XENOPHOBIA AND POST-SOCIALISM

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INTRODUCTION: TOWARDS THE OTHERS AND THOSE DIFFERENT

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Why discuss xenophobia and post-socialism? The foreword to this book will begin by trying to answer this question, which led us, the researchers and activists of the Peace Institute, to organize an international seminar on the subject in October 2001. Secondly, the basic conclusions including concrete proposals of the seminar will be presented and thirdly, the content of the articles presented in this volume, will be briefly introduced.

The period after 1989 can be characterized as an epoch that contributed to a substantial change in the process of comprehending the meanings of "domestic" (also "pure" or "national"), on the one hand, and of "foreign" on the other hand. The obvious shift from artificially cultivated principles of solidarity, unity and brotherhood to the well preserved dichotomic idea of "the west and the rest" resulted in enormous changes, visible especially in the rise of new radical phenomena and their concomitant new manifestations. This shift has brought new ways of thinking and acting.

After more than a decade of experience with post-socialist systems, there is no doubt about the close linkage between post-socialism and xenophobia. Different manifestations of what should be comprehended and what is continuously being reproduced as "ours" emerged out of both phenomena. What is "domestic" is being glorified; the struggle for "our" values and morals and also the fight for "our" nation or supranation (the big other) are aggressively pushing aside everything and everybody that endangers this cosy domesticity. "Ourness" *par excellence* is finding its way out through the political establishment and the mass media. Xenophobia in post-socialist societies functions in the service of the "protection" of what is "ours," what is "genuine." On the one hand it justifies itself, while being, on

the other, justified by "us": "we" are using the very mechanisms of xenophobia that serve the larger idea of protection. And what is actually being protected? The belief is that "we" as individuals and "our" pure values of civilization are being protected from "the others," their barbarism, faulty morals and savage values. And who are these "others" and those who are "different"? They are immigrants, Roma, Jews, Chechens, the mentally ill etc. One specific impact of xenophobia and related phenomena, such as more or less direct racism, nationalistic populism, chauvinism, various anti- manifestations (e.g. anti-Semitism), can be, speaking from an individual position, best determined as an assault on individual integrity. As a result we talk about people in categories. Obviously, classification is in its very process of (re)production, in the service of creating divisions along dichotomies such as "good-bad," "better-worse," "ours-theirs," "we-them," "civilized-barbarian" and so forth. Secondly, manifestations of these phenomena have significant social implications: being more or less openly expressed and practised by political elites, they are becoming a source of rising populisms and nationalisms.

These are the issues that should be of great concern to us in the period of post-socialism as new manifestations of these phenomena are constantly emerging; as soon as "we" feel our domesticity threatened in someway, there will be someone to blame. The victimization of the non-visible enemy is in a sense ironic or even grotesque but in its realistic implications exceeds the brutality of the darkest nightmares.

In the processes of post-socialist development xenophobia appears in different guises, and in varied embodiments. Moreover the sad fact is also that this is happening legally. In the first "transit decade" xenophobia was seen as something of short duration, whereas today it should be seen in its deeper dimensions, which far exceed any possibility of accepting arguments that justify xenophobia and link xenophobic reactions to "naiveness," "harmless protection" and even to "natural responses." Of course, there is nothing natural in the rejection itself, moreover excuses such as naturalness in responses only make manifest what is being denied: xenophobia itself. Xenophobia can be understood within the realm of what is perceived as anti-democratic, that is, as posing a threat to democratic development not only at national but also the international level.

Yesterday "we" (the positively positioned social construct) gathered forces against refugees; today the emerging "We" is enchaining gays, immigrants, the handicapped and Jews. Who is next? Who will be the scapegoat and the victim of "our" interests tomorrow? If at the beginning of the 90s we were speaking about xenophobia mainly in relation to those "others," today the voice that speaks as "we" is also bothered by those who are "different." This may be one of the theoretically important "qualitative" shifts that show that we are facing the emergence of new forms of xenophobia. If before "we" reacted against the "others" in the sense of the "other's" ethnic origin, religious belief or race, today we are also reacting against those "different": gays and lesbians, drug users, the mentally ill and so on. "We" have to be protected; our values have to remain untouched; our morals uncorrupted. The purification of "our" world opens a space for different kinds of nationalism which are also becoming part, sometimes a major part of the contemporary political establishment.

These are the major concerns that stimulated the Peace Institute to organize the international seminar on "Xenophobia and Post-socialism" in Ljubljana, 3–7 October 2001. In general the goals were to analyse and compare concrete experiences regarding xenophobia and to propose strategies for overcoming its manifestations. Theorists and activists from Central and Eastern Europe came to Metelkova in Ljubljana where extensive discussions of the situations in Czech Republic, Hungary, Macedonia, Russia, Slovakia, Poland, Slovenia took place. The necessity of different approaches to studying these phenomena was pointed out; at the theoretical level, the differences between *barbaros* and *ksenos* were highlighted and served as a tool to stimulate thinking about the emerging dichotomies in contemporary societies; xenophobia in written and spoken language was debated, and the positions from which one reacts to the "other" were analysed. Following practical examples, the group tried to evaluate the general political atmosphere, discussed the role of mass media that (re)produce xenophobia and outlined xenophobia on the level of the parliament and political parties.

Thoughts about the emergence of post-socialist "subjects" (parties, movements, associations) and their hostile relations to "foreigners" were put forward. Xenophobia in relation to immigrants and examples of hatred in religion and churches were debated. In addition, specific manifestations of xenophobia were linked to the EU and its enlargement process, while the analysis of legal instruments and alternative forms as methods of counteraction were brought forward. All this brings us to the conclusion that the rationale behind the meeting was, as Tonči Kuzmanić said in his introduction to the seminar, "not one of joy and celebration, but rather one of concern and sorrow."

In its work the group combined open presentations, followed by discussion, with facilitated workshops addressing common concerns that could serve as background for future initiatives both from the group and from individuals in their efforts against xenophobia. In summing up the results of the workshop, let us briefly review some of its important findings. The group discussed the gap between "our visions and present realities" with regard to xenophobia and post-socialism and produced a list of the following concerns from different levels of social life:[1]

- manifestations of institutional discrimination practised by institutions such as politics, the police, the courts/law, registration policies, the visa regime;
- political decision-making structures with respect to their politics of exclusion and the lack of political will of those in power;
- absence of enforcement of legislation to protect vulnerable groups; absence of coherence and transparency of legal acts;
- absence of multicultural training; the education system perpetuates images and stereotypes, while promoting a version of history which excludes minorities;
- police lacking the training to work with vulnerable groups;
- denying employment by discrimination according to race, gender and ethnicity;

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[1] What follows is a partial list. For more detailed information about the workshops and the whole evaluation of the seminar see <www.mirovni-institut.si>.

- media-promoted intolerance which results in a lack of awareness of the racism present in language and images; besides, there is a lack of commitment from the media;
- public lack of interest in minority groups;
- public spaces insufficiently open to diversity;
- discrimination which is privately tolerated (e.g. access to clubs, organized violent attacks);
- a discriminatory national border system and detention system for refugees;
- absence of gender equality;
- absence of equality for gays and lesbians.

The next issue that the group discussed was the idea of how to "overcome the gap between the present situation and the society we aim for." The following, as the outcome of previously addressed concerns is a summary of the results of the discussion; the needs are thus to:

- demonopolize political structures and ensure political participation of diverse groups;
- adopt anti-discrimination measures in different areas within the legal system, while ensuring enforcement and monitoring of their implementation;
- provide obligatory programs for learning intercultural competence (for police, civil servants, teachers and media);
- promote tolerance, non-discrimination, diversity and human rights in the school system;
- organize training for journalists and enforce the journalists' code of ethics;
- promote independent media and stimulate media diversity;
- stimulate the media to promote diversity and use the media as an advocacy tool (e.g. to campaign for liberal attitudes, to run anti-racist campaigns);
- provide campaigns for educating citizens; to involve local communities in intercultural events, solidarity actions and humanitarian projects.

The next important result of the seminar is the table of recommendations that was put forward by the members of the group bear-

ing in mind what we, as activists, scientists and NGO representatives, can do with regard to xenophobia. What follows are some examples of and ideas for the necessary concrete future work in the fields of media, public administration and governmental policy and NGOs:[2]

Media	Public Administration and Governmental Policy	NGOs
• provide coordinated, quick response to local xenophobic incidents • decide on region-wide monitoring of discriminatory texts and images • organize contests for journalist (e.g. best article award, "top ten hate-speech champions")	• advocate legislative changes • provide diversity training courses for public administration • promote and co-produce multicultural education programs	• create an international response network against xenophobia to launch concrete projects • organize public events to promote diversity • propose anti-discriminatory measures within the legal system

After this simple introduction to seminar's origins and a brief introduction to its results, and proposals for future work, let us now, finally, pay brief attention to the articles published in this book. These articles highlight different important, even vital aspects of manifestations of xenophobia: both theoretical implications and practical examples stimulate thinking about the larger implications of xenophobia. Furthermore, the complexity of the phenomenon is significantly explored, while the practical implications highlight concerns about future democratic development in post-socialism. Tonči A. Kuzmanić, in his article entitled "Post-socialism, Racism and the Reinvention of Politics," introduces "classical" (biological) racism on one hand, a concept closely connected with nature as a consequence of utilitarian projects in history, and, on the other hand, today's

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[2] For the complete list of short, middle and long term objectives of possible future work in different fields, see <www.mirovni-institut.si>.

racism that functions mainly on the basis of culture. The previous level of manifestations of racism—the "natural" one—is something that now functions socially. Furthermore, the author explains why and how we should understand racism and xenophobia as hierarchical phenomena; before launching the second part of the paper, where an interview is used as a form through which the author answers questions, he explores the area of politics and introduces ideas for opening up political space with a special emphasis on equality.

In his article "Xenophobia and Slovenian Media: how the Image of the Other is Constructed (and What it Looks Like)," Igor Ž. Žagar briefly shows the similarities in media argumentation in the case of Bosnian refugees in Slovenia at the beginning of the 90s and during the "immigrants' crisis" of 2001. The author provides a descriptive rhetorical analysis to show that both refugees and immigrants are presented as social vermin. The author demonstrates how a xenophobic media discourse operates and on what type of argumentation it thrives: a selected media article is presented and its argumentation explored and deconstructed. Focusing on the text, Žagar shows how the author of the column uses various linguistic features (e.g. argumentative techniques and rhetorical strategies) to make his hypothetical and concocted story convincing. The author concludes by pointing out an important observation, that xenophobia is generated not just through loud manifestations and militant slogans, but also by using soft words and promoting the image of normality.

