potni list, enak za vse državljane, je po prvi svetovni vojni postal obvezen identifikacijski inštrument v službi kontrole nad državljani in nedržavljanji ter delovnimi migracijami (Kalc 2016: 29–30; Torpey 2003: 74).

Pričujoči prispevek obravnava nadzor nad migracijskimi gibanji v avstrijskem delu habsburške monarhije v predmodernem in liberalnem obdobju. Avstrijski primer je zanimiv za razumevanje kompleksnega prehoda od absolutističnega migracijskega režima k liberalnemu, in inštrumentov, ki so tudi v tem omogočali omejevanje ustavno utemeljene svobode izseljevanja. Do izraza pridejo večdimenzionalnost nadzora, vloge državnih organov in krajevnih uprav ter diskrecionalnost, ki jo je izvajalcem dopuščal pravni red. Pokaže se tudi, kako se je spreminjal položaj tujcev pred in med prvo svetovno vojno in kako sta kot del nadzornega sistema delovala domovinsko pravo in skrbstveni sistem, ki sta bila celo generatorja prisilnih premikov določenih družbenih kategorij.

## OD ABSLUTISTIČNEGA DO LIBERALNEGA MIGRACIJSKEGA REŽIMA

V 18. stoletju je Avstrija odločno stopila na pot utrjevanja centralne države in integracije dednih dežel v avstrijsko cesarstvo. V tem procesu je prihajalo do postopnega rahljanja notranjih in utrjevanja zunanjih meja. Centralna oblast je vzpostavila svoja periferna oblastva po vsej državi in krčila upravno moč deželnih stanov in gospostev. Prizadevala si je tudi obvladovati in nadzorovati prebivalstvo ter migracijska gibanja. Po merkantilističnih in populacionističnih načelih je v neposredni režiji kampanjsko kolonizirala prisvojena ozemlja, s privilegiji privabljala iz tujine kvalificirane kadre, podanikom pa strogo prepovedovala prosto izseljevanje (Hahn 2011: 88). Med terezijansko vladavino je »dobrodošle« in »nezaželene« razlikovala po religiji, koristnosti, »dobrem vedenju« in lojalnosti. Privilegirala je katoličane, protestante in Jude pa, podobno kot deviantno populacijo, izganjala ali preseljevala na periferna območja. Hkrati je ustvarjala otoke migracijske in verske svobode kot prosti pristanišči Trst in Reka. Ti sta bili nekakšna eksperimenta politike strateškega privabljanja »koristnega« in produktivnega prebivalstva, ne glede na izvor in versko pripadnost (De Antonellis Martini 1968). Jožef II. je s Tolerančnim patentom leta 1781 umaknil versko diskriminanto iz državne migracijske politike in po pruskem vzoru uveljavil kriterij strokovnih kompetenc. S privabljanjem nekatoliških elit se je država hotela okoristiti z njihovimi znanji na vseh področjih (Becker 2010: 35–36; Bader Zaar 2003: 147; Hahn 2011: 86). Merkantilistična politika je ustvarjala meddržavne napetosti in spodbujala protiukrepe oškodovanih držav. Tak je bil primer mojstrov in delavcev iz Furlanije in Karnije, ki so jih avstrijske oblasti v drugi polovici 18. stoletja privabile v papirnice, predilnice in tkalnice na Goriškem. Beneška republika je zaradi tega proglasila izseljevanje za delikt proti državi in ga kaznovala z zaporom (Lancis 2006: 175–176).

S terezijanskimi in z jožefinskimi reformami je država začela sproščati notranjo mobilnost prebivalstva. Osebnost odvisnost od zemljiških gospodov, ki je zavirala mobilnost, so v deželah avstrijske krone odpravili leta 1749, v celotni državi pa leta 1781/82, ko so s patentom o nevoljništvu ostali pogojno vezani na zemljo samo še kmečki družinski poglavarji. Namen je bil spodbuditi poroke, socialno in poklicno diferenciacijo, produktivnost in rast števila prebivalstva. Gibanja pa so ostajala pod strogo kontrolo in odvisna od oblastvenih dovoljenj. Potne liste in dovoljenja so izdajala centralna, deželna in okrajna državna oblastva, gospostva in mestni magistrati. Kompetence in vrste so se razlikovale glede na notranja premikanja (za prečkanje okrajnih ali deželnih meja) ali zunanje destinacije. Zaradi

nedorečenosti zakonodaje, sporov med državo in deželnim plemstvom in neusklajenosti organov je pri izdajanju dovoljenj in kontroli gibanj dolgo vladala zmeda (Komlosy 2003: 159–160; Burger 2000: 7).

Izdajanje potnih dovoljenj je bilo diferencirano in odvisno od koristnosti potovanja. Znotraj države so plemstvo, duhovščina in uradništvo smeli potovati brez dovoljenj, medtem ko so za tujino zanje, študente in profesorje veljale strožje norme kot za trgovce in obrtnike. Tradicionalna plemiška potovanja v tujino so kot povsem nekoristna omejili. Preostali so potrebovali dovoljenje tudi za premikanje med okraji. Izdajanje in pregledovanje potnih dovoljenj je rabilo tudi kontroli nad učinkovitostjo državnega in krajevnega upravnega aparata (Komlosy 2003: 160; Burger 2000: 7–8; Becker 2010: 37, 38). Leta 1784 je stopil v veljavo izseljenski patent, s katerim so skušali racionalizirati vse razpršene in čestokrat protislovne norme o potovanjih in notranjih ter zunanjih migracijah. Namen je bil preprečiti, da bi podaniki ostajali v tujini. Legalna izselitev je bila mogoča samo z dovoljenjem oblasti, s plačilom odhodnine ali z zaplembo imetja zaradi oškodovanja države. Patent je načeloma dovoljeval potovanje, v kolikor je bilo koristno oziroma ni šlo v škodo državi, je potekalo z ustreznimi dovoljenji in v skladu z restrikcijami (Komlosy 2003: 160; Burger 2000: 11–12).

Na začetku 18. stoletja so se kot sredstvo nadzora za zagotavljanje javne varnosti uveljavile vizitacije. V skladu s kameralistično logiko so v središče pozornosti postavile reveže in tujce kot kategorije, povezane z brezdeljem, beračenjem in s postopaštvom. Z vizitacijami (preiskavami) hiš in razmer na terenu je policija načrtno preverjala status tujcev, ki so morali, da niso prišli pred deželno sodišče in bili odgnani v pristojne kraje, svojo prisotnost opravičiti s prepričljivimi argumenti. Odgon je bil drugi instrument vzdrževanja dobrega reda. Izvajali so ga, podobno kot vizitacije, ob določenih letnih terminih in izredno po potrebi. Ravnanje je bilo odraz kriminalizacije revščine in z njo povezane nedovoljene mobilnosti, a tudi mobilnosti, ki ni bila nujno povezana z beračenjem, a je bila sumljiva in v nasprotju z idejo o dobrem redu. Vizitacije so tako prizadele na primer kramarje, če njihova dejavnost ni bila izrecno dovoljena (Čeč 2010).

Pomemben pripomoček nadzora migracij je postal konskripcijski sistem, ki je stopil v veljavo v sedemdesetih letih s prehodom od najemniške k naborniški vojski. Konskripcijsko pravo je predstavljalo dodatni regulativ gibanja moškega prebivalstva, ki je s tem postalo odvisno tudi od dovoljenja vojaških oblastev (Komlosy 2003: 160; Becker 2010: 34) Z njim je bila vzpostavljena tudi monitoraža gibanj in celotnega prebivalstva, utemeljena na individualni evidenci po nabornih števnih okrajih. Beležila je med drugim, kje so se osebe fizično nahajale in domovinski kraj, kjer so bile pristojne glede pravic in dolžnosti. Vzdrževanje evidence pa je bilo problematično zaradi nedoslednega vodenja odselitev in priselitev, nepoznavanja ali zanemarjanja pravil s strani organov, pristojnih za izdajanje dovoljenj za odhod vojaškim zavezancem, in zato, ker so bile nekatere dežele izvzete iz konskripcijskega prava. Sistem je vsekakor pomenil velik napredek v obvladovanju državnega ozemlja in v sistematizaciji družbenega nadzora. Do srede 19. stoletja je bil tudi dokumentarni vir državne demografske statistike in tehnično pomagalo za izvajanje ubožnega ter domovinskega prava (Kalc 2008; Becker 2010: 38; Wendelin 2000).

V dobi restavracije so se nadaljevala prizadevanja za poenotenje in racionalizacijo izdajanja raznih potnih dovolil. Po eni strani se je s tem nadzor nad gibanji krepil, po drugi so izdajanje potnih dokumentov za tujino poenostavili in pristojnosti razširili na nekatere okrajne organe. Po koncu Napoleonevega obdobja in nastopu trajnega miru so tako želeli normalizirati in pospešiti mednarodne trgovske izmenjave. Zaradi protislovnih ukrepov pa se je pravni red o potnih dovoljenjih in kontrolnih pristojnostih dodatno zapletel. Leta 1831 je samo na Dunaju izdajalo potne liste 16 različnih oblastev (Becker 2010: 37). Leta 1832 je država s ponovno objavo izseljenskega patenta potrdila absolutistični odnos do migracij (prepoved gibanja in migracij brez oblastnega dovoljenja) in odredila strožje preverjanje, ali se ob zapadlosti potnih listov podaniki vračajo iz tujine (Burger 2000: 13–18).

V štiridesetih letih se je režim nekoliko omilil: olajšali so gibljivost vojaškim zavezancem (1843), pospešili in prenesli izdajanje potnih listov za tujino od države k deželam in odpravili stanovske razlike v pravici gibanja (1846). Revolucionarna leta so prinesla možnost potovanja v tujino tudi z domovinskim listom, ki je bil potreben za gibanja znotraj države. Temeljne spremembe pa so nastopile z Bachovim

absolutizmom. Notranji potni dokument in obvezno vidiranje je zamenjal legitimacijski dokument, ki so ga izdali okraji ali policija in ki je avstrijskim podanikom dopuščal prosto potovanje znotraj celega avstrijskega cesarstva (1857). Za tujino je bil še vedno potreben potni list, ki so ga poleg zunanjega ministrstva lahko izdajali tudi namestništva in okraji. Prebivalci ob državni meji pa so smeli za svoje vsakodnevne potrebe prehajati mejo brez dovolil. Od leta 1859 se je prostost gibanja z legitimacijskim dokumentom razširila na nemške države, ki so bile od leta 1850 povezane v cono prostega gibanja (Burger 2000: 19–20).

V šestdesetih letih se je končno uveljavilo liberalno načelo: leta 1865 so odpravili sistematično pregledovanje potnih listov na mejah monarhije. Država je ohranila pravico, po potrebi preveriti identiteto in sposobnost preživetja državljanov in tujcev. Med tujce so spadali tudi državljani ogrske polovice, ki je bila za avstrijske državljanke v administrativnem pogledu prav tako tujina. Leta 1867 so objavili vse policijske predpise in dokončno definirali oblastne pristojnosti glede gibanja. Ustavni zakon je decembra 1867 uzakonil svobodo izseljevanja, ki jo je načeloma omejevala samo vojaška dolžnost, in pravico bivanja državljanke kjerkoli znotraj države ali v tujini (Burger 2000: 19–24; Komlosy 2003: 165). Sprostitev notranjih gibanj je sovpadala z modernizacijo in s potrebami po mobilizaciji delovne sile (Hahn 2011: 85). Z odprtjem državnih meja pa je monarhija vstopila v območje globalnega ekonomskega liberalizma in državljanom sprostila pot na mednarodni trg delovne sile ter v integrirani sistem mednarodnih migracij (Becker 2010: 33, 40). Za potovanje v tujino je bil še vedno potreben potni list. Pridobili so ga lahko vsi, razen kategorij, podvrženih restrikcijam, ki jim je bil izdan pogojno. Na določena območja pa so lahko državljani odhajali z domovinskim listom, z delovno ali s poselsko knjižico.

Z uveljavitvijo liberalne zakonodaje je prišlo tudi do dokončnega pravnega ločevanja med državljani in nedržavljanji ter spremembe odnosa do priseljencev iz drugih držav. Od konca 18. stoletja, ko so začeli v okviru politike povezovanja dežel v državno celoto uvajati pojem avstrijskega državljanstva, se je postavljalo vprašanje razlikovanja domačih in tujih podanikov. Obstajale so norme za pridobitev državljanstva (na osnovi *jus sanguinis*) in naturalizacijo, ni pa bilo jasnih pravnih definicij avstrijskih podanikov in tujcev. Tujci so bili vsekakor deležni liberalnega odnosa. Imeli so status nekakšnih začasnih podanikov, podrejenih istim zakonom kot avstrijski (sicer na podlagi recipročnosti z njihovo izvirno državo). Niso pa uživali enakih pravic, ker niso nosili enakih javnih bremen. Ta odnos se je začel spreminjati leta 1830, ko si je država pridržala pravico odločanja o naturalizaciji tujcev namesto prejšnjega priznavanja državljanstva po desetih letih bivanja. V petdesetih letih so omejili še gospodarske pravice tujcev, dokler ni leta 1867 konstitucionalizem prinesel dokončne ločitve med državljani in nedržavljanji: jasno je opredelil pravice državljanov in izključil nedržavljanke iz javne sfere, torej politike in javnih služb, vključno z vojsko, v kateri so bili prej dobrodošli (Bader Zaar 2003; Becker 2010: 33). S tem je Avstrija uveljavila princip homogenega državljanstva kot kriterija vključevanja/izključevanja, ki je nastal s francosko revolucijo, ter princip, po katerem so bile države recipročno izključujoče se skupnosti (Torpey 2003: 87).

## RAVNI IN MEJE NADZORA

Priseljevanje iz tujine ni bilo deležno tolikšnih preokupacij in razprav kot v nekaterih drugih državah, ker ga je bilo razmeroma malo. Dolgo so ga tvorile predvsem elite, ki niso vzbujale strahov in so bile dobrodošle. Ob ekonomskem razvoju v drugi polovici 19. stoletja pa so ga tvorili večinoma delavci iz ogrske polovice, Nemčije, Italije in Rusije (Hahn 2011: 88). Nadzorovanje priseljencev je od leta 1801 temeljilo na enotnem potnem listu in dovoljenju države za vstop ter na obvezni registraciji pri policijskih in krajevnih upravah. Restrikcije in poostritve kontrole so bile povezane le z javno varnostjo (proti kršiteljem javnega reda) ali vojnim dogajanjem, npr. po francoski revoluciji ali v Metternichovi dobi, ko so iz strahu pred širjenjem revolucionarnih idej odredili strožjo monitoražo nad tujci (Becker 2010: 43). Obveznost tujcev, da se registrirajo, se je ohranila do konca monarhije, po odpravi kontrol na mejah

leta 1865 pa je potni list izgubil svoj namen (Bader Zaar 2003: 143). Avstrija je tako postala, podobno kot druge liberalne države, prostor razmeroma svobodnega gibanja domačih in tujih državljanov.

Uzakonitev svobode izseljevanja je pomenila olajšanje gibanja državljanov, ne pa spodbujanja njihovega odhajanja. Izseljevanje je zmanjševalo socialni pritisk, zaslužki iz tujine so znatno prispevali k nacionalni gospodarski bilanci, in država je imela od tega še druge koristi. Kljub temu ni ubrala pozitivnih politik upravljanja in usmerjanja izseljenskih procesov kot nekatere druge države, ker je problematika močno razdvajala državne interese, interese narodnih komponent in same veje političnega ter upravnega aparata. Zaradi teh nasprotij je Avstrija do konca svojih dni ostala tudi brez izseljenskega zakona (Bader Zaar 2003: 149). Migracijski nadzor se je vsekakor v dobi liberalizma nadaljeval, tako nad izseljenci kot nad gospodarskimi osebki, ki so z izseljevanjem zaslužili. Norme so posegale v zaščito izseljenca pred izkoriščanjem na poti do želenega cilja. Uzakonili so prepoved oglaševanja, rekrutiranja in spodbujanja k izseljevanju; gospodarski osebki, ki so se ukvarjali z »izseljenskimi posli« (potovalne agencije in ladjarske družbe), so bili podvrženi neposredni državni kontroli (za te dejavnosti je bila potrebna koncesija); prepovedano je bilo prodajanje vozovnic nekoncesioniranih ladjarskih družb; država je obveščala javnost o gospodarskih in političnih razmerah ter nevarnostih v državah priseljevanja (Beker 2010: 46–47).

Pomembna pridobitev je bilo odprtje nacionalnega izseljenskega pristanišča v Trstu, čeprav je do tega prišlo šele leta 1904 in je tržaške proge uporabljal samo manjši del preoceanjskih izseljencev iz avstrijske polovice monarhije. V Trstu so podobno kot v drugih izseljenskih pristaniščih ladjarske družbe uveljavljale vstopno zakonodajo ZDA in zavračale potnike, ki niso imeli rekvizitov za vstop na ameriška tla. Pri zdravniških pregledih in pregledih dokumentov pred vkrcanjem na ladje je sodelovalo tudi osebje ameriškega konzulata. Hkrati so bili izseljenci in ladjarji pod tesnejšim nadzorom avstrijskih oblasti. Uprava penziona Austro-Americane je bila neposredno podrejena Pomorski vladi in je vodila register potnikov s podatki o vojaški obveznosti, ki je bil na voljo policiji (Kalc 2015: 83–85).

Pri nadzoru so sodelovale tudi krajevne uprave. Z uveljavljanjem svojih interesov (pogosto v konfliktu z državo) in zakonskih instrumentov so lahko pogojevale svobodo izseljevanja. Občine so lahko zadržale osebo, če so sumile, da bodo morale zaradi nesposobnosti samopreživljanja kriti stroške za njen povratak ali vzdrževati njene nepreskrbljene družinske člane v domovini. Podobno so nekatere pazile, da bi zaradi izseljevanja ne zmanjkalo delovne sile za sezonska kmečka opravila. Lahko pa so širokogrudno izdajale potna dovoljenja in celo prispevale sredstva za potovanje, ko se je prosilec v tujini obetal zaslužek, medtem ko bi doma bremenili socialno skrbstvo (Grossutti 2014: 23–25). Zakonska omejitev izseljevanja vojaških zavezancev je pomenila, da se niso smeli izseljevati prosto, lahko pa so odhajali z dovoljenjem vojaških oblasti. Razen med samim služenjem so navadno dopuščali odhajanje vsem, ki so izkazali gospodarsko potrebo in jamčili, da se bodo vrnili opraviti svojo vojaško obveznost. O verodostojnosti jamstva so presojali na podlagi dobrega imena posameznika, njegovih roditeljev ali občinskih predstavnikov (Kalc 2014: 40). Svobodni preudarek uradnikov je torej igral pomembno vlogo. Večanje števila prebivalstva in razkorak med njegovimi potrebami ter gospodarskimi viri sta vsekakor narekovala dokaj razumevajoč odnos do tistih, ki so se vključevali na mednarodni delovni trg, prispevali k dohodku svojih družin in državne blagajne ter lažšanju javnih socialnih bremen. Ker je sistem krajevnim upravam puščal prostor za presojo pri izdajanju mnenj oziroma dovolil za odhod, nadzor po posameznih deželah ni deloval enakomerno. Zelo različne so bile tudi gospodarske in socialne razmere ter tipologije ekspatriacije, od kontinentalnih do čezmorskih, od sezonskih do trajnejših. Ne nazadnje so na strožji ali ohlapnejši nadzor nad izseljevanjem vplivali tudi nacionalna razmerja in z njimi povezani politični interesi.

Monitoriranje in nadzor izseljevanja sta bila v Avstriji zelo problematična. Za potovanje na tuje je bil potreben potni list, za določene države je zadostovala delovna ali poselska knjižica, za pomorce pa knjižica dolge plovbe. Mnogi, in med njimi številni vojaški zavezanci, zato niso zaposlili za potni list. Z omenjenimi dokumenti so se izseljevali ilegalno, tako da so prestopali mejo na nevarovanih mestih oziroma izkoriščali ohlapno ali odsotno kontrolo na prehodih. Pozneje jih nihče ni spraševal po



vojaških privoljenjih, ki bi morala praviloma biti vpisana v potnih dokumentih, zadostoval je papir za osebno identifikacijo. Eni so to počeli z namenom, da se izognejo vojaški službi, drugi v zmotnem prepričanju, da je izseljevanje v celotnem loku vojaške zavezanosti prepovedano. Oboji, kot tudi tisti, ki so odjahali z vojaškimi dovolili ali preden so dopolnili vojaško obvezno starost, pa se pogostoma niso vračali. Od tod hitra rast števila odsotnih vojaških zavezancev, ki so bili večinoma za potrebe vojske izgubljeni (Kalc 2014).

Velika večina prekomorskih izseljencev je tudi po vzpostavitvi rednih prog v Trstu odhajala v Ameriko prek tujih pristanišč in se posluževala posrednikov ter ladjarskih družb, ki so uhajali avstrijski kontroli. Zaradi vsega tega Avstrija ni imela pregleda nad izseljevanjem. Odpovedala se je celo sestavljanju uradne statistike izseljevanja na podlagi lastnih evidenc in je uporabljala podatke tujih izseljenskih pristanišč. Zamujala je na samih privilegiranih mestih za birokratsko monitoražo gibanj. Tako so v Trstu pomorske oblasti začele sistematično registrirati prekooceanske izseljence (s sezname ladijskih potnikov tretjega razreda) šele leta 1912. Ravno tako niso razpolagale s pravnimi podlagami za usmerjanje izseljencev čez Trst, s čimer bi okrepile nadzor in koristi nacionalnega pristanišča. To je bolje uspelo Ogrski z izseljenskima zakonoma iz let 1903 in 1909, ki sta vsebovala restriktivne instrumente za uravnavanje migracij in njihovo usmerjanje skozi Reko (Dubrović 2012: 133–140). Avstrija je z restrikcijami odločneje posegla v zgodnejših obdobjih prekooceanskega izseljevanja. Konec osemdesetih let 19. stoletja je na primer prekinila izseljevanje v Brazilijo, ki ga je organizirala tržaška bančna hiša Morpurgo v sodelovanju z avstrijskim Lloydom. Zaradi zavajanja izseljencev z lažnimi pogodbami so morali podjetniki odstopiti od vzpostavitve dolgoročnejših ladijskih povezav za izseljence med Trstom in Južno Ameriko. Takrat so zoper izseljevanje dvignile glas deželne in krajevne uprave ter zahtevale, da se zaradi nevarnosti, ki so pretile izseljencem, a tudi zaradi skrbi pred množičnim odhajanjem izseljevanje prepove (Umek 1979; Cecotti & Mattiussi 2003).

## NOTRANJE MIGRACIJE, NEENAKOST DRŽAVLJANOV IN MOČ KRAJEVNIH UPRAV

Vrnimo se k nadzorni vlogi občin. Ta je še zlasti prihajala do izraza pri notranjih migracijah in v povezavi s sistemom socialnega skrbstva ter domovinske pravice. Sprostitev gibanja in svobode bivanja kjerkoli znotraj državnih meja je dala končni pečat politični in gospodarski integraciji države, razlike med državljani znotraj nacionalnega prostora pa so ostajale. Ti so uživali polne državljanske pravice samo v svoji domovinski občini in bili za socialno skrbstvo (kot tudi z drugih vidikov) kjerkoli drugje v državi v pravnem pogledu tujci. Avstrija je namreč poznala dve vrsti tujcev: pripadnike tujih držav ali 'inozemce' (*Ausländer*) in avstrijske državljane, ki so bivali zunaj občine, v kateri so imeli domovinsko pravico ali stalno bivališče (*Fremde*) (Becker 2010: 34). Položaj obeh vrst tujcev se do srede 19. stoletja, ko so začeli jasneje opredeljevati državljane in njihove pravice, ni bistveno razlikoval (Bader Zaar 2003: 149). 'Domovinsko pravo' (*Heimatrecht*), ki so ga zakonsko uredili leta 1863, in prejšnje norme o 'pristojnosti' (*Zuständigkeit*) so dodeljevali vsakega posameznika določenemu kraju. Izvirali so iz 'ubožnega prava' (*Armenrecht*), po katerem je bila revne in oskrbe potrebne dolžna vzdrževati njihova izvorna skupnost (Hahn 2011: 86). Od tod potreba po določanju pripadnosti neki krajevni skupnosti, s katero so bile povezane še druge pravice in dolžnosti posameznika.

Z večanjem mobilnosti se je porajala potreba po sistemu evidentiranja krajevne pripadnosti in dejanske prisotnosti posameznikov, da so lahko vračali oskrbe potrebne osebe (kot tudi prestopnike in vse vrste nezaželenih) v njihove domovinske kraje, oziroma da so od njih izterjali povračilo stroškov za nudeno oskrbo. Sistem je bil vir interesnih konfliktov med občinami, ki so se z zakonom o domovinstvu iz leta 1863 še zaostri. Ta zakon je prepuščal priznanje domovinske pravice po desetih letih neprekinjenega bivanja občinam, ki so o tem odločale na podlagi presoje, ali je bil prosilec sposoben skrbeti zase

in družino. Na ta način so lahko občine izkoristile gospodarski potencial priseljencev, njihova socialna bremena pa z nepriznavanjem domovinske pravice vračale na izvirne kraje priseljencev. Do leta 1880, ko so vnesli spremembe v skrbstveni sistem, so priseljenci živeli v strahu pred odgonom (Becker 2010: 38–39). Sistem je bil sam na sebi dejavnik prisilnih migracij, ki so prizadele tudi potomce priseljencev; ti so dobili domovinsko pravico po očetu. Zato je bilo v velikih mestih in na območjih močnega priseljevanja veliko več rojenega kot domovinskega prebivalstva, oziroma več pravnih tujcev brez domovinskih pravic v kraju bivanja kot priseljencev (Hahn 2011: 87). Ženske so bile še dodatno oškodovane, ker so s poroko pridobile domovinstvo soproga, če je šlo za tujega državljan, pa njegovo državljanstvo. »Vračanje« v domovinsko občino oziroma v »domovino« je tako zanje kot njihove otroke pomenilo odhajanje v možno domovinsko občino oziroma njegovo izvirno državo. To se pravi v mnogih primerih v neznan ali povsem tuja okolja. Poleg tega so bile priseljenke, predvsem samske, deležne posebne pozornosti policije (stanovanjske kontrole) in v primeru brezposelnosti manj prizanesljivega ravnanja kot moški (Hahn 2001: 122). Leta 1896 so domovinsko pravo demokratizirali in od leta 1901 so lahko priseljenci skupaj z družinskimi člani neovirano pridobili domovinsko pravico tam, kjer so bivali vsaj deset let (Komlosy 2003: 161–165). To razlikovanje med državljani, ki ga je meščanstvo uporabljalo za uravnavanje priseljevanja in zaščito gospodarskih ter socialnih interesov svojih skupnosti, ni bila avstrijska posebnost. Poznali so ga na primer v Veliki Britaniji, kjer so ga, mimo liberalnega odnosa države do migrantov, izkoriščali za odganjanje irskih priseljencev (Feldman 2003: 172–174).

## VOJNE RESTRIKCIJE, PREDVOJNA POOSTRITEV NADZORA IN NOVI POVOJNI ČASI

Z vojno je tudi Avstrija na osnovi klavzul o izrednih razmerah in potrebe po zaščiti države ukinita svobodo izseljevanja in omejila prosto gibanje znotraj državnega ozemlja. Vojaškim zavezancem, vojaško sposobnim, orožnikom in finančnim stražnikom so prepovedali odhod v tujino. Preostali državljani so morali zaprositi za potni list, bodisi za ekspatriacijo bodisi za notranja potovanja v dežele, ki so mejile s sovražnimi državami. Uvedli so sistematično pregledovanje potnih dokumentov, državljanom sovražnih držav je bil vstop v državo prepovedan, za druge inozemce pa dovoljen samo s potnim listom. Ukinjeni so bili vsi drugi potni dokumenti. Le obmejno prebivalstvo je ohranilo olajšave v čezmejnem gibanju, a z dovoljenjem območnega vojaškega poveljnika (Ukaz 1914). Prekinjen je bil tudi mednarodni izseljenski tranzitni promet, ki je prej potekal prek avstrijskega državnega ozemlja iz Vzhodne in Jugovzhodne Evrope proti Trstu in severnoevropskim izseljenskim pristaniščem.

Do poostritve nadzora nad izseljevanjem avstrijskih državljanov pa je prišlo že nekaj mesecev pred sarajevskim atentatom, in sicer za preprečevanje ilegalnega odhajanja vojaških zavezancev. Okrog tega vprašanja se je že dve desetletji razvnel institucionalni spor med zagovorniki omejevanja in pristaši širše svobode izseljevanja. Leta 1913 ga je do vrelišča privedla afera o favoriziranju ilegalnega čezoceanskega izseljevanja vojaških zavezancev s strani ladjarskih družb. Te zlorabe in skrb za vojaško sposobnost države ob naraščajočih mednarodnih napetostih sta že v prejšnjih letih privedla do okrepitve, marca 1914 pa do močne zaostritve nadzora nad izseljevanjem. Pravnih norm sicer niso spremenili, začeli so jih le strogo izvajati po do tedaj ohlapno izvajanih predpisih. Na državnih mejah in vzdolž prometnic so s pregledovanjem dokumentov moških v vojaški starosti prestrezali vojaške zavezance brez ustreznih dovolil za potovanje v tujino. V ta namen so policijski nadzorni aparat in monitoražni sistem okrepili z vključitvijo osebja finančne straže in železnic. Kršitelje so pred sodišče poslali pod obtožbo namere ilegalnega zapuščanja države, ladjarske agente pa zaradi spodbujanja k nezakonitemu izseljevanju (Kalc 2014). Z vojno so oblasti še poostriale budnost na zahodnih mejah z Italijo in s Švico, kjer so pričakovale beg pred rekrutacijo in povečano aktivnost ilegalnih mrež za izseljevanje (Sensenig Dabbous 1998: 219–221).



Z vojno se je radikalno spremenil tudi položaj tujcev, predvsem tistih iz sovražnih držav, ki so dobili pečat vojaško nevarnih osebkov. Država jim je namenjala posebne ukrepe, vprašanje pa je v prvem letu vojne ostajalo precej marginalno. Zastrilo se je z italijanskim vstopom v vojno, ker so bili Italijani iz Italijanskega kraljestva, za Nemci iz Nemčije, druga najštevilčnejša skupina tujih državljanov na avstrijskih tleh. Pogosto so bili integrirani in so živeli pomešano oziroma vzajemno z avstrijskimi Italijani. Nadzor in razlikovanje med lojalnimi in sovražnimi Italijani sta bili zelo kompleksni vprašanji, ki sta presegali delitev na državljane in nedržavljane. Mnogi italijanski državljani so se prostovoljno ali na poziv svojih konzulatov umaknili iz Avstrije že pred italijansko vojno napovedjo, po začetku sovražnosti pa na podlagi sporazuma, ki je tujcem na »napačni strani« dovoljeval vračanje v domovino. Državljanii sovražnih držav, ki niso zapustili avstrijskega ozemlja, pa so padli pod posebne varnostne ukrepe. Vojaško sposobne moške so aretirali in nato internirali v taborišča ali konfinirali. Podobno se je godilo tudi vojaško nesposobnim, a »sumljivim« tujcem. Ravnanje se je sicer razlikovalo glede na deželo in območje, kar je veljalo tudi za žene in otroke internirancev. Te so izgnali ali pa podvrgli striktnemu nadzoru. Ukrepom so se lahko izognili le, če so dokazali, da so se asimilirali, ali povedano z drugimi besedami, da so se pomenčili. Na podlagi nemškega rodu ali izkazane lojalnosti je bilo prizaneseno tudi ženam interniranih tujcev, ki so s poroko prestopile iz avstrijskega v tuje državljanstvo, in njihovim otrokom, ki so državljanstvo po očetu pridobili na podlagi *jus sanguinis* (Sensenig Dabbous 1998: 240–249).

Tudi v Avstriji je država z upravljanjem migracij reševala vprašanje pomanjkanja delovne sile za potrebe vojnega gospodarstva. Pomagala si je s prostovoljnimi in prisilnimi rekrutacijami državljanov ter tujcev med vojaškimi ujetniki in interniranimi civilisti (Köhler 1991: 7). Vključitev civilnega prebivalstva z ruskih ozemelj, zasedenih leta 1915, ji ni uspelo, v nasprotju z Nemčijo, ki je iz ruske Poljske privabila oziroma prisilno uvozila delovno silo za svoje kmetijstvo (Bade 2001: 263; Sensenig Dabbous 1998: 234). Velika preizkušnja je bilo upravljanje vojnih beguncev, ne samo v organizacijskem, ampak tudi v socialnem, gospodarskem in zdravstvenem smislu, ter zaradi narodnih in kulturnih razlik med evakuiranci s posameznih območij. Ob koncu vojne in razpadu monarhije je nastopil problem prerazporejanja prebivalstva, od vračanja beguncev, vojakov in ujetnikov, do novih beguncev in izgnancev, ki jih je ustvarjal spremenjeni evropski državopolitični zemljevid. Državam naslednicam in mednarodni skupnosti ter njenim novonastalim institucijam je zastavljal pravna, organizacijska, politična in humanitarna vprašanja, ki so zaznamovala nadaljnje nastavke migracijskih režimov in migracijskih politik.

Na ozemlju razpadlega cesarstva so države sicer ponovno sprostile migracijska gibanja, a so jih ohranile pod kontrolo državnega aparata. Z meddržavnimi pogodbami so si prizadevale za ohranitev dostopov do predvojnih notranjih delovnih trgov, ki so jih ločevale nove državne meje. Začele pa so tudi dvigovati pregrade in oteževati priseljevanje delavcev iz tujine. To je privedlo do propada sistema o enakopravnosti delavcev na določenem delovnem trgu in uveljavitve načela o varovanju domačega delavstva pred tujim, do nacionalizacije delovnih politik in politik socialne države. Tudi Kraljevina SHS je vzpostavila migracijski režim, utemeljen na institucionaliziranem državnem nadzoru in upravljanju celotnega izseljenskega procesa. Leta 1921 je sprejela zakon o izseljevanju, ki je ohranjal svobodo izseljevanja, država pa jo je lahko omejevala in upravljala izseljenska gibanja. Vse pristojnosti so pripadle Ministrstvu za socialno politiko. Zakon je poenotil migracijski red na območju, ki je bilo pred vojno deležno različnih odnosov do migracij, na Ogrskem in zlasti v Srbiji bolj restriktivnim (Miletić 2009: 56, 85–88), v Avstriji pa načeloma liberalnim. Poleg regulativnih ciljev si je država z zakonom in izseljensko politiko postavila še en smoter, to je povezati jugoslovanske skupnosti po svetu z matično domovino in krepiiti jugoslovansko ter gradnjo integrirane jugoslovanske nacionalne države (Brunnbauer 2012). Kontinentalne migracije po takratnem pojmovanju izseljevanja niso sodile v zakonsko regulacijo. Jugoslavija jih je začela na podlagi dvostranskih pogodb z državami sprejemnicami delovne sile urejati šele konec dvajsetih let (Brunnbauer 2016: 216–220).