In her detailed analysis titled "Xenophobia or Self-protection? On the Establishing of the New Slovene Civic/Citizenship Identity," Vlasta Jalušič presents an analysis of the elements of xenophobia and hate speech in the Slovene print media during the first three and a half months of 2001. This discriminatory media discourse was obviously related to other discourses, namely the discourse of some state officials, and the supposedly "common people" discourse used by certain civil initiative groups that resisted the settlement of immigrants. The author indicates some characteristic elements of the media discourse, such as emotionalization, assumption of immigrant and state culpability, its stress on hostility towards the state, victimization of the "autochthonous" inhabitants, the presentation of normalization and also denial of xenophobia and racism as "normal

and understandable" reactions. A significant conclusion of this article is that the actual denial of xenophobia is a basic characteristic of hate-speech under post-socialism: it involves self-legitimization and presents xenophobic reactions as arising out of self-defensive necessity.

The article of Maria Marczewska-Rytko titled "The Problem of Xenophobia in the Context of Populism and European Enlargement" is a valued contribution, as it reflects today's manifest reality: the rise of extreme forms of nationalism in the processes of EU enlargement. The author briefly provides her understanding of populism as involving reliance on a strong leader who gains power by winning popular support for the struggle against a non-existent enemy. She presents the ideal populist vision of the world—that is, a small community based on principles of brotherhood and social solidarity; populism finds its grounding in the idealization of the people and society; it places great importance on national values; it glorifies the sense of national identity and at the same time adopts a hostile attitude towards the "others" who undermine the basis of such an ideal society. The author highlights examples of new populism in Western Europe, specifying the situations in Switzerland and Austria, while also providing a quick overview of the populist movements of J. M. Le Pen in France and S. Berlusconi in Italy and concluding with the presentation of new populism in Poland.

The xenophobic attitude towards the "others" in Russia is represented by Tanya Lokshina's article "Hate Speech in Russia: Overview of the Problem and Means for Counteraction." The article explores various manifestations of racism as practised by public officials and various representatives of the authorities. The author brings to light the problems of lack of public dialogue, and of the weak reaction of different social groups and NGOs to xenophobia in Russia. National xenophobia under Russian post-socialism shifted from the peoples of the near abroad to Russia's own "aliens"; xenophobic reactions are practiced especially against Chechens, Azerbaijani, Jews and so on. The article gives several examples that point to overtly xenophobic attitudes among Russia's top executive power leaders, e.g. "A good Chechi is a dead Chechi." The second part of the article explores a substantive analysis of mechanisms to combat xenophobia: Lokshina proposes forward legal mechanisms

to combat hate speech, debates the persecution of organizations and the media and last, but not least, discusses alternative forms for combating xenophobia.

Alexander Verkhovsky, in his article "Role of the Russian Orthodox Church in Nationalist, Xenophobic and Anti-Western Tendencies in Contemporary Russia," points to the existence of radical nationalist groups in the Russian Orthodox Church. Russian orthodox fundamentalism stands, as the author shows, for restoration of autocracy, and restrictions against Jews, and is based on complete rejection of the concepts of democracy and human rights. The state has actually absorbed the Church's proposals, and by according it privileges, has legitimized its fundamentalist attitudes. Moreover, by accepting its proposals, as the article shows, the state adopts discriminatory measures by classifying religious associations according to criteria, obviously favouring the Church itself. Furthermore, the author explores the fundamentalists' anti-Western and anti-global orientation and actions and discusses the practical application of such analysis for Church and state.

In her article titled "Antiracist Legislation and Policies in the EU and their Impact on the Accession Countries," Laura Laubeova presents an overview of major antiracist/antidiscrimination mechanisms that are relevant primarily for the Accession countries. The author stresses the fact that NGOs and other civil society actors have become absolutely necessary in the struggle against racism in all its forms, and WCAR in Durban has proved that this is so. The text provides an overview of major antiracist instruments and policies in Europe. The article also reviews the basic ideas behind various essential theoretical explorations of the diverse mechanisms of racism, an account which may help us to comprehend the complexity of the phenomenon.

Let us conclude by making reference to the necessity of thinking about xenophobia and post-socialism both theoretically and practically; answers to questions about this phenomenon are to be found both in theory and in the content and contexts of its actual performance and practice. Articles in this book are themselves proof of the complexity of xenophobia and all its forms; they are also proof that these phenomena need to be deconstructed, comprehended in all their complexity, and, of primary importance, they need to be

addressed with a strongly expressed concern regarding contemporary post-socialist development. We confidently anticipate that the book will stimulate thinking about the importance of the phenomenon and provide some ideas on how to approach it.

POST-SOCIALISM, RACISM AND THE REINVENTION OF POLITICS

Tonči A. Kuzmanić

Here I will try to make two rather short and abstract interventions. I will try to deal with the transition at the level of the very heart of the problem of racism and xenophobia in the last decades, particularly in connection with post-socialism. According to my understanding, this very transition comprises the basic core of the problem of racism and xenophobia today, which is especially interesting for an understanding the situation in Central and Eastern Europe.

First of all I should present my thinking in the form of two over-simplifications on the basis of which I will speak here (see figure 1 and figure 2).

Racism as Natural
(Naturally Real & Naturally Given)

However, the transition under discussion is, first of all, a transition from a "classical," "usual," "ordinary" (biological, neurological, physiological) thesis and self-understanding of racism, to a radically changed form of racism and xenophobia functioning on the basis of culture (cultural differences). Of course this is nothing especially new within the given research field; it has already been emphasized on numerous occasions. On the basis of this transition "from nature to culture" and the shaping of the new appearance of racism, it is possible to speak about the very new form, which in the literature often appears as "cultural racism."[1]

What is the point here and, above all, what is at stake here? The basis on which "classical" racism used to function (at least from the nineteenth century onward) as physiological, biological, neurological racism was—at first glance—something very closely connected

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[1] See K. Malik, *The Meaning of Race* (London: Macmillan, 1996); T. Kuzmanić, *Bitja s pol strešice (Hate Speech in Slovenia*, Ljubljana: Open Society Institute, 1999).

Transition from "natural"
(biological, neurological, psychological)
definitions of
racism and xenophobia

to

C
U   R
L   A
T   C
U   I
R   S
A   M
L

Cultural
and
social
definition of
racism and xenophobia

Redefinition from natural
to cultural is based on
extreme enlargement of elements
consisting of
(all previous "natural" elements +)

• Language
• Religion
• Life-style(s)
• Taste(s)

•
•
•
Ad infinitum

Endlessly opened chain
of signifiers
(everything could be the "basis"
for cultural racism)

Fɪɢᴜʀᴇ 1: Tʀᴀɴꜱɪᴛɪᴏɴ ꜰʀᴏᴍ "ɴᴀᴛᴜʀᴀʟ" ᴛᴏ ᴄᴜʟᴛᴜʀᴀʟ ᴀɴᴅ ꜱᴏᴄɪᴀʟ ᴅᴇꜰɪɴɪᴛɪᴏɴ ᴏꜰ
ʀᴀᴄɪꜱᴍ ᴀɴᴅ xᴇɴᴏᴘʜᴏʙɪᴀ

1ST STEP   Nature: biology, neurology, psychology

N R   Natural space = space of differences   N R
A A   A E
T C   Inequality = "naturally founded"   T A
U   U L   AS REAL
R I   Politics = forbidden   R I   REALITY
A S   A T
L M   L Y

NATURAL RACISM / NATURAL REALITY AS REAL REALITY

2ND STEP   Society: culture, religion, language etc.

Social/cultural differences

Social space = space of differences

Inequality is socially / culturally founded

Politics = forbidden

SOCIAL AND / OR CULTURAL RACISM / SOCIAL AND / OR CULTURAL REALITY AS REAL REALITY

3RD STEP   (Re)solution?

Beyond natural, social and cultural

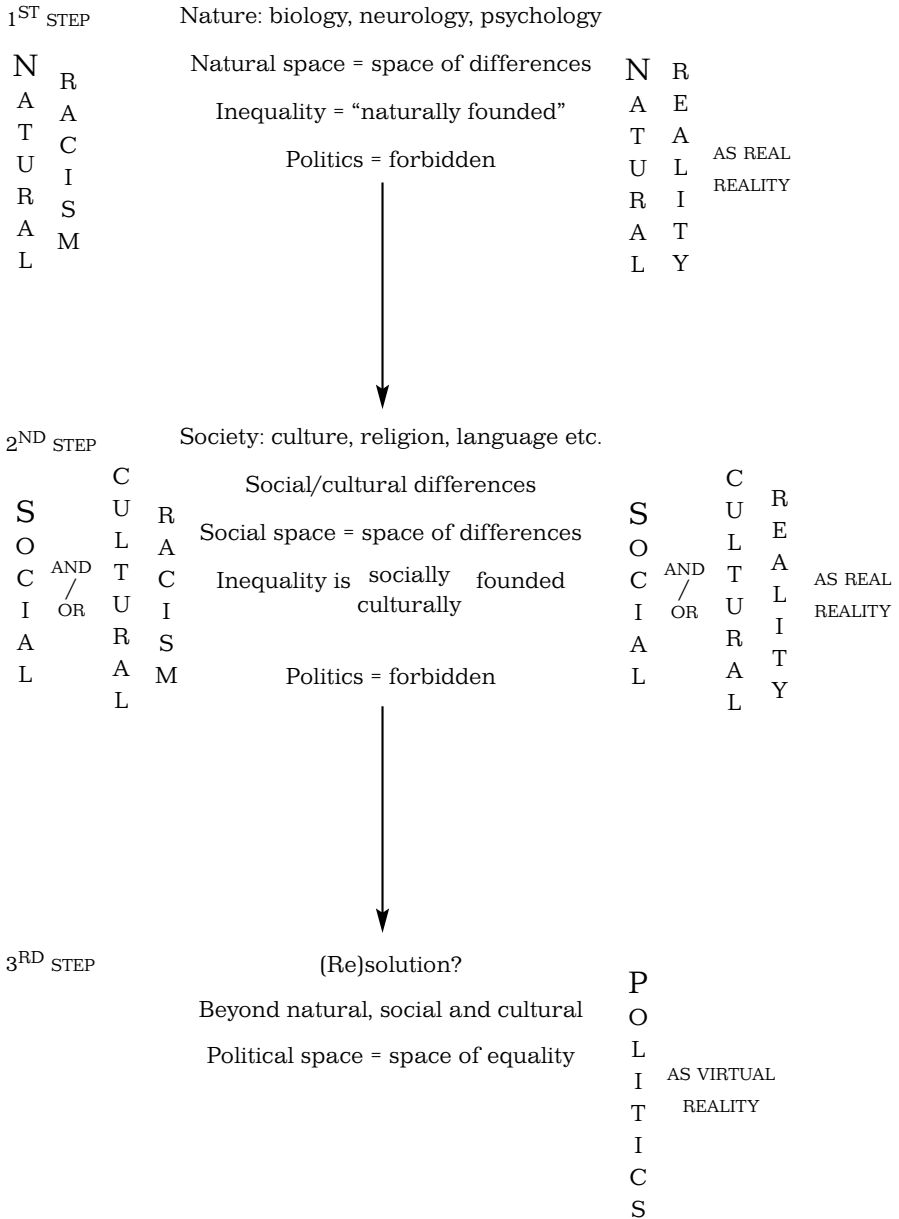Political space = space of equality

POLITICS AS VIRTUAL REALITY

FIGURE 2: LOGIC OF FUNCTIONING AND FOUNDING OF INEQUALITY AMONG PEOPLE

with "nature." Of course with both natures: with nature as well as with "nature" as the constructed entity being the core of the self-legitimization (ideological "last reality," the most real of all realities) of these times. According to this theory, nature and "nature," human beings used to be (they were) racially different, owing to the fact that they were black or white. Besides, they had this or that colour of eyes, this or that shape of noses or ears, this or that blood group and, consequently and later, this or that kind of IQ.

What is interesting to emphasize at this point is the very historical fact that this concrete kind of "classical," ordinary (biological, physiological) racism was not a direct European product. It was not even invented in Europe.[2] It came to Europe and was not the invention of National Socialism and Hitler's generation, as it is usually completely misunderstood.[3] This was a racism incubated in the United States in (or most probably during the second half of) the nineteenth century. Not because of America as such, or owing to the fact that racism is by definition a non-European phenomenon, but above all, owing to the fact of the long-standing theory and practice of slavery within the United States.

Moreover, and this is something which should be extremely strongly emphasized: this, so to speak "ordinary racism," was not the product merely of everyday lives and of ordinary people's minds. Rather, it was a scientific product of the time. It was the result of the first medical, phrenological, anthropological, sociological and similar scientific, above all utilitarian projects and/or utilitarian practices. Almost each scientific man (absent women in science) of the time used to function as pioneers on various field(s) of human endeavour,

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[2] Of course, observing the problem over a longer period of time, for example during the couple of centuries from Columbus onward, this form of racism could (and should) also be grasped as part of the highly celebrated "European culture." Specifically starting with the Spanish conquest, where the "red race" was literally invented precisely out of the terrible backwardness of the Europeans who came to the coast of today's USA and, on seeing people painted with red, named them the "red race." Columbus's soldiers and "researchers" simply saw the ritual of indigenous people being painted red.

[3] The main Nazi contribution to the already existing matrix of classical (ordinary, biological) racism was twofold. Firstly, the invention (actually implementation of the already existing category) of the Aryan race. On the other side was their use of "Jews" more or less in the same form as it had already been functioning within the so uncritically celebrated "cultural Europe" for centuries. The main point of the holocaust was, of course, the readiness to "accomplish the historical task" of burning millions of innocent Jews, Roma, Slavs, communists and so on.

not just and not solely that of science. Rather they were the uncritical partisans and pioneers of the early capitalist "work processes" activities as such, i.e. business activities based on the *Homo faber* way of (not) thinking and arguing.[4] Their science and scientific approach (just as they are today) were not directed towards purely scientific aims, but towards the productivity of society, of social machinery and the social fabric. These early scientists were the engineers of society as well as of the social, trying to group various signs and signifiers of various peoples, groups of people, of their behaviour, in order to place them at the disposal of the productive social (work) processes. Speaking in terms of the history of the so-called western world(s), this situation at the level of "race relations" lasted until 1945. The *Homo faber* logic still functions today; the role of the scientist remains similar to what it used to be. The main difference is that after WW II it was—at least in Europe—almost impossible to continue to speak of racism as being shaped on the classical, ordinary basis, which means being based within biology (physiology) or, in the last instance, being based on arguments dealing with nature.

Of course, 1945 was not the end of (our?) history. My thesis is that after 1989 and after the fall of the Berlin wall, an almost identical race matrix resurfaced. I said almost, since—and that is the most important point—the new, let's call it post-socialist race matrix in place after 1989 was not working at the level of nature and according to biology, neurology and physiology. Rather, it had begun to function mainly on the basis of culture.

It means that in comparison with previous times, we are facing quite different, if not extremely more complex phenomena. Something which once upon a time was founded directly within nature (race was "natural fact"), something which ought to be anchored in our bones, blood and genes, something which was possible to see, or at least to grasp at first sight, is now disappearing. Actually, it is starting to glide, to float. In comparison with the "good old, heroic racist times," when "black was black, since s/he was Niger by nature," today's racism is (literally) becoming something which could be termed "free floating, cultural racism." Racism is free floating in the sense that it is almost completely impossible to anchor it. It is quite

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[4] Max's Frisch novel *Homo Faber* is a brilliant example of this quintessentially modern creature, being so important for an analytical way of thinking at the point of racism.

impossible to make any kind of coherent connection between its—let's put it in Hegelian parlance—appearance and its substance. It is rather something being "based" (if it is still possible to speak about a basis in this revolutionary inverted/changed context) on an endless and—here is the main point—a priori open chain of signs, signatures and significance. All these, new (actually it was always the same, but "nature" was covering this uncovered situation of today) signs, these free floating signifiers are mainly rooted in culture.

But what does culture mean at this point? Something radically complex was opened up and simultaneously oversimplified. The culture in the case is "The Culture," being directly connected to this or that kind of collective racism producing subject. Here it means an a priori opened signifier, something which could and must be endlessly enlarged (or closed) and which consists of things like language, religion, lifestyle, taste and so on. "The Culture" is again sunk in its very origin towards cult and it is functioning, first of all as "The Cult" in which taste and aesthetics play the game alongside ethics and politics. Everything is one, undivided mixture of entirety. This Cult Culture first of all could also embrace the largest kinds of signs, such as, for example, civilization(s) could be.[5] In order to produce racist difference today, it is no longer necessary to be of "different colour." Mostly it is enough to practice another way of life, which is not the same as the dominant social form of life in a particular environment "should be" and one could be racially different. Sometimes it is easy to produce racist difference even on the basis of differences between gays, lesbians and the "straight" population. Since the barriers among races are no longer naturalized, the fixed lines of differences are no longer clear, and the very concept of race as well as that of difference(s), has undergone revolutionary transformation. Among the other consequences proceeding from this situation is that we, as researchers, scientists and activists are also in a situation in which we have lost any kind of "secure" thinking or analytical anchor. We are, so to speak, floating together with the signs, appearances, and substances with which we are trying to deal. Similarly one could say of our concepts and research abilities that they too are floating, at

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[5] Huntington's "theory" dealing with cultural conflicts and crashes is basically a culturally racist one. See S. Huntington, "The Clash of Civilisation?" *Foreign Affairs* 72, no. 3 (summer 93): 22–49.

least over the last decade. Not to speak about the unhappy (scientific as well) conscience being at work after the invention of "new rhetoric" or postmodern revolution at the level of the remnants of the so-called social sciences. All that and much more regarding other aspects ought to provide a reason why we should—if possible, of course—stop "using" (actually being used by) the old way of thinking and of using (the old) categories. First of all, including biological, neurological, physiological when dealing with racism.

Racism as Social
(Socially Real & Socially Given)

Let me open up something which could be called a new space for understanding racism and xenophobia, from which, one would probably be enabled to seek solutions for our troubled situation—especially within post socialism(s).

How does one approach the problem of racism and xenophobia in post-socialist circumstances? It is obvious, especially if one reads the literature from the nineteenth and twentieth centuries, that the structure itself of the phenomena of racism and xenophobia is a very simple one: it is strictly and radically hierarchical. The structure of racism is the structure of hierarchy on the level of the researched object(s). Thus, if one speaks of race and racism, he or she is speaking within this or that kind of hierarchy. Better, the very hierarchy among various people, social groups and—consequently—races, is the essence of race and racism. Regardless, the point dealing with the understanding of racism is that racism is not on the side of the "race itself." Moreover, it is not on the side of the analyzed object, but it is (if it is spatially anywhere at all) on the side of the analyzing subject, so to speak, on the side of the analytical (scientific as well) view itself.

To put in another way: how can one understand the banal sentence that the very structure of racism and xenophobia is hierarchical? That is precisely the central problem. I will try to explain this point by distinguishing three distinct levels of the problem, or probably better, by making three distinct stages within which my explanatory emphasis can be understood.

Speaking of the old (classical, ordinary) and new (cultural) racisms, I have just presented the first step of my analysis, or approach, if you prefer (see figure 2).

For the time being I'm at the second level, trying to speak of the very logic of the function of racism, now within a "social" and not a "natural" context. On the first, "natural" level, as emphasized, we had something which is whether "heavy," "hard" or "real" as only "nature" could be. That kind of object definitely could not (not yet and not yet visible!) be floating. It was more or less fixed, strict. It could be connected with biology, nature, but it must be permanent, visible, so to speak, possible to grasp. It must be anchored in nature or at least it must be trapped (in the sense of un-free, out of free mind) in natural laws or within the laws of nature. Any possibility of the very existence of something which could be defined as the "free object" of scientific research was by definition impossible. Something like a hypothesis dealing with the uncertainty at the level of the object (here race) could not exist.

As emphasized in the second period of the formation of racist discourse, culture is becoming the very basis from which everything in this racist discourse and practice starts and against which it resists as well. Nature is no longer of interest; the natural position and function of nature overtake society and culture. But not as something completely cut off from nature, but rather as something literally naturalized. For example, more natural than nature itself is, so to speak, thinking that we (human beings) are social and cultural by nature. How do we grasp this situation in which human beings are not natural but social and cultural by nature, just to mention Acquinas' definition?

In dealing with the inter-play of the laws of culture (no longer heavy laws of nature or natural laws), which means primarily the laws of society being today founded in culture (in the eighteenth and nineteenth centuries there were founded on nature, natural society), we are in fact dealing with something which is functioning simultaneously on at least two levels: that of reality (nature, materiality) and in a way, appearing as something existing/functioning at the level of cultural, social, or more precisely, at the level of virtual reality.