Slovensko etnično ozemlje je padlo pod štiri nacionalne migracijske režime. Slovenci zunaj Jugoslavije so namreč sodili pod madžarski, avstrijski in italijanski migracijski režim. Znotraj omenjenih držav so bili v okviru homogenizacijskih politik deležni posebnih ravnanj. V Italiji, kjer je živel največji

del zamejskih Slovencev, se je leta 1927 migracijski režim zaostрил do prepovedi izseljevanja v tujino, ki je bilo dovoljeno le pogojno in samo nekaterim uglednim poklicnim profilom. Slovincem (in Hrvatom) iz Julijske krajine pa so se, paradoksalno, prav v tem obdobju na stežaj odprla vrata v Južno Ameriko, kar so jim oblasti ne le omogočale, ampak jih k temu iz raznarodovalnih razlogov celo spodbujale (Kacin Wohinz 1995).

## SKLEP

V Avstriji se je odnos do prostorske mobilnosti prebivalstva in migracij razvijal v skladu s splošnimi mednarodnimi težnjami, a s specifikami, povezanimi z družbenogospodarskim razvojem, družbenopolitičnimi doktrinami in s pravnimi ter z administrativnimi sistemi. Prehajanje od predmodernega, absolutistično in restriktivno naravnane migracijskega režima k liberalnemu, ki je temeljil na svobodi gibanja in izseljevanja, je bilo dolgo in zapleteno. Tudi v tem obdobju, ki je bilo priča množični mobilnosti znotraj in onstran državnih meja, pa so bili migracijska gibanja in migranti deležni nadzora. Kljub odsotnosti celovite zakonske ureditve izseljenskega vprašanja je država z določenimi omejitvami svobode odhajanja ščitila nacionalne interese, hkrati pa z zakonskimi in administrativnimi ukrepi ščitila svoje in tuje državljane pri uveljavljanju pravice premikanja znotraj države in na tuje. Kot drugod so se pri tem odpirala vprašanja, povezana z implementacijo pravnega reda in s pristojnostjo njegovih izvajalcev na raznih administrativnih ravneh. Prvo je vprašanje striktnosti omejevalnih norm in kontrolnih sistemov, katerih izvajanje se je lahko prilagajalo razmeram in potrebam. Drugo vprašanje je, da so kontrolni dispozitivi, namenjeni varnosti migracijskih procesov, sami na sebi diskriminirali migrante in jim omejevali uživanje pravic. Oboje se je lahko dogajalo zaradi izključujočih se norm ali dikcij v pravnem redu, v povezavi z diskrecionalnostjo pristojnih organov in posameznih uradnikov ter pod vplivom nasprotujočih si interesov. To široko sivo območje, ki obsega vse, od arbitrarnega izvajanja pravnih norm pa vse do koruptivnih pojavov, je ključno za razumevanje nadzora migracij.

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## SUMMARY

### CONTROL OVER MIGRANTS AND MIGRATION MOVEMENTS IN IMPERIAL AUSTRIA FROM THE 18TH CENTURY TO WWI

Aleksej KALC

The article deals with migration control in Imperial Austria from the times of Maria Theresa up to the end of WWI. It examines the characteristics of the absolutistic migration regime, the deregulation and liberalisation of migration in the second half of the 19th century, the restrictions on the freedom of movement, the imposition of state control over the movements of the labour force and the treatment of enemy aliens during WWI. The institutionalisation of the state management of migration in the newly-established post-war states is also discussed. The main focus is on the forms of migration control in the *laissez-faire* period from 1867 onwards, when the freedom of emigration was institutionalised. The article discusses passports and other documents for travelling abroad, the difficulties of controlling the illegal emigration of conscripts, the activities of shipping companies and their agents, and the restrictions on freedom of migration practiced by the local administrative authorities. The article also highlights the implications of the legislation on residence and the welfare system, and the discretionary power the administrative officers had on internal movement and migrations abroad. In conclusion the author stresses the need for a differential approach to the issue of migration control due to different implementations of the legislation at regional and at local levels.



# NAPOTITVE DELAVCEV IZ SLOVENIJE: NEKATERE SPECIFIKE IN PROBLEMI

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## IZVLEČEK

### Napotitve delavcev iz Slovenije: nekatere specifične in problemi<sup>I</sup>

V članku avtorji sprva predstavijo pravno ozadje napotitev, ki določa statusnopravno opredelitev čezmejnega dela oziroma opravljanja začasnega dela v državi članici Evropske unije ali Evropskega gospodarskega prostora, ki ni država, v kateri delavec običajno dela. V nadaljevanju se na primeru napotitev iz Slovenije dotaknejo težav in vprašanj, ki jih ta statusno pravna kategorija čezmejnega opravljanja dela oziroma storitev prinaša v praksi. S konkretnimi primeri obravnavajo dve področji sistemskih problemov – administrativno in izvršilno. Izhodišče članka je, da napotitve v različnih državah EU odpirajo različne specifične probleme in vprašanja, povezana s posebnostmi na trgu dela, specifično delovno, socialno idr. zakonodajo, z delovanjem pristojnih institucij in njihovim medsebojnim sodelovanjem.

KLJUČNE BESEDE: napoteni delavci, delovne migracije, evropski trg dela, Slovenija, zakonodaja

## ABSTRACT

### The Posting of Workers from Slovenia: some Particularities and Problems

The article first presents the legal background of the posting of workers that defines the status and legal definition of working abroad or working temporarily in another EU or EEA member state. It then investigates the problems and issues that this legal category of the cross-border provision of services raises in practice, citing cases of posting from Slovenia. The authors use specific cases to study two areas of systemic problems: administrative and executive. The starting point of the article is that postings expose various problems and issues in different EU member states, linked to the particularities of the labour markets; specific labour, social and other legislation; the activities of the competent public institutions and their mutual cooperation.

KEY WORDS: posted workers, labour migration, EU labour market, Slovenia, legislation

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  - III Dr. socialnega dela, asistentka z doktoratom, Inštitut za slovensko izseljenstvo in migracije ZRC SAZU, Novi trg 2, SI-1000 Ljubljana, [mvah@zrc-sazu.si](mailto:mvah@zrc-sazu.si); asistentka na Univerzi v Novi Gorici.
  - III Dr. interkulturnih študijev, znanstveni sodelavec, Inštitut za slovensko izseljenstvo in migracije ZRC SAZU, Novi trg 2, SI-1000 Ljubljana, [mlekuz@zrc-sazu.si](mailto:mlekuz@zrc-sazu.si)
- 1 Članek je nastal v okviru projekta Posting of workers: Sharing experiences, promoting best practices and improving access to information / Napotitev delavcev: Izmenjava izkušenj, promocija dobrih praks in izboljšanje dostopa do informacij, sofinanciranega s strani Evropske komisije v okviru Programa EU za zaposlovanje in socialne inovacije (EaSI) in Ministrstva za delo, družino, socialne zadeve in enake možnosti Republike Slovenije. Koordinator projekta je bil ZRC SAZU, Inštitut za slovensko izseljenstvo in migracije.

## NAPOTITEV<sup>2</sup> NA PROBLEM

Vstop Slovenije v Evropsko unijo (v nadaljevanju EU) leta 2004 je pri pretoku delovne sile vplival na uvedbo številnih novosti in oblik zaposlovanja, med katerimi ima posebno mesto napotitev delavcev. Napoteni delavec je delavec, ki ga delodajalec napoti na začasno delo v drugo državo članico EU ali EGS, ki ni država, v kateri običajno dela. Napoteni delavec ostane v celotnem obdobju napotitve v sistemu socialnega zavarovanja države, iz katere je bil napoten in kjer delodajalec zanj plačuje prispevke za socialno zavarovanje. V državi, kamor je napoten, mu morajo biti zagotovljene minimalne pravice (maksimalni delovni čas, minimalni počitek; minimalne urne postavke itd.), ki jih zagotovi delodajalec, država napotitve pa mora poskrbeti, da delodajalci, ki napotujejo delavce na delo v državo članico EU ali EGS, napotenim delavcem te pravice tudi zagotovijo.

Leto dni po vstopu Slovenije v EU, leta 2005, je bilo v Sloveniji izdanih 1.149 E101 obrazcev (pozneje obrazec A1),<sup>3</sup> leta 2014 pa kar 103.370 obrazcev A1, ki so statistični pokazatelj napotitev iz Slovenije.<sup>4</sup> Temeljna sektorja, v katerih so delavci, napoteni iz Slovenije, leta 2014 opravljali svojo dejavnost, sta bila gradbeništvo (51 odstotkov) in industrija (19 odstotkov), glavnina napotitev v tem letu je bila v Nemčijo (49 odstotkov), sledile so Avstrija (29 odstotkov), Italija (5 odstotkov), Belgija (5 odstotkov), Švica (2 odstotka), Nizozemska (2 odstotka), z manj kot dvema odstotkoma sledijo Združeno kraljestvo, Hrvaška in Finska, z manj kot enim odstotkom pa preostale države EU.<sup>5</sup>

Rast števila napotnih delavcev iz Slovenije v druge države EU ima seveda številne in raznolike posledice in vplive. Povečuje se rast zlorab in kršitev pravic napotnih delavcev (o čemer podrobneje spregovorimo na koncu besedila), kar bržkone vpliva tudi na povečanje medijskega zanimanja za napotene delavce kot tudi na veliko večjo informiranost in ozaveščenost s strani vpletenih institucij in zainteresiranih organizacij (sindikato, podjetniških, delodajalskih idr. interesnih združenj) in širše javnosti (npr. porast števila diplomskih in magistrskih nalog). Januarja 2016 je šel v javno obravnavo tudi predlog Zakona o napotitvi delavcev na delo.<sup>6</sup> Napoteni delavci so postali zanimiva skupina tudi za podjetja, ki prodajajo izobraževalne, računovodske idr. storitve. Na spletu oglašujejo različne oblike seminarjev in drugih izobraževalnih produktov, računovodskih oglasov in še česa o napotitvah delavcev na delo v tujino.<sup>7</sup>

Izhodišče članka je, da napotitve v različnih državah EU odpirajo različne specifične probleme in vprašanja, povezana s posebnostmi na trgu dela, specifično delovno, socialno idr. zakonodajo, z delovanjem pristojnih institucij in njihovim medsebojnim sodelovanjem itd. Tudi, ali prav zato, se pričujoče besedilo fokusira predvsem na vprašanja in probleme napotitev iz Slovenije, ob tem pa se seveda ne more izogniti tudi širšim dilemam in refleksijam napotitev znotraj EU. Pri tem ne želimo zanikati raznolikih pozitivnih učinkov napotitev, kar pa bi zahtevalo posebno raziskavo. V članku sprva predstavljamo

2 V slovenskem jeziku se za fenomen, ki ga opisuje besedilo, uporablja tako beseda »napotitev delavcev« kot tudi »napotitve delavcev«. Za napotene delavce se občasno uporablja tudi izraz »detaširani delavci«. Kot terminološko ustreznjejo predlagamo (in uporabljamo) dovršno obliko (napotitev), saj je nedovršna oblika (napotovanje), kot lahko preberemo v *Slovarju slovenskega knjižnega jezika*, bolj stilno zaznamovana, arhaična. Razlog za dovršno obliko je tudi prevod oziroma njena uporaba v Direktivi Evropskega parlamenta in sveta 96/71/ES z dne 16. decembra 1996 o napotitvi delavcev na delo v okviru opravljanja storitev – dokumentu, ki bržkone prvenstveno ta termin vpeljuje v slovensko strokovno rabo.

3 Potrdilo A1 je obvezen del dokumentacije pri napotitvi oseb na delo v tujino, s katerim se dokazuje, da je napotena oseba še naprej zavarovana v sistemu socialne varnosti matične države. V Sloveniji ga izdaja Zavod za zdravstveno zavarovanje Slovenije (ZZZS).

4 Število izdanih A1 obrazcev odraža število napotitev, ne pa tudi števila napotnih delavcev v enem letu. A1 obrazec se lahko eni osebi izda tudi večkrat v enem letu.

5 Vir: statistični podatki ZZZS.

6 Glej [http://www.mddsz.gov.si/si/zakonodaja\\_in\\_dokumenti/predpisi\\_v\\_pripravi/](http://www.mddsz.gov.si/si/zakonodaja_in_dokumenti/predpisi_v_pripravi/).

7 Glej npr. <https://www.zfm.si/kadrovsko-delo/napotitev-delavcev-na-delo-v-tujino.html> ali <http://www.racunovodski-servis-zeus.si/storitve-za-tujce/detasirani-delavci?gclid=CNHL6tz3q8oCFU-3GwodjtgAoA>.



pravno ozadje napotitev, ki določa statusnopravno opredelitev čezmejnega dela oziroma opravljanja začasnega dela v državi članici EU ali EGS, ki ni država, v kateri delavec običajno dela. Podrobneje gledamo predvsem v drobovje dveh temeljnih dokumentov oziroma direktiv, ki urejata napotitve delavcev. V nadaljevanju pa se na primeru napotitev iz Slovenije dotikamo težav in vprašanj, ki jih ta statusnopravna kategorija čezmejnega opravljanja dela oziroma storitev prinaša v praksi. Poleg pregleda in analize primarnih in sekundarnih virov (zakonov, medijskih člankov, statističnih podatkov) smo v ta del vključili tudi informacije, pridobljene s pogovori s predstavniki vpletenih institucij (Ministrstva za delo, družino, socialne zadeve in enake možnosti RS, Zavoda za zdravstveno zavarovanje Slovenije, Inšpektorata RS za delo, Info točke za tujce) in zainteresiranih organizacij (Zveze svobodnih sindikatov Slovenije). Napoteni delavci odpirajo številna in kompleksna socialna, ekonomska, pravna, administrativna idr. vprašanja (za aktualen in širok vpogled glej npr. Rocca 2015) in reflektirajo širša nasprotja in konflikte med socialnimi in ekonomskimi imperativi evropske integracije (Maslauskaitė 2013). Članek na primeru napotitev iz Slovenije prinaša refleksijo sodobnega tehnokratskega urejanja čezmejnega dela, kar vsaj v znanstveni literaturi še ni bilo podrobneje storjeno.<sup>8</sup> Prav tako je treba opozoriti, da se vse v zvezi z napotitvami delavcev relativno hitro spreminja in dopolnjuje; tako zakonodaja, administrativni in izvršilni postopki kot ekonomski položaj v različnih državah, napoteni delavci pa postajajo tudi vse bolj pomemben dejavnik javne debate.<sup>9</sup> V tem smislu je treba članek razumeti kot posebno časovno-prostorsko refleksijo opisanega fenomena.

## NAPOTITVE V PRAVNEM OKVIRU

Napotitve delavcev med državami članicami EU, EGS in Švice so odvisne od mednarodne evropske in nacionalne pravne podlage, ki ureja temeljne pravice in dolžnosti vpletenih strani. Delovno pravo tradicionalno sicer sodi v okvir avtonomnega urejanja posameznih držav članic, vendar se raven varstva pravic delavcev med posameznimi državami članicami razlikuje. V praksi tako prihaja do različnega razumevanja posameznih predpisov oziroma zakonodaje, kar kažejo tudi ne tako redke sodbe Evropskega sodišča v zvezi z napotnimi delavci (glej Uradni list EU; najodmevnejše so bile sodbe Viking, Laval, Rüffert in Luxembourg).<sup>10</sup> Z namenom usklajevanja predpisov o minimalni zaščiti delavcev, delodajalcev in uporabnikov sta Evropski parlament in Svet evropske unije sprejela dve direktivi o napotitvah delavcev – Direktivo Evropskega parlamenta in sveta 96/71/ES z dne 16. decembra 1996 o napotitvi delavcev na delo v okviru opravljanja storitev (UL L 18, 21. 1. 1997: 1–6, v nadaljevanju Direktiva 96/71/ES) in Direktivo 2014/67/EU Evropskega parlamenta in Sveta z dne 15. maja 2014 o izvrševanju Direktive 96/71/ES o napotitvi delavcev na delo v okviru opravljanja storitev in spremembe Uredbe (EU) št. 1024/2012 o upravnem sodelovanju prek informacijskega sistema za notranji trg (uredba IMI) (UL L 159, 28. 5. 2014: 11–31, v nadaljevanju Direktiva 2014/67/EU) ter nekatere druge uredbe, ki se nanašajo na sisteme socialne varnosti. V kolikor se v času napotitve delavca na delo v drugo državo članico še naprej uporablja pravo matične države z nižjo ravno varstva pravic delavcev, ima to lahko za posledico konkurenčno prednost tujega izvajalca storitve pred domačimi ponudniki.

8 Večina v zadnjem času številnih diplomskih in magistrskih nalog o napotitvah delavcev se ukvarja predvsem s pravnimi in z administrativnimi vprašanji (npr. Rus 2007; Lah 2009; Čahuk 2011; Teraž 2014; Fišer 2014.)

9 Opažanja, nanizana v tem odstavku, slonijo na pregledu spletnega, medijskega in drugega gradiva, zbranega leta 2015 (dokumentacijo hrani Inštitut za slovensko izseljenstvo in migracije ZRC SAZU).

10 Nekaj sodb Evropskega sodišča v zvezi z napotnimi delavci je znanih tudi kot vzorčnih, npr. Wolf & Müller GmbH & Co. KG proti Jose Filipe Pereira Felix (12. 10. 2014). S to sodbo je bila predpisana obveznost podjetja naročnika, da jamči za izplačilo minimalne plače delavcem podizvajalca (št. zadeve C-60/03, besedilo sodbe je tudi v slovenskem jeziku dostopno na: <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-60/03>; glej tudi Lah 2009: 37–38).

V tem delu se ustavljamo predvsem pri pravnih podlagah EU, ki so pomembne pri napotitvah delavcev v okviru EU, EGS in Švice, navajamo pa tudi tiste slovenske zakone, ki se nanašajo na Direktivo 96/71. V okviru mednarodne evropske zakonodaje obstajata dva sklopa pravil. Prvi sklop pravil ureja sam postopek izvajanja storitev, zagotavljanje minimalnih standardov, ki jih morajo izvajalci storitev zagotavljati svojim napotenim delavcem, nadzor in sodelovanje med nadzornimi organi ter dostop do ključnih informacij. Za prvi sklop sta pomembni predvsem Direktiva 96/71/ES in Direktiva 2014/67/ES. Drugi sklop pravil ureja koordinacijo sistemov socialne varnosti, ki določa pogoje, pod katerimi se pridobljene pravice na področju socialne varnosti ohranijo tudi v primeru dela v drugi državi članici. Ta pravila tudi časovno omejujejo delo napotnega delavca. Na tem področju so relevantne tri uredbe: Uredba (ES) št. 883/2004 Evropskega parlamenta in Sveta z dne 29. aprila 2004 o koordinaciji sistemov socialne varnosti (UL L 166, 7. 6. 2004: 1), Uredba (ES) št. 987/2009 Evropskega parlamenta in Sveta z dne 16. septembra 2009 o določitvi podrobnih pravil za izvajanje Uredbe (ES) št. 883/2004 o koordinaciji sistemov socialne varnosti (UL L 283, 30. 10. 2009: 1–42) in Uredba (EU) št. 1231/2010 Evropskega parlamenta in Sveta z dne 24. novembra 2010 o razširitvi uporabe uredb (ES) št. 883/2004 in (ES) št. 987/2009 na državljane tretjih držav, za katere se navedeni uredbi ne uporabljata le na podlagi njihovega državljanstva (UL L 344, 29. 12. 2010: 1–3, slednja se nanaša na državljane tretjih držav).

Namen Direktive 96/71/ES je zagotoviti spoštovanje ustrezne minimalne ravni varstva pravic delavcev, napotenih na delo z namenom čezmejnega opravljanja storitev, ne glede na njihov status in ne glede na državo članico, v kateri ima podjetje sedež. Direktiva 96/71/ES tako podpira cilje EU pri odpravljanju ovir za prosti pretok oseb in storitev med državami članicami in hkrati zmanjšuje morebitna tveganja pri napotitvah. V tej diplomatski vlogi želi direktiva ustreči dvema imperativoma – prostemu trgu in socialni pravičnosti, pri tem pa nujno ostaja ohlapna in odprta različnim interpretacijam in pomislekom (npr., ali je minimalna plača dovolj pravično merilo varstva pravic napotenih in domačih delavcev ali bi bilo treba uvesti druga, bolj specifična pravila enakega plačila za enako delovno mesto ipd.). Skladno z Direktivo 96/71/ES je napoteni delavec »delavec, ki za omejen čas opravlja delo na ozemlju države članice, ki ni država, v kateri običajno biva« (2. člen), direktiva pa loči med tremi različnimi oblikami napotitev. Prva, najbolj široko razumljena oblika napotitev je, ko podjetje s sedežem v državi članici napoti delavca na delo v drugo podjetje s sedežem v drugi državi članici. Druga oblika napotitev je napotitev znotraj podjetja, pri čemer je napotitev omogočena multinacionalnim podjetjem, ki lahko začasno premeščajo svoje delavce med podjetniškimi podružnicami s sedežem v različnih državah članicah. Tretja oblika napotitev je vezana na situacijo, ko agencija za opravljanje dejavnosti zagotavljanja dela delavcev uporabniku posreduje delo delavca podjetju uporabniku s sedežem na ozemlju katere od držav članic. V Sloveniji so v javnem govoru napoteni delavci večkrat vezani na slednjo vrsto napotitev in so posledično poimenovani kot agencijski delavci, čeprav to ne velja za vse vrste napotenih delavcev.

Direktiva 96/71/ES za zadeve, povezane z delovnim pravom, predvideva načelo nadzora države gostiteljice in predpisuje minimalna pravila in pogoje zaposlovanja, ki naj bi se upoštevali po pravilu *lex loci laboris* ('velja zakonodaja države, v kateri delavec dela'). Preostala delovna zakonodaja, ki ni ozko vezana na ta »osnovni set pravil«, naj bi se za napotene delavce uporabljala po principu nediskriminacije in ob upoštevanju drugih obveznih predpisov (npr. kolektivnih pogodb). Napotenim delavcem je tako treba v državi napotitve zagotoviti delovne razmere, določene z zakonom ali drugimi predpisi in s kolektivnimi pogodbami, ki po »minimalnem paketu«, določenem v Direktivi 96/71/ES, obsegajo: a) maksimalni delovni čas in minimalni počitek; b) minimalni plačani letni dopust; c) minimalne urne postavke; d) pogoje za posredovanje dela delavcem, predvsem ko delavce zagotavlja podjetje za začasno zaposlovanje; e) zdravje in varnost pri delu; f) varnostne ukrepe glede pogojev za delo in zaposlitev nosečih žensk ali mladih mater; g) enako obravnavo moških in žensk in druge določbe o enakopravni obravnavi. Direktiva v tem smislu postavlja okvir minimalnih pravil, obenem pa ne onemogoča uporabe za delavce ugodnejših pogojev za delo in zaposlitev (3.7 člen). Kljub temu je kritika Direktive v zadnjem desetletju uperjena prav v uveljavljanje principa zgolj minimalnih pravic, ki se v primeru določenih delovnih mest ne izkaže kot pravičen. Načelo istega plačila za isto delovno mesto

se tako zdi boljša rešitev kot zagotavljanje minimalnega plačila, ki je na eni strani lahko ogrožajoče za »domače« delavce, po drugi strani pa ne omogoča zadostnega plačila za npr. zdravju nevarna delovna mesta. Ob tem je treba poudariti, da je Direktivo 96/71/ES »spočelo« dvanajst držav članic in pozneje »posvojilo« 15 članic, medtem ko je do najglasnejših primerov sodnih sporov (Viking, Laval, Rüffert in Luxembourg) prišlo po razširitvi Unije in je bila Direktiva postavljena na preizkušnjo preko konkretnih sporov. Glede na zgoraj naštete sodne spore so napotitve delavcev in tudi sama Direktiva v medijih najglasneje odjeknile predvsem preko dveh poudarkov: v primeru Viking so bili spori na sodišču rešeni tako, da so socialne pravice podvrgli ekonomskim pravicam (Maslauskaite 2014: 9), prav tako pa se je, predvsem v državah prejemnicah napotenih delavcev, izpostavilo vprašanje zaščite domačih delavcev, ki niso zmogli tekme s cenejšo delovno silo iz na novo pridruženih držav članic. Kot poudarja Kristina Maslauskaite (2014: 9), se je po širitvi EU bolj kot princip enakovrednega obravnavanja domačih in tujih delavcev začel uveljavljati princip minimalnih pravic.

## SPECIFIKE IN PROBLEMI NAPOTITEV IZ SLOVENIJE

Uspešnost »evropskih« projektov, kot sta omenjeni direktivi o napotitvah delavcev, se meri predvsem ali izključno v praksi na nacionalnih ravneh. Vsako nacionalno okolje torej ponuja specifičen odgovor na vprašanje o uspešnosti posameznega evropskega projekta. V nadaljevanju pregledujemo nekatere specifične in probleme napotitev iz Slovenije.<sup>11</sup> Pri tem izhajamo iz kategorizacije sistemskih problemov, povezanih z Direktivo 96/71/ES, kakršno je predlagala Kristina Maslauskaite (2014: 13) in jo skušamo problematizirati s stališča položaja v Republiki Sloveniji (v literaturi seveda več člankov detektira različne oblike kršitev in problemov v zvezi z napotitvami. Marcus Kahmann (2006) je npr. že pred gospodarsko krizo pisal o težavah in deviacijah, povezanih z napotitvami v nemškem gradbenem sektorju). Maslauskaite je z delitvijo na pravno, administrativno in izvršilno področje prepoznala različne oblike kršitev. Na pravnem področju je tako izpostavila problem definicij, povezanih z »začasnostjo« storitev in napotitev, na administrativnem izpostavlja nezadostno informiranost delavcev in delodajalcev, nezadostno sodelovanje med državami članicami pri izmenjavi informacij, nadzor države gostiteljice<sup>12</sup> ipd., na izvršilnem pa šibkost samega aparata za sankcioniranje kršitev, prezapleteno reševanje kršitev in neenako oz. nesolidarno odgovornost verige izvajalcev. Zgoraj naštete vrste kršitev se dogajajo tudi v Sloveniji, pri čemer je treba dodati, da se krovni okvir EU zakonodaje in uredb v vsaki državi članici odlikava s specifičnimi odtenci, in to glede na njihove predhodne izkušnje z napotitvami, trenutne trende in geostrateške pozicije samih držav.

Na pravnem področju Slovenija sledi zakonodajnim okvirom EU in ob implementaciji Direktive 96/71/ES in Direktive 2014/67/ES v nacionalno zakonodajo z EU deli tudi ohlapne definicije problemov v omenjenih dokumentih, ki pri »napotitvah za določen čas« npr. ne specificirata razmerja med delovnimi urami v domači državi in državi gostiteljici ipd. Poleg takšnih, iz direktiv izhajajočih nejasnosti, se specifično slovenski problemi kažejo predvsem na administrativni in izvršilni ravni.

11 Napotitve v Slovenijo na tem mestu puščamo ob strani, ker večina postavlja druga vprašanja in se nanaša na druge, čeprav deloma sorodne probleme. Delavec, ki ga tuji delodajalec napoti na delo v RS na podlagi pogodbe o zaposlitvi (po tujem pravu), opravlja začasno delo v RS pod pogoji, določenimi s predpisi, ki urejajo delo in zaposlovanje tujih državljanov. Delavcu morajo biti zagotovljene pravice po predpisih RS in po določbah kolektivne pogodbe, vezane na dejavnost, in ob upoštevanju mednarodnih pravnih podlag. V RS je pomembna nacionalna pravna podlaga še Zakon o delovnih razmerjih (Uradni list RS, št. 21/13, s popr. in sprem.), Zakon o zaposlovanju, samozaposlovanju in delu tujcev (Uradni list RS, št. 47/15), Zakon o varnosti in zdravju pri delu (Uradni list RS, št. 43/11) Zakon o tujcih (Uradni list RS, št. 45/14) ter kolektivne pogodbe in drugi predpisi, ki se nanašajo na določbe Direktive 96/71/ES. Januarja 2016 je šel v javno obravnavo tudi predlog Zakona o napotitvi delavcev na delo.

12 Članek Kristine Maslauskaite je nastal pred sprejetjem Direktive 2014/67/EU, ki se je delno spoprijela prav s problemi sodelovanja med državami članicami pri izmenjavi informacij.

## Administrativna raven

Na administrativni ravni se problemi kažejo predvsem v neselektivnem izdajanju A1 obrazcev z namenom začasne napotitve delavcev podjetjem, na kar je opozarjala in še opozarja predvsem Zveza svobodnih sindikatov Slovenije (ZSSS). A1 obrazec, ki je obvezen element v formalno-birokratskem procesu napotitev delavcev v druge države članice in osnova za zdravstveno zavarovanje napotenega delavca, se namreč po podatkih ZSSS izdaja tudi t. i. 'slamnatim' oz. *letter box* podjetjem, ki kljub blokiranim ali zaprtim računom v RS napotujejo delavce na delo v druge države članice. Pri tem se temeljni pogoji, ki jih mora izpolnjevati slovenski delodajalec in so določeni v uredbah Evropskega parlamenta in Sveta EU o koordinaciji sistemov socialne varnosti (npr. podjetje, ki napotuje delavce v drugo državo članico, mora opravljati znaten del dejavnosti in ne le notranjih upravljaljskih dejavnosti, na ozemlju države članice, v kateri ima sedež, ne preverjajo v zadostni meri, kar omogoča vrsto kršitev. Tako luknjičasto rešeto ne izloči slamnatih podjetij, ki so potencialno najpogostejši kršitelji (pogovor z Markom Tanasičem, 2. 12. 2015).

Te težave se še dodatno oplajajo v specifičnem nacionalnem kontekstu, v katerem je Slovenija prevzela vlogo nekakšne tranzitne države, preko katere so predvsem delavci iz Bosne in Hercegovine,<sup>13</sup> zaposleni pri slovenskem delodajalcu, napotujejo na delo v druge države članice.<sup>14</sup> Na zadnji dan leta 2014 je bilo tako celo več napotenih delavcev iz Slovenije državljanov Bosne in Hercegovine (7.880 ali 38 odstotkov vseh napotitev) kot pa državljanov Slovenije (7.685 ali 37 odstotkov) (glej tabelo 1). Ob tem se pojavlja vrsta nepravilnosti, ki se potencirajo v kontekstu ranljivega položaja bosanskih delavcev, ki niso državljani Slovenije in slabo govorijo slovenski jezik ali pa ga sploh ne.<sup>15</sup>

13 Že v času SFRJ je bil med bolj izrazitimi migracijskimi tokovi v Slovenijo tok iz Bosne in Hercegovine; ta se je začel krepiti v sedemdesetih letih. Po popisu 1981 je bilo med vsemi priseljenimi 30 odstotkov prebivalstva iz Bosne in Hercegovine, iz sosednje Hrvaške pa kar 43 odstotkov. Ker se je priseljevanje iz Hrvaške zmanjševalo, iz Bosne in Hercegovine pa krepilo, je delež Bosne in Hercegovine po zadnjem jugoslovanskem popisu iz leta 1991 narasel na 39 odstotkov in s piedestala izrinil Hrvaško (38 odstotkov). Ta trend se je še okrepil po osamosvojitvi Slovenije in do popisa 2002 dosegel 46 odstotkov, medtem ko je delež Hrvaške upadel na 32 odstotkov (Josipovič 2006: 241–251). Popis iz leta 2011 je pokazal nadaljnje naraščanje priseljevanja iz Bosne in Hercegovine. Njegov delež je dosegel praktično polovico (49 odstotkov) od skupno 198.242 priselitev. Sledili sta Hrvaška s četrtno (25 odstotkov) in Srbija (13 odstotkov) z osmino vseh priselitev (Josipovič 2015). Po podatkih SURS-a je bil največji delež ljudi, rojenih v tujini, v obdobju pred nastopom gospodarske krize, zaposlen v gradbeništvu, in sicer kar 36,4 odstotka leta 2007. Za Slovenijo je bila med letoma 2005 in 2008 relativno visoka gospodarska rast sicer posledica ugodnih razmer v mednarodnem okolju in povečanega obsega investicij, predvsem v gradbeništvu. Povečana aktivnost na področjih stanovanjske in infrastrukturne gradnje (npr. avtoceste) je imela za posledico povečano zaposlovanje v tem sektorju, predvsem priseljence, ki so prihajali iz držav naslednic SFRJ, med katerimi je bilo največ državljanov Bosne in Hercegovine, sledili pa so državljani Srbije in Makedonije (Bofulin 2016: 102).

14 Zaposlovanje državljanov Bosne in Hercegovine ureja Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Svetom ministrov Bosne in Hercegovine o zaposlovanju državljanov Bosne in Hercegovine v Republiki Sloveniji in Protokola o izvajanju Sporazuma med Vlado Republike Slovenije in Svetom ministrov Bosne in Hercegovine o zaposlovanju državljanov Bosne in Hercegovine v Republiki Sloveniji (Uradni list RS-MP, št. 14–86/2012). Izvajanje storitev z napotenimi delavci ureja nacionalna zakonodaja. Trenutno to ureja Zakon o zaposlovanju, samozaposlovanju in delu tujcev (Uradni list RS, št. 47/15), kot smo omenili že v uvodu, pa bo to področje prevzel Zakon o napotitvi delavcev na delo, ki je šel v javno obravnavo januarja 2016.

15 Več o tovrstni »strukturni kriminaliteti« piše Aleš Bučar Ručman (2014: predvsem zaključno poglavje).

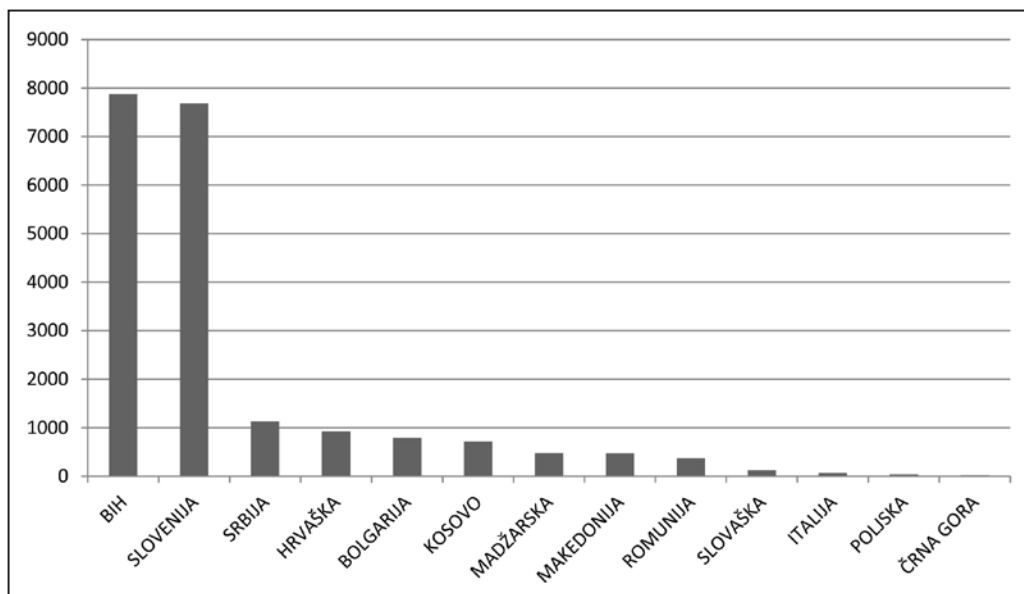


Tabela 1: Število veljavnih A1 obrazcev na dan 31. 12. 2014 po državljanstvu. Vir: ZZS

### Primer slamnatega podjetja

Leta 2015 je bil bržkone medijsko najodmevnejši primer iz tega naslova podjetje Birogradnje, ki 28 bosanskim delavcem ni izplačalo plač za tri mesece dela. Marko Tanasič z Zveze svobodnih sindikatov Slovenije je poudaril, da Birogradnje niso prvo podjetje, prek katerega je njegov lastnik izkoriščal delavce. To naj bi počel tudi s podjetjema Kaltgrad (preimenovanega v Tomograd) in Bis gradnje. Kaltgrad je lastnik prepisal na slamnatega lastnika v Bosni in Hercegovini, pri Bis gradnjah in Birogradnjah pa je to storil že ob ustanovitvi, sam pa je prevzel le pooblastilo za vodenje. V nobenem od podjetij delavcem ni plačeval socialnih prispevkov. Podjetje Birogradnje oziroma lastnik podjetja ima po besedah Marka Tanasiča v Sloveniji le še nabiralnike in tu od leta 2011 praktično ne posluje več. Državi ne plačuje nobenih davkov, ne sprejema pošte, ne izdaja računov oz. nima odprtega računa; je zgolj v evidenci Agencije RS za javnopravne evidence in storitve (AJPES) (pogovor z Markom Tanasičem, 2. 12. 2015). Čeprav je po Uredbi (ES) št. 883/2004 Evropskega parlamenta in Sveta z dne 29. aprila 2004 o koordinaciji sistemov socialne varnosti (UL L 166, 7. 6. 2004: 1, čl. 12) pogoj oziroma eden od pogojev za pridobitev A1 obrazca, da podjetje oziroma delodajalec ustvari 25 odstotkov prometa v matični državi, omenjena podjetja doslej niso imela težav pri pridobivanju dovoljenj za napotitve oziroma obrazcev A1, ki jih izdaja Zavod za zdravstveno zavarovanje Slovenije (ZZS). ZZS torej ne preverja, ali delodajalci izpolnjujejo pogoje za pridobitev A1 obrazcev.<sup>16</sup>

Kot je povedal Klemen Ganziti z ZZS, za tovrstno preverjanje in ukrepanje nimajo ustreznih tehničnih in kadrovskih zmogljivosti, hkrati pa bi za to (da bi dobili podatke od finančne uprave oziroma Fursa) potrebovali pravno podlago za nadzor A1 obrazcev (telefonski pogovor s Klemnom Ganzitijem, 4. 12. 2015).

Kot je mogoče razbrati iz številnih medijskih prispevkov, imata Ministrstvo za delo, družino, socialne zadeve in enake možnosti in Ministrstvo za finance glede nadzora nad obrazci A1 različna stališča. Prvo

<sup>16</sup> Ta ekscesni primer je bil predstavljen v vseh večjih spletnih medijih, bržkone najpodrobneje pa v spletni ediciji Dnevnika (glej Kralj 2015).

je podprlo predlog ZZZS, da bi to delo morala prevzeti finančna uprava, saj je ta že povezana z bazo podatkov ZZZS in je tudi pristojna za pobiranje prispevkov za socialno zavarovanje. Po mnenju Ministrstva za finance pa lahko tovrstne postopke glede na že vzpostavljen sistem prijave v socialno zavarovanje in pristojnost nadzora nad podatki v svojih evidencah vodi samo ZZZS (glej npr. Kralj 2015).

Marko Tanasič z Zveze svobodnih sindikatov Slovenije opozarja, da so pogosti tovrstni primeri slovenskih gradbenih podjetij, ki v Nemčiji sklenejo posle, pri tem pa že vnaprej vedo, da na koncu ne bodo mogli izpolniti vseh zakonskih obveznosti iz naslova plač delavcev. Gre, kot pravi, za utečen sistem, v katerem se podjetja izognejo odgovornosti. Nemška podjetja niso odgovorna za plačevanje razlike med neto in bruto plačo, slovenska podjetja pa na koncu razglasijo stečaj ali lastništvo preprišejo na slamnate lastnike, ki nato čakajo na izbris iz sodnega registra (pogovor z Markom Tanasičem, 2. 12. 2015). A poudariti je treba, da so izigrani delavci delovna dovoljenja dobili v Sloveniji in da so slovenske institucije v prvi vrsti odgovorne, da do tovrstnih zlorab ne prihaja. Primeri tovrstnih slamnatih gradbenih podjetij tudi spodbijajo v javnosti razširjeno mnenje, da so agencije za posredovanje dela glavni vir težav in zlorab pri napotitvah delavcev. Te so med drugim z Zakonom o urejanju trga dela (Uradni list RS, št. 80/2010, glej 164. člen) podvržene strožjim pogojem poslovanja.

## Izvršilna raven

Na izvršilni ravni si Slovenija problem deli s preostalimi državami članicami v smislu, da Direktiva 96/71/ES sicer zadošči države članice, da aktivirajo določene mehanizme, ki naj bi se spopadali s kršitvami, ne opredeli pa natančno, kakšne naj bi bile te sankcije. Posledično nekatere države članice uporabljajo že obstoječe sankcije, vezane na delovnopravno zakonodajo države (npr. Francija), druge pa uporabljajo nove mehanizme (npr. Nemčija) (prim. Maslauskaite 2014). Slovenija pri tem uporablja obstoječe zakonske podlage, ob sprejemanju obeh direktiv pa so bila v obstoječe zakone prinesena nekatera splošna načela napotitev, kot so ta opredeljena v direktivah. Po opazovanjih Migrantske pisarne pri Zvezi svobodnih sindikatov Slovenije sta osnovna problema na izvršilni ravni tudi dolgotrajnost in neučinkovitost postopkov ob sankcioniranju, rezultat dolgotrajnih postopkov pa je ta, da mnogi delavci, ki so utrpeli škodo, kršitve prijavijo šele v zadnji fazi (pogovor z Markom Tanasičem, 2. 12. 2015). Delavec lahko kršitve delovnopravne zakonodaje prijavi Inšpektoratu RS za delo, ki opravlja inšpekcijski nadzor nad izvajanjem zakonov in drugih predpisov, kolektivnih pogodb in splošnih aktov, ki urejajo delovna razmerja, plače in druge prejemke iz delovnega razmerja, zaposlovanje delavcev doma in v tujini, sodelovanje delavcev pri upravljanju, stavke ter varnost in zdravje pri delu (elektronsko pismo Tanje Cmrečnjak z Inšpektorata RS za delo, 17. 11. 2015). Čeprav ima inšpektor poleg pooblastil iz zakona, ki ureja inšpekcijski nadzor, pravico naročiti neodvisen odvzem vzorcev ali meritev v času, delovnem prostoru in delovnem okolju, ki ga določi sam, pa preventivni inšpekcijski pregledi napotenih delavcev niso utečena praksa tudi zaradi pomanjkanja kadra. Ko gre za kršitve pravic slovenskih delavcev, ki se nahajajo na deloviščih v tujini, pa slovenski inšpektor seveda nima neposrednega vpogleda. Ob določenih kršitvi ali sumu na kršitev se lahko obrne na določene pristojne organizacije v tujini, kar postopek seveda podaljšuje. Problem dolgotrajnosti postopkov se pojavi tudi po prijavi kršitve.

Če delodajalec delavcu ni izplačal plače, ima ta na voljo več možnosti. Kršitev v zvezi z opustitvijo izplačila plače lahko delavec prijavi na Inšpektorat RS za delo – ob tem pa je pomembno, da lahko inšpektor za delo, če ugotovi kršitve glede izplačila plače, delodajalca za storjeni prekršek le sankcionira, ne more pa s svojimi ukrepi doseči dejanskega izplačila plače; to lahko stori le delovno sodišče. Izplačilo plače lahko delavec s tožbo proti delodajalcu zahteva tudi na delovnem sodišču, pri tem pa velja, da je pisni obračun plače, ki ga izda delodajalec, verodostojna listina, na podlagi katere lahko delavec



predlaga sodno izvršbo. Tožilstvo mora pred obravnavo primera zbrati dokazno gradivo.<sup>17</sup> Po podatkih Zveze svobodnih sindikatov Slovenije obstajajo primeri, ko se dokazno gradivo lahko zbira tudi štiri leta. Ko primer pride na sodišče, lahko tožba pride tudi z druge strani, s strani delodajalca, kar postopek podaljšuje in draži.

### **Primer dolgotrajnega in neučinkovitega postopka**

Primeri iz prakse kažejo tako na dolgotrajnost kot tudi neučinkovitost postopkov, kot ugotavlja Marko Tanasič z Zveze svobodnih sindikatov Slovenije, ki podaja naslednji primer. Oškodovani delavec je več let zapovrstjo terjal svojega delodajalca za neporavnane obveznosti. Tožbe je vložil tako na delovno kot tudi kazensko sodišče v Republiki Sloveniji. Po večletnih obravnavah (in s tem nastalih stroških) je oškodovani delavec prišel do pravnomočne in izvršljive sodbe, ki pa je ni bilo mogoče izvršiti, saj premoženja, ki bi ga bilo treba zaseči, ni bilo več. Podjetje, preko katerega je bil delavec zaposlen, ni več obstajalo (elektronsko pismo Marka Tanasiča, 25. 1. 2016). Primer poleg na dolgotrajnost in neučinkovitost postopka kaže tudi na zakonodajne pomanjkljivosti, ki delavcu tudi po dolgotrajnem, pozitivno rešenem postopku ne nudijo ustrezne varnosti, saj npr. dolg podjetja ob njegovem zaprtju enostavno izgine.

Razmere je nekoliko izboljšala vpeljava IMI informacijskega sistema, ki ga je Evropska komisija razvila skupaj z državami članicami. IMI na podlagi informacijske tehnologije povezuje javne organe v EGS in tako prispeva k boljšemu upravljanju notranjega trga. Sistem omogoča izmenjavo informacij med državnimi, regionalnimi in lokalnimi javnimi organi preko vnaprej prevedenih vprašanj in odgovorov, ki omogočajo sporazumevanje v lastnem jeziku. V primeru napotitev delavcev se IMI sistem uporablja predvsem za zahteve za informacije (preverja se zaposlitvene pogoje delavcev). Inšpektorat RS za delo je npr. pristojen za nadzor nad slovenskimi delodajalci ter delodajalci, ki opravljajo storitve ali dejavnost v RS, nima pa pristojnosti za izvajanje nadzora na ozemljih drugih držav. Sistem IMI inšpektoratu RS tako omogoča povezovanje s pristojnimi organi drugih držav članic EU in ugotavljanje stanja spoštovanja zakonodaje v drugi državi (Anon).<sup>18</sup>

## **ZAKLJUČEK**

Napotitev delavcev je eden od pravnih oziroma tehnokratskih izumov EU, ki pa ima realne učinke na življenje ljudi. Ti učinki se razlikujejo glede na pretekle izkušnje držav članic (Direktivo 96/71/ES je »spočelo« dvanajst držav članic, pozneje pa jo je »posvojilo« 15 članic), glede na različne položaje vpletenih akterjev, ki vstopajo v razmerje napotitev iz bolj ali manj ranljivega položaja ter glede na stopnjo učinkovitosti nacionalnega institucionalnega reševanja, tako na ravni obravnavanja kršitev kot tudi na preventivni ravni preprečevanja kršitev. Ključno vlogo pri preprečevanju kršitev imata informiranje in ukrepanje. V primeru Slovenije je pomembna ugotovitev, da je ta v veliki meri tranzitna država, preko katere podjetja napotujejo npr. delavce iz Bosne in Hercegovine na delo v Nemčijo, pri tem pa nastajajo težave predvsem zaradi slamnatih podjetij, ki delavce iz Slovenije v druge EU države napotujejo kljub temu, da ne izpolnjujejo temeljnih pogojev poslovanja (zaprti bančni računi v Sloveniji ipd.). V primeru napotitev iz Slovenije se pojavljajo npr. verige podizvajalcev, ki odgovornost prelagajo drug na drugega, kot tudi »prenapoten« delavci, kot so to npr. bosanski delavci, ki so v Nemčijo napotenjeni preko Slovenije; to delavce postavlja v izjemno ranljiv položaj. Številne zlorabe delavcev po drugi strani vplivajo na negativno medijsko podobo, ki mnoga podjetja, ki korektno poslujejo, ovira pri njihovem

<sup>17</sup> Podatke, zbrane v teh dveh odstavkih, smo zbrali na podlagi več elektronskih pisem in pogovorov, predvsem z Damjanom Mašero z Inšpektorata RS za delo.

<sup>18</sup> Poleg elektronskega vira smo vse zgornje podatke zbrali tudi v okviru omenjenega projekta (glej opombo št. 1), predvsem od Inšpektorata RS za delo.

delu. Kljub temu da so slovenski mediji večkrat negativno izpostavili agencije za opravljanje dejavnosti zagotavljanja dela delavcev uporabniku, pa se po mnenju predstavnika Zveze svobodnih sindikatov Slovenije problemi v zadnjem času vrtijo predvsem okoli slamatih podjetij in neselektivnega izdajanja A1 obrazcev (pogovor z Markom Tanasićem, 2. 12. 2015).

Dodatna specifika Slovenije kot tranzitne dežele (in sicer največ v gradbenem sektorju) se kaže tudi v ranljivem položaju bosanskih delavcev (znanje jezika, slabša izobrazba, brez EU državljanstva), ki ob kršitvah večkrat ostanejo brez vplačanih socialnih prispevkov, brez vplačil v sklade, kot je nemški paritetni sklad SOKA-BAU, ali celo brez minimalnega plačila za opravljeno delo. Kot ugotavlja vodja (nedavno ukinjene) Info točke za tujce, se je v njihovi praksi večkrat izkazalo, da so bosanski delavci podpisali pogodbe, ki je zaradi tujega jezika niso razumeli, kot tudi pogodbe, ki niso bile usklajene z delovnopravno zakonodajo RS (pogovor z Robertom Modrijanom, november 2015). Postopki po ugotovljeni kršitvi so v Sloveniji dolgotrajni, kar dodatno otežuje ponovno vključevanje oškodovanega delavca na trg dela. V kolikor se zadeve ne bodo sistemsko uredile, lahko pričakujemo še več kršitev na račun napotenih delavcev, pri tem pa krčenje socialne države. V primeru Slovenije se to kaže tudi z ukinitvijo Info točke za tujce leta 2015 in Migrantske pisarne pri Zvezi svobodnih sindikatov Slovenije leta 2016, kar vsekakor ne bo pripomoglo k reševanju tega problema.

Članek se osredotoča predvsem na probleme, povezane z napotitvami delavcev iz Slovenije. Pri tem je treba poudariti, da napotitve niso povezane le s kršitvami, težavami in z drugimi negativnimi učinki, ampak imajo tudi pozitivne plati (nove zaposlitvene možnosti, prost pretok delavcev, formalno in neformalno izobraževanje na tujih deloviščih itd.). Za natančno razumevanje pozitivnih učinkov pa bi bilo treba izvesti dodatne študije,<sup>19</sup> v katerih bi podrobneje raziskali stališča delavcev, delodajalcev in drugih deležnikov.

Poleg specifično nacionalnih problematik obstaja na ravni EU glede napotitve delavcev več odprtih vprašanj. Je EU združba kapitala ali državljanov? So določbe Direktive 96/71/ES preveč ohlapne, da bi vzdržale novonastal položaj po razširitvi EU, kjer se pojavljajo vedno večje razlike med minimalnimi plačami? Takšni in drugačni pomisleki, podkrepljeni s primeri iz prakse, vodijo tudi k želji po reviziji Direktive 96/71/ES, predvsem ob vprašanju istega plačila za isto delovno mesto in ne zgolj zagotavljanja minimalne plače napotenim delavcem. Po razširitvi EU se je namreč bolj kot princip enakovrednega obravnavanja domačih in tujih delavcev začel uveljavljati princip minimalnih pravic, princip, ki vodi na eni strani v vse večje nezadovoljstvo »domačih« delavcev, soočenih s cenejšo konkurenco, po drugi strani pa tudi v nezadostno plačilo napotenim delavcem. Dodatno vprašanje, na katerega bi lahko odgovorila bolj etnografsko naravnana raziskava, je, kakšne so ob tem želje in nagibi napotenih delavcev samih. Kaj meni napoteni delavec iz Romunije, ki je za svoje delo doma plačan desetkrat manj kot njegov stanovski kolega v Belgiji? Je pripravljen prijaviti kršitev in kaj zanj to pomeni?

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<sup>19</sup> Leta 2012 je bila opravljena manjša etnografska študija o agencijskem delu v Sloveniji, v kateri so migrantski agencijski delavci poročali tudi o pozitivnih vidikih zaposlovanja preko agencij, in sicer predvsem o rednem izplačevanju plač. Intervjuvani migrantski delavci so pri zaposlovanju neposredno pri uporabniku pogosto navajali neplačano nadurno delo ter neizplačevanje plač in prispevkov (Mozetič, Pavlišič, Pistotnik 2012).



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Zakon o delovnih razmerjih (Uradni list RS, št. 21/13, s popr. in sprem.).

Zakon o tujcih (Uradni list RS, št. 45/14).

Zakonom o urejanju trga dela (Uradni list RS, št. 80/2010).

Zakon o varnosti in zdravju pri delu (Uradni list RS, št. 43/11).

Zakon o zaposlovanju, samozaposlovanju in delu tujcev (Uradni list RS, št. 47/15) .

Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Svetom ministrov Bosne in Hercegovine o zaposlovanju državljanov Bosne in Hercegovine v Republiki Sloveniji in Protokola o izvajanju Sporazuma med Vlado Republike Slovenije in Svetom ministrov Bosne in Hercegovine o zaposlovanju državljanov Bosne in Hercegovine v Republiki Sloveniji (Uradni list RS-MP, št. 14–86/2012).

## SUMMARY

### THE POSTING OF WORKERS FROM SLOVENIA: SOME PARTICULARITIES AND PROBLEMS

Nataša ROGELJA, Kristina TOPLAK, Mojca VAH JEVŠNIK, Jernej MLEKUŽ

The starting point of this article is that the posting of workers exposes various problems and issues in different EU countries that are linked to the particularities of the labour markets; specific labour, social and other legislation; the activities of the competent public institutions and their mutual cooperation, etc. The article focuses mostly on the issues and problems of postings from Slovenia, while of course touching upon other dilemmas and reflections of postings in the EU, and partly beyond. The article first presents the legal background of the posting of workers that determines the status and legal definition of working abroad or working temporarily in another EU or EEA member state. Later, the article investigates the problems and issues that this status and the legal category of the cross-border provision of services raise in practice, in the case of posting from Slovenia. Here the authors use specific cases to study two areas of systemic problems: administrative and executive. On the administrative level, the problems appear particularly in the non-selective issuing of the A1 form with the intention of the temporary posting of workers to companies. The A1 form, which is a required element in the bureaucratic process for posting workers to other member states and is the basis for the posted worker's health insurance, is also issued to so-called "letterbox companies", which post workers to other states despite having their bank accounts blocked or closed in Slovenia. These problems are further expanded in the specific national context in which Slovenia has taken on the role of a transition state through which workers, mostly those from Bosnia and Herzegovina working for Slovenian employers, are posted to work in other member states. Here, a series of irregularities have appeared which are exacerbated by the vulnerable condition of Bosnian workers who are not citizens of Slovenia and speak Slovenian poorly or not at all. On the executive level, the article deals with the problem of the long-term and ineffective process in cases where the employer does not pay wages to and/or social security contributions for the worker. The workers can report violations connected to cessation of paying wages and contributions to the Slovenian Labour Inspectorate or Labour Court. Before the case hearing, the prosecution must gather evidence, which in some cases can take up to four years. In addition to lengthiness, the practice also shows the ineffectiveness of the procedures, where, for example, the plaintiff may remain without compensation despite the judgement being legally effective. Judgements often cannot be enforced, for example, because the company that employed the worker (and paid the worker's wages) no longer exists.



# SLOVENSKI UČBENIKI KOT AKTER ETNOCENTRIČNE IN RASISTIČNE SOCIALIZACIJE: PRIMER OSNOVNOŠOLSKIH UČBENIKOV ZA GEOGRAFIJO

Ksenija ŠABEC

COBISS 1.01

## IZVLEČEK

### **Slovenski učbeniki kot akter etnocentrične in rasistične socializacije: primer osnovnošolskih učbenikov za geografijo**

V članku so glavne ugotovitve kritične diskurzivne analize šestnajstih osnovnošolskih učbenikov za geografijo prikazane z vidika uporabljenega diskurza o Zahodu oziroma Evropi, posameznih celinah in razmerjih med njimi. Avtorica ugotavlja, da velika večina vsebuje jezikovne strategije, vsebine, miselne vzorce, slikovno gradivo, ki vodijo v stereotipne, poenostavljene, evropocentrične in tudi rasistične sklepe o neevropskem svetu in njenih prebivalcih, migrantih itd. Obenem to potrjuje tudi domnevo, da več učbenikov za posamezni predmet na tržišču še ne zagotavlja tudi pluralnosti diskurzov in vsebin, s katerimi naj bi učenci usvojili postavljene standarde znanja.

KLJUČNE BESEDE: osnovnošolski učbeniki, geografija, evrocentrizen, rasizem, stereotipi

## ABSTRACT

### **Slovene Textbooks as an Agent of Ethnocentric and Racist Socialization: the Case of Elementary School Geography Textbooks**

The article demonstrates the main findings of critical discourse analysis of the sixteen elementary school geography textbooks regarding the discourse on the West and Europe, on the individual continents and the relations between them. The author states that a great majority of the textbooks discussed include linguistic strategies, content, mental schemas and illustrative material which lead to stereotypic, simplified, Eurocentric and racist conclusions about the non-European world and its inhabitants, migrants etc. The author states that several of the textbooks on the market for this subject do not assure the plurality of discourses and contents as a tool to achieve defined standards of knowledge.

KEYWORDS: elementary school textbooks, geography, Eurocentrism, racism, stereotypes

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## UVOD

Članek predstavlja sintezo ugotovitev empirične raziskave o slovenskih osnovnošolskih učbenikih za geografijo kot akterju etnocentrične in rasistične socializacije. Teoretski okvir raziskave je zajet v članku Reprerentacije neevropskega sveta v izobraževalnem sistemu: učbeniki kot akter etnocentrične in rasistične socializacije (Šabec 2015), iz katerega navajam glavne poudarke, ki so teoretsko izhodišče pričujočega teksta. Raziskave kažejo, da učbeniki za geografijo, zgodovino in družbene vede (van Dijk 1998; Društvo Afriški center 2010; Žmavc, Žagar 2011) ter tudi učitelji (Carignan, Sanders, Pourdavood 2005) v različnih evropskih državah z uporabo posebnih jezikovnih strategij, slikovnih reprezentacij, vsebine in širšega tekstualnega konteksta izražajo etno-/evropocentrizem in rasizem. S tem prispevajo k legitimaciji etničnega in »rasnega« *statusa quo*, ki je prežet z etnocentričnimi stereotipi, negativnimi reprezentacijami in rasističnimi percepcijami »drugega«, obenem pa dokazujejo, da etnocentrizma in rasizma ne moremo pripisovati samo majhnim skrajnim skupinam, ampak mnogim individualnim in institucionalnim praksam v družbi, tudi elitnim. Te imajo zaradi svojega ekonomskega, političnega, simbolnega in kulturnega kapitala še posebno odgovornost v njuni reprodukciji, saj lahko tako aktivno propagirajo ideologijo etnocentrizma in rasizma kot ji z določanjem agend posredovanih vsebin in tistih človeških razlik, ki so v nekem trenutku (ne)zaželeni, aktivno nasprotujejo. Ker rasizem elit njegovo (re)produkcijo v družbi omogoča s preformulacijo popularnih (ekstremnih) oblik rasizma, je (re)produciran z obeh strani (van Dijk 1998: 176–177), manifestira pa se v nediskurzivnih in diskurzivnih praksah in strukturah, ki se med seboj podpirajo in krepijo.

Učitelji, avtorji učbenikov, strokovne službe, ministrstva itd. imajo nadzor in posredno moč nad učnim programom in poučevanjem otrok. Ti preko primarne socializacije v družini, vrstniškega druženja, knjig, televizije, svetovnega spleta, predvsem pa sekundarne socializacije v šolah pridobijo osnove interpretativnega okvira, ki določa diskurz o drugih etničnih skupinah. Apple, za katerega je izobraževanje politični proces, meni, da je treba kritično raziskati prikriti kurikulum v šolah, problematizirati šolsko znanje in okrepiti zavedanje učiteljev o ideoloških in epistemoloških obveznostih pri njihovem delu (Apple 1992: 28–29). Kot ugotavljajo Carignan, Sanders in Pourdavood (2005: 13), zahteva večkulturna in medkulturna kompetenca učitelja predvsem refleksijo samoumevno privzetih definicij (npr. »rase«). Poleg tega marginalizirane etnične in kulturne skupine v osnovnošolske učne načrte in učbenike (za geografijo) niso vključene v zadostni meri; prisoten je implicitni etnocentrizem; razen spoštovanja drugih kultur ni poudarjeno razvijanje drugih medkulturnih kompetenc (zlasti empatije); uporabljena so slabšalna imena nekaterih ljudstev itd. Otroci bi torej morali za ustrezno delovanje v sodobnih večetničnih in večkulturnih okoljih v izobraževalnem sistemu pridobiti znanje o vzorcih in praksah nadvlade, predsodkih, stereotipih in diskriminaciji, strukturnih dimenzijah etnocentrizma in rasizma v zahodnih kulturah, prav tako pa tudi možnosti za razvoj empatije in poudarjanja kulturne in etnične raznolikosti kot pomembnih vrednot (Vrečer 2012: 53–56).

Glavni, empirični del članka je metodološko utemeljen na uporabi kritične diskurzivne analize šestnajstih osnovnošolskih učbenikov za geografijo,<sup>1</sup> glavne ugotovitve pa so strnjene v pet dopolnjujočih se tematskih podpoglavij. Kritična diskurzivna analiza, katere teoretsko zaledje lahko iščemo v diskurzivnih teorijah, je oblika diskurzivnega analitičnega raziskovanja načinov, na katere se družbena oblast, zlorabe, nadvlada in neenakost, z namenom razumevanja, izpostavljanja in upiranja družbenim

1 V analizo so bili vključeni vsi osnovnošolski učbeniki za geografijo iz kataloga potrjenih učbenikov za šolsko leto 2009/10, objavljenega na spletni strani Ministrstva za izobraževanje, znanost in šport, ki ga vsako leto izda Zavod Republike Slovenije za šolstvo. To pomeni šestnajst učbenikov od 6. do 9. razreda, s poudarkom na 7. in 8. razredu, ki v skladu z učnim načrtom obravnavajo kontinentalne značilnosti Evrope in Azije (7. razred) ter Afrike, Avstralije in Oceanije, Amerike ter polarnih območij (8. razred). Šesti razred se ukvarja s predstavitvijo predmeta geografija, z značilnostmi Zemlje ipd., 9. razred pa obravnava geografijo in značilnosti Slovenije v evropskem kontekstu (Učni načrt – Geografija 2011). V katalogu potrjenih učbenikov za šolsko leto 2015/16 je dvanajst učbenikov praktično enakih, dva sta delo istih avtorjev, a preimenovana in potencialno posodobljena, dveh ni več, dodani so nekateri novi (Katalog učbenikov za osnovno šolo – Geografija 2015).

neenakostim, s pomočjo teksta in govora uveljavljajo in reproducirajo v družbenem in političnem kontekstu (van Dijk v Vezovnik 2008: 80–81). Pravzaprav kritična diskurzivna analiza kot šola v sebi združuje eklektičen, na raznolikosti pristopov utemeljen teoretski okvir in tudi metodološki aparat, zaradi česar je izrazito interdisciplinarno naravnana, skupno tem pristopom pa je ukvarjanje z oblastjo, dominacijo, s hegemonijo, z neenakostjo in diskurzivnimi procesi njihovega razglašanja, prikrivanja, legitimiranja in reproduciranja (Vezovnik 2008: 84; Wodak, Meyer 2004). Seveda pa ima uporabljena analiza tudi omejitve: nemogoče je analizirati vse relevantne strukture izbranega učnega gradiva; niso preučevana razmerja med učnim gradivom in kurikulumom, vloge učitelja in morebitnih drugih akterjev v interpretaciji posredovanih vsebin (van Dijk 1993: 201; 2005); poudarjeni večkulturnost, spoštovanje, empatija in antirasizem nakazujejo na morebitne premike v mišljenju in prenosu znanja, vendar pa morajo ti pojmi preseči deklarativno in normativno raven ter postati strukturni, sistemski in ideološki temelj evropske paradigme. Brez tega namreč pri pridobivanju novejših znanj in njihovem vključevanju v novejšo izdaje učbenikov in drugega učnega gradiva ter v pedagoški proces ostajajo tudi akterji izobraževalnega diskurza prepuščeni lastni samoiniciativi.

## KRITIČNA DISKURZIVNA ANALIZA SLOVENSКИH OSNOVNOŠOLSKIH UČBENIKOV ZA GEOGRAFIJO

### Evropocentrična in stereotipna perspektiva svetovne zgodovine in sodobnega sveta

Prvi tematski sklop, oblikovan na podlagi opravljene analize, zajema naslednje vsebinske poudarke, ki so problematizirani v nadaljevanju: (1) obsežnejša, sistematičnejša, predvsem pa bolj naklonjena in superiornija predstavitev (Zahodne) Evrope in ZDA v primerjavi z neevropskim svetom pa tudi Balkanom in Vzhodno Evropo; (2) evropocentrična univerzalnost in stereotipizacija »prave« Evrope in ZDA vs. islam, Balkan in Vzhodna Evropa.

Učni načrti podrobneje seznanjanje učencev s kontinentalnimi značilnostmi predvidevajo od 7. razreda. Tako se geografija v 7. razredu ukvarja z Evropo in Azijo. Ni presenetljivo, da je v vseh učbenikih večji del namenjen Evropi.<sup>2</sup> Če upoštevamo še geografijo v 8. razredu, se to neravnovesje sicer nekoliko zmanjša, ker učni načrt za ta razred obravnava Afriko, Avstralijo, Ameriko in polarni svet. Evropa (predvsem zahodna) oziroma Evropska unija<sup>3</sup> je v geografskih učbenikih za 7. razred večinoma opisana izrazito pozitivno, pogosto stereotipno pa tudi pristransko, pomanjkljivo ali netočno. Poglavlje o Evropi na primer se v enem od učbenikov, kjer je v »osebni izkaznici« Evrope zapisana legenda o nastanku njenega imena, začne mitološko in romantizirano. Gre za razširjeno zgodbo iz grške mitologije o »lepem dekletu« Evropi, v katero se zaljubi Zeus in jo, spremenjen v belega (!) bika, odpelje na otok Kreto (Verdev 2009: 9). V učbeniku ostane zamočeno, da se to ljubezensko srečanje običajno opisuje kot posilstvo Evrope, o katerem bogata umetniška tradicija obstaja vse od antike (prim. Mavromatakí 1997: 188; Mastnak 1996: 11). V omenjenem in še nekaterih drugih analiziranih učbenikih je prav tako preplet različnih kultur vzrok, ki Evropo kljub »nekaterim težavam« »še dodatno bogati« (Verdev 2009: 14), medtem ko je ta isti pojav, kot pokažem v nadaljevanju, na Balkanu in drugih celinah vzrok problemov in konfliktov.

Evropocentrično pomanjkljivo in netočno je pojasnjen tudi islam (na primer Senegačnik 2009: 15; Senegačnik, Drobnjak 2000: 25), saj v opisu njegove zastopanosti v Evropi (po avtorjevih besedah predvsem na Balkanskem polotoku, sicer pa »nekaj muslimanov živi tudi v najrazvitejših evropskih državah«

2 Razmerja med posameznimi učbeniki sicer močno variirajo: Račič in Tomšič (2005), Miklavc Pintarič, Popit (2005) in Verdev (2009) namenjajo Evropi skoraj dvakrat več strani kot Aziji, Senegačnik (2009) pa kar petkrat več, podobno tudi Senegačnik in Drobnjak (2000).

3 Termina sta pogosto, čeprav napačno, uporabljena sinonimno.

(Senegačnik, Drobnjak 2000: 22) avtorji izpustijo podatek, da v Evropi živi okoli 44 milijonov muslimanov (6 odstotkov vseh prebivalcev).<sup>4</sup> Tudi sicer je zaznamovanost Balkana z islamom negativno označena. *Geografija 7* na primer zavajajoče navaja, da so od nekdaj »zaradi nestrpnosti do verske in narodnostne raznolikosti, ki je značilna za Jugovzhodno Evropo, te pokrajine pretresali konflikti, spori, spopadi in vojne« (Miklavc Pintarič, Popit 2005: 15). Še bolj problematičen je njegov opis v drugem učbeniku (Senegačnik, Drobnjak 2000), kjer avtorja vzroke za »različna trenja« iščeta v »pomešanosti« narodov, jezikov, kultur in verstev. Gre za izrazito stereotipizacijo in protislovnost, saj je ta ista »pomešanost« v Evropi in ZDA (npr. Resnik Planinc idr. 2000: 55) pozitivno ovrednotena, v primeru Balkana pa je »sod smodnika«. V enem od učbenikov je podana tudi razlaga nastanka večkulturne družbe v ZDA, kjer na protisloven in mestoma napačen način avtorji zapišejo, da v Angloameriko priseljeni ljudje različnega rodu »kaj kmalu postanejo pravi Američani, saj se kulturne razlike zabrišejo ali vsaj zmanjšajo zaradi zlitja v večkulturno družbo, medtem ko so se v večjih mestih ohranile »posebne četrti, v katerih prebivajo ljudje samo določene narodnosti ali rase« (Kolenc-Kolnik idr. 2000: 62). V že omenjenem učbeniku (Senegačnik, Drobnjak 2000) pa je bolj kot Balkan stereotipno, negativno in kot »totalno druga« opisana Vzhodna Evropa:

Vzhodna Evropa se precej razlikuje od drugih delov Evrope, [...] V primerjavi z ostalimi je izredno enoličen. [...] Podobno bi lahko trdili tudi za družbene značilnosti. Povsod v Vzhodni Evropi je zunanji videz naselij, kmetijskih in industrijskih obratov skoraj enak, zelo podoben pa je tudi način življenja. [...] Zelo podobno lahko rečemo tudi o azijskem delu Rusije. (Senegačnik, Drobnjak 2000: 131)

Opisu sta dodani še dve fotografiji s podpisom v istem slogu: Ljudje v mestih večinoma živijo »v enoličnih stanovanjskih blokih, ki so si po celi Rusiji podobni kot jajce jajcu« in tudi vasi so si med seboj »skoraj enake« (prav tam). Tudi miselni vzorec za Vzhodno Evropo je, v nasprotju s prevladujočimi nevtralnimi ali pozitivnimi miselnimi vzorci za preostalo Evropo večinsko negativno obeležen (»Enoličen videz naselij, Obsežna neposeljena območja, Močno prizadeto okolje, Problemi industrije in rudarstva, Problemi kmetijske pridelave, Dediščina Sovjetske zveze«; prav tam: 144–145).