The very difference and transition between the two, between the first, let's call it "natural" level and the second level, let's call it the social level no longer based in nature, but now in culture, we usually think somehow as follows: We, "the people" are different, of course. We don't have the same possibilities or abilities; we come from vari-

ous parts of the world; we speak various languages; we believe in thousands of gods or counter gods; we are male or female, and we are "cultural." The next step in our self-understanding, which should now be grasped, is that these sorts of "natural" differences are, of course, "normally," and even "naturally" "transformed." The very problem we are facing is situated on this second level of thinking about and perceiving the problem itself. The previous level (the "natural" one) is something which is now (observed from the position of the second level) functioning socially, and no longer "naturally," which in our civilization from the nineteenth century onward means as "real," social, and even economic in nature. But—and here is the point—all this no longer functions in our heads as differences being produced conceptually—conceptually in the sense of being produced "by us," produced from me and you, from this or that kind of public discourse (media, medicine, scientific or legal discourses), but as the differences between me and you in terms of social power, social position, social, political and legal rights. This must now be seen as something real and independent from me and you, from our very perception and thinking activity.

The basic problem I would like to emphasize at this point is that, once attained, this second level of our way of perception, that of thinking and acting, actually appears as something which has by definition already come to an end. As if we could not have any additional possibility to think, let alone to act. We think primarily in these ways and in more or less similar terms. My main point is that the *circulus vitiosus* within which we are more or less revolving is closed because, first of all, we don't or still don't have possibilities for initiating the third step of understanding and/or acting.

Reinventing Politics

What is the third step? The third step, which could be the place and space for possible resolution in the future, is something which I'm going to term the political space or, rather, political action on the basis of (a priori) political equality. At this point my hypothesis is that the very problem of our civilization, especially visible in post-socialism(s) (owing to its brutality and novelty), is the lack of political space. When we speak of political space today, we are actually speaking of *politike techne,* political technology to put it in

Aristotelian terms. But not about politics. What does it mean? It means that instead of having the potential to resolve racist, xenophobic and similar problems at the level of political equality, we are trying to resolve all these problems at the level, for example, of the social and society, or of the law, which is not the same as politics. One thing is and we could be happy if we have the level of law, which produces this or that form of equality among members of society. But this is not the same as politics.

This third step or level is of course the virtual level and virtual reality is not something that can be equated with law, with equality before the law. It is equality a priori, being guaranteed to all "members" of the society by the state. Regardless of whether or not they are citizens, and if this guarantee does not exist, one could not speak even of the state (and not solely in legal terms), since, the very essence of the definition of the state is that it is the state of equal/ity (*isonomy* in ancient Greek). Speaking of equality, one should think of this equality in terms of political space, of political beings within which he or she should be a priori politically equal among themselves—regardless all differences in status, "race," sexual orientation and so on.

The solution to transcending the first two steps (the "natural" and "social" ones), and to opening up possibilities towards the third (political) one should proceed from a recognition that the first two steps function as *circulus vitiosus,* from which there is no exit. Exit means, of course within the world of temporality and not an absolute exit or exit as such. In order to transcend this situation, we should open the new, third, virtual space, that space of politics. This political space could not be opened at the level of society. Political space is not the same as social space. Political space (if it is spatial at all) is something radically different from and even opposed to social space as such. The very definition of social space in this context could be—and that is the highest any "social position" could offer—a liberal one: "living with differences and as different and simultaneously politically pretending that differences do not exist." One of the possible definitions of the third, political level ought to be "living with differences, of course, but as equal." Equal at the level of the law, of rights as well as at the political level. Moreover, remaining different at the level of the social and not vice versa. That is the point.

Politics of Margins

Question: It seems to me that in your last sentence you take political space in its ideal, liberal sense. But liberalism doesn't work in practice, as we all know. Even in the political space, recent public policy shows that you cannot treat different people equally before the law. Policies, therefore, should be specific. How would you include this aspect?

Answer: I should disappoint you. My position is not a liberal one, and as far as I can see, liberalism is still functioning—especially within post socialism(s). Although I'm quite often in favour of this or that liberal action, attitude or stance, I'm not a liberal. Liberalism is, in my view, an antipolitical and radically social position/ideology, with which I can go along from time to time, mainly at the level of political technology. The second point is that you are only partly right. My position here is not solely ideal: it is something more. It is obvious that in order to find the probable solution for the problem of racism (xenophobia) within the given circumstances, I'm actually trying to renew something which could be termed the positive impact of various utopias. My position regarding utopia at this point actually represents an attempt to produce *topos*, which is—strictly speaking—not from the real world. Of course, if for the "real" you could think only of the "social world," which is usual for ordinary people today as well as for social scientists. At the same time you are completely right: for me reality consists not just of something which already is, which exists here and now, but simultaneously of something that could be, especially if we speak about the politically equal relationship among human beings. To put it another way around, the very possibility (in the sense of *potentia*) is for me something which is even more real that the reality itself, which is, at least for me, by definition an object of political action and/or transformation. The emphasis is on the political (action, non violent [r]evolution), and not on the social, which through the violent negation of politics has usually resulted in revolution or in *coup d'etat*! This is exactly why I'm speaking about politics as something which could appear unreal for various kinds of social beings. This "for social beings" in my terminology means for those beings being definitely trapped exclusively within social reality, with no possibility of thinking, not to speak of acting, beyond their own horizons, of their cemented social reality.

One of the very central features by which we can make a serious designation about human beings is that they are—and that is the essence of the definition of the human being—capable of "producing" various forms of (natural, social, political, virtual) realities. Moreover, reality in this context is not to be understood as something already produced, or in use/function. The reality I'm trying to address is always that reality connected with the desire of the individual or of collective political subjects. One could put it also in the form of time: the reality I'm projecting is somewhere in front of us, or not-yet being in function—here and now.

And now a quite direct answer to your question. Yes, you are right from the position of the already existing situation/society. At the level of existing society, at the level of the mainstream, which is just another name for what society is about, of course, it is impossible politically to "be equal." Equality is certainly not characteristic of the social, not to speak about society. Society functions exactly on the opposite basis. Namely on that of inequality, on the one side, and on the lies promising (desire-production) the equality, which is by definition impossible at the level of the social and that of society. But—and here lies the difference between us—it is possible to "be equal," also politically equal, on the margins of the mainstream or of society. The problem is how to understand this "on the margins." It is not identical to being outsider, or excluded, but first of all living as a political being or animal or acting from the political (nonviolent) position which is a position counter to that of society, to that of the mainstream. You can be, for example, "equal" in this place—in Metelkova. But not just because Metelkova is a safe heaven, but because Metelkova meant and means permanent political, permanent counter social action against the mainstream. To put it in more empirical language: it is certainly true that through this kind of political action, an island of political equality, capable of the radical negation of the second (social) step, is functioning in Metelkova. Moreover, the very power of which we can speak in the given circumstances in Ljubljana is concentrated in or around Metelkova and not within the social reality of the social. The social mainstream functions not on the basis of power (which is political and not social human ability) but on the basis of force. Violence and force are the signs around which society revolves and functions, power or counter (counter to the social and society) power is the sign of political beings.

Question: I want to move to Metelkova. I mean for everyone, it is paradise.

Answer: Sure, but this would not be a move through space as one might mistakenly think. It is nothing comparable with moving from Prague to Ljubljana, or from Cankarjev Dom to Metelkova within Ljubljana. It is, instead, another kind of move, one dealing not with time and space but with a kind of life, with the sort of life preferences and attitudes, of thinking and acting. Probably I can sketch an answer to your question in this way: try to stop being, perceiving, behaving, especially thinking of yourself in terms of a social being. Be just a political animal, *zoon politikon*. That is the catch. Be what you are, if you are, don't be what society or the social is expecting from you—here is the point.

Question: This story seems to me similar to that of the third wave. It is also something about globalization and the arguments of these anti-globalist people. My question will be what is with the new ideology of labour or of social democrats in this context? Basically you can expand this anti-globalization or globalization on the political level of the modification of social democrats.

Answer: If I have correctly understood your question, my answer can be quite simple: the whole corpus of social democracy, of social democratic ideology actually stopped here—at the place where I started opening political "space." It is still trapped within various "idiotisms" of the social. It is very important to understand that the social democratic position (just as with the position of the so-called social critique as such) is basically trapped within a Machiavellian (actually Botterian) reduction of politics to the reason of the state (*raggione dello stato*).[6] Within this picture, the main presupposition for all kinds of social critique as well as for all kinds of social utopias and/or social realities (including socialism, communism and liberalism) is this or that kind of "destruction of politics" or, in my language, antipolitics. That was the position of Hobbes, of Bottero, of Hegel and Marx, of Mill and Weber, of Schmitt and Heidegger, of Marcuse

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[6] See for example N. Macchiavelli, *Il principe e altre opere politiche* (Milano: Garzanti [I grandi libri], 1981).

and Adorno.[7] My position in this context is trying to be democratic, but it is no longer social democratic. It could be at certain points similar to this or that position of social democrats in Germany or elsewhere, but basically my position is that of political democracy and not of social (this one is no longer sufficient). Strictly speaking, reference to social democracy today is possible only if one has no idea (or does not want to have any) of differences between *polis* and *oikos*. Moreover, between social and political or, better, if one has no idea that democracy is a human phenomenon proceeding from the political "hemisphere" of human life and not from that of the social. In other words, social democracy is something like "wooden iron," or an explicit acknowledgement that somebody speaking of politics has no idea what politics is about. Consequently, my position is also not that of the third way. For us, researchers dealing with racism, xenophobia and similar nasty human phenomena, the very idea of the third way is something which had quite deep and dangerous roots in the European extreme right and their ways of thinking and acting. Including those of National Socialism.

As far as globalization is concerned, I would agree with you. Furthermore, the position from which I'm trying to argue was not even seriously thinkable before the last era of globalization (for me globalization means the globalization of the social, of social reality). From this point of view you are right, since before the globalization of social reality it was not possible to think of politics and political action properly as a counter position to the social. After long centuries of the dominance of social thinking (politically speaking it means not-thinking), which went through Hobbes, Machiavelli, Weber, Parsons, before globalization it was only possible to think politics in terms of (the) state.