## Hierarhičen koncept kulture

V drugem sklopu natančneje razčlenjujem naslednje vsebine: (1) nejasna uporaba konceptov kultura in civilizacija; (2) impliciten ali ekspliciten hierarhičen koncept kulture in razvojni diskurz; (3) linearno načelo socialne evolucije; (4) reinvencija tradicije (prekomerno poudarjanje navezanosti posameznih etničnih skupin na naravo).

Vse našteje vsebine so zelo prisotne v večini analiziranih učbenikov, nedvomno pa po zastopnosti izrazito izstopata neproblematiziran, neustrezen in tudi škodljiv razvojni diskurz in hierarhičen koncept kulture. Tako je zelo pogosta, skopo pojasnjena in neproblematizirana uporaba izraza »visoke civilizacije« (npr. Verdev 2007: 22); »gospodarsko in kulturno najbolj razvita ljudstva«, »visoko razvite in kulturne družbe«, »plemena, ki so dosegla najvišjo stopnjo civilizacijskega razvoja« in »zelo različne stopnje gospodarskega in kulturnega razvoja« (Resnik Planinc idr. 2000: 58, 65); »zelo visoko razvita kultura« (Kolenc Kolnik 2000: 74) itd. Hierarhičen diskurz je prisoten tudi na način, da je bilo »srečanje s civilizacijo za mnoge Indijance usodno«, saj avtorji s tem predpostavljajo »civiliziranost« Evropejcev v nasprotju z »neciviliziranostjo« Indijancev (Resnik Planinc idr. 2000: 43).

Opisi sodobnih (zahodno)evropskih družb kot uspešnih in »naprednih« temeljijo na skoraj najpogosteje uporabljenem izrazu »razvit«. Pri tem so kriteriji razvitosti običajno zamolčani, z razvitostjo pa se (hote ali nehote) predpostavlja splošno, tj. družbeno, kulturno razvitost, kar izhaja iz hierarhičnega

<sup>4</sup> Dostopno na: <http://www.dnevnik.si/novice/neverjetno/1042420949>, 9. 8. 2011.



koncepta kulture. Tako preberemo, da so tudi znotraj Evrope »razvitejše«, »najrazvitejše«, »visoko razvite« in tudi »(naj)manj razvite države« (Senegačnik 2009: 12–15, 68, 76, 87; podobno tudi Senegačnik, Drobnejak 2000: 24, 44–46, 53, 74, 85, 122); »manj razviti Balkan« (prav tam: 32) in razdeljena Srednja Evropa na »bolj razvite kapitalistične države na zahodu in manj razvite socialistične države na vzhodu« (prav tam: 40). Podobno je opredeljena tudi Azija z »manj razvitima« Indijo in Pakistanom in »visoko razvito« Japonsko, ki je prehitela druge »najrazvitejše države sveta« in je uvrščena poleg »razvitih evropskih držav« in ZDA (prav tam: 113, 126; podobno tudi Senegačnik, Drobnejak 2000: 152). Prav tako je treba problematizirati tudi v drugih diskurzih zelo prisotno razvojno terminologijo z izrazi, kot so »svet v razvoju«, »nerazviti svet« (npr. Verdev 2009: 15–16, 30–31, 84, 90, 92, 95–96) itd.

Na dnu uporabljene hierarhije so neevropska ljudstva, ki so v enem od učbenikov opisana z besedami: »Na najnižji razvojni stopnji so tista, ki se ukvarjajo z nabiralništvom (nabiranjem plodov) in lovom« (Senegačnik 2008: 58), in orisana z ilustracijo pripadnika ljudstva Baka (»Pigmejca«) v Afriki, ki stereotipno predstavlja predstavnika »najnižje razvojne stopnje« pred vhodom v jamo, z mečem v rokah in skoraj golega (Senegačnik 2008: 58). Podoben opis prebivalcev tropskih gozdov najdemo v *Geografiji 8*, kjer so izpostavljene tiste njihove lastnosti, ki se jih sicer pri »sodobnih« ljudstvih izpušča, saj so skorajda samoumevne, delujejo banalno in infantilizirajo opisane ljudi, obenem pa poudarjajo njihovo »zaostalost«, »neciviliziranost« in navezanost na naravo (Resnik Planinc 2000: 65). »Gozdni Indijanci« so tudi na fotografiji prikazani v svoji »tipični« podobi (preluknjana nos in usta, poslikave obraza, nakit), podnapis pa pove, da ti ljudje »prihajajo v stik s civilizacijo samo ob velikih rekah in v posameznih tržnih krajih« (prav tam: 67). Drugače od njih so upodobljeni tudi »andski Indijanci«, ki se »po svoji prvotno višji kulturni stopnji ter načinu prevzema evropske civilizacije najmočnejše razlikujejo od ostalih Indijancev«, pri čemer je stik z »belim svetom pomenil nazadovanje samobitnosti, prevzemanje tujih civilizacijskih oblik, socialno zapostavljenost ter zelo močno krvno mešanje« (prav tam).

Diskurz razvitosti je v učbenikih o Ameriki zelo zastopan (npr. Popit, Resnik Planinc 2000: 21, 44), ne pa tudi problematiziran (npr. Kolenc Kolnik idr. 2000: 109–110), predvsem ko je govor o ZDA in Kanadi, medtem ko so ameriški staroselci kot pripadniki »rumene rase« oziroma »rumenorjave polti« (Kolenc Kolnik idr. 2000: 61) običajno predstavljeni kot »manj razviti« ali »nerazviti«. Ko je govor o »razvitosti«, Afrika seveda pride na vrsto zadnja. V večini učbenikov tako izvemo, da so države afriškega severa »razvitejše« (Novak idr. 2001: 19; Kolenc Kolnik idr. 2000: 17), ker naj bi Sredozemsko morje pripomoglo k višji »zdajšnji stopnji družbenega razvoja Severne Afrike, saj je ta podobna evropski«, »najbolj razvita afriška država« pa je Južnoafriška republika (Novak idr. 2001: 22, 34).

In kje v tej »razvito-nerazviti« zgodbi je Slovenija? V osnovnošolskih učbenikih za geografijo ji je namenjen učni program v 9. razredu. V vseh treh analiziranih učbenikih (Senegačnik idr. 1999: 8, 10, 49; Račič, Večerič 2002: 13; Novak 2003: 96, 98, 102, 107) se tako kot v veliki večini učbenikov za nižje razrede dosledno uporablja razvojni diskurz in v skladu z njim Slovenija sodi med »srednje razvite evropske države in smo v svetovnem merilu vsekakor del razvitega sveta« (Senegačnik idr. 1999: 8).

## »Rasa« in ras(istič)ni diskurz

Tretji sklop analiziranih učbeniških vsebin se nanaša na: (1) neproblematizirano uporabo koncepta »rase« in »rasne« paradigme kot samoumevnega znanstvenega dejstva; (2) poudarjenost, homogenizacija in rasistična hierarhizacija »rasnih«, kulturnih in drugih razlik; (3) stereotipizacija z uporabo oznak »belo-črno«.

Praktično v vseh analiziranih učbenikih je uporaba koncepta »rase«, »rasne« paradigme in ras(istič)nega diskurza z opisi telesnih in drugih razlik zelo prisotna in neproblematizirana. Kritično branje učbenikov celo pušča vtis, da mora biti učenec nujno in najprej seznanjen z »rasno« strukturo in s potencialnim »rasnim« mešanjem posamezne celine ali države. Naj ponazorim s primerom diskurza iz enega od učbenikov, kjer je »rasa« nepojasnjena in uporabljena kot samoumevno znanstveno dejstvo,

ko avtor piše, da med Aziji prevladujejo pripadniki »rumene rase« (ponazorjeni s fotografijo Japoncev), za katero so značilni »debela veka, črni lasje in nekoliko nižja postava. [...] Beli ljudje so to raso pogosto podcenjevali, gospodarski razvoj današnjega sveta pa je najboljši dokaz o zmotnosti tega mnenja« (Senegačnik v Senegačnik, Drobnjak 2000: 153). Gospodarski napredek naj bi bil glavni argument za enakovrednost »ras«: tisti, ki ga ne zmorejo, so posledično upravičeno »podcenjeni«. Diskurza o »rasah« pa s tem še ni konec, saj obsežna območja Azije poseljuje še »bela rasa«, h kateri prištevamo tudi Indijce (ponazorjeni s fotografijo), čeprav so »nekoliko temnejše polti«, ter »mejne rasne skupine« in »med seboj pomešani pripadniki različnih ras« (prav tam). Učenci pa morajo na »karti človeških ras v atlasu« določiti razširjenost »rumene in bele rase« (prav tam, pa tudi 156–157, 166). »Prebivalstvo rumene rase« je dodatno ponazorjeno tudi v miselnem vzorcu Azije (prav tam: 178). Tudi v *Geografiji 7* (Račič, Tomšič 2005: 16) in v skoraj vseh analiziranih učbenikih je podobno nepojasnjeno in neproblematizirano opisana »prevladujoča rumena« obarvanost prebivalstva vzhodne Azije.

Je pa rasistični diskurz najbolj izpostavljen v učbenikih o Afriki. Tako se zdi, da je celotno poglavje o tej »črni celini« na primer v *Geografiji za 8. razred* (Novak idr. 2001: 10–11) prepleteno z vprašanjem »ras«, njihovo razporeditvijo in načinom življenja. Južna Afrika je bila zaradi nižjih temperatur »privlačna za naselitev belega evropskega prebivalstva,« kar ji je dalo »poseben pečat« (prav tam: 11).<sup>5</sup> O kakšnih drugih v zrokih za naselitev ne izvemo. Prav tako sporna sta v *Geografiji za 8. razred* (Novak idr. 2001) naslov poglavja Ljudje v barvah čokolade in vsebina, še zlasti zaradi kategorizacije »rasnih drobcev«:

Res je, da po rasni pripadnosti Afričane najpreprosteje delimo na belo prebivalstvo [...] in na črno. [...] Vendar Afrika ni celina, na kateri bi živeli samo »črnci« in »belci«, ampak je veliko tudi prebivalcev, katerih barva kože je nekje vmes. Najstarejši znani prebivalci so majhni Pigmejci in Grmičarji (Bušmani), ki zaradi posebnih telesnih značilnosti ne sodijo v nobeno izmed rasnih skupin. Skupaj s Hotentoti jih zato uvrščamo v tako imenovane rasne drobce. [...] V »črni« Afriki so najštevilnejša ljudstva Bantu, sledijo pa jim še nekoliko temnejši sudanski črnci. Oboji živijo v plemenih. [...] (Novak in drugi 2001: 21)

Tudi v poglavju Premisli sta obe nalogi za učence povezani z vprašanjem »rase«, ki ostaja nepojasnjena. Še bolj problematičen pa je napotek k ogledu filma Bogovi so padli na glavo, v katerem ima »pomembno vlogo« »pleme Grmičarjev« kot predstavnikov »rasnih drobcev« in za katerega morajo učenci povedati, zakaj so »nekaj posebnega«, kar je še poudarjeno z njihovo fotografijo (prav tam: 33). Diskurz o »plemenih črne rase« in »beli rasi« se nadaljuje tudi v naslednjih poglavjih (prav tam: 24, 26, 28–35). O neustrezno imenovanih »Pigmejcih« še zapišejo, da »[k]ljub nekaterim stikom s civilizacijo [...] še naprej živijo v sozvočju z naravo« (prav tam: 28–29). Tudi *Geografija 8* uporablja rasistični diskurz v poglavju o prebivalstvu Afrike, kjer se večtisočletno »mešanje prebivalstva črne celine« odraža tako v »rasni«, jezikovni, verski pestrosti kot tudi v »stopnji družbenoekonomskega razvoja«, pri čemer je ta celina opisana večinoma z negativnimi določevalci: »številno črno prebivalstvo, hitra rast prebivalstva, nepismenost, tropske bolezni, prevladujoča islam in krščanstvo« (Resnik Planinc idr. 2000: 18). »Rasna« struktura je nadalje razdelana ob koncu poglavja, kjer avtorji poleg »črncev, belcev in pripadnikov rumene rase« v večini analiziranih učbenikov uporabljajo slabšalne izraze: »mešanci«, »rasni drobci«, »Pigmejci, Grmičarji in Hotentoti«<sup>6</sup> (prav tam: 19, o tem tudi Kolenc Kolnik idr. 2000: 16–17, 22). Naslednji izsek iz besedila enega od učbenikov pa kaže na še dodaten izrazito kulturno hierarhično vrednoten način življenja, ki je tudi na semantični sobesedilni ravni zelo problematičen: »Beli ljudje težko živijo v ekvatorialnem podnebbju. [...] Največ je Bantu črncev, nekaj je tudi Pigmejcev in različnih mešancev. Velika vlažnost in visoke temperature prijajo insektom (komarjem in muham)« (Kolenc Kolnik idr. 2000: 22).

5 V *Geografiji 8* je na začetku poglavja o geografski delitvi Afrike fotografija neoblečenih in skromno oblečenih temnopoltih otrok, ki nima nobenega drugega (vsebinskega) pomena kot simbolnega sporočanja o njihovi »drugosti«. Na podoben način delujejo tudi fotografije »tipičnih« predstavnikov afriških prebivalcev (»sudanskega črnca, Tuarega, Bantu črnca in Masaja«) (Resnik Planinc idr. 2000: 16, 18).

6 Ustrezna imena so: Mbuti ali Baka, Sani in Khoikhoi.

Izrazito nekritično in skopo, brez zgodovinskega konteksta, opisa segregacijskih oblik itd. je opisana politika rasnega razlikovanja v Južnoafriški republiki. O apartheidu je zapisano le to, da je »beli manjšini omogočal ugodnosti na vseh področjih in je bil v veljavi vse od leta 1948« in da se kljub njegovi odpravi »še vedno pojavljajo spori med različnimi rasnimi skupinami«. Skoraj pomembnejša se ponovno zdi »rasna« sestava južne Afrike s »črnci, belci«, Azijci in »mešanci« (Resnik Planinc idr.: 2000: 26–27).

Glede uporabe »rasne« paradigme in razvojne terminologije tudi Amerika ni nobena izjema. V omenjenem učbeniku tako Indijanci kot Eskimi<sup>7</sup> pripadajo »rumeni rasi«, besedilu pa je dodana tudi fotografija predstavnikov »posameznih rasnih skupin v Severni Ameriki: A – belec (!), B – indijanka, C – črnka, D – mestic« (tj. »mešanec med Indijancem in belcem«), omenjeni pa so tudi mulati, tj. »mešanci med belci in črnci« (Resnik Planinc idr. 2000: 46). Tudi v zaključnih napotkih učencem in v povzetku poglavja je velik poudarek na »rasni strukturi« Severne Amerike (prav tam: 47). V primeru Južne Amerike je »rasna« sestava (»mestici, belci, Indijanci, črnci in mulati«) ravno tako zelo izpostavljena, grafično ponazorjena in, kot ugotavljajo avtorji, »[n]ikjer na svetu niso rase tako pomešane kot v Južni Ameriki« (prav tam: 66). Nič drugače ni s Srednjo Ameriko, kjer so se »[č]isti Indijanci in indijansko-beli mešanci mestici« obdržali kot večina samo v vsej Medmorski Ameriki in Mehiki (prav tam: 59; podobno tudi Kolenc Kolnik 2000: 80). V drugem učbeniku je o prebivalstvu Latinske Amerike zapisano: »Tako so potomci iz mešanih zakonov ustvarili pravi mozaik prebivalstva. Danes tu živijo Indijanci, belci, črnci in mešanci: mulati, mestici in zambi. Mulati so potomci belih in črnih staršev, mestici belih in indijanskih, zambi pa črnih in indijanskih. Pripadniki glavnih ras imajo do mešancev pogosto odklonilen odnos« (podobno tudi Novak idr. 2001: 65–67). Omenjeni so še Kreoli kot »čistokrvni potomci prvotnih španskih priseljencev«, na fotografijah pa so prikazani »tipični predstavniki različnih rasnih skupin« (Kolenc Kolnik 2000: 81), ne da bi bilo vprašanje t. i. »mešancev«, »čistokrvnosti« in »glavnih ras« kakorkoli problematizirano.

Poudarjenost, homogenizacija in hierarhizacija »rasnih« in drugih razlik so v analiziranih učbenikih pogoste tudi v obravnavi avstralskih staroselcev, ki jih nekateri avtorji zaradi njihovih telesnih značilnosti uvrščajo med »rasne drobce« (Novak idr. 2001: 80). V *Geografiji 8* se opis Avstralije začne z njeno geografsko lego, »posebnim rastlinskim in živalskim svetov« in v istem kontekstu (!) s stavkom o temnopoltih aboriginih (Resnik Planinc idr. 2000: 30). V drugem učbeniku pa so predstavljene njihove fizične (»temnopolti, srednje rasti, širokih nosov, precej poraščeni, skodrani las in razmeroma kratkih udov«) in bivanjske značilnosti (spanje »pod milim nebom ali v preprostih zakloniščih iz rastlinja«); (Kolenc Kolnik idr. 2000: 36). Večkrat je uporabljen tudi neustrezen izraz »domorodci« (prav tam: 33, 36, 47), s katerim so označena tudi staroselska ljudstva v Latinski Ameriki (prav tam: 90, 91).

»Rasna« paradigma in hierarhično razvrščanje »rasnih« in kulturnih razlik sta v enem od učbenikov uporabljena tudi pri opisu Melanezijcev in Polinezijcev v Oceaniji, ki močno asociira na nesprejemljivo primerjavo med Evropejci in Neevropejci: »Prebivalci se razlikujejo med seboj po telesnih značilnostih in stopnji omike. [...] Bolj omikani (od Melanezijcev, op. a.) so Polinezijci. Ti so visoke rasti in svetle polti ter izvrstni poljedelci in pomorščaki« (Kolenc Kolnik idr. 2000: 43).

## Legitimacija in racionalizacija evropskega kolonializma, izkoriščanja in rasizma

Ugotovitve o učbeniškem diskurzu o zgodovini evropskega kolonializma in njegovem izteku v sodobnejše neokolonialne oblike diskriminacije in rasizma sem strnila v predzadnji sklop z naslednjima vsebinskima poudarkoma: (1) stereotipne reprezentacije evropskega kolonializma kot »raziskovalne vne-me«, »odkriteljstva«, »pustolovstva«; (2) zamolčano ali relativizirano genocidno in etnocidno ravnanje Evropejcev, suženjstvo in trgovina s sužnji ter apartheid.

7 Ime Eskim je po mnenju nekaterih neustrezen, ker gre za evropsko oznako tega polarnega ljudstva, ki jih zaznamuje z negativno lastnostjo, tj. jedenjem surovega mesa, kar beseda pomeni. Kljub temu učbeniki v veliki meri uporabljajo prav ta izraz (npr. Resnik Planinc 2000: 43, 49, 50, 74; Kolenc Kolnik 2000: 99, Popit, Resnik Planinc 2000: 35), nekateri pa le vsebujejo pojasnilo o ustreznjšem imenu Inuit (prav tam: 51).

Obe vsebini lahko zasledimo v večini analiziranih učbenikov od 6. do 8. razreda. Tako so v uvodu enega od učbenikov na skromen in nevtralen način ter brez kritične refleksije kolonializma opisani razlogi srednjeveških odprav na potovanja: »da bi našli bogate dežele«, ker so želeli z ljudmi trgovati in tudi zato, »da bi si jih prilastili«. Na teh odpravah so »najpogumnejši« in »najbolj vedoželjni« raziskovalci vedno odkrivali »nove, dotlej neznane kraje in navade tujih ljudi« (Kolenc Kolnik 2004: 9–10). V drugem učbeniku podobno spoznamo, da naj bi evropski kolonializem v kolonijah vplival predvsem na jezik (Račič, Tomšič 2005: 48). Zelo nevtralnno, skromno in nepolemično o tej temi piše tudi Senegačnik (2009: 66–67), ki pojav upravičuje z argumentom, da so »z naraščajočim razvojem industrije« te države »potrebovale čedalje več surovin«, ki so jih uvažale iz svojih kolonij, »po drugi strani pa so potrebovale tržišče za svoje industrijske izdelke« (prav tam: 67, 70). Skoraj identičen diskurz je še v enem učbeniku, kjer je opis kolonializma izrazito nevtralen in implicitno opravičuje evropsko ekspanzijo z »velikimi« odkritji, potrebo po surovinah in tržiščih za svoje industrijske izdelke ter rastočim industrijskim razvojem, obenem pa sporoča, da naj bi bila osvojena območja do prihoda Evropejcev »še neosvojeni deli sveta«, torej prazni (Senegačnik v Senegačnik, Drobnjak 2000: 84, 95–98). Tudi v poglavju o Aziji ni ničesar o evropskem kolonializmu in njegovem vplivu. *Geografija 7* izjemoma omenja, da se je z de Gaminim potovanjem v Indijo začelo več kot 400 let trajajoče obdobje evropske kolonizacije azijskih dežel, ki je temeljila na »gospodarskem izkoriščanju in političnem zatiranju« (Miklavc Pintarič, Popit 2005: 8). Drug učbenik na začetku poglavja o Zahodni Evropi sicer enostavno omeni, da so te države imele v preteklosti velike prekomorske kolonije in tako »nadzorovale in izkoriščale velik del sveta«, kar pa je v nadaljevanju relativizirano in racionalizirano na naslednji način: »Pred prebivalstvom Zahodne Evrope je bil vedno na široko odprt svet. Zato ni nič nenavadnega, da so bile te dežele največje osvajalke sveta« (Verdev 2009: 49, 54). »Tipičen« diskurz o Kristofu Kolumbu in veličini njegovega odkritja zasledimo tudi v učbeniku za 8. razred avtorjev Kolenc Kolnik idr. (2000: 50). O njegovi »najdrznejši in najbolj tvegani poti« ter o »odkrivanju« nove celine pa pišejo tudi Novak in drugi avtorji (2001: 39), kjer o genocidu nad staroselci ne izvemo praktično nič, poudarjene so razlike med »svetovi«, nevtralen diskurz o stiku z Evropejci pa pogosto temelji na uporabi trpnika:

Geografska odkritja so povzročila velike spremembe v življenju ljudi in njihovem gledanju na svet. Srečala sta se dva kulturno in miselno nasprotujoča si svetova, ki drug drugega nista poznala, še manj pa razumela. [...] Staroselci so živeli na veliko nižji stopnji gospodarskega razvoja kot priselenci iz Evrope. Ti so sprva Indijance in pozneje iz Afrike pripeljane črnce izkoriščali kot poceni delovno silo.

Temu sledi poudarjen opis pozitivnih strani odkritij in evropske prevlade (»hitrejše širjenje evropske miselnosti, kulture, znanosti in gospodarstva«), kjer je genocid omenjen zgolj kot »napaka« (Novak idr. 2001: 39). V naslednjem poglavju je na podoben »pustolovski« in romantiziran način opisano »tvegano prodiranje« evropskih priselencev na zahod Severne Amerike: »Ti pogumni možje so odprli poti stezosledcem, ki so prek številnih naravnih ovir vodili karavane pionirjev daleč na Zahod v smeri, kjer sonce zahaja za obzorjem« (prav tam: 40). Šele na strani 46 v skromni in fragmentarni obliki izvemo število staroselcev pred začetkom naseljevanja evropskih »vsiljivcev« in po njem, nato pa se v poglavju *Gospodarska moč ZDA* ponovno vrnemo na »pionirsko« delo prvih evropskih naseljenecv na njihovi poti na »Divji zahod« (!). V sklepu je vendarle kritično dodano, da kljub »pogumnim dejanjem pionirjev pri prodiranju na Zahod« sodobni Američani »žalostno usodo Indijancev« radi zamolčijo. A že naslednje podpoglavje ponovno izpostavlja pomen kavbojev kot »najboljših pastirjev« in veliko vlogo kmetijstva v gospodarskem napredku države (prav tam: 53). Tudi v drugem učbeniku (Novak idr. 2001) se stereotipizirano naslovljeno poglavje *Vročje, bolj vroče – Afrika začne s podnaslovom Težave belcev v tropski Afriki* in opisuje evropsko »odkrivanje« zahodnoafriške obale, pri čemer je tekst napisan povsem z vidika evropskih raziskovalcev in njihovih težav na poti (prav tam: 14–17). O kolonializmu in »težavah« tamkajšnjih ljudi zaradi stika z Evropejci lahko v dveh stavkih beremo šele na strani 22, fragmentarno ter nesistematično pa še na strani 27. Še največ izvemo v poglavju *Črni sužnji iz Zahodne*

Afrike za Novi svet, kjer pa pogosta uporaba trpnika dostikrat zamolči akterja dejanja (»Z geografskimi odkritji konec 15. stoletja [...] se je začela tudi najbolj žalostna zgodovina Afrike. [...] Trgovina s sužnji se je v 17. stoletju zelo razmahnila. [...] Donosna trgovina in suženjstvo sta se ohranila do sredine 19. stoletja« (prav tam: 30).<sup>8</sup>

Zelo nevtralen diskurz o kolonializmu in evropskih kolonialistih v Ameriki je vsaj še v dveh učbenikih (Kolenc Kolnik idr. 2000: 61; Resnik Planinc idr. 2000: 22, 42). Zdi se, da avtorji več poudarka posvečajo razlikam med francosko in angleško kolonizacijo kot pa posledicam za staroselska ljudstva. Tudi kolonizacija Latinske Amerike je najprej predstavljena skozi »kulturni pečat« Špancev, šele v drugem odstavku pa kot »brezobzirno izkoriščanje«, ki pa ga avtorji takoj za tem neposrečeno in cinično racionalizirajo: »Ker so se belci težko privadili težkemu delu v tropskem podnebnju, so večino delovne sile predstavljali črnci, ki so jih kot sužnje pripeljali iz Afrike. Črnci so bili pri delu na plantažah najbolj odporni« (prav tam: 59). Opis kolonizacije Latinske Amerike v nadaljevanju izključi negativne vidike in poudarja pozitivne: gospodarski razvoj pod vodstvom pretežno »belega« prebivalstva, evropski jezikovni vpliv na kulturo, evropski prispevek v kmetijstvu (prav tam: 66). Tudi v primeru »odkrivanja« Avstralije in Nove Zelandije zasledimo »pogumne pomorščake« in »najuspešnejše raziskovalce«, ki so prišli v stik sicer »zelo pogumnimi in v ravnanju s čolni zelo spretnimi domačini Maori« (Novak idr. 2001: 74) in so kljub naravnim pastem »z vso vnemo raziskovali notranjost celine« (prav tam: 80).

Nič drugačen ni diskurz o polarnih območjih: »Nobeno iskanje neznanega sveta pa ni prineslo toliko požrtvovalnosti, poguma, vztrajnosti, naporov, žrtvovanja, pa tudi tekmovalnosti in želje po slavi, kot osvajanje obeh Zemljinih polov« (prav tam: 89). O izkoriščanju in nasilju nad avstralskimi staroselci izvemo zelo malo (npr., da so šele »v zadnjem času dobili zaščitno zakonodajo, ki jim omogoča preživetje in razvoj« (Resnik Planinc 2000: 31, 34). Spet v drugem učbeniku ne izvemo ničesar o sodobnih vidikih diskriminacije staroselcev, ki se »v sodobni avstralski družbi ne znajdejo najbolje« (Kolenc Kolnik idr. 2000: 36). Isti avtorji se iste dikcije držijo tudi v primeru Inuitov in Indijancev, ki se »v sodobnem ameriškem načinu življenja kljub državni podpori in zaščiti ne znajdejo prav dobro« (prav tam: 61). O diskriminaciji v učbeniku eksplicitno spregovorijo samo v primeru Latinske Amerike, in to predvsem v zvezi z otroki, o čemer priča tudi fotografija petih južnoameriških dečkov z moralistično konotiranim pripisom: »Otroci ulice. Nasmeh je le za fotografa, vsakdanost teh otrok pa je precej žalostna« (prav tam: 92). Vsaj omenjena pa je krivda britanskih naseljencev za izumiranje (odvzeta zemlja, bolezni) v primeru novozelandskih Maorov (Resnik Planinc idr. 2000: 37).

## Ahistoričnost vzrokov asimetrične ureditve sodobnega sveta in nekritično izpostavljanje zahodnega humanitarizma

Zadnji, peti sklop analiziranih vsebin temelji na naslednjih poudarkih: (1) zamolčanost zgodovinske povezanosti med evropskim gospodarsko-tehnološkim vzponom in izkoriščanjem neevropskega sveta z vidika obstoječe svetovne geometrije moči; (2) poudarjanje zahodnega humanitarizma, filantropije, razvojne pomoči in paternalizma pri reševanju problemov v neevropskem svetu.

Poudarjene gospodarsko-tehnološke in kulturne razlike med evropskim in neevropskim svetom, ki so pogosto tudi implicitno ali eksplicitno hierarhično vrednotene, najdemo v učbenikih za 7. in 8. razred in se nanašajo na vse celine. Tako je na primer (srednja) Azija v enem od učbenikov (Verdev 2009) v poglavju Svet nasprotij (!) s še pomenljivejšimi podnaslovi<sup>9</sup> moralistično opisana: »V gospodarsko razvitem svetu, kjer imamo skoraj vse, kar si zaželim, težko razumemo, da so ljudem ponekod po svetu kratene osnovne človekove pravice, da nimajo strehe nad glavo, da že več dni niso jedli, da delajo cele dneve

8 O izkoriščanju in politiki apartheida informativno izvemo še v poglavju o Južni Afriki (Novak idr. 2001: 32).

9 Revščina in lakota, Bolezni in epidemije, Naravne in ekološke nesreče, Vojaški spopadi in begunci, Nepismenost, Otroško delo.

za nekaj evrov na mesec. Najhuje je, da se to pogosto dogaja otrokom, ki bi se morali brezskrbno igrati in uživati v otroštvu» (prav tam: 102). Avtorica sicer okrcra velika mednarodna podjetja zaradi izvoza umazane industrije v te države, v opisu različnih konfliktov in oboroženih spopadov, ki so za »revne in gospodarsko nerazvite države značilni« (prav tam: 103), pa so vpleteni mednarodni akterji pogosto zamolčani. Poglavlje je ponazorjeno tudi s fotografijami neurejenih bivališč in skromno oblečenih, umazanih in prosečih otrok z izrazitim moralističnim podnapisom: »Kakšna prihodnost čaka deklice na sliki?« (prav tam).

Afrika tudi tu na eni strani nastopa kot stereotipno utelešenje vsega negativnega, na drugi pa (zahodne) pomoči potrebnega. Tako sta zahodna filantropija in »plemenita pomoč« Evrope afriškim državam, zlasti območju Sahela, v enem od učbenikov izpostavljeni na izrazito pristranski paternalistični način, ki ne omenja kompleksne vpletenosti evropskih držav zaradi njihovih geostrateških interesov v številnih afriških državah, obenem pa izhaja iz »tipične« predpostavke o intelektualni večvrednosti Evropejcev: »Razvite države bi morale Afričanom pomagati ustvariti lastno, domačim razmeram prilagojeno gospodarsko osnovo. Naučiti bi jih morale smotrnega gospodarjenja, da bi se lahko sami preživljali. Sicer pa že star kitajski pregovor pravi: »Lačnemu ne dajaj ribe, ampak ga rajši nauči loviti ribe.« (Kolenc Kolnik idr. 2000: 24). Besedilu je dodana še fotografija golega podhranjenega otroka. Na razlike med Evropejci in Neevropejci zelo eksplicitno tekstualno in slikovno opozarjajo tudi Novak idr. (2001: 93). Med globalnimi izzivi je med drugim omenjeno pomanjkanje hrane. Na fotografiji je prikazan temnopolti deček s hrano na krožniku, ki so jo dolgi vrsti čakajočih dali pripadniki mednarodne pomoči, s pripisom: »Mednarodna pomoč reši življenje marsikateremu otroku – podobno kot temu malčku v Somaliji.«<sup>10</sup>

Večina učbenikov podoba Afrike (z delno izjemo njenega severnega dela) izrazito negativno karakterizira z »nerazvitostjo«, revščino, s sušo, z lakoto, s politično nestabilnostjo, kriminalom ... Najbrž ni bolj ilustrativnega in hkrati že na meji ciničnega primera kot miselni vzorec v enem od učbenikov, kjer je ta celina na dveh straneh s tekstom in fotografijami celostno predstavljena z naslednjimi atributi: »Problemi prometne povezanosti (cela Afrika), Plemenska nasprotja, vojaški spopadi in begunci (cela Afrika), Revščina in lakota (Tropska Afrika), Uničevanje tropskega deževnega gozda (Tropska Afrika), Širjenje puščav (Severna in Tropska Afrika), Hitro naraščanje prebivalstva (cela Afrika)« (Kolenc Kolnik idr. 2000: 28–29).

Revščina staroselskih ljudstev je pogosto izpostavljena tema tudi v spoznavanju Amerik. V enem od učbenikov avtorji na vprašanje, ali bodo države Latinske Amerike pri svojem gospodarskem in družbenem »razvoju« dale prednost tradicionalnemu ali sodobnemu visokotehnološkemu gospodarjenju, ponujajo skrajno evropocentrično paternalističen odgovor: »Naloga ni lahka in zato bodo potrebovale pomoč razvitega sveta« (Kolenc Kolnik idr. 2000: 91). Pretežno negativna reprezentacija Latinske Amerike je povzeta tudi v miselnem vzorcu ob koncu poglavja. Od osmih prikazanih »tipičnih značilnosti« jih je kar pet izrazito negativnih: naravne katastrofe, uničevanje tropskega deževnega gozda, diskriminacija in izumiranje prvotnega prebivalstva, velike socialne razlike in prenaseljenost v velikih mestih, vsaj še dve – »mešanje različnih ras« in monokulturno gospodarstvo – pa imata, če ju interpretiramo sobesedilno, negativno konotacijo. Podobno je vsaj še v enem učbeniku, kjer avtorji izrazito poudarjajo getoizirano in marginalizirano življenje Indijancev in »črncev« (tudi slikovno), zlasti v velemestih, s pokroviteljskim podnapisom: »Ljudje temnejše polti so ujeti v začaran krog revščine. Morda jim upanje v svetlejšo prihodnost daje vera ...« (Novak idr. 2001: 67). Je pa v omenjenem učbeniku ustrezno razčlenjen velik vpliv kolonialne preteklosti, ki se kaže v obstoju majhnega števila veleposestnikov, monokulturnem kmetijstvu, namenjenem pretežno izvozu, in velikih domačih in tujih gospodarskih trgovskih družb (Novak idr. 2001: 68–71). V učbeniku *Spoznavamo Afriko in novi svet* je ustrezno problematizirano izkoriščanje naravnih bogastev na staroselskih ozemljih predvsem s strani tujih in domačih družb. V njem je odprto tudi vprašanje uničevanja amazonskega deževnega gozda in

<sup>10</sup> Podobno tudi v Popit, Resnik Planinc 2000: 27 ter v Resnik Planinc idr. 2000: 23.





pa svetovne zgodovine in (politične in simbolne) geografije ne prikazovati kot zgodovine in geografije Evrope oziroma zahoda in »preostanka« sveta (*The West and the Rest*), torej skozi evropsko miselno perspektivo in vrednotno paradigmo, pač pa čim bolj policentrično in pluralno z vlogo in s pomenom vsake celine v globalnem kontekstu.

Spremenjen izobraževalni diskurz pa pomeni tudi opolnomočenje učiteljev glede: a) vsebinskih in diskurzivnih pomanjkljivosti in netočnosti v obstoječih učbenikih; b) vrednotnih, ideoloških in kulturnih pristranskosti in obremenjenosti obravnavanih tem (npr. vloge mednarodnih vladnih in nevladnih (tudi humanitarnih) institucij v ohranjanju neokolonialnih razmerij in novodobnega suženjstva); c) besedišča (neustrezni izrazi, zastarela poimenovanja, (neo)kolonialni koncepti ...); č) rasističnega diskurza in »rasne« paradigme kot že zdavnaj preživetih konceptov brez znanstvene veljave v biologiji, antropologiji, genetiki in tudi geografiji, zgodovini itd.; d) »nefosilizacije« in »neeksotizacije« posameznih ljudstev (zlasti staroselskih) kot »živih fosilov« iz določenega zgodovinskega obdobja.

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## SUMMARY

### **SLOVENE TEXTBOOKS AS AN AGENT OF ETHNOCENTRIC AND RACIST SOCIALIZATION: THE CASE OF ELEMENTARY SCHOOL GEOGRAPHY TEXTBOOKS**

Ksenija ŠABEC

The aim of this article is to determine how contemporary Slovene educational discourse acts as an important generator of stereotypical, negative as well as discriminatory and racist representations of non-Europeans as the European “significant other”. The author applies critical discourse analysis to examine the discourse, contents, linguistic strategies, mental schemas and illustrative material in sixteen Slovene geography textbooks for elementary schools. On the basis of theoretical considerations that geography and history textbooks in particular often enable the defining of potentially possible and plausible situations, which leads to negative, Eurocentric and racist conclusions about non-Europeans and migrants, five sets of findings are summarized: a Eurocentric and stereotypical perspective of world history and the contemporary world, a hierarchical concept of culture, “race” and racist discourse, the legitimization and rationalization of European colonialism, exploitation, and racism, and finally, ahistorical causes of the asymmetric configuration of the modern world and uncritical treatment of Western humanitarianism.

# VRAČANJE POTOMCEV SLOVENSkih IZSELJENCEV V ZDA IN KANADI K SLOVENSki IDENTITETI V KONTEKSTU GLOBALNEGA TRENDa INDIVIDUALIZACIJE

Dejan VALENTINČIČ

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## IZVLEČEK

### **Vračanje potomcev slovenskih izseljencev v ZDA in Kanadi k slovenski identiteti v kontekstu globalnega trenda individualizacije**

Avtor v članku preučuje pojav posameznikov slovenskih korenin iz ZDA in Kanade, ki so stik z etnično identiteto in s slovensko skupnostjo izgubili že zelo zgodaj oz. jim predniki slovenske identitete sploh niso predali, a so jo pozneje (ponovno) odkrili. Življenjske zgodbe posameznikov postavlja v kontekst globalnega trenda individualizacije, ki ga aplicira na omenjene mikro primere. Zanima ga, kaj jih je privedlo do iskanja korenin, kaj jim te pomenijo in kako se renesansa etnične identitete odraža v njihovih življenjih.

KLJUČNE BESEDE: globalni trendi, individualizacija, potomci izseljencev, etnična identiteta, iskanje korenin

## ABSTRACT

### **Reclamation of Slovenian Identity by the Descendants of Slovenian Immigrants in the USA and Canada in the Context of the Global Trend of Individualization**

In this article the author presents a phenomenon of individuals of Slovenian descent living in the United States and Canada, whose ethnic identity and connection with Slovenian ethnic community were either lost early in their lives, or were not even passed down to them by their ancestors, but were later (re)discovered. Life stories of individuals have been put into the context of the global trend of individualization and applied to this local case. The author examines what has motivated them to trace their roots, what this means to them today and how the discovery of Slovenian identity is reflected in their lives.

KEY WORDS: global trends, individualization, Slovenian descendants, ethnic identity, search of roots

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## UVOD

Potomci slovenskih izseljencev v ZDA in Kanadi so bili kot pripadniki nedominantnih etničnih identitet in kultur po vseživljenjskih dinamičnih identifikacijskih procesih (še bolj) izpostavljeni fluidnosti svojih identitet. Kljub temu da so številni veliko časa in energije namenjali ohranjanju etnične identitete, pa nekaterim to ni uspelo in so se asimilirali v večinsko družbo. V raziskavi, v kateri izpostavljam tretji vidik, predstavljam življenjske zgodbe posameznikov, ki so slovensko identiteto že izgubili, a so jo nato ponovno odkrili in navdušeno sprejeli. O sorodnih tematikah so slovenski raziskovalci v preteklosti že pisali.<sup>1</sup> Zaradi omejenega prostora njihovih ugotovitev ne ponavljam; prav tako ne obravnavam problema identitete<sup>2</sup> ter ameriške asimilacijske politike,<sup>3</sup> saj so to obravnavale že številne študije.

V pričujoči raziskavi poskušam proces iskanja korenin in vračanja k etnični identiteti inovativno postaviti v kontekst individualizacije, ki jo označujem kot najpomembnejšo značilnost globalizacije oziroma kot enega od njenih ključnih procesov (Danilova v Genov 2012: 137). Opisuje se jo tudi kot »najpomembnejši megatrend« (NIC 2012: 8). Ta kontekst je še zlasti pomenljiv in zanimiv, ker se etnična identiteta navadno razume kot izrazito kolektivno pogojen pojav, tu pa je situacija povsem drugačna. Zanima me notranja motivacija posameznikov za takšne življenjske spremembe: ali se posamezniki nato vključujejo v etnične strukture slovenskih skupnosti ali gre zgolj za njihov individualistični projekt. Nadalje analiziram njihov odnos do Slovenije, kako njihove družine sprejemajo te transformacije, ali se je proces prenesel na druge družinske člane ter kakšna je povezava med versko in etnično opredelitvijo.

Razumljivo je, da je bil v obravnavanih primerih slovenski jezik že izgubljen. Nekateri učenje jezika močno povezujejo z identiteto, drugi le delno, tretji pa sploh ne. Ker je jezik kompleksnejše vprašanje, razpravo o njem vključujem v vse dele analize.

Osrednji del članka je sestavljen iz dveh delov: teoretičnega, v katerem predstavljam osrednje ugotovitve in stališča ključnih strokovnjakov za globalni trend individualizacije, in empiričnega, v katerem predstavljam in analiziram ugotovitve terenske raziskave. Fenomen preučujem s pomočjo nadvse raznolikih življenjskih zgodb, ki so bogato gradivo za znanstveno analizo. Posamezniki prihajajo iz različnih krajev obeh držav in se med seboj večinoma ne poznajo. Zanimivo pa je, da so vse osebe, katerih pripovedi analiziram, da bi lažje poiskale informacije o slovenskem izvoru ali bile zgolj povezane z najživahnjšim slovenskim dogajanjem, navezale stik s Clevelandom, osrednjim slovenskim središčem v Severni Ameriki.

## UPORABLJENA METODOLOGIJA

Raziskoval sem med obiskom Severne Amerike. Metoda opazovanja z udeležbo je pomembno pripomogla k pridobivanju začetnih informacij in pozneje k spoznavanju organiziranega prireditvenega življenja slovenskih etničnih skupnosti ter osebnega življenjskega sloga posameznikov; te preučujem v empiričnem delu. Opazovanje z udeležbo mi je pomagalo pri temeljnem razumevanju ciljne populacije, iz česar sem izhajal pri nadaljnjih opredeljevanjih raziskovalnih problemov in pristopih k njihovi analizi. Številni neformalni intervjuji in sproščeni neobvezni pogovori so mi pomagali oblikovati temeljno podobo izseljenjskih skupnosti. Teoretiki (npr. Lamut in Macur 2012: 133) sicer opozarjajo na možnost, da pri opazovanju z udeležbo opazovanci spremenijo vedenje. V opisanih primerih takšnih sprememb, zaradi katerih bi pričevanja postala nerelevantna, ni bilo, saj so intervjuvanci poznali raziskovalno ozadje. Opazovanje tako ni bilo etično sporno, z natančno raziskovalno temo pa niso bili seznanjeni.

1 Med domačimi raziskovalci, ki se vsaj posredno dotikajo tematike, glej Milharčič Hladnik 2016; Koderman 2015; Lukšič Hacin in Toplak 2012; Koderman in Mihelič Pulsipher 2012; Žigon 2004; Milharčič Hladnik 2004a; Čebulj Sajko 1999.

2 O tem glej npr. Fazal in Tsagarousianou 2001; Puskas 2002 in Genov 2008.

3 Glej Glazer in Moynihan 1963; Banks 1996 in Crawford 2000.

Prisotnosti raziskovalca niso namenjali nepotrebne pozornosti, ampak so nemoteno nadaljevali aktivnosti; veseli pa so bili raziskovalnega zanimanja zanje. Z nekaj pomembnimi akterji družbenega življenja slovenske skupnosti v Clevelandu sem opravil polstrukturirane pogovore, tematsko povezane z zgodovino skupnosti in današnjim stanjem. Intervjuji so se osredotočali predvsem na dejstva, s čimer sem se skušal izogniti nevarnosti, poimenovani *defence effect* – da bi sogovorniki odgovarjali, kot bi želeli slišati raziskovalec (Bernard 1995: 231).

Kvalitativne podatke za konkretno raziskavo sem pridobil z desetimi biografskimi intervjuji. Namesto biografskih so bili najprej predvideni običajni polstrukturirani intervjuji, a izkazalo se je, da so življenjske zgodbe posameznih intervjuvancev, njihovi motivi za iskanje korenin, osmišljanje etničnosti in aktivacija v slovenski skupnosti zelo različni. Zato sem intervjuvancem omogočil, da so celotno zgodbo povedali, kot so želeli sami, z okvirnimi vprašanji sem jih usmerjali le toliko, da sem od vseh pridobil enako relevantne podatke (glej npr. Milharčič Hladnik 2007). Intervjuvancem sem torej poskušal dati čim več svobode za izražanje (Marentič Požarnik 2001: 74). Tako v empiričnem delu ne poskušam enakovredno predstaviti vseh izkušenj in stališč za vsako vprašanje, ampak sem izbral le najpomembnejše. Vse intervjuvance sem spoznal naključno ter v neformalnem pogovoru ugotavljal relevantnost njihovih zgodb. Nato sem jih zaprosil za intervju in ga opravil ob drugi priložnosti.

## GLOBALNI TREND INDIVIDUALIZACIJE

Nikolai Genov (2012) individualizacijo opredeljuje kot naraščanje avtonomije posameznikov; kot ključno dimenzijo sodobne individualizacije označuje 'opolnomočenje' (*empowerment*) teh individuumov (Genov 2015). Matthew Adams (2006) in Will Atkinson (2010) pravita, da je posameznik postavljen v situacijo, v kateri lahko in celo mora načrtovati, organizirati, voditi in nadzirati svojo življenjsko pot. Anthony Giddens meni, da po individualizaciji nismo več to, kar smo, ampak kar naredimo iz sebe (Giddens 1991: 75). Individualizacijo torej razumemo kot proces, ki se odvija na področju vrednot in človeških odnosov, osredotočenih na samodosežke in ambicije posameznikov, ki se borijo za individualni uspeh v življenju, z manjšim oziranjem na skupno dobro in družbene zahteve (Danilova v Genov 2012: 139). Genov ob tem opozarja, da individualizacija prinaša več svobode, a poveča odgovornost (Genov 2015: 3).

Zlasti zanimivo in za nas relevantno je, da se proces individualizacije povezuje z »zmanjševanjem relevantnosti tradicionalnih družbenih struktur« (Beck 1983), »detradicionalizacijo« (Atkinson 2010), »osvoboditvijo posameznika od tradicionalne kulture« (Genov 2015) ... Danilova opisuje, da se individualizacija pojavi kot rezultat umika tradicionalnih struktur, kot so država, razred, jedrna družina in etnične skupine oziroma narodnosti. Razume jo kot trend emancipacije, saj so posamezniki osvobojeni tradicionalnih vezi in odkrivajo nove družbene prostore, odprte za njihovo avtonomijo (Danilova v Genov 2012: 137). Zato je obratna implikacija v našem primeru – vrnitev h koreninam in tradiciji kot rezultat individualizacije – še toliko zanimivejša. Ulrich Beck in Elisabeth Beck Gernsheim (2002) pravita, da so ljudje vse bolj vključeni v svoje osebne projekte, zanašajoč se na lastne vire, znanje in sposobnosti. Posledično gradijo bolj fluidne in spremenljive identitete. To je po njunem mnenju ključna in učinkovita strategija v negotovem svetu. Posamezniki so dejansko prisiljeni postati agenti gradnje lastne identitete (prav tam 2002).

Anthony Giddens (1991) in Zygmund Bauman (2001) se strinjata, da individualizacija dovoli osvoboditev od predhodnih družbenih oblik in vzorcev, hkrati pa dovoljuje reintegracijo v nove družbene strukture, ki imajo omejen rok trajanja in posamezniku omogočajo, da upravlja lastno življenjsko pot. Identifikacije tako lahko razumemo kot izbrane od posameznikov in ne kot dane ter usojene (Mishler in Pollack 2003). Individualizirane izbire in naraščajoča fluidnost identifikacij so kazalnik vse bolj globaliziranega trenda individualizacije (Genov 2012), ki je bistveno pripomogla k občutnim spremembam v vezeh znotraj skupnosti in v osebnih odnosih.

Ljudje postajajo polno odgovorni za gradnjo samih sebe kot posameznikov. Sodobne identifikacije tako zavzemajo različne pomene glede na različne življenjske cilje posameznikov. Zygmund Bauman (2001: 144) pravi, da je individualizacija sestavljena iz spremembe dane človekove identitete v nalogo; akterje napolni z odgovornostjo za izvedbo te naloge in njene posledice (skupaj s stranskimi učinki). Z drugimi besedami, *de jure* vzpostavlja avtonomijo (čeprav ne nujno tudi *de facto*). Nadaljuje, da posameznikovo mesto v družbi ni več (želeni ali neželeni) dar (prav tam).<sup>4</sup>

Vse te značilnosti so opazne tudi pri intervjuvancih, a jim je stabilnejšo identiteto omogočila prav naslonitev na etnične korenine. Znotraj skupnosti so spletli trdne vezi s soljudmi. Zgraditev lastne nove identitete je korenito spremenila njihova življenja. Brez dvoma je pri vseh šlo za povsem samostojne odločitve, torej posledico individualizacije. Vsak je bil odgovoren za gradnjo lastne identitete in sledenje svojim zanimanjem. Etnična identiteta je kolektivni pojav, toda posamezniki znotraj skupnosti imajo vse več možnosti za oblikovanje lastnega obraza in izbiri, v katere dele življenja skupnosti se bodo vključili. To še toliko bolj velja za intervjuvance v tem primeru, saj so prosti vseh vezi; kot zunanji posamezniki, ki prihajajo v skupnost, so povsem avtonomni in sami izbirajo svoje mesto v skupnosti. Etničnost ni determinirana z zunanjo podobo. Nekaj posameznikov se tako opredeljuje za Slovence, čeprav je le del njihovih prednikov slovenskega porekla (pojav je gotovo tudi obraten). Gre torej za samostojno odločitev, odvisno od posameznikovih zanimanj.

## EMPIRIČNA ŠTUDIJA

### Kako odkriti slovensko identiteto?

Analiza intervjujev kaže, da so intervjuvanci svojo slovensko identiteto našli na zelo različne načine. Intervjuvanec, star nekaj več kot 60 let, iz manjšega mesteca v zvezni državi Indiani, upokojeni inženir, čigar stari starši so se v ZDA preselili takoj po prvi svetovni vojni, nam je svoje doživetje opisal takole:

Pred dobrimi dvajsetimi leti smo se z družino vračali z dopusta na vzhodni obali. Med vožnjo sem ob cesti zagledal smerokaz »SNPJ Recreation Center«. V trenutku me je prešinilo, da je bila moja babica članica te organizacije. Ne da bi vprašal družino, sem zavil s ceste ter ustavil na posestvu. Ulile so se mi solze, našel sem samega sebe. Ugotovil sem, da bo naslednji konec tedna tam največji slovenski dogodek leta – Slovenefest. Vrnil sem se v službo in rekel: »Ali mi podaljšate dopust ali pa dajem odpoved!« Šel sem na Slovenefest in takoj rezerviral počitniško kočo – za ta konec tedna za vsako leto do smrti. Pogosto se šalim, da imamo družinsko pravilo, da se nihče ne sme roditi, poročiti ali umreti med tem koncem tedna. (intervju 1)

Pri tem posamezniku je zanimivo, da je edini med intervjuvanci od doma ohranil nekaj slovenskega jezika. Njegova babica je z njim govorila ljubkovalno, zato so vse besede, ki se jih spomni, pomanjševalnice: npr. mizica, stolček, solatica, srček ...

Sam sem ga spoznal na polka prireditvi v Clevelandu. Udeležil se je skupaj s prijateljem iz istega mesta. Tam sta edina Slovence, a preden sta izvedela, da sta oba Slovence, sta se poznala že dvajset let. Predniki drugega intervjuvanca so se v ZDA priselili pred prvo svetovno vojno. Sogovornika sta v

4 Ob tem sicer ne smemo spregledati opozoril Bösa (v Genov 2012: 271), da v ZDA prihaja do bistvene razlike glede možnosti (ne)opredeljevanja po etnični pripadnosti: odvisna je od evropskega ali afriškega izvora. Evropske etničnosti so predvsem kulturni vir, ki ga lahko uživaš, če želiš; prosto ga izbiraš, kolikor ustreza tvojemu življenjskemu slogu (po Waters 1990). Nasprotno pa je afro-ameriška pripadnost zaradi fizičnih značilnosti (npr. barve kože) neizogibna in hote ali nehote vpliva na vsak delček posameznikovega življenja, če mu je to všeč ali ne (po Davis 1991).

domačem mestecu skupaj ustanovila slovensko društvo, katerega edina člana sta. Vsako sredo zvečer se srečata, »da se pogovarjava, kako je biti Slovenec« (intervju 2).

Tudi zgodba drugega intervjuvanca je podobna. Pripoveduje, da se v družini ni ohranilo veliko slovenske zavesti. Mama mu je nekoč kupila knjigo o Sloveniji, toda po njegovih besedah naj bi bil preveč zaposlen, zato je knjiga vrsto let ležala na polici. Danes upokojeni profesor srčne kirurgije se je selil po številnih mestih ZDA. Iskanje korenin ga je začelo zanimati po 40. letu, še bolj pa po upokojitvi. Pravi, da danes večino prostega časa nameni iskanju glasbe in informacij o Slaku in Avseniku na internetu. Izročil mi je svojo vizitko, na kateri je v središču napis »Polka loving Slovenian«, spodaj in z manjšimi črkami pa vsi ugledni nazivi, povezani z njegovo zdravniško in profesorsko službo. Sogovornik me je ganjen odpej-ljal do svojega avtomobila in odprl zdravniško torbo. Na vrhu je imel dva tradicionalna slovenska kmeč-ka noža za delo na polju (majhna srpa). Dejal je, da ju je dobil ob prvem obisku v Sloveniji, ter pojasnil, zakaj ju vedno nosi s seboj: »Sedaj ko sem ugotovil, kdo sem, nočem tega nikoli več izgubiti. Hočem, da se vedno, ko odprem torbo, takoj spomnim, od kod sem in kam spadam« (intervju 2). Ponosen je, da je izdelal zelo obsežno družinsko drevo ter zbral obsežno podatkovno in slikovno gradivo o širokem sorodstvu, rodovnih povezavah in družinski zgodovini. V prvem delu je lično zbral in opisal zgodovino slovenskega etničnega ozemlja. Njegova velika želja je, da bi o tem izdal knjigo. Povsem drugačna pa je izkušnja 32-letnega profesorja prava na univerzi v Clevelandu. Svojih motivov se takole spominja:

Moj oče se je v ZDA preselil po drugi svetovni vojni kot begunec v času komunizma. Zaradi službe se je preselil v Severno Karolino, kjer je bil edini Slovenec. Poročil se je z dekletom poljskih korenin. Doma nismo ohranjali slovenske tradicije, niti me niso naučili jezika. Le enkrat letno (običajno za praznike) smo obiskali sorodnike v Cleve-landu. Navduševali so me slovenska skupnost, vsi dogodki in družba. Po zaključenem študiju sem se zaposlil v New Yorku v veliki odvetniški pisarni, dodatno pa sem predaval na univerzi v Georgetownu. Po nekaj letih sem zaprosil za mesto na univerzi, saj nisem več želel delati kot odvetnik. V ZDA imajo pravne fakultete centralno evidenco: kandidat odda vlogo, ki jo nato dobijo vse fakultete, in če jih zanima, ga kontaktirajo. Kot profesor sem bil izbran na 30 različnih univerzah. Brez premišljanja sem izbral Cleveland, saj sem bil prepričan, da želim zaradi slovenske skupnosti živeti v tem mestu. Slovenci so krásni ljudje. Sedaj sem v Clevelandu že nekaj let in nimam niti najmanjše želje, da bi živel kje drugje. (intervju 3)

Uvodne zgodbe so širok okvir, ki ga vse preostale pripovedi le še dopolnjujejo. Družina dekleta v zgo-dnjih 20. letih iz Kalifornije spada v povojno politično migracijo. Nikoli se niso vključili v slovensko skup-nost, imajo pa sorodnike v Clevelandu. Na poletno šolo iz naravoslovne smeri svojega študija<sup>5</sup> se je na clevelandsko univerzo vpisala prav zaradi slovenske skupnosti, čeprav je na mnogih drugih univerzah študij kakovostnejši. V času pogovora je bila tik pred diplomo (v Kaliforniji). Ker ima zelo dobre ocene, lahko računa na štipendijo za doktorski študij. V ZDA je veliko kakovostnejših študijev s tega področja, a njena prva želja je Cleveland, saj želi živeti v slovenski skupnosti. Jezi se na očeta, ki je ni naučil jezika, čeprav ga je kot otrok še govoril (intervju 4).

Spet drugačna je zgodba ženske v drugi polovici 40. let, ki je leta 2009 na družabnem omrežju *Facebook* prejela sporočili dveh sorodnikov iz Slovenije (pošiljatelj se med seboj nista poznala). Stik sta vzpostavila, ker sta na podlagi priimka preverjala, če so morda v sorodu. Ugotovili so, da skupno sorodstvo sega v čas pred prvo svetovno vojno, ko se je njena družina preselila čez lužo. Intervjuvanko je tako začel zanimati njen slovenski izvor, zato je sorodnike povabila v ZDA. Med obiskom so si, ker niso imeli skupnega jezika, pomagali s prevajalcem. Nato so jo povabili v Slovenijo. Vpisala se je na tečaj slovenščine, po vrnitvi domov pa se je vključila še v številne druge slovenske dejavnosti, ki jim sedaj namenja ves prosti čas (intervju 5).

Zanimiv je primer gospoda sredi šestdesetih let, potomca povojnih političnih beguncev iz okoli-ce Toronta v Kanadi, menedžerja največjega podjetja na svetu za prodajo določene kemične spojine.

5 Spoznal sem jo prav med poletno šolo.

Starši so se zaradi travm iz druge svetovne vojne povsem oddaljili od slovenske skupnosti. Čeprav ga je sčasoma njegov izvor začel zanimati, se z vprašanjem slovenstva ni ukvarjal. Kot razlog navaja pomankanje časa zaradi službe. Leta 2008 je prvič odšel v Slovenijo; odtlej jo je obiskal že šestkrat. Začel je iskati sorodnike ter izdelovati družinsko drevo, kar razloži z besedami »hočem razumeti, kdo sem« in »hočem ohraniti zgodovino« (intervju 6). Samo v ZDA je našel okoli 50 bratrancev v drugem kolenu. Njihovi predniki so se v ZDA preselili že pred prvo svetovno vojno. Sedaj vse službene poti po državi načrtuje tako, da hkrati lahko obiskuje sorodnike; poti v mesta, kjer nima sorodnikov, prepušča podrejenim. Družinsko drevo hrani v sefu, saj pravi, da je to najdragocenejša stvar, ki jo ima, tega dela pa ni mogoče ponoviti (intervju 6). Posebna in zelo zanimiva je zgodba gospoda v poznih srednjih letih, vodje oddelka ene največjih odvetniških pisarn na svetu s sedežem v Clevelandu. Spominja se:

Šele sedaj ugotavljam, da so imeli stari starši s sorodniki iz Slovenije zelo veliko stikov. K sreči so ohranjena vsa pisma, ki jih počasi odkrivam. Babica je vodila zelo natančno evidenco, komu od sorodnikov doma so kaj poslali. Domnevam, da je tako želela pomagati vsem sorodnikom enakovredno. Otrokom in vnukom niso nikoli niti govorili o prvi domovini niti niso povedali, da so Slovenci, temveč da so prišli iz Avstrije. Pri 20. sem želel spoznati rodne kraje svojih prednikov. Kot hipi sem se brez posebnega načrtovanja z nahrbtnikom odpravil v Evropo. Prispel sem v Salzburg in začel govoriti slovensko (kolikor sem se jezika še spomnil iz otroštva), prepričan, da vsi v Avstriji govorijo slovensko. Nihče me ni razumel, kar me je zelo šokiralo. Potikal sem se po mestu in tako me je ustavila policija. Ko sem jim povedal zgodbo, so me spravili v svoj avtomobil. Prepričan sem bil, da sem aretiran, v resnici pa so me peljali vse do meje z Jugoslavijo. Nato sem potoval po državi in našel sorodnike, kar pa me ni posebej nagovorilo. Po vrnitvi domov se z doživetim nisem ukvarjal. Ko se je čez dvajset let v Sloveniji začel proces osamosvajanja, pa se je v meni nenadoma nekaj zganilo. Začutil sem, da sem Slovenec; vse dni sem spremljal medijska poročila. Več kot 200-krat sem klical v Belo hišo ter jih pozival, naj priznajo samostojno Slovenijo. (intervju 7)

Manj vedra je zgodba mladega fanta na začetku tridesetih let, rojenega na podeželju v Indiani, kjer je preživel tudi mladost. Pripoveduje, da se v tistem okolju ni dobro počutil, s sošolci v srednji šoli ga niso povezovala podobna zanimanja; vse se je vrtelo okrog televizije in športa. Začel se je zanimati za izvor svojega priimka in ugotovil, da je bil njegov dedek Slovenec. V Clevelandu je odkril veliko slovensko skupnost. Naročil se je na slovenski časopis, in ko je videl oglas za šahovski turnir, se je prijavil ter prvič odšel v Cleveland. Življenje slovenske skupnosti ga je zelo navdušilo, zato se je odločil za selitev. To obdobje opisuje takole:

Vseskozi mi je jasno, da želim umreti v Clevelandu. V tem mestu želim pognati korenine. Po priselitvi sem vedel, da bi rad za ženo našel Slovenko, ob petkih s slovenskimi prijatelji obiskoval slovenski ali hrvaški bar, ob sobotah hodil na ples v enega izmed narodnih domov, v nedeljo pa se z družino in prijatelji družil na Pristavi. Hkrati sem se želel naučiti slovenščine, zato sem se prijavil na šolo slovenskega jezika v Ljubljani.<sup>6</sup> Dobil sem štipendijo ter tam preživel eno leto (2008/09). Nato sem si želel ostati v Sloveniji, kar pa zaradi potečene vize ni bilo mogoče. To me je zelo prizadelo, zbolel sem v glavi, lahko rečem, da sem znorel. (intervju 8)<sup>7</sup>

Nato se je vrnil domov k staršem v Indiano, čez nekaj let pa se je spet preselil v Cleveland, ki ga je pojmoval kot svoj dom. Zaradi zdravstvenih težav danes živi na družbenem robu, a se še vedno vključuje v slovensko skupnost. Poseben je primer gospe v poznih šestdesetih letih, ki ves čas živi v zvezni državi Minnesota, v kraju Ely, ki je bil v preteklosti večinoma slovenski. Za svoje korenine se je začela zanimati v starosti štiridesetih let, ki naj bi bila po njenem mnenju leta, ko se človek začne ukvarjati z vprašanji izvora. Izdelala je družinsko drevo, se dejavno vključila v rodoslovno društvo, zato je danes v

<sup>6</sup> Danes povsem tekoče govori slovenski jezik.

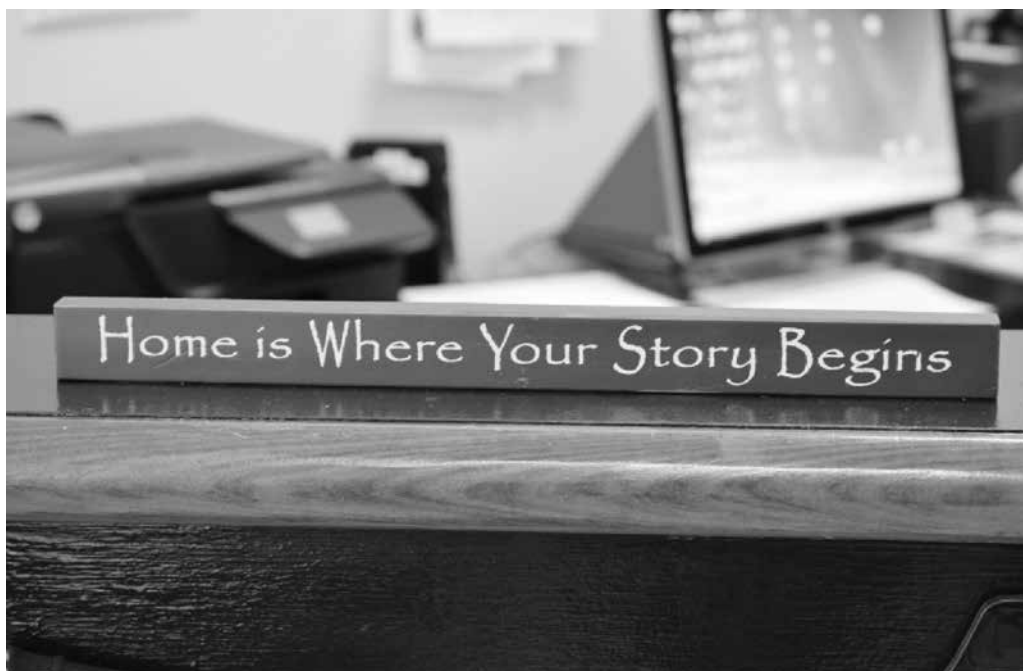
<sup>7</sup> Intervjuvanec je dejansko hudo duševno zbolel (op. a.).



rednih stikih s Clevelandom, ki ga prej ni poznala. Ob tem omeni, da neko ameriško podjetje na podlagi DNK-analize izdeluje karte, ki pokažejo, iz katerega dela Evrope so prišli predniki. Tako je odkrila, da so bili njeni predniki iz Vzhodne Evrope, Turčije, z Iberskega polotoka in Britanskega otočja: »To je moje etnično ozadje, medtem ko je to, da sem Slovenka, moja politična opredelitev.« V tej izjavi lahko zaznamo nadpovprečno reflektiranje lastnega položaja. Sledi mu mitološki pogled, saj izvorno povezanost z Britanskim otočjem poveže s tem, da so Kelti prej živeli na območju Slovenije, nato pa so se selili na Britansko otočje. Intervjuvanka predvideva, da tudi po tej strani izvira s slovenskega ozemlja (intervju 9).

Analiza intervjujev kaže zelo raznolike motive za iskanje korenin in etničnega izvora. Pri nekaterih so se pojavili nenadoma, medtem ko je druge slovenski izvor nagovarjal dolga leta in so se pri tem postopoma vse bolj udeleževali. Nekateri so že v otroštvu prejeli vsaj določeno vedenje in znanje, drugi so začeli povsem na začetku. Različni so tudi končni cilji: pri nekaterih življenje v slovenski skupnosti, pri drugih poznavanje družinske zgodovine, tretji želijo spoznati še živeče sorodnike ...

Pri tem sta zanimivi dejstva, ki ju pogosto posplošujemo. Prvo je, da gre – razen v predzadnjem primeru – za zelo uspešne posameznike, zato ne moremo reči, da jih je vodila neka eksistencialna kriza ali da bi bilo iskanje nečesa novega nekakšna tolažba za siceršnje nezadovoljstvo z življenjem. Hkrati pa je mogoče, da se tudi zelo uspešnim posameznikom v določenem trenutku življenje zazdi prazno, zato začno iskati globlji smisel, s katerim je neizogibno povezano vprašanje izvora. Druga posplošitev pa je, da je nadpovprečen delež intervjuvancev začel iskati svojo slovensko identiteto prav v letih 2008 in 2009. To lahko razložimo z objektivnim dejstvom, da je Slovenija takrat uživala največji mednarodni ugled v zgodovini (ekonomski kazalci so bili najvišji, država je predsedovala Svetu EU), kar ponovno potrjuje že velikokrat ponovljeno prepričanje, da se posamezniki veliko raje in lažje identificirajo z uspešno in ugledno državo. Poleg tega je takrat v Clevelandu deloval zelo priljubljen konzul Republike Slovenije, ki je bil nadpovprečno vključen v življenje skupnosti, užival je splošno odobravanje in bil poznan tudi širše po ZDA in Kanadi. Ker posamezniki sami niso znali analizirati vzrokov za vzbuditev nenadnega zanimanja, lahko le predvidevam, da gre najverjetneje za preplet obeh opisanih vzrokov.