For thinking politics today, the state is no longer sufficient. More over, it is—that is the position of the liberal and conservative global-

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[7] See for example G. W. F. Hegel, Phaenomenologie des Geistes (Frankfurt/M.: Ullstein Buch, 1970); M. Heidegger, Kraj filozofije i zadaća mišljenja (Das Ende der Philosophie und die Aufgabe des Denkes) (Zagreb: Naprijed, 1996); T. Hobbes, *Leviathan* (London: Penguin Classics, 1985); idem, *On the Citizen* (Cambridge: Cambridge University Press, 1998); C. Schmitt, *Tri razprave* (Ljubljana: Krt, 1994); idem, *The Crisis of Parliamentary Democracy*, trans. E. Kennedy (Cambridge, Mass.: MIT Press, 1985); M. Weber, *Political Writings* (Oxford: Cambridge University Press, 1994).

ists as well as that of anarchists—something which is backward, unnecessary and which should disappear or be abolished, if one borrows Marx's language.

According to me, today one should oppose globalization exactly for political reasons and not for social ones, not to speak in the name of economic reasons and such like. What does this mean? It means that I'm arguing against globalization emphasizing a somehow inverted Hobbesian ideology of sovereignty. Not only nor primarily understood as the sovereignty of the state, but rather—which one could see also in a complementary way—on the basis of the political sovereignty of the individual. Against the "social" line of anti political thinking, I'm trying to employ the political line, starting with Aristotle, and "finishing" with the position of Hannah Arendt.[8] To put it in another way, I'm speaking of two forms of sovereignty: the one which is less important, but necessary, is the sovereignty of the state, and the one which is more important is the sovereignty of individuality. I'm trying to combine both and from that position to challenge globalization. I'm not anti-globalist a priori; I'm anti-globalist because I'm a political being, whose presupposition for political life and equality is the very existence of the state. There is no doubt, that this is an anti-globalist position *par excellence*. Namely, what is going to be globalized is neither politics, nor states, nor political equality and freedom, not to speak about democracy. It would be rather the social (system) trying from the beginning to destroy the very possibility of political thinking, then of political acting (criminalisation of anti-globalism in terms of terrorism—Bush as an example) and, at the end, any possibility for the survival of the political animal and political equality. As has already been established in Hobbes' *Leviathan*, the Aristotelian *zoon politikon* is the greatest danger for all social systems as such. The social system and the globalization of the social system is nothing other than the globalization of virtually the whole economy, media and of various forms of dominance of social inequality against which we can fight solely through political action based on political equality and directed towards political equality. The problem of our generation is incredibly

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[8] See for example Aristotel, *Fizika* (Zagreb: SNL, 1987); H. Arendt, *Between Past and Future, Crisis in Culture* (London: Penguin, 1986); idem, *Elemente und Urspruenge totaler Herrschaft* (Muenchen & Zuerich: Piper, 1991); idem, Vita Activa (Ljubljana: Krt, 1996).

complicated: how to fight the given situation. My answer: through political equality and for political equality.

Question: Politics has always been a part of the social sphere. If we are making new politics, it could include the danger that one day, if this utopia were achieved, that political sphere would somehow consume social life. Social life is an attempt to achieve better society with less xenophobia, less racism and so on.

Answer: You are repeating your social science lessons from your process of education. I went through the same system, in which a human being, as a "social being" used to be presented as something natural. How mistaken, and how dangerous. The "social being" is nothing natural, but merely an incorrect translation of St. Thomas Aquinas with regard to Aristotles' *zoon politikon*.[9] Moreover, the social being, the social system, and all pertaining to the social are the direct invention of early modern times (from somewhere between the thirteenth to the eighteenth centuries) until today.

Anyway, you are right, the principal position from which I can speak in my way is the position not of a critic of the social sciences, but of an accomplished critique of them. Besides, my aim, from which one may think that he or she could understand my position, is not a good or better society (mine is not a Weberian or Marxist position). My position is rather different: the thesis is that Society (including the social system with the social sciences and social beings) is going to end. This "end" of society means in my parlance the same as would the realization of globalization or of global society. The very realization of global society is something which I'm designating as the end of society or as the realization of the Social. The realization of the social is the end of the Social and society, in the sense that, once realized, it could no longer form part of human desires. Quite the contrary, this very realized society would become the target of political renewal, if not of political (and not social any more, as it was in the nineteenth and twentieth centuries) revolution. As I already emphasized: what is globalizing is society as a form. Once globalized, realized, society is over.

The second point is that I'm not speaking about "new" politics, but just about politics. As a matter of fact, today's "civilizations" have no

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[9] See for example T. Aquinas, *Selected Political Writings* (Worcester: Basil Blackwell, 1987).

idea about politics. Politics was invented and then, in one or another way, forbidden (and not forgotten) for almost two thousand years. The reinvention of politics in its antipolitical form, first on the level of science, took place in the thirteenth and fourteenth centuries where for the first time Aristotle was translated into Latin—as already mentioned, in an incorrect way. His *zoon politikon* was "translated" as the social animal (*animal socialis*), which was the decisive act of the social (scientific) creative period lasting until our times. The second reinvention of politics, also in an antipolitical form, took place during the time before the French revolution. A similar appearance of politics (mainly in the form of antipolitics) recurs repeatedly whenever this or that group of human beings, organized in this or that way, are trying to produce (and that is the aim) the good life (not the good society, which is not the same) based on political equality among members.

In addition to your question: no, there is no danger that politics could "consume society"; politics has already been eaten by society. Those childish tales about anarchy, matriarchy and so one proceed precisely from that kind of social non-thinking. The basic problem of our civilization is not how to consume society from the position of politics, or the other way around, but how to stop both totalitarianism, in the sense of how to balance various human capacities, that of his/her social and political life. Paradoxically, in the age of globalization we are, so to speak, forced to reinvent the Aristotelian distinction between *polis* and *oikos*. Society and globalization are entities based on an *oikos* ideology, and which, without balance from the side of politics (political equality of individuals, their political sovereignty), could destroy the very possibility of human life on earth.

Question: I'm sorry, can I still stick to the liberal concept because I'm in a more practical position. I want, for instance, to influence my government and public policies. Is it possible to read this and aim at implementation, at really going into public policies not politics, but really going into education, equalities in employment, to use these arguments?

Answer: Not so easily. I would prefer to put my answer in a metaphorical way. The Marxist way of thinking used to be as follows: "something is wrong with our society; something is wrong with our world. So, we (always collective social work and not political action) should change it. How to change it? In order to change it, we should

go to the very heart of the system (our society) in order to cut it off. Once alter the heart of the system, its order, and the whole society will be changed. If we destroy class differences (that was understood as the very heart of the system, exploitation as the beating of its heart), then all other differences (between sexes, nations, races) would also—more or less automatically—be. . . ." Our experience after the October revolution, the Yugoslavia revolution and other socialist revolutions is that this kind of logic should be termed "Obla-di, Obla-da" logic. A rather similar logic was also functioning in 1968, via the so-called marches through the institutions. If your question is targeting the problem whether or not—in order to change something—"we" should go to the very center of the system (to the system of force itself, government) and then change the system, my answer is clear. Of course, not. If you prefer this "we" form of discussion (I don't), then "we" should stay where we already are. This means on the margins. But not on the margins of politics or on the margins as such, but—and that is the point—on the margins of the social, on the margins of (mainstream) society. The crucial point is as follows: "we" are not any more marginalised in the sense, that we are the passive objects of someone's "politics of marginalization." Quite the contrary. "We" choose (this act is the act of self-production into the political subject) to be marginalised. Moreover, we are not merely proud of being marginalised, but we even know that we are trying to produce not an alternative, or second or parallel society (to borrow the language of Vaclav Benda from the sixties) but to produce political space outside of society, a space which can not be controlled by the mainstream, by the agents of the social. Political space in this designation is, of course, a counter space regarding the mainstream social system. To put this in a Foucaultian way, power is not in the center; power is rather on the margins of the system.[10] Or, better, to criticize Foucault: what "we" are to open is not the relationship between two powers, two forms of power or among various kinds of powers; "we" are targeting another kind of relationship. Not that within powers, or among powers, but that between power on one side and force on another. What we are going to "make" and what we are becoming capable of "producing," if remaining at the counter position to mainstream society is not force, counter force, but power. Only staying outside of the existing total society—whose total-

ity and totalitarianism is even *prima vista* given in global media self presentations—"we" are not gaining, but becoming powerful. Regarding the mainstream way of social functioning or the society itself, our potential powerfulness functions as a power and/or counter force.

Let me show you this situation at the level of the concrete example. Just take a look around. For the time being we are in a completely marginalised, semi-destroyed ex-Yugoslavian army barracks in the center of Ljubljana. Regardless of a situation in which neither the tables nor the central heating is functioning in this large room (a former arsenal), the very central TV Media (national TV-Slovenia), representatives *par excellence* of the mainstream of society are here. They are "covering" our meeting. Why? Why they are coming here? Why they are now and here, for God's sake? Because we are forceful? Because we are violent? Because we are strong? Because we are beautiful? Or probably, because they love us? No, no, no. Definitely not. Nevertheless, they are here, which means that we definitely are something, or better someone's. Who (if not what) then are we? How can we answer this crucial question? We represent something which is radically missing from the mainstream and from the social system as such. We are not in possession of power (power can not be possessed, as force can); we are powerful. That is the reason why the media are coming to us. What are they doing here? They are trying to find something new. The Social and the social system are something old; they are dying. He or she, or better it, desperately needs new ideas as a vampire desperately needs new blood. That is the reason why the cameras are here today. They are looking for new power, but power is not something which can be possessed. We are not powerful because we possess power. Power is something which comes to us from society. They are giving us power precisely through the use of force and our not readiness to take part in their social games, which means games of force and violence. The difference between them and us is the very point. The problem is not how to enter in but how to remain outside. Politically speaking, the split between social in and out is the position enabling the very preservation of democracy.

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[10]See for example M. Foucault, *Riječi i stvari* (Les mots et les choses) (Beograd: Nolit, 1972).