Slika 1: Napis na vhodu v prostore slovenskega rodoslovnega društva v Clevelandu. Vir: Osebni arhiv avtorja

## Odnos do slovenskih organizacij

Ker se etnično identiteto razume kot kolektivni pojav, v raziskavi pa sem se srečal z zelo individualističnim pristopom, me zanima, ali se takšni posamezniki vključujejo v kolektivno življenje skupnosti ali svojo identiteto iščejo in ohranjajo sami. Ob tem vprašanju lahko opazimo zelo različne prakse. Prvi in drugi intervjuvanec sta poleg v svoje društvo včlanjena v bratsko organizacijo SNPJ<sup>8</sup> in se, po njihovih besedah, približno šestkrat letno udeležita slovenskih dogodkov v Clevelandu (intervju 1 in 2). Intervjuvanec 5 pa se dejavno posveča odkrivanju sorodnikov, izvora družine ter zgodovine krajev, od koder izhajajo njegovi starši. Edina slovenska struktura, s katero je povezan, je slovenska pisarna v župniji Sv. Vid, kjer imajo bogato zalogo slovenskih knjig, ki jih priložnostno hodi iskat iz Toronta.<sup>9</sup> Drugačno sodelovanje v slovenskih strukturah ga ne zanima, saj se mu dogajanje zdi preveč hrupno, pogosto folklorno (intervju 6).

Povsem drugače slovenstvo v okviru slovenskih struktur doživljata intervjuvanca 3 in 6. Intervjuvanec 3, univerzitetni profesor prava, je kot prostovoljec delil sendviče na koncertu zbora Korotan, kjer sem ga tudi spoznal. Hkrati je dejaven v obeh osrednjih bratskih organizacijah, tako KSKJ<sup>10</sup> kot SNPJ, član Pristave, župnije Sv. Vid; redno se udeležuje vseh slovenskih dogodkov. Pravi, da tam preživlja ves prosti čas; vsi njegovi prijatelji so Slovenci (intervju 3).<sup>11</sup> Intervjuvanka 6 je zelo vključena v rodoslovno društvo, kjer kot prostovoljka pomaga ljudem iskati korenine; je učenka sobotne šole za odrasle, aktivna članica bratske organizacije AMLA,<sup>12</sup> ustanovila je knjižni klub, kjer se enkrat mesečno srečujejo in pogovarjajo o prebranih knjigah o Sloveniji. Večinoma berejo knjige o slovenski zgodovini (čeprav gre izključno za potomce predvojne migracije, veliko pozornost posvečajo dogajanju med drugo svetovno vojno in po njej), ki so napisane v angleščini, a govorijo o slovenskih tematikah. V skupini se je pojavila ideja, da bi skupaj napisali knjigo o zgodovini slovenske skupnosti v Clevelandu. Tudi ta sogovornica dejavnostim v slovenski skupnosti namenja ves prosti čas (intervju 6).

Preostali intervjuvanci se gibljejo nekje vmes. Intervjuvanec 7 je tako učenec sobotne šole za odrasle v župniji Sv. Vid. Navdušen je nad učenjem jezika, hkrati pa precej kritičen. Zaradi (po njegovih besedah) minimalne podpore šoli s strani Republike Slovenije morajo pri pouku uporabljati predpisane učbenike, ki prihajajo iz Slovenije. Po njegovem mnenju so povsem nefunkcionalni, namenjeni migrantom v Slovenijo, ki imajo drugačne potrebe kot potomci slovenskih izseljencev. Poleg tega se udejevtvuje v knjižnem klubu in se ukvarja z individualnim raziskovanjem družinske zgodovine (intervju 7).

Intervjuvanec 8 se je pred boleznijo bistveno bolj udejevtvoval v slovenski skupnosti, sedaj pa je le član župnije Sv. Vid; obiskuje sobotno šolo za odrasle. Zelo je ponosen, da vsako leto na dan slovenske državnosti v centru za duševno bolne, ki ga dnevno obiskuje, priredi proslavo v obliki kosila s tradicionalnimi slovenskimi jedmi, postreže sok, uvožen iz Slovenije, po hiši razobesi slovenske zastave, v ozadju pa se vrtilo slovenska zabavna in narodno-zabavna glasba. O tem vsako leto napiše članek v slovenski časopis (intervju 8).

Povsem drugače je bilo pri intervjuvanki 10, saj se je njena družina v provinco Ontario v Kanadi preselila po drugi svetovni vojni. Sogovornica pravi, da niso bili politična migracija, želeli so se izseliti že pred vojno, a ker to takrat ni bilo mogoče, so se izselili po njej. Kot otrok je bila vključena v slovensko

8 Slovenska narodna podporna jednota.

9 Ob tem dodajam, da je intervjuvanec strasten zbiratelj (slovenskih) knjig. Ob pregledu knjižnice sem našel tudi primerke knjig o slovenskih umetnikih v češkem in poljskem jeziku. Intervjuvanec je, poznavajoč imena umetnikov, knjige kupil, a nevešč jezika ni vedel, da niso v slovenščini. To tudi kaže, da imajo nakupi knjig pri njem bolj simbolno kot praktičen pomen.

10 Kranjska slovenska katoliška jednota.

11 Naj dodam, da je intervjuvanec tudi mestni svetnik ene med clevelandskimi občinami. Živi v predmestju, kjer je tudi kandidiral; tam je nadpovprečen delež slovenske poselitve. Na volilnih plakatih s ponosom poudarja strešico pri črki »č« v svojem priimku. Pravi, da je veliko slovenskih glasov zagotovo pridobil s tem, ker ne skriva svojega etničnega ozadja.

12 American Mutual Life Association.

župnijo in je plesala v folklorni skupini, po smrti babice pa je izgubila povezavo s slovenstvom. Pozneje se je preselila v New York, del družine pa zdaj živi v Parizu. Ugotovila je, da bi, če bi imela državljanstvo ene od evropskih držav, lažje obiskovala sorodnike v Franciji, zato se je pozanimala o možnosti pridobitve slovenskega. Ker se zanj zahteva petletna vključenost v eno od slovenskih organizacij, se je priključila slovenski župniji v New Yorku. Najprej je bilo njeno sodelovanje le površinsko, nato pa jo je slovenstvo začelo izredno zanimati. Tako je danes zelo dejavna članica župnije in predsednica Slovenske (ženske) zveze za ta del ZDA. V New Yorku se trudi v skupnost privabiti mlade, ki so Slovenijo zapustili v zadnjih letih, a se ne želijo vključiti v izseljenske skupnosti (intervju 10). V tem primeru opazimo ravno nasproten pojav: vključitev ni bila posledica odkritja korenin, ampak je načrtovano fiktivno članstvo v slovenski organizaciji privedlo do (ponovnega) odkritja etnične identitete.

### Individualistični ali družinski projekt?

Naslednje pomembno vprašanje je, kako opisane transformacije in aktivnosti posameznikov sprejemajo njihove družine. Izkušnje in življenjske prakse so zelo raznolike. Intervjuvanec 1 je tako povedal, da je doslej sam štirikrat obiskal Slovenijo. Do prvega obiska je bila žena izredno negativna do njegovega zanimanja, nato pa ga je začela podpirati. Ob zadnjem obisku pred tremi leti je potovanje finančno omogočil petnajstim družinskim članom, od tega osmim vnukom. Pravi, da so vsi Slovenijo začutili kot svoj dom. Eden od vnukov naj bi rekel: »Slovenija je moje srce.« Ko so jim starši predlagali, da gredo na izlet v Italijo, niso hoteli iti, saj so želeli v Sloveniji izkoristiti vsak trenutek. Za 16. rojstni dan (ko so po ameriški zakonodaji postali delno polnoletni), so si vsi želeli enako darilo: letalsko karto za Slovenijo (intervju 1).

Z večjo grenkobo pa o tematiki govori njegov kolega (intervju 2), ki pravi, da otroke slovenstvo le malo zanima, da jih pogovor o koreninah hitro zdolgočasi. Tudi intervjuvanca 8 družina ne podpira pri njegovem zanimanju za slovenske korenine, pravi pa, da so se sčasoma tega navadili. Intervjuvanka 5 ima dva brata in dve sestre, a nihče med njimi ne kaže zanimanja za slovenstvo. To se mu zdi razumljivo, saj družinam primanjkuje časa. Intervjuvanec 6 pravi, da je od dveh sinov eden navdušen nad slovenstvom, drugi pa prav nasprotno. Podobno je z bratom in s sestrama, a se s tem ne obremenjuje preveč; skrbi ga le, ali bodo znali ceniti izdelavo obsežnega družinskega drevesa. Opazimo torej lahko, da gre za precej individualne projekte; zanimanje je težko prenesti na druge družinske člane. Morda tudi zato, ker se je večina začela zanimati za slovenske korenine v srednjih letih, ko z otroki niso več bili tako tesno povezani.



Slika 2: Utrinek z bejzbol tekme, posvečene slovenski kulturni dediščini in polki. Vir: Osebni arhiv avtorja

## Odnos do Slovenije

Naslednje obravnavano vprašanje je zelo raznolik odnos do Slovenije. Intervjuvanec 3 je edini, ki kljub svojemu udejstvovanju še ni bil v Sloveniji. Čeprav trdi, da ni imel časa zaradi intenzivnega študija in začetnega dokazovanja v službi ter v naslednjem letu načrtuje prvi obisk, pri njem nisem zaznal pretirano močne želje. Zdi se, da obisku ne pripisuje večjega pomena. Intervjuvanka 5 je bila v Sloveniji enkrat, sedaj pa že za štiri leta vnaprej načrtuje naslednje potovanje, ko bi s seboj rada peljala nečakinjo (potovanje načrtuje ob okrogli življenjski obletnici sorodnice v Sloveniji). Čeprav pravi, da je v Sloveniji zelo uživala, tolikšen premor kaže, da si ponovnega obiska kljub dejavnemu sodelovanju v skupnosti ne želi tako močno. Pomenljiva je izjava, da sta ji od nekdanj vseh angleška kultura in zgodovina. Če bi bilo službeno mogoče, bi se preselila v Anglijo, od tam pa večkrat obiskala Slovenijo.

Povsem nasproten je položaj pri intervjuvancu 1, ki je svojo zgodbo opisal takole:

Sedaj bom začel jokati, saj ob pripovedovanju te zgodbe vedno jočem. Ko sem šel prvič v Slovenijo, sem pristal na letališču v Benetkah in tam najel avtomobil. Mejo sem prečkal blizu Nove Gorice. Takoj za mejno črto sem se ustavil, pokleknil na travo, jo odkopal ter v roke vzel slovensko zemljo. S to zemljo sem nato napolnil levi žep srajce, da bi bila čim bližje srcu. Odtlej tam vedno nosim vrečko slovenske zemlje (izvleče jo iz žepa in jo jokajoč pokaže), ki bo šla z menoj tudi v krsto. (intervju 1)

Slovenijo je nato obiskal še trikrat in s seboj pripeljal vse sorodstvo. Ob zadnjem obisku je najel ansambel Lojzeta Slaka ter na piknik povabil 35 sorodnikov. Pove, da je ansambel igral dve uri več od dogovorjenega časa, saj so se počutili tako dobro, da sploh niso želeli dodatnega plačila.

Tudi pri preostalih intervjuvancih opažam, da se jim obiski Slovenije zdijo pomembni, zato se tja pogosto odpravijo. Pri tem združujejo obiskovanje sorodnikov, iskanje družinske zgodovine in odkrivanje lepote Slovenije. V odgovorih lahko opazimo tako kolektivni kot individualni element: kolektivni v doživljanju Slovenije kot domovine prednikov, čudovite dežele, Slovencev kot prijaznih ljudi, ponosa, da je država samostojna; individualni pa kot dom, kjer je rojstna hiša prednikov, kraj, kjer so se po travnikih in poteh sprehajali predniki, kraj izvora. Dodajmo še pripoved intervjuvanca 2, ki je zelo navdušen nad stalnimi stiki s sorodniki v Sloveniji, ki pa žal ne kažejo takega zanimanja. Pravi, da na vsako sporočilo, ki ga pošljejo, odgovori še isti dan, nato pa mora čakati mesece na njihov odgovor. Med preostalimi intervjuvanci imajo nekateri stalne stike s sorodstvom v Sloveniji (intervjuvanca 5 in 6), drugi občasne (intervjuvanca 1 in 7), nekateri stikov sploh ne gojijo (intervju 3), en intervjuvanec sorodnikov v Sloveniji sploh ne pozna več (intervju 8).

## Povezanost etnične in verske identitete

Pri preučevanju tega vprašanja sem izhajal iz večkrat zapisane predpostavke, da so se slovenski imigranti in njihovi potomci, čeprav neverni, v diasporičnih skupnostih pogosto vključevali v etnične župnije. Predstavljale so jim predvsem družabni prostor (za opis stanja glej Klemenčič 1995: 131). Pri obravnavi svojih intervjuvancev te hipoteze ne morem potrditi. Večinoma so sicer versko dejavni (med vsemi intervjuvanci se je za nečlana katerekoli verske skupnosti opredelil le intervjuvanec 1; intervjuvanec 2 pa je dejal, da je sicer katoličan, a ne živi v katoliškem zakonu, iz njegovih besed ni bilo zaznati velike verske dejavnosti), toda povezanost s slovensko identiteto je zelo šibka ali pa je sploh ni.

Intervjuvanec 3, ki vsako nedeljo hodi k slovenski maši v Clevelandu, čeprav ne govori slovensko, bi bil lahko primer verske dejavnosti zaradi etničnosti. A njegova razlaga je drugačna. Pravi, da se je kot katoličan, ki gre v vsakem primeru vsako nedeljo k maši, vprašal, zakaj ne bi hodil v slovensko župnijo in se ob tem skušal naučiti jezika. Etnično motivacijo torej zaznamo pri izbiri župnije, ne pa pri verski opredelitvi. Vera ima pomembno vlogo tudi v življenju intervjuvanca 8, ki prihaja iz protestantske družine. V

katolištvo se je spreobrnil šele po povratku iz Slovenije in bolezni, kar utemeljuje s pravilnostjo nauka. Da bi spreobrnenje ločil od etničnosti, je zakramente za sprejem v katolištvo prejel v afro-ameriški župniji v Clevelandu. Sedaj je dejaven član slovenske župnije v Clevelandu, enkrat mesečno pa gre k nemški maši, saj ga zelo zanima nemška kultura. Sogovornica 5 je dejavna katoličanka, a v ameriški župniji. Nekaj članov njene družine je vključenih v protestantsko cerkev. Intervjuvanec 6 iz Toronta se vsako nedeljo in občasno med tednom udeležuje katoliških maš, toda ne v slovenski cerkvi. Moti ga predvsem, da je pri slovenskih mašah na prostem v poletnem času premalo zbranosti. Intervjuvanec 7 je kot katoličan dejaven v italijanski etnični župniji v Clevelandu. S prvo ženo sta se ji priključila zaradi bližine, še danes pa ostaja njen član. Tesnejše povezanosti med obema kategorijama ni, opažam pa, da je med intervjuvanci visok delež vernih. Etničnost in religioznost sta torej področji, ki nagovarjata isti tip ljudi.

## SKLEP

Na podlagi zapisanega lahko sklenem, da gre pri analiziranih življenjskih zgodbah za opolnomočenje posameznikov, ki so začeli iskati svoje – v izvorni družini že izgubljene – korenine. Njihovi motivi so najrazličnejši, vsem pa sta skupna velik entuziazem in zavedanje, da jih na novo odkrita identiteta osrečuje. Kljub temu ne morem reči, da so bili prej nesrečni ali neuspešni, saj gre večinoma za posameznike, ki so na poklicnem in družbenem področju zelo uspešni. Posamezni primeri se med seboj seveda razlikujejo, zato posplošitve niso primerne. Lahko rečem, da se za identiteto večina začne zanimati okrog petinštiridesetega leta, čeprav so med intervjuvanci tudi trije, ki so se z iskanjem svojih korenin soočali že bistveno prej. Čeprav gre za njihove osebne projekte, je zanimivo, da večina začuti željo in potrebo po dejavni vključitvi v etnične organizacije. Nekateri jim nato namenijo ves prosti čas in se udeležujejo na najrazličnejših področjih, drugi pa se vključijo le v organizacije, vsebinsko povezane s področjem, ki jih posebej zanima. Tudi v tem primeru sem se srečal z izjemo, ko se intervjuvanec ne želi vključevati v organizirane dejavnosti. Kljub temu je opazno, da se organizacijam ne more povsem izogniti, saj jih potrebuje za informiranje, logistiko itd. Etnična identiteta kot kolektivna zavest je torej neločljivo povezana z organiziranimi strukturami.

Najpomembnejša značilnost tega tipa individualizacije je, da je v primerjavi z vsemi preostalimi primeri, ko posamezniki bežijo od tradicije, skupnosti, ustaljenih struktur, situacija povsem obratna. Posledica individualizacije je bil najprej odklon njihovih prednikov od skupnosti. Drugi val individualizacije pa vodi v nasprotno smer: posamezniki iščejo svoje korenine, kar pogosto izrazijo z besedami: »Želim vedeti, kdo sem.« Identiteto torej neločljivo povezujejo z etničnim izvorom. Da gre pri njenem odkrivanju za zelo individualističen model, ne nazadnje dokazuje dejstvo, da analizirani intervjuvanci na novo pridobljeno identiteto v tolikšni meri težko prenašajo na potomce ali druge družinske člane. Njihov zgled sicer motivira sorodstvo, a vendar ne tako intenzivno. V ameriških osnovnih šolah obravnavajo vprašanje posameznikovega izvora, o čemer morajo učenci napisati spis, nato pa se v razredu pogovarjajo o tematiki.<sup>13</sup> Zanimivo je, da tega ni omenil nihče med intervjuvanci.<sup>14</sup> Očitno iskanje korenin postane pomembno v poznejšem obdobju, kar – kot lahko sklepamo iz predstavljenih zgodb – mnogim popolnoma spremeni življenje. Ne le spremeni, temveč postane celo središčno zanimanje posameznikovega delovanja.

13 Za nekatere otroke je bila izkušnja tudi travmatična, saj Slovenija (ki takrat kot država še ni obstajala) ni bila dovolj ugledna destinacija, zato so se jim drugi otroci posmehovali (glej npr. Milharčič Hladnik 2005).

14 Temu vidiku v raziskavi nisem posvečal posebne pozornosti. V preteklosti ameriška in kanadska družba manjšinskim kulturam nista bili naklonjeni. Ko se v izobraževalnem sistemu nedominantnih kultur ni več pojmovalo omalovažujoče, temveč se jih je začelo predstavljati kot zanimive ter unikatne, se je povečalo tudi zanimanje posameznikov za njihov etnični izvor. To bi najlažje potrdili ali ovrgli s primerjalnim pristopom o obujenem zanimanju za lastne korenine priseljencev v drugih etničnih skupnostih. A to bi zaradi obsega zahtevalo ločeno raziskavo (glej tudi Milharčič Hladnik 2004b).

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## SUMMARY

### THE RECLAMATION OF SLOVENIAN IDENTITY BY THE DESCENDANTS OF SLOVENIAN IMMIGRANTS IN THE USA AND CANADA IN THE CONTEXT OF THE GLOBAL TREND OF INDIVIDUALIZATION

**Dejan VALENTINČIČ**

Among modern global trends, individualization is considered to be one of the most important. It is closely connected with globalization and often interpreted as one of its key processes. The fact that the process of individualization is usually interpreted in connection with the declining importance of traditional social structures, detraditionalization and the liberation of the individual from the traditional culture is especially relevant to us. We are, however, interested in the opposite effect of this trend – what prompts individuals to trace and (re)discover their ethnic roots and, consequently, also to explore traditional culture and heritage. We present this phenomenon through an analysis of the life stories of nearly a dozen individuals. They differ greatly from one another, which makes them very suitable for scientific analysis. All of the stories have some common characteristics, and some telling exceptions. Everyone has their own reasons for tracing their roots. Most of the interviewees set out on their quest in their forties but three of them were just in their twenties. Almost all of them have become significantly involved with Slovenian ethnic organizations, whereas one interviewee is not interested in such involvement. Most of them have strong feelings of attachment to Slovenia and visit it often. However, one of the interviewees has never been to Slovenia and it did not seem that he would ever have a strong desire to do so. They all want their children or other family members and relatives to feel the same enthusiasm. Most of them are religious, but they do not link this with their ethnicity. They also share the belief that the Slovenian language is not that important for their Slovenian identity. Nevertheless, most of them still try to learn the language.



# RAZMERJE MED TUJINO IN DOMOVINO NA ZEMLJEVIDU MARUŠE KRESE

Zala PAVŠIČ<sup>1</sup>

COBISS 1.02

## IZVLEČEK

### Razmerje med tujino in domovino na zemljevidu Maruše Krese

Prispevek predstavlja razmišljanja o odnosu med tujino in domovino slovenske pisateljice in novinarki Maruše Krese (1947–2013), ki je med osamosvajanjem Slovenije prebivala v Berlinu. Poleg analize njene poezije, ki kaže na potrebo po preseganju meja nacionalnega, identitete in sorodnih konceptov, članek zajema tudi do sedaj še neobravnavana razmišljanja Maruše Krese o osamosvojitvi Slovenije, ki jih je avtorica skupaj s tremi somišljenicami podala v korespondenci *Briefe von Frauen über Krieg und Nationalismus*. Prispevek vključuje tudi kritične odzive na omenjeno delo ter umešča Marušo Krese v izseljensko književnost.

KLJUČNE BESEDE: Maruša Krese, *Briefe von Frauen über Krieg und Nationalismus*, identiteta, *Slovo od Slovenije*, domovina

## ABSTRACT

### The Relationship between Foreign Country and Homeland on Maruša Krese's Map

The paper presents Maruša Krese's (1947–2013) ruminations on the relationship between the foreign country and the homeland. The Slovenian writer and journalist spent the years during which Slovenia attained independence in Berlin. In addition to providing an analysis of her poetry, which reveals Krese's call to transcend notions of nationality, identity and related concepts, the article covers the reflections on Slovenian independence which Krese offered in a correspondence with three like-minded colleagues. The correspondence bears the title *Briefe von Frauen über Krieg und Nationalismus* and has hitherto been undiscussed. Finally, the paper addresses the critical response to this work and places Krese within the theoretical framework of emigrant literature.

KEYWORDS: Maruša Krese, *Briefe von Frauen über Krieg und Nationalismus*, *Abschied von Slowenien*, identity, homeland

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## UVOD

Občutek tujosti v opusu Maruše Krese predstavi že konferenčni prispevek Silvije Borovnik (2008), ki jasno poudari, da je avtorica že zelo zgodaj začela potovati in živeti v tujini: pot jo je takoj po maturi vodila v Veliko Britanijo in nato v Avstralijo, nekaj časa je živela v ZDA, nato v številnih evropskih mestih, zadnjih dvajset let pa med Berlinom, Gradcem in Ljubljano. Njena potovanja so bila povezana s študijem, humanitarno dejavnostjo in z novinarskim poročanjem s kriznih žarišč. Vendar je iz prispevka Silvije Borovnik razbrati tudi, da s tujostjo ni nujno mišljeno le življenje v tujini (navsezadnje je bila pisateljica recimo v Gradcu zelo dobro sprejeta in je med ljudmi uživala status skorajda mestne pisateljice), temveč ima tudi širšo, eksistencialno dimenzijo. Tujost se vedno pojavi v korelaciji z domom oziroma domač(n)im.

Občutenje tujosti se torej pojavi, ko v točki, kjer bi po vseh pričakovanih avtorica morala biti deležna opore, doživi razočaranje in nerazumevanje. Ko se ne more več poistovetiti z lastno generacijo, s katero je delila mladost, prežeto s hipijevskimi ideali, sedaj pa nekateri predstavniki te generacije hujskajo k nasilju in nacionalizmu. Podobno doživlja svojo nezmožnost, da bi se poistovetila z vrednostnim sistemom sveta in navsezadnje z vrednotnim sistemom, kakršnega je zaznavala ob osamosvojitvi Slovenije. Kot iztočnico za razmišljanje navajam kratek odlomek iz njenega prispevka *Vse moje vojne* (2009):

Sem v tujini in moja domovina mi je v zadnjih letih večkrat tuja ... veliko mi je tujega. Tuja mi je generacija '68 v bivši Jugoslaviji, v Nemčiji ... tuji so mi pisatelji v socializmu, ki so se čez noč začeli prodajati kot disidenti ... tuji so mi nemški zeleni politiki, ki so včasih občudovali samoupravljanje v naši deželi in nas sedaj učijo demokracije ... [...] tuja mi je nekritičnost evropske leveice in njihov odnos do nacionalizmov ... tuj mi je zid v Berlinu, zid v Sarajevu, zid v Izraelu, zid med Mehiko in ZDA. Tuje mi je neprestano kopanje kosti ... Šestdeset let. Skoraj ves čas sem se šla nomada, ampak vedno sem rada prihajala nazaj domov. Lahko se je igrati nomada, kadar veš, da te nekje čaka dom. Vračala sem se, dokler nisem bila skoraj pregnana. Najbrž, ker mi je rdeča zvezda še zmeraj všeč. Najbrž, ker sem dejala, da res nima smisla, da iščemo novega slovenskega kralja v tej mali deželi. (Krese 2009: 99–100)

Zgoraj nakazano avtoričino izkušnjo tujosti skušam v članku razložiti, kot obljublja že naslov, z odnosom med konceptoma domovine in tujine, pri čemer se opiram na ugotovitve Elizabete Šeleve (2006). V študijo vključujem tudi dosedanje izsledke o nekaterih motivih njene poezije, kjer morda še bolj kot tema tujstva v ospredje stopa težnja po nomadskem načinu bivanja. S pomočjo dveh do sedaj še neobravnavanih virov ter intervjujev skušam osvetliti stvarni kontekst zgornjega odlomka in pokazati, kje in kako je Maruša Krese razmišljala o iskanju novega slovenskega kralja in zakaj naj bi bila skoraj pregnana. Po mojem mnenju je literarni opus Maruše Krese lažje razumeti s hkratnim upoštevanjem družbenega angažmaja in biografskega ozadja, ki ju izražajo nekatera njena pisma in eseji. Na podlagi vsega zgoraj omenjenega se ob koncu posvečam umestitvam Maruše Krese v kontekst slovenske izseljenske književnosti.

## IDENTITETA IN PRESEGANJE NACIONALNEGA

Številni svetovno priznani sodobni emigrantski pisatelji in pisateljice opozarjajo, da je koncept identitete precej bolj zapleten od zgolj religiozne ali nacionalne pripadnosti, sploh v času množičnih migracij, kakršnim smo priča v zadnjem obdobju. Dubravka Ugrešič je tako na vrhuncu spopadov na ozemlju nekdanje Jugoslavije (po tem, ko je razpadajočo državo, kot pokažem pozneje, zapustila tudi sama) v intervjuju za neko francosko televizijo izjavila, da je po nacionalnosti »nitko i ništa« (David, Kovač 1998: 202). Pretiranemu etiketiranju se izogiba tudi Aleksandar Hemon, ki je tik pred razpadom Jugoslavije emigriral v ZDA, svoja najbolj znana dela pa je napisal v angleščini. Na vprašanja o svoji

identiteti pogosto odgovarja z »jaz sem kompliciran« (Hladnik Milharčič E. 2013: 163). S kompleksnostjo identitete v odnosu do jezika se je v eseju *Heimat ist was gesprochen wird* spopadala tudi v Romuniji rojena nemška pisateljica, nobelovka Herta Müller (2009).

Amin Maalouf, ki je iz Libanona emigriral v Francijo (ter začel pisati v francoščini, ne glede na to, da je njegov materni jezik arabščina), je svoj esej o omenjenih vprašanih samodefinicije naslovil *V imenu identitete* (2002). V njem skuša utemeljiti, da na človekovo doživljanje samega sebe ne vpliva le en dejavnik, da identiteto pogosto sestavlja več lastnosti hkrati in da se te pri vsakem človeku drugače povezujejo. Hkrati opozarja, da takšna samodefinicija v svetu še vedno ni najbolj dobrodošla:

In kadar naše sodobnike prosijo, da »potrdijo« svojo identiteto, kakor to danes pogosto slišimo, jim s tem sporočajo, naj v dnu duše najdejo navidezno temeljno pripadnost, ki je pogosto verska ali nacionalna ali rasna ali etnična, in da naj ponosno mahajo z njo pred drugimi [...] kdorkoli vztraja pri kompleksnosti identitete, ostaja na margini. (Maalouf 2002: 10)

Še dlje v razmišljanju o pisateljskih izkušnjah (ne)pripadnosti gre Elizabeta Šeleva, ki svoj prispevek utemelji na predpostavkah, da je notranje pregnanstvo izhodiščno stanje in opredelitev pisatelja, da je pisatelj po definiciji tujec ter da »pisatelj sočasno naseljuje več kot eno domovino« (2006: 110–111). Po izkušnjah nekaterih v tekstu navedenih pisateljev (npr. Gorana Stefanovskega) sta zato pojma domovine in tujine precej bolj kompleksna, kot zgledata na prvi pogled. Stefanovski svoje zagate pojasnjuje takole: »Najbolj grozni so tisti časi, ko se dom spreminja v tujino. Ko si notranje razseljena oseba. Ko nisi žalosten zaradi odsotnosti, ampak zaradi prisotnosti. Ko sediš sredi hiše, pa ne moreš prepoznati svojega doma« (navedeno po Šeleva 2006: 111). Šeleva sklene, da je brezdomnost »skupni imenovalec in vgrajena predpostavka avtentične ustvarjalne eksistence« (2006: 115), slednja opredelitev pa je ključnega pomena za obravnavo opusa Maruše Krese. O tem, da je v njenih delih pogosto najti tendence po preseganju konceptov meja, identitete in narodnosti, piše že Megi Rožič.

Megi Rožič pesničin opus osvetljuje s pomočjo različnih novejših konceptov. Prvi je koncept nomadskega subjekta, ki ga povzema po Rosi Braidotti, v najtesnejši povezavi z njim pa je koncept lokacijskega feminizma, ki ga vpelje Susan Stanford Friedman. Nomadski subjekt naj bi bil značilen za življenje v svetu, ki ga zaznamujeta globalizacija in tranzicija (Rožič 2014: 55) in se zoperstavlja imperativu nacionalnega in državljanstva. Takšna samoopredelitev naj bi zahtevala kritičen pretres lastne samodefinicije in naj bi bila poudarjeno negotova oziroma nestabilna, torej fluidna. Za koncept lokacijskega feminizma je bolj značilno pojmovanje identitet kot kartografiranja teritorijev in meja (prav tam). Obema konceptoma je skupno poudarjanje pomena migrantske izkušnje za razvoj kompleksnosti identitete, slednje pa je pomembno tudi za koncept transnacionalizma in transkulturalizma v kulturnih študijah. Po Stevenu Vertovcu (prav tam) gre v tem primeru za identitete, ki se oblikujejo pod vplivi različnih kultur in nacionalnih sestavin, zaradi česar vključujejo tako elemente globalnega kot tudi partikularnega. Vloga migranta naj bi bila ključna zaradi izkušnje preseganja meja oziroma zaradi izkušenj z obeh strani meje, saj ga obe enako močno definirata. Zavezanost nestalnosti, gibanju ter nomadskemu načinu življenja Maruša Krese zelo jasno nakaže že v pesmi *Naš dom*, objavljeni v njeni prvi pesniški zbirki *Danes* (1989), pozneje pa tudi v zbirki *Gestern, Heute, Morgen* (1992). V njej zapiše, da je njena hčerka Ana že dolgo nazaj rekla, da je dom tam, kjer je njena mama:

Moj dom je moja mami, / je Ana davno dejala. / Vlečemo se iz puščave v puščavo, / čakamo na mostu, / preizkusili smo morja, / kupujemo preproge. /.../ Tuji jeziki nam pokažejo korenine, / nihče v družini ne sanja v ednini, / turški čajnik nam odkrije nomadstvo, / glave počivajo na kitajskih blazinah, / v kovčku prenašamo petdeset kuharskih knjig ... (Krese 1989: 72)

Izkušnjo svetovljanstva in potrebo po stalnih potovanjih in premikanju predstavljajo številne podobe, posejane tudi v drugih pesniških zbirkah; zastopajo jih, kot ugotavlja Megi Rožič, motivi ciganov, postaj

(po katerih je poimenovana pesniška zbirka iz leta 1992), torb (osrednji motiv v pesniški zbirki *Yorkshire torba* iz leta 2003) itd., tema potovanja pa osrednjo vlogo zavzema v dvojezični zbirki *Nenadoma se je stemnilo / Plötzlich war es dunkel* (2011), kjer literarne utrinke s potovanjem dopolnjujejo reportažne fotografije Marušine sestre Mete Krese.

Kot pomembna protiutež motivom, ki predstavljajo gibanje, se predvsem v poznejših pesniških zbirkah pojavlja motiv mesta – občasno nastopa kot element, ki avtorico odbija s svojo statiko; v njem ni več dobrodošla oziroma se v njem ne počuti več kot doma: »Ne pridem več v mesto, / ker jih spominjam na stoletno nesrečo. // Ne pridem v mesto, / ker se spotikajo v mojo nesrečo. // Stvar je preprosta. / Ne hodim več v mesto« (Krese 2001: 37). Drugod se »mesto« pojavlja kot prostor razočaranja nad svetom, ki ni več takšen, kakršnega se avtorica spominja. Med drugim zapiše: »Sonce v tem mestu spravlja v bes, / ker se je igralo, ker je dejalo, ker je lagalo, / da greje« (Krese 2001: 9). Življenje v mestu pa je postalo dolgočasno: »Postalo je dolgočasno. / Življenje v zaprtem mestu. / Življenje v herojskem mestu. / Življenje v mestu, ki ga, / ne vem, zakaj, / že dolgo, dolgo več ni« (Krese 2001: 4). Konflikt z ljudmi, ki se spotikajo ob njeno nesrečo, se še stopnjuje z občutkom izločenosti in nerazumljenosti, ki ju izraža v eni od zadnjih pesmi v zbirki *Postaje* (1992): »Odstavili so me z odra, / ker se mi je nekje zataknilo, / ker se mi je nekje zalomilo /.../ ker sem jim rekla, / da me vse to boli in ubija, / ker sem ob špagetih pisala pesmi, / ker jih nisem jemala resno, / ker mi je življenje predragoceno, / da bi ga zavila v zlate laži« (Krese 1992: 66). V isti pesniški zbirki avtorica sopostavlja pitje kave na berlinskem vrtu (kjer je med pisanjem pesniške zbirke *Postaje* tudi živel) in opazovanje domovine s temu primerne distance. Razgled od tam ni nič kaj lep:

... gledam okna velika, / kjer se režijo Slovenci, / gledam alpsko kulturo, / kjer se Marija Terezija še sama spotakne, / gledam besede, ki se jih spreobrača, / gledam moške, ki ukazujejo ženskim trebuhom, / gledam veselje nad bolečino, / gledam ruševine svoje mladosti /.../ gledam pojoče otroke, / ki nabirajo planike, / gledam gradove, ki nikoli ne bodo naši. (Krese 1992: 65)

Migrantska izkušnja Maruše Krese je torej precej drugačna od motivike, ki jo srečujemo pri nekaterih drugih slovenskih pesnicah v zdomstvu. Medtem ko naj bi zlasti pesmi Milene Šoukal, Pavle Gruden in Milene Merlak Detela govorile o hrepenenju po domovini in o strahu, da je ta za vedno izgubljena (Avsenik Nabergoj 2005), je opus Maruše Krese prepreden s hrepenenjem po potovanjih, »s hrepenenjem po vetru v laseh, ne vedoč, kam te bo pot zanesla, in kaj si od te poti lahko obetaš, če sploh kaj« (Rožič 2014: 60). In čeprav Maruša Kresa iz svoje domovine ni popolnoma izkoreninjena oziroma se zdi njena vrnitev še vedno mogoča, lahko iz njenih del razberemo nekaj drugega: njena domovina se je polagoma spremenila v tujino.

## ŽENSKO O NACIONALIZMU

Kontekst migrantske izkušnje Maruše Krese je treba osvetliti še z drugega vidika: avtorico skušam umestiti v širši kulturni okvir z ozirom na prijateljske stike,<sup>1</sup> ki jih je vzdrževala s pisatelji in z intelektualci iz nekdanje skupne države. Z njimi jo družita odnos do vojne v Jugoslaviji ter razočaranje nad stanjem v domovini, posledično pa tudi tematizacija slednjega. Zaradi svojih kritičnih stališč in nasprotovanja nacionalistični politiki so nekateri med njimi svoje domov(in)e resnično zapustili, drugi pa so postali nekakšne notranje razseljene osebe oziroma tujci v lastni domovini. Iz korespondence, ki jo podrobneje predstavljam v naslednjih odstavkih, je tako razvidno, da ima Maruša Kresa med drugim stike z Rado Iveković ter da je osamosvajanje Slovenije po televiziji v berlinskem stanovanju spremljala skupaj z

1 Da zadnje čase vse bolj upošteva »odnos z drugim kot konstitutiven za jaz,« priznava tudi Luisa Passerini (2008: 219).

Vesno Kesić. Obe hrvaški intelektualki sta državo zapustili ob izbruhu afere, ki jo je sprožila objava članka Hrvaške feministke posiljujejo Hrvaško. V članku omenjene avtorice (poleg zgoraj omenjenih še Jelena Lovrić, Dubravka Ugrešić ter Slavenka Drakulić) so namreč medvojna posilstva postavljale v kontekst nasilja moških nad ženskami in jih niso obravnavale kot dokaz prevlade ene nacije nad drugo. V članku je bilo posebej izpostavljeno, da so nekatere avtorice v intimnih razmerjih s srbskimi državljani, kar je še dodatno podkrepilo napade nanje. Večina od petorke se je zato odločila Hrvaško zapustiti: Rada Iveković je emigrirala v Pariz, Slavenka Drakulić na Švedsko, Dubravka Ugrešić na Nizozemsko.

Zaradi svojih političnih stališč domovine niso zapustile le zgoraj omenjene pisateljice oz. intelektualke. O tem se lahko prepričamo še v neki drugi, bolj znani medvojni pisateljski korespondenci, in sicer v *Knjigi pisem*, ki sta si jih med letoma 1992 in 1995 izmenjevala Mirko Kovač in Filip David. Kovač je zaradi političnih pritiskov iz Srbije emigriral v Rovinj (njegova žena je bila Hrvatica), David pa se je v Srbiji spraševal, ali naj, glede na to, da so podobno storili številni njegovi pisateljski kolegi (npr. Dubravka Ugrešić, Rada Iveković, Ivan Lovrenović, Dževad Karahasan itd.), tudi sam zapusti državo. David je ostal v Srbiji, toda svoj odnos do domovine, ki to očitno ni bila več, je jasno opredelil v eseju *Biti izdajalec*;<sup>2</sup> ta je priložen njuni pisateljski korespondenci. Dopisovanje med Marušo Krese, hrvaško filozofinjo Rado Iveković, srbsko pesnico Radmilo Lazić in dramatičarko Biljano Jovanović je od začetka junija 1991 do konca novembra 1992 potekalo s pomočjo faksiranih sporočil, ki so si jih avtorice pošiljale preko Ljubljane, Berlina, Beograda, Pariza itd. Knjiga je bila leta 1993 v Nemčiji objavljena z naslovom *Briefe von Frauen über Krieg und Nationalismus*, po omenjenem tekstu pa so v nemščini posneli tudi radijsko igro.<sup>3</sup> Leto pozneje so pisma v Beogradu izšla z naslovom *Vjetar ide na jug i obrće se na sever*.<sup>4</sup> V srbski izdaji so pisma izšla v izvorniku, zato se pri pisanju sklicujem nanjo. Določeni odlomki omenjene korespondence so v fragmentih izšli v zbirki kratke proze Maruše Krese *Vse moje vojne*. Z vso grozo, ki jo je občutila ob začetku vojne za Slovenijo in Hrvaško, nas Maruša Krese sooči že v prvem pismu, ki ga je naslovila na Biljano Jovanović.

Pri nas je krasno. Končno smo Slovenci prišli na prvo mesto na nemškem televizijskem dnevniku, Hrvati tudi. Jakob joka, ker neprestano obračamo gumbe na televiziji in iščemo novosti iz Jugoslavije, on pa ne more gledati risanke. David je bled in pravi: »Mama, Ljubljano bodo bombardirali«, Vesna [Kesić] je zelena in pravi: »Maruša, to bo sama kri ...« Vsi to vemo, ampak vseeno norimo dalje ... Kaj res ni nikogar, ki bi to zaustavil, kaj res ni nikogar, ki bi dejal: »Hej, ljudje, pamet v roke!« Ali so že vse pregnali? (Krese 1994: 20)

Ob spremljanju televizijskih poročil o osamosvajanju Slovenije se Maruša Krese nenehno sprašuje, kaj naj stori s svojima besom in strahom, ob soočanju s stališči nekaterih svojih prijateljev iz Slovenije (s katerimi vse redkeje najde skupen jezik) pa se v njej čedalje glasneje oglašajo osamljenost. Še bolj jo prizadene sesuvanje sveta, kakršnega je dotlej poznala, vsi ti vtisi pa se mešajo z nostalgijo po mladosti. Njen nemir pogosto povzroča nespečnost in celo občutje krivde, ker je odpotovala v Nemčijo.

Ponoči več ne spim. Pred očmi se mi odvija celo življenje. Včasih razmišljam, da je to zato, ker sem odšla v Nemčijo. Takoj nato mi je umrl oče. [...] Ampak vsakič, ko sem hotela nazaj, so mi prijatelji, ki zdaj vodijo celo zadevo, odsvetovali. Počakaj malo, saj bo bolje. Ali je to tisto bolje? Verjetno je to tisto, kar so čakali. Jaz ne. Jaz sem opletala z ožino slovenskega prostora, ki se je začel v začetku osemdesetih še bolj grozljivo ožiti [...] in oni so govorili o trenutku, ko bo napočila njihova ura oblasti, vseeno, kakšna bo cena tega početja. (Krese 1994: 27)

2 V njem beremo: »To, kar sejete sedaj, ni seme upanja in obnove, temveč seme dolgotrajnega trpljenja in velike nesreče. Takšno državo težko kdo imenuje za domovino. [...] Edino, kar nam preostane, je, da postanemo izdajalci«. Izdajalci, ki kliče vojno in lakoto« (David, Kovač 1998: 73).

3 Radijska igra *Der Wind weht gegen Mittag und kommt herum zum Mitternacht* je bila leta 1993 izbrana za najboljšo radiodramo v nemško govorečem prostoru.

4 *Veter piha proti jugu in se obrača proti severu*; odlomek iz knjige *Pridigarja 1,6*, Stara Zaveza.

Uteho je našla ob delu s svojim prevajalcem, koroškim Slovencem Fabjanom Hafnerjem, v katerem je našla sogovornika. Po eni strani ji je bilo v oporo druženje s prevajalko Marianne Frisch, po drugi strani pa je njuno sodelovanje (oz. misel, da se z njo kot »tujko« bolje razume kot pa s »svojimi« Slovenci) v njej sprožalo še večji odpor do slovenstva in nekaterih prijateljev. Pogrešala je tudi srečanja v živo s svojimi dopisovalkami, s katerimi so se v času trajanja korespondence navadno uspele srečati le za kratek čas. Med bivanjem v Nemčiji se je Maruša Krese v slovenskih medijih pogosto javljala s novinarskimi prispevki, vendar se je čedalje težje poistovetila s pogledom, kakršnega so ji vsiljevala pričakovanja drugih. V začetku julija 1991 so nadrejeni od nje pričakovali, da bo napisala prispevek o tem, kako v Nemčiji pišejo o »težki vojni« na Slovenskem« (Krese 1994: 35). Ugotavljala je, da je nemški tisk slovensko osamosvojitve spremljal z evforijo in se navduševal nad malim narodom, ki se je uprl tankovskemu boljševizmu; to je v njej še krepilo občutje odtujenosti. Kmalu nato je nemški dnevnik *Die Zeit* Maruši Krese ponudil, da napiše prispevek o Sloveniji ali slovenski literaturi. Na začetku je z odločitvijo za pisanje odlašala: bala naj bi se lastnega besa. Zadržkov pa se je kmalu otresla in je svoje dopisovalke seznanila z odločitvijo, da bo, kljub zavedanju o morebitnih posledicah svojih besed, pisala o svojih realnih občutkih.

Tako imam nekaj časa, preden se spet odpeljemo, in sem se odločila, da le nekaj napišem o Sloveniji, pravzaprav o svoji domovini, o tisti svoji Jugoslaviji, katero vsi tako nemarno enačijo s komunizmom. Naveličana sem teh dolgočasnih črno-belih zgodb, tega zapadnega poenostavljanja slik izza »železne zaves«, teh tekmovanj, kdo na Balkanu je boljši in kdo slabši. Torej, začela sem pisati, v besu, v žalosti. V Sloveniji nimam potem ničesar več iskati (najbrž). [...] Ne razumem in nikoli ne bom razumela, kako svet naseda tej poceni slovenski in hrvaški propagandi, prav kot nisem pred leti razumela nasedanja Miloševićevi propagandi. Ne verjamem tej božji naivnosti. Najbrž so se tako odločili, in mi kot pravi cepci izpolnjujemo ukaze. (Krese 1994: 53)

Esej *Abschied von Slowenien* je v časopisu *Die Zeit* izšel 6. septembra 1991. V Srbiji je prispevek v reviji *Književne novine* izšel z naslovom *Slovenijo, kuda ideš?*, novembra 1991 pa v *Novi reviji*, naslovljen kot *Slovo od Slovenije*.

## V ISKANJU NOVEGA KRALJA

Avtorice so že z izbiro naslova v nemščini (tj. ženske o nacionalizmu) pokazale, da gre za dopisovanje, katerega rdeča nit naj bi bilo njihovo doživljanje nacionalizma ob razpadu Jugoslavije. Da ne gre za intimno dopisovanje, ki ne bi bilo namenjeno objavi, dokazujejo tudi s stilom pisanja: bolj gre za beleženje svojih vtisov (bodisi čustvenih, stvarnih bodisi teoretskih razmislekov o imaginariju vojne) in obveščanje o aktualnem dogajanju v njihovi bližini. Dokumentarno funkcijo besedila še povečuje abecedni seznam v pisnih omenjenih imen, ki je bil korespondenci dodan kot priloga. V korespondenco *Vjetar ide na jug i obrće se na sjever* so avtorice vključile tudi nekatere peticije in izjave drugih vidnih intelektualcev ali umetnikov (npr. odprto pismo igralko Mire Furlan, ki je zaradi svojih protivojnih stališč po medijskem linču v hrvaških medijih emigrirala v New York). Tako je bil v korespondenci objavljen tudi zgoraj omenjeni esej Maruše Krese.

Svoje razmišljanje je Maruša Krese začela s sceno na nemškem uradu za tujce. Ker so ji ukradli jugoslovanski potni list, je ob štirih zjutraj sredi Berlina, kjer je takrat živela, čakala na novo dovoljenje za bivanje. Z grenkobo je pripomnila, da bi se morala odločiti za nemški potni list. Misel se je seveda nanašala na razočaranje ob razpadu nekdanje skupne države in začetku samostojne poti Slovenije, zaradi česar je izgubljala trdna tla pod nogami, oziroma, kot se je sama izrazila, svoje korenine: »Kje sem doma? Tu v Berlinu, kjer ne poznam skoraj nikogar, ali tam spodaj, v državi, ki je ni več, kot me poučijo moji slovenski rojaki? V svoji torbici nosim popolnoma nov potni list neke države, ki je izginila. Tudi tako lahko postaneš emigrant« (Krese 1991: XI).

Svoje razmišljanje je nadaljevala z ugotovitvijo, kako hitro so ljudje, predvsem umetniki (v njenem eseju so na udaru zlasti pesniki in pisatelji) v odnosu do Jugoslavije »zamenjali ploščo«: kako hitro so sprejeli naziranje, da je bila nekdanja skupna država »temnica narodov«, da si je marsikdo zgradil kariero na nagradah, ki jih je prejel v Beogradu in v drugih jugoslovanskih republikah, ter da so njihovi rojaki, s katerimi so še pred kratkim živeli v isti državi, naenkrat postali »tisti tam spodaj«, medtem ko naj bi Slovenci kar naenkrat postali »Evropejci«. Kot sem že omenila, je bila Maruša Krese zlasti ogorčena nad literati, ki so začeli govoriti o temačnosti komunističnega režima in komunističnem terorju, čeprav so v omenjenem obdobju po njenem mnenju pogosto prosperirali; lahko so izdajali knjige, dobivali dobre honorarje ter se zaposlovali v različnih založbah, zmotili pa sta jo zlasti njihova šovinistična retorika in samozaverovanost:

Le kaj počnete, sem rekla nekemu pesniku, borcu za veliko slovenstvo, med sprehodom po parku, kjer je Rilke napisal svoje devinske elegije. »Veš, mi Slovenci ne bomo zdravi, dokler ne bomo imeli lastnega slovenskega kralja.« [...] Takrat v Devinu sem mislila, da tega ne morem jemati resno. [...] Nekaj mesecev kasneje sem ugotovila, da je treba te ljudi jemati grozno resno. Ti ljudje so govorili v imenu ljudstva. Temu ljudstvu ne morem pripadati. (Krese 1991: XI–XII)

Maruša Krese je opozorila tudi na to, da si morajo ženske v novo nastali državi izboriti marsikatero pravico, ki so jo v socialističnih letih že imele, ter da je osamosvojitve pripadla moškim (sama pravi, da je Slovenija postala država »hudobnih palčkov«). V parlamentu nove države po njenem mnenju sedi manj žensk kot kdaj prej v SFRJ, iskanje kralja, ki bi bil primeren za slovenski narod, pa je pripadlo v prvi vrsti moškim. »Upam, da bodo našli vsaj enega lepega,« je z dobršno mero ironije zapisala v sklepu svojega eseja (1991: XIV). Pesnica Radmila Lazić je omenjeni prispevek prebrala v *Književnih novinah*. V pismu je Maruši Krese priznala, da čuti podobno in da razume njeno frustracijo in občutek, da je izgubila domovino. Zapisala je tudi, da so v Srbiji njen esej sprejeli z odobravanjem, vendar je iz njenih besed razbrati tudi precejšnjo sprjaznjenost z usodo:

Tako to gre: etnos, etnos, korenine, korenine ... toda s koreninami ostajaš v zemlji, takoj ko se vzpneš ven iz nje in poženeš liste, bi te želeli obrati ali še bolje: posekati. [...] Izgubljam prijatelje, to je res, vendar ne pravih in ne nujno »z druge strani« in ne »tam«, temveč prav: tukaj, med »svojimi«. Ne razumemo se, govorimo v različnih jezikih, govorimo, govorimo ... Potem pa nehamo govoriti, saj je tako manj boleče. Z mnogimi je tako ... (Krese 1994: 90–91)

Na pismo Maruše Krese se je odzvala tudi Rada Iveković, ki je iz političnih razlogov emigrirala v Pariz. Z grenkim priokusom je opisala, kako so jo »dežurni Hrvati« napadali zaradi članka, ki ga je pred kratkim objavila tudi sama, in dodala, da se nihče od njenih kolegov ni upr lovu na čarovnice, kot so napad na hrvaške intelektualke, v katerem se je znašla Rada Iveković (pa tudi Vesna Kesić), poimenovali mediji. Dodala je, da so pri iskanju dežurnih krivcev ženske najbolj prikladne žrtve, zaznala pa je tudi ponoven pohod antiintelektualizma. Tudi po objavi omenjenega članka si Maruša Krese s slovenskimi pisatelji ni bila nič bližje. Njihovo ponovno srečanje na knjižnem sejmu v Frankfurtu jo je popolnoma razočaralo:

Vrnila sem se namreč po treh dneh knjižnega sejma po Frankfurtu in se počutim, kot da mi je bila duša posiljena. [...] V treh dneh Frankfurta sem se postarala in še bolj postala sama. Tudi prav. Tri dni sem, hočeš nočeš, opazovala moje pisatelje, vajine pisatelje [pismo je naslovljeno na Radmilo Lazić in Biljano Jovanović, op. Z. P.], Radine pisatelje, kako tekajo gori doli po »evropskem prizorišču«, kot mali propagandistični hlapci in mi grozijo, da nisem za pravo stvar. Meni grozijo, vam grozijo, nam vsem grozijo. Prava stvar?! Prava stvar?! [...] Kdo so ti ljudje. Kdo jim daje pravico zapirati drugim usta. Prava stvar, naša stvar, njihova stvar. [...] To pač ni moja stvar. (Krese 1994: 72–73)



Dvajset let po izidu omenjenega eseja, ko je bila za pisateljico že marsikatera odmevna objava (za kratko prozo *Vsi moji božiči* (2008) je prejela nagrado fabula, lotevala pa se je tudi že pisanja romana *Da me je strah?* (2013)), je o odločitvi za pisanje eseja ter o njegovih posledicah spregovorila tudi v intervjuju za revijo *Sodobnost*.

Na prvi dan vojne v Sloveniji so me poklicali iz redakcije *Die Zeita* in me prosili, da bi napisala članek o slovenski literaturi. O tem nisem hotela pisati, v tistem trenutku res ne bi mogla. Na njihovo vztrajanje, da vendarle želijo »nekaj« o Sloveniji, sem jim ponudila, da napišem svoje osebno razmišljanje o nastali situaciji v Jugoslaviji, vprašanje pa je seveda, če bo politično korektno. Dogovorili smo se za prispevek, izhodišče pa je bila moja prigoda, saj so mi v tistem času ravno ukradli potni list. [...] Na nekem sprehodu po prelepem vrtu devinskega gradu z Nikom Grafenauerjem mi je ta na pol za šalo, na pol zares razložil, da Slovenci ne bomo zdravi, dokler ne bomo imeli svojega kralja. Lahko sem samo pripomnila, da upam, da bo ta kralj lep. To je bilo še pred razpadom Jugoslavije. A ko si zdaj ogledujem nekatere kandidate za predsednike vlade, ki se pojavljajo s svojimi družinami, imam občutek, da je na pohodu kraljevska dinastija. [...] Ampak drugače sem v tekstu opozorila na preprosto dejstvo, kako v iskanju krivde za nastalo situacijo ogromno krivde zvrčamo na »brate z juga«, sebe pa ne vzamemo pod drobnogled. Stvar najbrž ne more biti popolnoma črno-bela. No, po objavi članka me Slovenci niso več vabili, zato pa sem dobila kar nekaj groženj in čudnih telefonskih klicev, da smo nazadnje morali zamenjati telefonsko številko. Otroci so bili precej zbegani. Toliko o svobodi pisane besede. Takrat je bilo težko. Če si bil kritičen do »svojih«, je to takoj pomenilo, da si prosrbski ali Jugonostalgicar ali sam bog ve kaj. (Krese 2011: 1556–1557)

V začetku maja 1992 je korespondenca med štirimi akterkami še vedno potekala, začetna bes in razočaranost v njihovem pisanju pa sta počasi zamenjevali utrujenost in resignacija. Popolnoma jih je potrl tudi začetek vojne v Bosni, saj je ta pomenil poraz njihovih pozivov za mir. Maruša Krese se je v tem času ukvarjala še s hudo osebno preizkušnjo: s težko boleznijo sina Davida.

## VREDNOST ENEGA ŽIVLJENJA

Čeprav se je ton dopisovanja z bombardiranjem Sarajeva precej spremenil in je začetno željo po spremembah zamenjal občutek nemoči, so pisma Maruše Krese postala resnično dramatična, ko se je krizi v svetu pridružila še osebna kriza: sinu Davidu so začele odpovedovati ledvice. Ker je to pomenilo začetek zahtevnega zdravljenja, se je odločila, da mu bo poskušala rešiti življenje z darovanjem ledvice:

Solze so mi tekle dva dni skupaj in zdravniško osebje je mislilo, da sem tako občutljivo bitje ... [...] Kako naj jim razložim, da mi je v trenutku, ko padajo bombe ali karkoli že na Sarajevo, ko se ne znam iti Slovenke in to pomeni, ah, jebi ga, karkoli že pomeni za življenje, ko me brijejo med nogami, ko poskušam tu v Berlinu [...] s svojo ledvico Davidu, ki bo jutri, osmega maja, na dan zmage ali kapitulacije, s katerekoli strani pogledamo, rešiti življenje ... To so trenutki, ko mi je tujina preveč, ampak kaj, ko je v tem trenutku domovina postala tujina in je vsaka tujina bolj domovina ... (Krese 1994: 148–149)

Po neuspeli operaciji, ko se je izkazalo, da je Davidovo telo materino ledvico zavrnilo, je do konca maja sledila veriga operacij. Ko se je sinovo stanje končno stabiliziralo, se je uspela za silo umiriti tudi sama, pri tem pa so ji bili v veliko pomoč prijatelji, ki so ji od blizu in daleč izražali svojo podporo. Z njihovo gesto se je tudi sama zavedla, da obstajajo vezi, ki še vedno zmorejo presežati novo nastale meje:

Sedim na balkonu berlinske bolnišnice. Prižigam cigareto za cigareto in sem na smrt utrujena. Otrok je ostal pri življenju. Gledam zelenje Berlina in sem hvaležna vsem, ki so v mislih na naju v teh dneh. Ob bolniški postelji mi ležijo faksi, ki so mi jih prinesli od doma. Iz Beograda, Rijeke, pozdravi iz Ljubljane, iz Sarajeva, iz Pariza ... iz Kopra ... V teh dneh mi je postalo jasno, da je Berlin trenutno moj dom in da sem si domovino, ki mi je bila pred letom



dni vzeta, v zameno so mi dali državo, enostavno spet vzela nazaj. Teh lepih misli od prijateljev iz bivše, ali kako se že temu reče, Jugoslavije, mi ne more pravzaprav nihče vzeti. (Krese 1994: 169)

Sredi novembra 1992 se je korespondenca končala, prej pa smo še izvedeli, da Maruša Krese ob vsej ozaveščenosti ob poročanjih o spopadih v Sarajevu ni mogla stati križem rok: čeprav je v sebi čutila, da potrebuje več zraka zase, ni odrekla solidarnosti sarajevskim beguncem in jim je nekaj časa nudila svoje stanovanje. Ko je vmes izšla njena pesniška zbirka *Postaje*, je ugotavljala, da se izida sploh ne more veseliti. Sodelovanje avtoric se je nadaljevalo prek drugih aktivističnih akcij (npr. projekta LUR – Leteče učilnice – delavnice).

## KRITIČNI ODZIVI

Glede na to, da je Maruša Krese v svojih razmišljanjih kritično ost pogosto upirala v slovenske pisatelje, ne preseneča, da je o izidu obravnavane korespondence pri nemški založbi Suhrkamp spregovoril – slovenski pisatelj. V *Delu* se je s prispevkom oglašil Lev Detela, predstavnik literatov v emigraciji. Svoj članek je naslovil *Slovenka v Berlinu o vojni za Slovenijo* (in še čem). Avtor je uvodoma poudaril, po katerih literarnih delih je slovensko občinstvo dotlej poznalo Marušo Krese: to sta bili »dve povedni, žensko emancipatorni pesniški zbirki« (Detela 1993: 7), in sicer pesniška zbirka *Danes* (1989), že omenjene *Postaje* (1992a), istega leta pa je ugledna založba Suhrkamp izdala še zbirko *Gestern, Heute, Morgen* (1992b). Kljub temu da je Detela osnovni namen korespondence označil in razumel kot pozitiven, je vendarle poudaril bes in razočaranje vpletenih avtoric (zlasti pa seveda Maruše Krese), s čimer je namignil, da osamosvojitve ne presoja racionalno in trezno:

Maruša Krese je [...] zelo zelo žalostna, ker je razpadla velika Jugoslavija. Navrh pa je tudi hudo jezna na Slovence. Ker so se odločili za samostojnost, ker so se usodili zapustiti lepo skupno domovino Jugoslavijo. Nič kaj dosti ne vpraša za vzroke tega razpada, ker je pač čustveno prizadeta, razburjena, jezna. Zato ni čudno, da ji je slovenski nacionalizem skupaj s tistim bojem za samostojnost obležal v želodcu. (Detela 1993: 7)

Kot sem že pokazala z nekaterimi odlomki, avtorice pogosto niso skrivale svojega čustvenega stanja, vendar to še ne pomeni, da so brez ugovorov nasprotovale razpadu Jugoslavije. Podobne misli je v enem prvih pisem zelo jasno zapisala Rada Iveković:

Vem, da je nesmiselno sedeti v Parizu in trpeti zaradi razpada Jugoslavije, namesto da bi »uživala« na licu mesta. Prav vseeno mi je, da država razpade, da gremo narazen [...] Toda bojim se nasilja, že dve leti opazujem, kako ta pošast raste in napreduje, kako je vse bolj krvoločna, kako vsak hoče obračunati s svojim sosedom, kako je sovraštvo nezaustavljivo ... (Krese 1994: 15)

Res je, da so pisma Maruše Krese v korespondenci najbolj osebna, prispevki Rade Iveković pa so marsikdaj mnogo bolj teoretični, vendar Detela svoj prispevek malodane utemelji na njeni domnevni čustveni neuravnovešenosti:

Seveda ni vse, kar se dogaja zdaj v Sloveniji, čisto zlato, vendar pa sentimentalna romantika o zlatih šestdesetih letih, ko je Maruša Krese pri Tromostovju še trgala liste iz Marxove knjige in iz teh narejene papirnate ladjice spuščala po Ljubljani, nič ne pomaga pri današnjem tarnanju! Zakaj se iz tistega otročjega upornišтва ni, ko je bil čas, rodilo kaj zaresnega, kar bi preprečilo sedanje pobijanje na Balkanu! (Detela 1993:7)

Zameril ji je tudi zgledovanje po Handkeju, ki je ob osamosvojitvi Slovenije razburkal javnost z esejem *Sanjačevo slovo od devete dežele*, svoj prispevek pa končal z obžalovanjem, da založba Suhrkamp

ni izdala še kakšne knjige, ki bi bolj objektivno predstavila slovensko osamosvajanje. Dodaja, da publikacija »podpira tiste predvsem levo usmerjene kroge v Nemčiji in svetu, ki so že od nekdaj prepričani, da je bila osamosvojitve Slovenije [...] napaka, ki bi jo bilo v primernem trenutku potrebno revidirati« (Detela 1993: 7). Ne glede na to, da je marsikatera misel Maruše Krese v tej knjigi netaktna, je korespondenca pomemben vir za preučevalce njenega življenja in opusa ter novejše zgodovine nasploh. Ponuja namreč vpogled v delovanje in razmišljanje ljudi, katerih mnenje se ob nastanku novih nacionalnih držav ni skladalo z mnenjem večine: seznaneni nas s povezavami med intelektualci, aktivisti in umetniki, ki so ob vojni na Balkanu zavzeli pacifistično držo, in tako omogoča pogled na osamosvojitve, ki bi jo zgodovinarji najbrž imenovali »pogled premaganih« (Wachtel 2005: 23).

Detela je tudi avtor nekaterih obsežnejših odlomkov v monografiji *Slovenska izseljenska književnost* iz leta 1999. Velja za ključnega predstavnika dunajskega literarnega kroga emigrantskih piscev. Marušo Krese v omenjenem pregledu uvršča med »v matično življenje integrirane slovenske besedne ustvarjalce v evropskem prostoru« (Detela 1999: 256). V zvezi z njeno pesniško zbirko *Gestern, Heute, Morgen*, kjer naj bi avtorica zapisovala »kritične utrinke«<sup>5</sup> ob razpadu Jugoslavije, zapiše, da je »delo dokument življenjske krize in frustracij« (prav tam: 257). Hkrati pa dodaja: »Avtorica namiguje na internacionalizem, ki da je v Sloveniji propadel in prepustil prostor zapoznelemu šovinizmu do drugih narodov, predvsem do Srbov. Do teh je avtorica tudi ob grozotah v Bosni dokaj nekritična« (prav tam). Maruša Krese je v intervjuju, ki sem ga v članku že citirala, okoliščine izida omenjene pesniške zbirke drugače ocenila: »Nehote se je zbirko povežalo s tem dogajanjem [z vojno v Jugoslaviji ter z objavo članka v reviji *Die Zeit*, op. Z. P.] in prebirali so jo kot vojno poezijo. Pravzaprav se pesmi lahko prebirajo tudi iz tega zornega kota, čeprav so bile napisane že kakih deset let prej« (Krese 2011: 1553).

Da se nekatere njene pesmi zaradi odprtosti prilagajajo različnim kontekstom, kaže primer pesmi *Razprodaja*, ki je bila prvotno objavljena v pesniški zbirki *Danes*, pozneje pa je bila uvrščena v zbirko *Gestern, Heute, Morgen*. Kot ponazoritev razočaranja nad sesuvanjem vrednot, kar je avtorica očitno zaznavala že nekoliko pred samim začetkom vojne v Jugoslaviji, pa jo je priložila tudi enemu od pisem v korespondenci: »Danes sem na razprodaji. / Vse je poceni. / Duša, telo in razpelo. / Solze in jeza. / V rdečem, modrem, zelenem. / Lahko oblečem še Luciferja. / Sivo in črno za cesarja, / rjavo rumeno za boga. / Danes se prav vse lahko dobi, / kri in posušeno srce ...« (Krese 1989: 69). Detela sestavek o Maruši Krese konča z omembo njene pisemske korespondence, naslednji odstavek pa začne z mislijo, da so v Nemčiji ustvarjali »tudi drugače usmerjeni avtorji« (1999: 257).

## SKLEP

Izguba domovine oziroma občutek tujosti v lastni domovini je gotovo dober razlog za življenjsko frustracijo, brez katere ne bi bilo razmisleka o lastni identiteti in možnosti upovedovanja sveta iz perspektive tujca, pri mnogih avtorjih in avtoricah pa tudi ne potrebe po ustvarjalnosti. Poleg tega naj vloga književnosti ne bi bila pisati le o lepotah rodne grude, temveč predvsem odpirati nova vprašanja, tudi kadar ta za ušesa niso najbolj prijetna. Razmišljanja Maruše Krese o osamosvojitvi Slovenije so bila do sedaj obravnavana v kontekstu občutenja tujosti (Borovnik 2008), podrobnejše okoliščine izida obravnavane korespondence o nacionalizmu in eseja *Slovo od Slovenije* pa je avtorica pojasnila v intervjuju s Cvetko Bevc (2011). Glede na to, da obsežnejših študij o omenjenih tekstih še ni, se zdi, da je za soočanje z alternativnimi pogledi na pomembnejše zgodovinske dogodke pogosto potreben čas. Najnovejši literarnozgodovinski prispevki (gl. Žitnik Serafin 2011) Marušo Krese v kontekst slovenske izseljenske književnosti umeščajo brez ideoloških podtonov, priznavajo

5 Izraz »utrinki« oziroma »kritični utrinki« za pesmi, objavljene v pesniški zbirki *Gestern, Heute, Morgen*, je Detelov; uporabi ga tako v članku za Delo kot tudi v zapisu v monografiji o slovenski izseljenski literaturi. Osebnost mi zdi raba te oznake problematična, celo zavajajoča, saj gre za pesmi, ki so bile večinoma že prej objavljene v pesniški zbirki *Danes*, v nemškem prevodu pa ne nastopajo v kakorkoli okrajšani obliki.

pa pomen avtoričinega družbenega angažmaja. Maruša Krese je tako v omenjenem članku skupaj z nekaterimi drugimi slovenskimi avtorji, delujočimi v nemško govorečem prostoru, uvrščena med ustvarjalce, za katere je značilna »kvalitetna literarna dvojezičnost« (prav tam: 40), kar nas znova napotuje na misel iz naslova eseja Herte Müller, da je domovina bivanje v jeziku. Takšno pojmovanje je ključno za oblikovanje »medkulturne zavesti in večkulturne nacionalne identitete« (prav tam: 42) ter za kontekstualizacijo avtorjev, ki so v določeno kulturo bodisi priseljeni bodisi iz nje izseljeni, za svojo ustvarjalnost pa priznavajo pomen obeh okolij.

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## SUMMARY

### THE RELATIONSHIP BETWEEN FOREIGN COUNTRY AND HOMETLAND ON MARUŠA KRESE'S MAP Zala PAVŠIČ

This article brings new aspects to understanding the writings of Slovenian author, journalist, activist and globetrotter Maruša Krese. First, the article discusses Krese's understanding of identity on the basis of various motifs found in her poetry. It shows that the author yearns for freedom to travel abroad and a nomadic lifestyle rather than yearning for her homeland, which is a typical motif in poems written by Slovenian emigrant women writers.