XENOPHOBIA AND SLOVENIAN MEDIA: HOW THE IMAGE OF THE OTHER IS CONSTRUCTED (AND WHAT IT LOOKS LIKE)

IGOR Ž. ŽAGAR

When the war began in Bosnia-Herzegovina, back at the beginning of 1992, "the stream of refugees . . . flooded moral obligations as well as the capabilities of economically exhausted Slovenia. . . ."[1] Even reputable intellectuals from the left of the political arena were asserting that refugees from Bosnia confronted us with a dilemma whereby we had to decide "between the humanitarianism and the responsibility towards our country (as we could become a 'dumping ground for the residues of the ethnic cleansing')."[2] Refugees from Bosnia were supposed to "cause more and more disorder," "disturb the habits of the local population," generate "national tensions" and be "potential law-breakers." Their medical condition was seen as "very poor" and it appeared that "smaller epidemics [might] break out," not to mention the fact that "[refugees] live on a different cultural level and state of civilization, the same holds for their pattern of behaviour. . . ."[3]

   How does all that sound in 2001? Well, to the average Slovenian citizen it must feel much like reading yesterday's newspaper. Yet all those "descriptions" were recorded eight years ago, when we (Marjeta Doupona Horvat, Jef Verschueren, and myself) were preparing the first edition of *The Rhetoric of Refugee Policies in Slovenia* (published, though, as late as 1998, and reprinted in November 2001).[4] And, to avoid possible ambiguities and misunderstandings, I have to stress that those pleasant words were supposed to describe

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[1] *Delo*, 28 April 1992.

[2] *Delo*, 30 March 1993.

[3] All quotes are taken from M. D. Horvat, J. Verschueren and I. Ž. Žagar, *Retorika begunske politike v Sloveniji* (The Rhetoric of Refugee Policies in Slovenia) (Ljubljana: Open Society Institute, 1998).

[4] A part of this paper was also used as a foreword to the second edition.

Bosnian refugees, not displaced persons, exiles, illegals, migrants, immigrants, foreigners, aliens, strangers, incomers, expatriates, non-natives or new arrivals, who "are putting a tremendous pressure on our borders" nowadays. All these extraordinary efforts for Slovenian state borders have brought about some interesting transformations and historical revisions: Bosnian refugees, once described by some media and state institutions in exactly the same derogatory manner (see above) as is today applied to the so-called illegal transgressors of Slovenian state borders, have all of a sudden become "our own, ours." "Our own," since we once lived in the same state (eight years ago, the opposite arguments were used: although we once lived in the same state, we are not obliged to accept them), "our own" to such an extent that the illegal transgressors of Slovenian state borders are hardly ever referred to as "refugees" by the media, despite the fact that they meet every criterion set by the UN and the Geneva convention.

Suddenly, only Bosnian refugees are entitled to be called "refugees," the ones who once fled from the war in Bosnia. Words are supposed to break no bones, but one obviously has to run away from something to be called a refugee—something, for example, like, escape from the Bosnian war, almost palpable (and close) enough for Slovenians to notice. Refugees also have certain rights, the rights granted by international law and international conventions. During the long-lasting media debates about the Bosnian refugees, Slovenians have learned that lesson well. Nevertheless (or maybe, precisely because of that), the Slovenian state has conveniently merged the definition of "refugee" with that of "asylum seeker"; consequently, all those who do not seek asylum in Slovenia are not granted the status of refugees, with all its concomitant rights.

To cut a long story short, refugee has become a word overburdened with meanings, a word which consequently cannot be applied to just anybody. Especially not to the unknown, the uninvited, the "vacantly gazing," to untidy and muddy newcomers with unknown intentions, crawling across Slovenian national borders. It is fascinating how ruthlessly meticulous the people's rhetoric can be in the choice of words, but these (new) refugees are mostly referred to as *prebežniki* (migrants), i.e. people who are migrating across Slovenian territory for some unknown reason and are, presumably,

headed to the west. The word *prebežniki* therefore implies that they somehow found themselves on Slovenian territory unexpectedly, by coincidence. Moreover, they have violated Slovenian law, illegally penetrating the Slovenian national border. Is it also possible, however, that migrants run away from something, just as refugees do? Both Slovenian counterparts to these words, *prebežniki* and *begunci* have the same root, namely *beg* (escape, run, get away). This does not accord with the Slovenian point of view, for Slovenians have chosen to call those people "migrants," thus clearly indicating that their stay in Slovenia is coincidental, temporary and short-term (or at least that they would like to see it as such). For that reason, the term "immigrants" seems, of course, much less appropriate (and has also been much less in use), as it implies that somebody has immigrated to some particular place, reached his final destination and is about to stay there for good.

Yet, while the Slovenian term *prebežniki* still links those people to their situation and destiny, their leaving behind the political and economic insecurity in their own countries, the term "illegals," largely used by Slovenian media, clearly places them in the criminal underground. An illegal is a person who, in the first place, broke the law, that is did something illegal. Also, the term "illegals" no longer implies that these people are fleeing from something. The one who sees refugees as illegals sees only people who have broken the law, and should be treated accordingly, using force and extreme measures, if necessary.

Nevertheless, it is slightly unusual that the term "foreigners" is readily used to denote people who have illegally crossed Slovenian state borders. They are foreigners, certainly. But so are those who legally came across the Slovenian state border using their valid foreign passports. Foreigners—as a legal category—have always existed and will always exist. And foreigners are those who have no valid travel papers as well as those who do. When such a neutral term—neutral until now, at least—is suddenly being used to describe a group of people as specific as refugees or migrants, it clearly reveals some basic unease and ambivalence experienced by Slovenians with respect to foreigners in general. As long as they come to enjoy their vacations, with valid passport, they are acceptable and they will be overwhelmed by what Slovenians call traditional Slovenian hospital-

ity. On the other hand, when foreigners creep out from muddy ravines on their way to the West, Slovenian hospitality shows the other side of the coin: intolerance and dislike. Another word for such an attitude is xenophobia, although Slovenians tend to avoid that expression. As we have already seen in the case of the term "refugee," words can easily be overburdened with meanings.

Despite that, words do have their particular meaning(s) and their specific history, no matter what we would like to ascribe to them. Let's take a look at an(other) example. In the Republic of Slovenia, said to be a social state, governed by the rule of law, the Center for Removal of Aliens was recently established.[5] If you have not blushed with shame hearing these five words, if you find them natural and quite appropriate, let me explain a thing or two: we usually eliminate or remove insects, filth, litter or garbage, stains, heaps of snow, peels, pips, stalks, tumours and other malfunctioning body parts. Not only do we consider the removed and eliminated item useless, obsolete and obstructive, we simply want to get rid of it—for good, eradicating it from the face of the Earth. To remove or eliminate people is hardly acceptable for any society that wants to be called or calls itself "civilized." It is somehow considered in bad taste, even *démodé*—at least since the end of WW II—if you cannot figure out any other "rational" reason yourself. Since removals or eliminations of unwanted people are usually carried out by organized crime, and governments do not (or, at least, do not want to) belong in the same category, unwanted foreigners are, of course, "deported"—deportation being the common (legal) term, implying leaving the country's territory by force. After "removal or elimination," however, it would make more sense to search for them in dustbins, sewers or even in free-floating fumes.

Slovenia does not remove or eliminate foreigners in such an absolute and extreme manner. It is probably just the choice of words that is slightly awkward and clumsy, of course. But that is exactly my point: when the government word-peddlers begin to accept such verbal acrobatics and ventriloquism as something natural, as something that is not only their job, but rather something that they are—so they believe—called to do (and as something that "nobody does

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[5] The Slovene term *odstranjevanje* can be translated as removal or elimination.

better than themselves"), then the basic meanings of words become dependent on their goodwill alone. Apart from that, there can be only slips of the tongue, misunderstandings and malevolent imputations. However, if we award them the benefit of the doubt and accept the possibility that Center for Removal of Aliens is just a misunderstanding or an unfortunate slip of the tongue, aren't such slippages even more telling than carefully chosen words? Don't they tell us more about what those speakers (really) have in their minds? Can't misunderstandings at least suggest how else to understand what has been explicitly stated?

Yes, of course, but I am afraid that the unfortunate name of the center was not simply an example of an innocent misunderstanding or a slip of the tongue, but rather a more "global" and universal belief that, after all, we are not all equal. Evidence to corroborate this claim comes from a seemingly completely different sphere of activity: when in Slovenia a solution was sought to the problem of animal fat, a by-product of processing animal leftovers, putatively infected by mad-cow disease (BSE), into bone meal, a serious suggestion was put forward that the questionable animal fat should be used to produce toilet soap for poor countries. To avoid any possible misunderstandings: that suggestion was advanced here, in Slovenia. In its own way, it was quite innovative. Some EU countries, on the other hand, openly suggested that poor countries struck by famine, could be given the meat from BSE infected cows. This solution could possibly have yielded some positive demographic effects as well, I am sure.

Obviously, there is still an ever-widening deep gap between "us" and "them." The only forum for analyzing how "they" are seen by "us" involves speech, language, tongue. Nevertheless we have to be careful. A tongue is a very sly and tricky thing. It is always there for us to fool around with, idle and squashed in there among the teeth, or stretched and strained, used to negate and to deny or, on impulse, confined within the mouth. Despite all these qualities, despite the mighty elasticity, stretchable all the way to the ineffable, the tongue retains its corners and pockets of meaning, in a kind of palimpsest, that enables us to dissect and analyze (and then, if necessary, interpret and evaluate) each and every kind of speech—be it sophisticated academic diction or vulgar babbling and gibbering.

That is exactly what I will try to show in the second part of this paper; I will concentrate on just one text, Alojz Ihan's column in the Saturday supplement of the national daily newspaper *Delo*.[6] The column is titled *(Ob)vladamo*—(Put) under control or We manage. In the first part of his text, Ihan claims (among other things) that the right place for the introduction of "cosmopolitan atmosphere and racial tolerance"—is the city. In a city, he continues, "the variety of nations and cultures even feels relaxing" but "in a village it is different. When you meet someone in a village, you should greet him, look into his eyes and know him, or else it gets awkward—some ancient defence mechanisms activate. I do believe that kind, rustic women burst into tears when they see a chocolate-coloured African in the fields. But I do not believe we are talking xenophobia here, just simple reflexes."

Since I'm a philosopher by training, allow me to play the innocent and wonder about certain things Ihan has written: I really wonder, for example, why kind rustic women should burst into tears when they see a chocolate-coloured African in the fields. They might be surprised or dazzled when they see a black person where mostly white people live, but why should they burst into tears? What has happened, after all, is that they have "seen" a person of a different colour, nothing more. And that person (according to Ihan's dramatization) has not done anything to them—has not threatened them, attacked them or hurt them. That person was just there, that is all.