The fluid identity she presents in her works, independent of national and religious ties, connects Krese with other authors who found their identity "complicated" and spoke and wrote critically about the fall of Yugoslavia and the independence of Slovenia and Croatia. During these events, Maruša Krese was living in Berlin and working as a correspondent, and was exchanging letters on nationalism with Croatian philosopher Rada Iveković, Serbian poet Radmila Lazić and Serbian playwright Biljana Jovanović. Their letters were published as *Briefe von Frauen über Krieg und Nationalismus* by the distinguished German publishing house Suhrkamp. Krese also wrote an essay titled *Abschied von Slowenien*, which was published in the journal *Die Zeit* and discussed Slovenia's independence. Finally, the contribution discusses critical reviews of Krese's work written by the well-known Slovenian emigrant author Lev Detela.

K N J I Ž N E O C E N Ě

B O O K R E V I E W S



## **Bimal Ghosh, *The Global Economic Crisis and the Future of Migration: Issues and Prospects. What will Migration Look Like in 2045?***

Palgrave Macmillan, 2013, pp. 338

*The Global Economic Crisis and the Future of Migration: Issues and Prospects. What will Migration Look Like in 2045?*, written by Professor Bimal Ghosh, is the latest follow-up to his previous book *The Global Economic Crisis and Migration* (Ghosh 2011) in the light of the last global financial crisis and the political changes in the Arab World. This is a landmark work and a most insightful book, revealing the wide-ranging effects of the global economic crisis of 2008-9, political changes like the Arab Spring and the current rebalancing of the world economy on global migration. Following a critical discussion of the recession-led changes in migration patterns, practices and policies, the book details the impact of South-South and South-North migration on the changing landscape and makes a pragmatic prediction of what global migration might look like in 2045. Ghosh is an Emeritus Professor at the Graduate School of Public Administration in Bogota, Colombia. As a former director and senior consultant of the United Nations, the International Organization for Migration and other global initiatives, he has a deep understanding of the governance, policies and challenges of global migration.

Migration has become increasingly universal in character, involving all regions of the world. It has become diversified, and large numbers of countries are now actively engaged in shaping the global economy compared to the situation just a few decades back. The world is undergoing a major demographic shift which is going to reshape and dominate economic development for decades. The book presents the global migration scenario through a sharp analysis of the dominant issues related to migration. It has nine chapters divided into three major parts. Part 1 has five chapters that deal with how the 2008-9 recessions affected migration and flows of remittances, updating materials including his previous book published in 2010 with a similar title. Part 2 includes three chapters that review the migration implications of three recent developments: the Arab political uprising against long-established regimes, the future of global migration in the world where economic power is shifting towards the fast-growing developing countries and most interestingly the South-South migration among developing countries. Part 3 makes some recommendations and discusses the framework and guidelines for the governments considering changes in global migration policy. With strong background evidence and information on policy practices, it advocates for a “new global structure for orderly and predictable migration”.

The book concludes with a positive and pragmatic look at the future of global migration. The author pays particular attention to South-South migration. He also claims that because of this emerging trend of South-South migration, the South-North movements over the past decades have undergone significant changes, and new patterns of migration have emerged. The book is a vivid testimony of the impact and importance of migration on global development. He predicts that demographic changes in both the Global South and North will dominate global migration in the coming decades. The major importance of the book lies in its positive assertion regarding global migration and its call for a positive approach for sustainable migration governance, benefitting both the Global North and South. Ghosh offers interesting observations about South-South migration and its further implications for the future of the global migration.

Throughout the book, Ghosh insists on an international framework for migration management and the free flow of people. The alarming trend of widespread discrimination between foreigners and natives and other types of racial segregation is further illustrated as a negative impact of the recession. The author explains in detail restrictions on upward mobility for many migrants who were successfully integrating into the host market and society. His statements reflect on this hard-hitting reality in the changing global political landscape. Ghosh mentions the vicious circle of the link between the loss of jobs among migrants and the growing underground, shadow economy. With the complete absence of human and labour rights and exploitation at the most awful level, the dark side

of migration is obtaining visibility in the changing world order. A strong indicator of this vicious circle can be found in the case of South-South migration.

The author attaches particular importance to the fact that the rise of xenophobia and hate speech against immigrants has also endangered social and economic stability, making the integration process for legal migrants more difficult. The rise of ghettoisation in Europe and many other receiving countries is the consequence of these growing practices in many countries. The rise of Pegida, the English Defence League and Neo-Nazi parties in many European countries and xenophobic violence against migrant communities in South Asia is creating a horrific situation for migrants, which is threatening global stability, the development of the neo-liberal economy and the free flow of trade and labour.

Ghosh insists on an international framework for migration management and the free flow of people. He speaks for a collective and combined effort for maximizing the benefits of migration and minimizing the growing tensions between migrants and host societies and political uncertainties in many parts of the world. The book is powerful evidence of the importance of global governance of migration and provides strong policy recommendations for policymakers while dealing with issues like the role of migration in developed economies, migration management, standardized monitoring and fair recruitment, skilling migrants and the changing landscape of migration diversification.

This is a book full of valuable information and one can enjoy every section. It offers encouraging statements on the promotion of safe migration for economic benefit. However, in order to support his statements in favour of unrestricted human mobility, he left out some important issues regarding the social and psychological cost of migration. The author places a great deal of emphasis on the economic impact of labour migrants in the developed countries. However, for critical readers of migration, the social and political implications of this migration in the host society were not highlighted throughout the book. He did not focus much on the integration challenges migrants face in the host society, a very important factor for sustainable global migration. He seems to be more optimistic about global migration and the free flow of trade with greater integration among states under the umbrella of globalization. But in reality the anti-immigrant political wave in the Global North, strong nationalization policies on the labour market, interstate conflict in the Gulf region, and the forced displacement of millions of people from their places of origin challenge this positive aspiration. Among the decisive trends for the future of global migration in this book, political stability and climate-change induced migration were not highlighted in the way they deserve. The author discourages the regional approach to shared migration management and claims that this might hinder the possibilities for joint global action in the development of a sustainable migration regime. However, the social, cultural and economic positionality of different regions in Asia and Africa demands a collective regional approach in order to obtain a shared benefit from global migration management and to strengthen bargaining power in the global power structure. This explanation of positionality was absent in his analysis. In mapping the future, he highlights economic priorities with less of a focus on the socio-political image of the globe. It would have been better to focus more on the increasing internal migration within the framework of South-South movement in developing countries. With regard to further research, it would be welcome if more discussion on the policies of sending countries, the social and psychological cost of migration and more evidence-based discussion of South-North migration flow were brought into the discussion.

Overall, this book is an impressive achievement for global migration management, and Ghosh's involvement with global policy formulation is clearly reflected. He provides a very comprehensive analysis of the global economic crisis, an outstanding description of the challenges for migration management and a pragmatic description of future trends. As an overview of the field of migration and the contemporary global economy, this well-written book more than serves its purpose, providing the reader with extensive knowledge and plenty of illustrative examples.

Ansar Uddin Anas



## Zaira Vidau, Upravljanje jezikovne različnosti v javni upravi: Primer slovenske, furlanske in nemške skupnosti v deželi Furlaniji Julijski krajini

Univerzitetna založba Annales, Koper, 2015, 344 str.

Zaradi svoje etnične pestrosti je dežela Furlanija Julijska krajina za lucidnega raziskovalca odličen laboratorij. V tem smislu je knjiga Zaire Vidau tako analitično korektna (naj se tako izrazim) kot sveža. Korektna in natančna v poglavjih, kjer obravnava zgodovinske, politične in pravne premise italijanske nacije in izvedene inštrumente (političnih inštitucij in javne uprave), sveža pa v analizi preverjanja uresničevanja posebnih manjšinskih pravic v vsakdanjem življenju. Pred seboj imamo delo, v katerem avtorica posamezne segmente narodnih manjšin v deželi Furlaniji Julijski krajini podrobno analizira tako, da najprej posamezno narodno manjšino umesti v prostor in čas. V deželi živijo tri narodne manjšine – slovenska, furlanska in nemška. Avtorica ugotavlja, da se posamezne manjšine med seboj zelo razlikujejo. Poleg tega se razlikujejo tudi identitete znotraj posameznih manjšin, kot na primer različno doživljanje narodne in jezikovne identitete med pripadniki slovenske in furlanske manjšine v različnih pokrajinah; razlike so tudi znotraj nemško govoreče skupnosti v krajih Sauris, Timau in Kanalski dolini. Avtorica predstavi tudi pravne okvire varstva posamezne manjšine ter analizira problematiko v rabi jezika, izobraževanju, medijih, politični participaciji in udeležbi v gospodarskih dejavnostih.

Pri analizi posameznih segmentov zaščitnega modela za Slovence v Italiji so bili Zaira Vidau v pomoč številni sogovorniki, javni uslužbenci. Intervjuvanci ugotavljajo, da se je položaj slovenske manjšine po politično-druženih spremembah, ki so sledile padcu berlinskega zidu, osamosvojitvi Slovenije in evropskih integracijskih procesih, znatno izboljšal. Medtem ko je pred tem obdobjem meja ločevala dve državi (Italijo in Jugoslavijo), ki sta pripadali nasprotnima ideološko-političnima blokoma, zaradi česar je imela tudi Dežela Furlanija Julijska krajina funkcijo delitve, danes živimo v evropskem prostoru brez meja, ki omogoča in spodbuja intenzivnejše čezmejne odnose med Italijo in Slovenijo. Po omenjenih dogodkih slovenska narodna skupnost oziroma teme o jezikovni in narodni različnosti niso več težava v smislu notranjega sovražnika. Postale so kulturno in jezikovno bogastvo – ideal, na katerem temeljita tudi ideja Evropske unije in njeno geslo »Združeni v različnosti«. Številne ugotovitve anketirancev so zanimive in vredne pazljivega branja. Eden med njimi pravi, da je trenutna zakonodaja na področju varstva manjšin v Deželi Furlaniji Julijski krajini spodbudila pozitivnejše razumevanje manjšin in medetničnih odnosov. To še zlasti velja za ozje obmejno območje med Tržaško in Goriško pokrajino ter Slovenijo, kjer je v preteklosti prihajalo do hudih medetničnih konfliktov med slovensko in italijansko skupnostjo; posledice so še danes zaznavne na italijanski strani meje. Najprimernejše orodje za premoščanje omenjenih nekdanih travm in s tem povezanih predsodkov bi bilo vključevanje teme o manjšinah in manjšinskih pravicah v šolske programe.

Treba je omeniti še eno izjemno zanimivo avtoričino misel s tako rekoč univerzalnim pomenom. »V izvajanju zakonodaje na področju varstva narodnih in jezikovnih manjšin ne gre samo za dejavnosti posamezne krajevne javne uprave. Pomembna je tudi aktivna vloga državljanov, da se poslužujejo predvidenih pravic in javnih storitev v manjšinskem jeziku.«

Uresničevanje manjšinskih pravic je močno odvisno od stopnje ozaveščenosti političnih upraviteljev in javnih uslužbencev o pomenu ohranjanja etnične/narodne različnosti. Javni uslužbenci so vedno 'vratarji' (ang. *gatekeeper*), ki s svojo diskrecijsko pravico različno široko odpirajo uradniška vrata. Model italijanske narodno manjšinske zaščitne zakonodaje temelji na individualnem principu. Ta model terja od pripadnika vsakodnevno odločanje o tem, ali bo v javnosti in komunikaciji z javnimi ustanovami uporabil sklop t. i. posebnih manjšinskih pravic. Naporno opravilo, ki zna voditi k postopnemu opuščanju manjšinskega jezika kot jezika okolja in k stapljanju z večinsko in dominantno kulturo.

Vendar pa v drugih okoljih ni nič drugače, tudi v Sloveniji ne. Nabor in raba posebnih narodnomanjšinskih pravic sta pravno obilno normirana (govorim o Sloveniji), pomanjkanje politik njihovega uresničevanja v praksi pa močno omejuje njihovo dejansko rabo.

Kako naj sklenem predstavitev monografije? Delo, ki je pred nami, govori sicer o lokalnem, vendar ima močno univerzalno sporočilnost. Nedvomno ima ustrezno notranjo gradacijo, logično strukturo. Nič iz nje ne štrli; je skratka zaključena celota. V slovenski politološki literaturi dela s podobno vsebino še nismo imeli. Delo Zaire Vidau je novost v slovenski družboslovni znanstveni literaturi. Ugotovimo lahko, da Zaira Vidau v predstavljeni znanstveni monografiji k obstoječemu vedenju o problematiki oblikovanja (politične) kulturne identitete na prostoru ob slovensko-italijanski meji dodaja veliko metodološko in vsebinsko novega. Posebno vrednost predstavlja analiza nastajanja italijanske nacije. Analiza procesov homogenizacije italijanske države in družbe v preteklih desetletjih razkrije temeljne razloge za zadržanost italijanskega okolja do narodno različnega. V tem delu je znanstvena monografija izvorno delo. Čas po veliki shizmi leta 1990 je na novo zarisal tudi odnose Slovenije s sosednjimi državami ter slovenskimi manjšinami, ki v teh državah živijo. To velja tudi za Slovence v Italiji.

Delo Zaire Vidau odkriva številne ideološke tančice na polju razlag narodnega, etničnega, tako v »zamejskem« kot »matičnem« znanstvenem prostoru. Upamo, da bo delo spodbudilo tudi druge raziskovalce, da bodo pogledali čez plot ustaljenih resnic.

Miran Komac

P O R O Č I L A

R E P O R T S



## **Aktivnosti projekta, Napotitev delavcev: izmenjava izkušenj, promocija dobrih praks in izboljšanje dostopa do informacij; Posting of workers sharing experiences, promoting best practices and improving access to information**

Sodelavci Inštituta za slovensko izseljenstvo in migracije ZRC SAZU so med 4. in 6. novembrom 2015 in marca ter aprila 2016 organizirali niz transnacionalnih projektnih aktivnosti s področja mobilnosti delovne sile v Evropski uniji. Šest dogodkov je potekalo v okviru mednarodnega projekta »Posting of Workers: Sharing Experiences, Promoting Best Practices and Improving Access to Information« (VS/2015/0014), ki ga Inštitut vodi, še osem drugih organizacij iz Slovenije, Hrvaške, Belgije in Nemčije pa sodeluje v vlogi pridruženih institucij.

Namen projekta »Posting of Workers: Sharing Experiences, Promoting Best Practices and Improving Access to Information« (december 2014–november 2016) je preko različnih aktivnosti povečati dostopnost, preglednost in koherentnost informacij o napotениh delavcih na delo v okviru opravljanja storitev za različne ciljne skupine (odgovorne javne službe, zaposlovalce in napotene delavce). Nadaljnji namen je izboljšati transnacionalno sodelovanje med nacionalnimi odgovornimi javnimi službami in socialnimi partnerji, ki delajo na področju napotitve delavcev, predvsem z izmenjavo informacij, s seznanjanjem s sistemom IMI (Internal Market Information System) in z izmenjavo dobrih praks, vse z namenom ugotavljanja nepravilnosti na tem področju. Med nameni projekta je tudi izboljšanje vednja o evropskih direktivah s področja napotitev delavcev in njihovi implementaciji. Iz teh razlogov so bile projektne aktivnosti oblikovane v najširšem smislu informiranja ter izmenjave izkušenj in dobrih praks. Projekt »Posting of Workers« je sofinanciran v okviru Programa EU za zaposlovanje in socialne inovacije (EaSI), sklopa PROGRESS, in s strani Ministrstva za delo, družino, socialne zadeve in enake možnosti Republike Slovenije.

Prvi dogodek, okrogla miza z naslovom Challenges Concerning Posting of Workers (Pravice napotениh delavcev: izzivi in rešitve), je potekal 4. novembra 2015 v Atriju ZRC. Kot nakazuje že naslov, so bile osrednja tema okrogle mize pravice napotениh delavcev, s poudarkom na izzivih, s katerimi se pristojne službe in sami delavci soočajo v vedno bolj mobilnem delovnem vsakdanu. Gostje okrogle mize so bili predstavniki Zveze slovenskih sindikatov, strokovnjaki s področja zaposlovanja in inšpektorji za delo iz štirih sodelujočih držav. Različni pogledi in izkušnje sodelujočih so pokazali, da je na področju napotitev delavcev iz Slovenije in v Slovenijo še veliko nerešenih vprašanj in s tem možnosti za kršitve pravic delavcev. Zaključki okrogle mize so bili bolj splošne narave, saj je šlo predvsem za izmenjavo mnenj in izkušenj med predstavniki štirih držav Evropske unije.

Drugi dogodek je bil organiziran naslednji dan, 5. novembra, in sicer na Inšpektoratu za delo Republike Slovenije, kjer so se srečali inšpektorji za delo Hrvaške, Belgije in Slovenije, ki delajo na področju napotitev delavcev v okviru opravljanja storitev. Tako imenovani *joint visit* ali skupno strokovno srečanje je bil organiziran z namenom, da delavci pristojnih nadzornih organov s področja napotitev izmenjajo izkušnje, dobre prakse in informacije ter s tem prispevajo k uspešnejšemu delovanju nacionalnih inšpektoratov za delo na področju napotitev delavcev. Inšpektorat za delo Republike Slovenije je mednarodnim partnerjem podrobno predstavil svoje nacionalne zakonodajne specifikke, svoje dosedanje izkušnje in postopke na področju napotitev delavcev. Projektna skupina ZRC je sočasno opravila raziskovalno delo, saj bodo opažanja in zaključki s tega in še treh podobnih srečanj podlaga za ekspertizo in priporočila za odgovorne javne službe s področja napotitev delavcev.

Tretji delovni dan, 6. novembra, se je projektna skupina s predstavniki pridruženih institucij odpravila v Zagreb, kjer je potekala mednarodna konferenca z naslovom Posting of Workers within the EU: Challenges, Experiences, Working Conditions. Konferenco je ZRC organiziral v sodelovanju z Ministrstvom za delo in pokojninski sistem Republike Hrvaške. Prisotne je pozdravil takratni minister za delo dr. Mirando Mršić, šest govornikov pa je predstavilo prispevke s področja zakonodaje, sindikalne zaščite napotениh delavcev, inšpekcijskega nadzora in mednarodnega trga dela. Udeleženci konferen-ce so bili predstavniki hrvaških ministrstev, Zavoda za zaposlovanje, Zavoda za zdravstveno varstvo in

Hrvaškega združenja delodajalcev. Z gotovostjo lahko zatrdimo, da bodo večino informacij in novega znanja, pridobljenega iz predstavitev, lahko uporabili pri svojem delu. V popoldanskem času pa smo organizirali še drugo skupno strokovno srečanje, kjer so ponovno sodelovali inšpektorji za delo iz treh držav. Tokrat so bile v ospredju izkušnje hrvaškega inšpektorata za delo na področju napotitev delavcev. Svoje izkušnje so primerjali z izkušnjami kolegov iz Belgije in Slovenije.

Marca 2016 so predstavniki slovenskega in hrvaškega inšpektorata za delo skupaj z raziskovalci ZRC SAZU odpotovali v Bruselj na drugo skupno strokovno srečanje z belgijskimi inšpektorji za delo. Srečanje je bilo vsebinsko nadgrajeno in praktično obarvano, saj so predstavniki belgijskega inšpektorata predstavili veliko novega gradiva, celotno skupino pa odpeljali tudi na »teren«, na inšpekcijski pregled delovišča v središču Bruslja. Zadnje strokovno srečanje je bilo aprila na Univerzi v Rostocku, kjer so bili pogovori in izmenjave izkušenj usmerjeni v razmere na nemškem trgu dela in napotovanje v Nemčijo. Raziskovalci ZRC in Univerze v Rostocku so izmenjali tudi raziskovalne izkušnje s področja delovnih migracij v okviru Evropske unije.

Vse doslej izvajane aktivnosti so pomembno sooblikovale nadaljnje delo in načrtovane rezultate v okviru projekta, kot so nacionalna spletna stran ([www.napotenidelavci.si](http://www.napotenidelavci.si)), e-priročnik za pristojne institucije, delodajalce in delavce, že omenjena ekspertiza in izobraževanja s področja napotitev delavcev. V sklopu projekta so bila namreč izvedena eno nacionalno in šest regionalnih izobraževanj za javne uslužbenke, delodajalce, nevladne organizacije, zaposlovalne agencije in druge deležnike s področja napotitev delavcev v okviru opravljanja storitev. Izobraževanj, transnacionalnih dogodkov in sestankov se je udeležilo 590 udeležencev.

Kristina Toplak

# NAVODILA AVTORJEM ZA PRIPRAVO PRISPEVKOV ZA DVE DOMOVINI / TWO HOMELANDS

## 1. Usmeritev revije

Revija *Dve domovini / Two Homelands* je namenjena objavi znanstvenih in strokovnih člankov, poročil, razmišljanj in knjižnih ocen s področja humanističnih in družboslovnih disciplin, ki obravnavajo različne vidike migracij in z njimi povezane pojave. Revija, ki izhaja od leta 1990, je večdisciplinarna in večjezična. Letno izideta dve številki v tiskani in elektronski obliki na svetovnem spletu (<http://twohomelands.zrc-sazu.si/>).

Prispevke, urejene po spodnjih navodilih, pošljite uredništvu v elektronski obliki na naslov [hladnik@zrc-sazu.si](mailto:hladnik@zrc-sazu.si). Članki so recenzirani. Avtorji naj poskrbijo za primerno jezikovno raven in slogovno dovršenost. Prispevki morajo biti oblikovani v skladu z *Navodili avtorjem za pripravo prispevkov za Dve domovini / Two Homelands*. Rokopisov, ki jih uredništvo revije *Dve domovini / Two Homelands* sprejme v objavo, avtorji ne smejo hkrati poslati drugi reviji. V skladu z Zakonom o avtorskih pravicah in 10. členom Poslovnika o delu uredništva revije *Dve domovini / Two Homelands* se avtorji z objavo v reviji *Dve domovini / Two Homelands* strinjajo z objavo prispevka tudi v elektronski obliki na svetovnem spletu.

## 2. Sestavine prispevkov

**Članki** morajo imeti sestavine, ki si sledijo po naslednjem vrstnem redu:

- glavni naslov članka (z velikimi tiskanimi črkami, okrepljeno);
- ime in priimek avtorja (priimku naj sledi opomba pod črto, v kateri so navedeni: 1. avtorjeva izobrazba in naziv (na primer: dr. zgodovine, znanstveni sodelavec); 2. ime in naslov avtorjeve institucije (na primer Inštitut za slovensko izseljenstvo in migracije ZRC SAZU, Novi trg 2, SI-1000 Ljubljana); 3. avtorjev elektronski naslov);
- predlog vrste prispevka (izvirni, pregledni ali kratki znanstveni članek/prispevek, strokovni članek);
- izvleček (slovenski naslov članka in slovenski izvleček, skupaj s presledki do 1000 znakov);
- ključne besede (do 5 besed);
- abstract (angleški prevod naslova članka in slovenskega izvlečka);
- key words (angleški prevod ključnih besed);
- članek (1. skupaj s presledki naj ne presega 45.000 znakov; 2. celotno besedilo naj bo označeno z »Normal« – torej brez oblikovanja, določanja slogov in drugega; 3. pisava Times New Roman, velikost 12, obojestransko poravnava, presledek 1,5; 4. odstavki naj bodo brez vmesnih vrstic; prazna vrstica naj bo pred in za vsakim naslovom in predvidenim mestom za tabelo ali sliko; 5. odstavki so brez zamikov; 6. naslove označite ročno, podnaslove prvega reda z velikimi tiskanimi črkami in okrepljeno, podnaslove drugega reda z malimi tiskanimi črkami in okrepljeno; 7. (pod) poglavij ne številčimo);
- summary (angleški povzetek članka, največ 3000 znakov s presledki).

V besedilih se izogibajte podčrtovanju besed, okrepljenemu in poševnemu tisku; s poševnim tiskom označite le navedene naslove knjig in časopisov. V slovenskih prispevkih uporabljajte naslednje okrajšave in narekovaje: prav tam, idr., ur., »abc«; v angleških: ibid., et al., ed./eds., "migration". Izpust znotraj citata označite z oglatim oklepajem [...].

**Poročila in ocene** morajo imeti sestavine, ki si sledijo po naslednjem vrstnem redu:

- poročila s konferenc in drugih dogodkov, razmišljanja: naslov dogodka, datum poteka, ime in priimek avtorja, besedilo naj obsega med 5.000 in 15.000 znaki skupaj s presledki;
- knjižne ocene: ime in priimek avtorja ali urednika knjige, ki je predmet ocene, naslov knjige, založba, kraj, leto izida, število strani, besedilo naj obsega med 5.000 in 15.000 znaki skupaj s presledki, na koncu sledita ime in priimek avtorja ocene.

### 3. Citiranje

Avtorji naj pri citiranju med besedilom upoštevajo naslednja navodila:

- Citati, dolgi pet ali več vrstic, morajo biti ročno oblikovani v ločenih enotah, zamaknjeni, brez narekovajev.
- Citati, krajši od petih vrstic, naj bodo med drugim besedilom v narekovajih in pokončno (ne poševno).
- Navajanje avtorja v oklepaju: (Anderson 2003: 91–99); več navedb naj bo ločenih s podpičjem in razvrščenih po letnicah (Milharcič Hladnik 2009: 15; Vah Jevšnik, Lukšič Hacin 2011: 251–253).
- Seznam literature in virov je na koncu besedila; v seznamu literature na koncu se navajajo samo navedbe literature iz besedila; enote naj bodo razvrščene po abecednem redu priimkov avtorjev, enote istega avtorja pa razvrščene po letnicah; če imamo več del istega avtorja, ki so izšla istega leta, jih ločimo z malimi črkami (Anderson 2003a; 2003b).
  - a) Knjiga:
 

Anderson, Benedict (2003). *Zamišljene skupnosti: O izvoru in širjenju nacionalizma*. Ljubljana: Studia Humanitatis.
  - b) Članek v zborniku:
 

Milharcič Hladnik, Mirjam (2009). Naša varuška. *Krila migracij: Po meri življenjskih zgodb* (ur. Mirjam Milharcič Hladnik, Jernej Mlekuž). Ljubljana: Založba ZRC, ZRC SAZU, 15–20.
  - c) Članek v reviji:
 

Vah Jevšnik, Mojca, Lukšič Hacin, Marina (2001). Theorising Immigrant/Ethnic Entrepreneurship in the Context of Welfare States. *Migracijske i etničke teme* 27/2, 249–261.
  - d) Spletna stran:
    - Becker, Howard (2003). *New directions in the Sociology of Art*, <http://home.earthlink.net/~hsbecker/newdirections.htm> (1. 2. 2008).
    - *Interaction: Some ideas*, <http://home.earthlink.net/interaction.htm> (1. 2. 2008).

### 4. Grafične in slikovne priloge

- Fotografije, slike zemljevidi idr. – z izjemo tabel, narejenih v urejevalniku Word, ki pa morajo biti oblikovane za stran velikosti 16,5 x 23,5 cm – naj ne bodo vključeni v Wordov dokument. Vse slikovno gradivo oddajte oštevilčeno v posebni mapi z vašim priimkom in imenom. Opombe v podnapisih ali tabelah morajo biti ločene od tekočega teksta. Fotografije naj bodo v formatu jpg.
- Lokacijo slikovnega gradiva v tekstu označite na naslednji način:
 

Fotografija 1: Kuharica Liza v New Yorku leta 1905 (avtor: Janez Novak, vir: Arhiv Slovenije, 1415, 313/14) ali Preglednica 1: Število prebivalcev Ljubljane po popisu leta 2002 (vir: Statistični urad RS, Statistične informacije, 14).
- Za grafične in slikovne priloge, za katere nimate avtorskih pravic, morate dobiti dovoljenje za objavo.



# INSTRUCTIONS TO AUTHORS PREPARING ARTICLES FOR PUBLICATION IN *DVE DOMOVINI / TWO HOMELANDS*

## 1. Editorial content

*Dve domovini / Two Homelands* welcomes the submission of scientific and professional articles, reports, discussions and book reviews from the humanities and social sciences focusing on migration and related phenomena. The journal, published since 1990, is multidisciplinary and multilingual. Two volumes are published per year in print and electronic form on the internet (<http://twohomelands.zrc-sazu.si/>).

Articles should be prepared according to the instructions stated below and sent in electronic form to the editorial board at the following address: [hladnik@zrc-sazu.si](mailto:hladnik@zrc-sazu.si). All articles undergo a review procedure. Manuscripts that are accepted for publishing by the editorial board should not be sent for consideration and publishing to any other journal. Authors are responsible for language and style proficiency. Authors agree that articles published in *Dve domovini / Two Homelands* may also be published in electronic form on the internet.

## 2. Elements

**Articles** should contain the following elements in the order given:

- Title (in capital letters, bold);
- Name and surname of the author (after the surname a footnote should be inserted stating the author's: 1. education and title (e.g. PhD, MA in History, Research Fellow etc.); 2. full postal address (e. g. Slovenian Migration Institute, Novi Trg 2, SI-1000 Ljubljana); 3. e-mail address;
- Type of contribution (original, review or short scientific article; professional article);
- Abstract (title of the article and abstract, up to 1000 characters with spaces);
- Key words (up to 5 words);
- Article (1. should not exceed 45,000 characters with spaces; 2. the style of the entire text should be "Normal"; 3. font: Times New Roman 12; 4. paragraphs should not be separated by an empty line, empty lines should be used before and after every title and space intended for a chart or figure; 5 paragraphs following titles should not be indented, bullets and numbering of lines and paragraphs should be done manually; 6. titles should be marked manually, Heading 1 with bold capital letters, Heading 2 with bold lower-case letters; 7. (sub)sections of articles (Heading 1 and Heading 2) should not be numbered);
- Povzetek (summary in slovenian language, 3000 characters with spaces).

Avoid underlining and using bold in all texts. Italics should be used when emphasising a word or a phrase. Italics should also be used when citing titles of books and newspapers. In articles in English, the following abbreviations should be used: *ibid.*, *et al.*, *ed./eds*. When using inverted commas/quotation marks, use double quotation marks; single quotation marks should be used only when embedding quotations or concepts within quotations. Omitted parts of quotations should be indicated by square brackets with ellipsis [...].

**Reports and reviews** should contain the following elements in the order given:

- Reports from conferences and other events, discussions: title of the event, date of the event, name and surname of the author, 5,000 to 15,000 characters with spaces;
- Book reviews: name and surname of the author or editor of the book, title of the book, name of publisher, place of publication, date of publication, number of pages, 5,000 to 15,000 characters with spaces, with the name and surname of the reviewer at the end.

### 3. Quotations in articles

- Long quotations (five lines or more) should be typed as an indented paragraph (using the “tab” key), without quotation marks, the first line of the paragraph after the quotation should not be indented; quotations shorter than five lines should be included in the main text and separated with quotation marks, in normal font (not italic).
- When citing an author in brackets use the following form: (Anderson 2003: 91–99); when citing several authors separate their names with a semicolon and cite them according to the year of publication in ascending order (Milharcič Hladnik 2009: 15; Vah Jevšnik, Lukšič Hacin 2011: 251–253).
- A list of references should be placed at the end of the text and arranged in alphabetical order according to the author’s surname. The list of references should include only cited sources and literature. Multiple references by one author should be arranged according to the year of publication. Multiple references by one author published in the same year should be separated with lower-case letters (e.g. Ford 1999a; 1999b).
  - a) Books:
 

Anderson, Benedict (1995). *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London, New York: Verso.
  - b) Articles in a series:
 

Milharčič Hladnik, Mirjam (2009). Naša varuška. *Krila migracij: Po meri življenjskih zgodb* (ed. Mirjam Milharčič Hladnik, Jernej Mlekuž). Ljubljana: Založba ZRC, ZRC SAZU, 15–20.
  - c) Articles in journals:
 

Vah Jevšnik, Mojca, Lukšič Hacin, Marina (2001). Theorising Immigrant/Ethnic Entrepreneurship in the Context of Welfare States. *Migracijske i etničke teme* 27/2, 249–261.
  - d) Internet sources:
    - Becker, Howard (2003). *New Directions in the Sociology of Art*, <http://home.earthlink.net/~hsbecker/newdirections.htm> (1 Feb. 2008).
    - *Interaction: Some Ideas*, <http://home.earthlink.net/interaction.htm> (1 Feb. 2008).

### 4. Graphics and illustrations

- Photographs, illustrations, maps etc. – with the exception of charts produced in Microsoft Word, which have to be adjusted to page size 16.5 x 23.5 cm (6.5” x 9.25”) – should not be included in the Word document. All illustrative material needs to be numbered and submitted separately in separate folder with the author’s name and surname. Please submit visual material in .jpeg form.
- Locations of figures in the text should be marked as follows:
 

Figure 1: Lisa Cook in New York in 1905 (Photo: Janez Novak, source: Archives of Slovenia, 1415, 313/14) or Chart 1: Population of Ljubljana after the 2002 Census (source: Statistical Office of the Republic of Slovenia, Statistics, p. 14)).
- Permission to publish must be obtained for uncopyrighted graphic and illustrative material.

**DVE DOMOVINI • TWO HOMELANDS**  
**Razprave o izseljenstvu • Migration Studies**  
**44 • 2016**

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*Jeff Spinner-Halev*

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*Will Kymlicka*

*Liberalism, Community and Culture Twenty-Five Years On:*

*Philosophical Inquiries and Political Claims*

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*Marina Lukšič Hacin*

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*Politics of Recognition*

*Ana Maria Aragonés, Uberto Salgado*

*Denmark and Norway: Matching Labor Market Needs with Qualified Migrants*

*Aleksej Kalc*

*Nadzor migracijskih gibanj in migrantov v cesarski Avstriji od 18. stoletja*  
*do prve svetovne vojne*

*Nataša Rogelja, Kristina Toplak, Mojca Vah Jevšnik, Jernej Mlekuž*

*Napotitve delavcev iz Slovenije: nekatere specifične in problemi*

*Ksenija Šabec*

*Slovenski učbeniki kot akter etnocentrične in rasistične socializacije:*  
*primer osnovnošolskih učbenikov za geografijo*

*Dejan Valentinčič*

*Vračanje potomcev slovenskih izseljencev v ZDA in Kanadi k slovenski*  
*identiteti v kontekstu globalnega trenda individualizacije*

*Zala Pavšič*

*Razmerje med tujino in domovino na zemljevidu Maruše Krese*

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*Bimal Ghosh, The Global Economic Crisis and the Future of Migration:*

*Issues and Prospects, What Will Migration Look Like in 2045?*

*Palgrave Macmillan, 2013 (Ansar Uddin Anas)*

*Zaira Vidau, Upravljanje jezikovne različnosti v javni upravi:*

*Primer slovenske, furlanske in nemške skupnosti v deželi Furlaniji Julijski krajini,*

*Univerzitetna založba Annales, Koper, 2015 (Miran Komac)*

**POROČILA / REPORTS**

*Aktivnosti projekta, Napotitev delavcev: izmenjava izkušenj, promocija*  
*dobrih praks in izboljšanje dostopa do informacij; Posting of workers*  
*sharing experiences, promoting best practices and improving access to*  
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