But—was he or she really "there"? Nobody has ever reported a case of crying rustic women gazing at chocolate-coloured Africans, wading among the furrows. However, Ihan used various linguistic features to make his entirely hypothetical and concocted story sound intriguing, believable and convincing: Instead of "if they see . . . in the fields," which would be clearly hypothetical, within the register of the probable, though not yet accomplished, he writes "when they see . . . in the fields," clearly implying that he is writing about something that has happened or that happens all the time. Additionally, he uses the plural, "kind, rustic women," instead of the singular, "a kind, rustic woman," as if there had been several similar cases. Last but not least, his narration begins with "I do believe": "I do believe that kind

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[6] *Delo*, 10 February 2001.

rustic women burst into tears when they see a chocolate-coloured African in the fields." Now, what exactly do we believe when we begin our statement by saying "I do believe"? Something not proven beyond any doubt, something we have heard about and which we think could or should be true. If we could prove what we claim to believe, if we saw it or heard it, we would not only believe it, but know it, instead.

The yarn about the wailing rustic women staring at the black chaps in the fields is therefore placed before the readers as true, already overheard by the author, and as a piece of hearsay widely talked about. The use of the plural (rustic women) and the particular adverb of time (when) both make the story even more credible. Yet, that is not all. The real beauty of "I believe that" lies in its protective role: when somebody professes to believe something, it means that he only thinks that something could be true, but, by no means, claims to know whether it is really so. This is a handy and cosy rhetorical strategy, as the speaker can easily renounce his standpoint, if necessary.

And why does Ihan believe that kind, rustic women weep at the sight of the chocolate-coloured Africans? Because we are talking "simple reflexes," says he, and not xenophobia. What kind of "simple reflexes" he had in mind, he didn't bother to explain. Which is unusual, because those reflexes are supposed to be "simple" and therefore easily explicable—especially when the person discussing these "simple reflexes" holds a PhD in medicine.

In case we are in fact talking reflexes, that is. It is much more likely that we are dealing with a special argumentative "technique," invented for the common folk, where we put forward a conclusion and hope that our listeners won't ask for the argument. Because there is none. Or is there?

At the beginning of the quoted passage, Ihan claims that there are differences between a city and a village: "When you meet someone in a village, you should greet him, look into his eyes and know him, or else it gets awkward—some ancient defence mechanisms activate." Yet, if this is so—when you meet someone in a village, you should greet him and look into the eyes—then why didn't Ihan's rustic women do just that? Why didn't they look the chocolate-coloured Africans they found in the fields right in the eyes and greet them?

Why did they burst into tears instead? Could it be that the order of events in Ihan's description of human relationships in the country is in fact the opposite of what he wants his readers to believe: that you should first know someone, and only then greet him (and look him in the eyes)? And, if you do not know that person, you simply don't greet him. And, on top of everything, if that person's skin is of a colour different from yours, you even start crying.

But then, if this be so, there is absolutely no difference between Ihan's village and Ihan's city, where we also greet only people we know (except that we do not cry as much when we see chocolate-coloured Africans, lemony Japanese and ruby-red Indians). That, of course, demolishes his main distinction between a village and a city. The distinction is that on which he founded his whole heart-breaking tale, featuring tearful, rustic women and strangely coloured aliens creeping all over our native soil.

Let us sum up: Ihan postulated a distinction between a city and a village to point out how human relations in the city are different from those in the village. That fear, distrust and tears are the elementary reactions of the village locals when encountering an alien. That distinction—established by Ihan, in his words and with his arguments—has proven non-existent and groundless in the end, following his own line of argument, his own setting and his own dramatization.

All that is left is a bad taste in the mouth and an unpleasant feeling that Ihan's writing is no more than a "simple reflex," nicely candy-coated with rhetoric, the sort of thing one can consume with one's Saturday morning coffee and a hot croissant. And that is exactly how xenophobia is generated: not with loud manifestations and militant slogans, but with soft words, describing an image of normality—the difference being that the image in question is really being constructed, not described.

XENOPHOBIA OR SELF-PROTECTION? ON THE ESTABLISHING OF THE NEW SLOVENE CIVIC/CITIZENSHIP IDENTITY

Vlasta Jalušič

This study investigates firstly the elements of xenophobia and hate speech in the Slovene print media in the first three and a half months of 2001, through articles dealing with the issue of what are termed "illegal immigrants." I analysed writings marked by a style which is named here the discourse of the victim, while at the same time taking into account the broader discursive context. The second part is devoted to certain selected texts and newspaper columns, reviewing their assessment of the presence or non-presence of xenophobia and the reasons for the situation surrounding this in Slovenia.[1]

The analysis of print media writing on "illegal immigrants" centres on the so-called "poetic" function of journalistic discourse and the media, especially in what is known as the popular press.[2] I am working from the point that the majority of the press today has the characteristic of being popular press, especially in the post-socialist environment. Yet despite its focus on media creations, this analysis reaches beyond the media proper. Media discourse can be seen as one of the centres for formulating the "reality" of an immigrant "pol-

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[1] The analysis was made on the basis of material collected from the Slovene print media from January 2001 to April 2001, and included the following newspapers: the dailies *Devnik, Delo, Večer,* and *Slovenske novice*, the weeklies *Mag, Mladina, Nedeljski Dnevnik, Jana,* and *Ona*, and the monthly *Glamur* (290 texts).

[2] B. Luthar, *Poetika in politika tabloidne kulture* (Ljubljana: ZPS, 1998), pp. 139–143.
The term *poiesis*—creation—as distinct from *praxis*—is within this context borrowed from H. Arendt interpretation of the Greek term. *Poiesis* is a specific form of human activity linked to the craftsman's attitude to the world. Its protagonist is *Homo faber* and his relationship towards the world as an object. The world (including people and events) is here always understood as an object which is fabricated, created, re-created and experimented upon. The main problem of the poetic way of functioning in the world is the denial of the plurality of people. See H. Arendt, *Vita Activa* (Ljubljana: Krtina, 1996), pp. 139 ff.; idem, *Between Past and Future. Eight Exercises in Political Thought* (Harmondsworth, Middlesex: Penguin Books, 1968), pp. 197–226.

icy," and of immigrant politics in the broadest sense.[3] It does not set the tone merely for the state and institutional attitude towards immigrants, but also the "policy," conceived as a web of established and emerging relationships between people with regard to the issue of "immigrants." Yet although the media discourse is the main creator of their general framework, it is not the only one and is not independent of other public discourses which make up the context of political consensus. This analysis therefore attempts to point to a wider framework of debate on immigrants, and primarily to the debate on xenophobia. This particular debate shows us that at the very heart of formulating the "immigrant policy" there has on the one hand been the establishing of a consensus on the attitude of Slovenes to "others" and at the same time "to themselves," in the sense of a reinforcing and determining of one's own Slovene and "European identity," which is without doubt explicitly linked to "culture" and "being cultivated."

Déjà vu

The public mood, which at the turn of 2000/2001 was created as an "illegal immigrant crisis," was similar to the mood and events formed as a longer-term process either through the "refugee crisis" in Slovenia of 1992 and 1993,[4] through individual "excesses" from the puzzle known as the "Roma problem" or through occasional debates on the accommodation and moving of refugees from and into refugee centres around Slovenia.

These events demonstrated that at a given moment the various elements of the discriminatory public discourses and policies in con-

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[3] The media construction of reality, which signifies the active creation of a public and political agenda, does not here simply formulate the dominant public opinion and the apparent consensus on a subject, but also—in the mutual complementing of media and other discourses—actively lays down the foundation, the primary principles and the legitimacy for the implementation of national and local policies. The media *poiesis*, one of the main components for creating public policy, acts as a motor for the discourse of "normality" and the normalisation of certain problematic methods of public acting. Through methods of differentiation and distinction it successfully delineates the boundaries of "acceptability" for the main line of collective political acting—both by individuals and institutions.

[4] Refugee crisis was created after the arrival of several larger groups of war refugees (given the so called temporary refugee status) from the reigns of former Yugoslavia arrived to Slovenia.

nection with refugees homogenise and produce the problem and "crisis," which then (through the support of the public media creativity) has no trouble legitimising policy deviations from certain fundamental principles (including those of human rights). And these deviations then remain in force as entirely acceptable extraordinary measures.[5]

Although a kind of repetition, the "immigrant crisis" saw the finishing touches and further legitimacy applied to the explicitly restrictive measures of Slovenia's migration policies from the beginning of the nineties. These measures derived from the "original sin" in the establishing of the Slovene state itself (the exclusion of not such a small number of inhabitants from former Yugoslav republics from citizenship despite the pre-plebiscite promises), from the attitude to refugees from the former common state and from interpretations of EU demands in connection with migration policy. At the same time the Slovene identity here made a still more radical separation inwards from "others" and perpetuated the logic of the identity of the victim, which opened up the possibility of legitimising a range of policies which stem from the argument of the Slovene nation being under threat. In everyday public discourse and the media there was a mushrooming in the communication of prejudices about "others" and hate speech, which not only had the character of xenophobia with elements of racism, but also appealed to communal action against the settling and arrival of the so-called immigrants. This led to explicit threats and attempts by various players to really act on their own, off their own bat, and outside the legal and institutional framework of the state. Words often went beyond their (apparent) confines of the symbolic. Precisely this is one of the most problematic dimensions of hate speech, which first forms negative images of others and those different, and then symbolically denies their human existence and—ultimately—tends towards the actual destruction of the "other."

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[5] Such processes were described by K. Erjavec, S. B. Hrvatin, and B. Kelbl, *Mi o Romih* (We About the Roma) (Ljubljana: Open Society Institute Slovenia, 2000); and M. D. Horvat, J. Veschueren, and I. Ž. Žagar, *Retorika begunske politike v Sloveniji* (The Rhetoric of Refugee Policies in Slovenia) (Ljubljana: Open Society Institute Slovenia, 1998). Numerous analyses of policy and media activity by the Austrian Freedom Party (with Haider as a leader) showed that in Austrian politics this party indeed had a function of creating the legitimacy of "deviations," which then became mainstream policy.

Illegal immigrants and the people

The main period for the formulation of the media discourse on the so-called illegal immigrants was the autumn of 2000. In just 35 days, *Delo, Slovenske novice, Dnevnik*, *Primorske novice, Sobotna priloga, Večer* and *Primorski dnevnik* carried a total of 162 pieces, or 4.6 items a day, on this topic.[6] Migrants who arrived in Slovenia without personal documents or valid visas were dubbed the following names: illegal migrants, illegals, illegal immigrants, foreigners, "tourists" from distant countries, a colourful band from all corners of the world, refugees, those unused to personal hygiene, a mass and more. They made use primarily of the following verbs: crowding, escaping, swamping, pressing, besieging, flooding (as in "The region along the Mura is flooded with immigrants from abroad," *Dnevnik*, 30 October 2000).[7] Debates began on the excessive liberalism of the asylum law, which allows the "abuse of the asylum procedure," such that Slovenia has supposedly become a favourite transit country for illegal immigrants, "because word has got around that we are at least a three-star transit hotel for illegals."[8]

Non-governmental organisations (such as Amnesty International and others) already drew attention in the autumn of 2000 to the poor living conditions in the asylum centres and in what were called the centres for the removal of aliens (legal name), primarily in Ljubljana. At the same time, media articles started to give wide coverage of the so-called "voice of the people" from the neighbourhoods of the asylum centres, providing a dominant formulation of the immigrants' image, and describing what kind of people these illegal immigrants are (what they do, what dangers they bring with them, how they threaten the local population—not just physically, through their presence and potential diseases, but also economically, swallowing up the taxpayer's money). Considerable attention was given them by the crime and incident reporters, and the "illegals" were

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[6] B. Kelbl, "Analiza diskurza slovenskih medijev" (The Analysis of Slovene Media Discourse) (paper presented at the round table in Menza pri koritu, Metelkova, Ljubljana, 2001, unpublished).

[7] Ibid.

[8] I. Puc, *Mag*, 31 January 2001.

criminalised and dehumanized.[9] The print media wrote about the daily police "hunt" for illegals. The expression rapidly took root.[10] The director of the police, Marko Pogorevc, spoke about the "hunt for illegals." A TV broadcast was made, showing a police "hunt for illegals."[11] Some inhabitants of areas with detention centres and those around the Ljubljana Asylum Seekers' Home and Centre for the Removal of Aliens in Šiška district (what was called the Šiška civil initiative) started to organise themselves, and great media attention was focused on them.[12]

November saw the first response from the Office for Intervention, an informal civil group at the Metelkova alternative arts centre in Ljubljana, with the holding of a round table on illegal migration. At this some people pointed out in particular that the media's manner of reporting was promoting hatred of asylum seekers. The second half of December 2000 saw the passing, via fast-track procedure, of amendments and supplements to the asylum act of 1999, which had been declared too liberal: Croatia was (unjustifiably) declared a "third safe country," the so-called "abuse of the institution of asylum" was defined, and for reasons of "abuse of the institution of asylum" the rapid rejection of the asylum procedure itself and expulsion of migrants were made possible.

Soon after the New Year, interior minister of the new government, visited the Ljubljana Asylum Seekers' Home, and there (together with representatives of non-governmental organisations dealing with the refugee problem) held a press conference. This became the starting point for an even more intensive media and general going-over of the so-called illegal immigrant problem. On 18 January at a session of the government, minister Bohinc said that "the number of illegal crossings of the border in 2000 marked an increase over the pre-

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[9] "The once peaceful refugees have now become thieves, robbers and even rapists. Most prominent among them are the asylum seekers, for while they are waiting for the application to be approved they simply loaf around, meanwhile receiving pocket money" (Ž. Hojnik, *Delo*, 3 November 2000).

[10] An item in *Delo* stated, for example "But Thursday's hunt was smaller than usual" (20 October 2000).

[11] Kelbl, "Analiza diskurza slovenskih medijev."

[12] Centre for the Removal of Aliens was the official naming of this institution in the *Law on asylum* from 1999, and has been later, after the indignation of some intellectuals, renamed to Centre for Aliens.

ceding year of as much as 91 percent . . . the government has determined that the unlawful crossing of the state border threatens the stability of internal relations, and if such a situation were to continue, it would represent a threat to the national security of Slovenia."[13]

Soon after that, the interior minister in a quick manoeuvre temporarily moved the residents of the Ljubljana Asylum Seekers' Home and the Centre for the Removal of Aliens to the village Goričko close to the Hungarian border (as a result of a hygiene inspection, the so-called "bedbug scandal"). The local residents started to protest, and this received wide coverage in the media. The residents of the village where they sent or wanted to move the immigrants demanded the immediate return of the immigrants to Ljubljana, or else they threatened even road blocks, village guards and so forth. On 1 February, without any prior public notice, early in the morning the police took the immigrants from Vidonci back to the Asylum Seekers' Home in Ljubljana, and there the "civil initiative" reacted similarly to the way people had earlier at Vidonci village. The civil initiative collected a thousand signatures for removal of the immigrants "to the fringes."[14] While the interior minister was giving indications of the long-term resolving of the asylum seekers' accommodation problem, the residents of various locations protested against any kind of settling of immigrants, and against the state itself.

At the beginning of February, alongside the non-governmental organisations, groups of intellectuals and researchers also started to draw the attention of the government and the prime minister to the "improper representation of the problem of immigrants."[15] At the same time the mood was crucially altered by the announced demonstration by the informal group Office for Intervention. Thus it was the interior minister Bohinc himself who started to appeal to

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[13] "Ilegalni prebežniki ogrožajo Slovenijo" (Illegal immigrants threaten Slovenia), *Delo*, 19 January 2001.

[14] *Dnevnik*, 30 January 2001.

[15] *Dnevnik*, 30 January 2001.
From 3 to 6 February the media published several appeals from groups and non-governmental organisations who were protesting at and drawing attention to xenophobia, at the same time as calling on the state to act, in the expectation that "those representatives of the state with the highest responsibility will at the earliest opportunity show their unequivocal commitment to tolerance, against hatred of foreigners and that Slovenia's strategy towards immigrants and asylum seekers will be based on this principle" (*Delo*, 6 February 2001).

local residents for tolerance: "Cases where the local authorities encourage residents to take to the streets do not contribute to resolving the problems. . . ."[16] He expressed concern after he received a letter from the Office for Intervention. The immigrants suddenly no longer posed a primary threat to national security (they simply had to be distinguished from asylum seekers), and asylum seekers were not criminals, but "merely seeking refuge."[17]

Then the appeals for tolerance were joined by those from head of state Milan Kučan and prime minister Janez Drnovšek, and this established a new structure for the debate. Kučan rejected the "voice of the people." He stated that it was not true that "the refugees—at least the voice of the people would suggest—have more rights and more protection than our people." He spoke of people "whom some force had scattered around the world," who had "lost everything at home," while we "still have something."[18] Drnovšek, too, appealed for tolerance, especially promising the tolerance of the state towards residents: "Nowhere will the government solve by force the problems linked to the accommodation of illegal immigrants and asylum seekers . . . they will try everywhere, in dialogue with the local communities, to resolve these problems by agreement . . . but more systematically, and not blindly as has been the case recently."[19] At the same time, in the main daily paper *Delo* it was immediately and explicitly stressed, that "foreigners are not automatically guilty of criminal offences," and that "the Slovene state is not covering as many costs as is portrayed . . . so money cannot therefore be a reason for intolerance towards foreigners." Concerning criminal acts, the following was also noted: "In the assessment of the criminal police office, the percentage of their [the immigrants] criminal acts was negligible." And at the same time: "Statements by affected citizens that in the neighbourhoods where immigrants and asylum seekers are accommodated, there is increased crime, threats to children, the old, girls and so on, are misleading, according to the information received from the Ministry of the Interior."[20]

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[16] "MNZ zavrača govorice o selitvi tujcev" (Ministry of Interior denies rumours of moving foreigners), STA, *Delo,* 31 January 2001.

[17] *Večer*, 2 February 2001.

[18] "Milan Kučan o beguncih" (Milan Kučan on the refugees), *Dnevnik*, 6 February 2001.

[19] T. S. Natlačen, *Delo*, 7 February 2001.

[20] Ibid.

Some analysts and commentators dubbed this change a "media U-turn,"[21] not just because of the appeals for tolerance, but also because of the manner of writing about the immigrants. This was evident in the individualisation of the image of the immigrants (by presenting individuals and their tragic stories) and in the turning around of intolerant rhetoric "into its opposite."[22] Yet this so-called "media U-turn" provoked a variety of reactions: from praise[23] to total criticism (most of the articles in *Mag*, some commentaries in *Nedeljski dnevnik* and certain reactions from intellectuals). At the same time a broad debate started in the media on xenophobia and on the possible causes of it. On 21 February there was a demonstration in Ljubljana for solidarity with the immigrants, organised by the Office for Intervention. This also aroused quite a variety of reaction, chiefly in connection with the assessments of whether there was xenophobia in Slovenia and how much there was.

At the beginning of March the frequency of items about immigrants in the print media fell, but at the end of March and beginning of April it again increased owing to the renewed debates on detention centres and the protests by local residents against the possible settling of immigrants in their communities. In Ljubljana district Šiška, and towns Maribor, Ribnica and Kočevje the reactions already seen were repeated. In May the government drafted supplements to the asylum law, with which it further tightened the procedure for obtaining asylum. Through the introduction of visa requirements for Iranians in Bosnia-Herzegovina, stricter control of the border and consistent application of the new article on "abuse of the asylum procedure" the number of illegal immigrants in the accommodation centres was "automatically" reduced, while at the same time the public's attention was diverted to other topics, such as the announced referendum on an *in vitro* fertilisation law.

The people as "innocent victims"

I should now attempt to show the basic strategy which epitomised, recreated and legitimised the xenophobic voice of the people in the

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[21] See A. Kotnik, "Sovražna retorika medijev" (Xenophobic Rhetorics of the Media), *Medijska preža* (MediaWatch) (Ljubljana: The Peace Institute) 10, (winter 2001): 2–3.

[22] Ibid.; D. Pušenjak, "Katarza slovenskih medijev" (Catharsis of Slovene Media), *Medijska preža* (MediaWatch) (Ljubljana: The Peace Institute) 10, (winter 2001): 2–3.

[23] See Pušenjak, "Katarza slovenskih medijev."

media. It was marked not only by a stigmatising of the "other," but also by the formulation of a narrative of the victim, in which the "other" (in this case the immigrants) is completely minimised and destroyed, becoming a means of forming the relations and debate between local communities and the state, or a means of de-legitimising the state as the "representative of the people." Here through the presentation of the "opinions of those affected," who think with "good common sense," and through the communication of prejudice, the media texts in the first instance create a consensus on the threat from immigrants. On the textual level the journalist is monitoring the "voice of the people," which he/she summarises in all its emotion and writes up in special reports, here and there adopting a cynical pose towards it. One of the variations for encapsulating the voice of the people was in the letters to the editor, with several letters being written by the same person or even by the initiators of action against the settlement of immigrants, such as B. Oblak.

So what does the "voice of the people" represent? It stands out primarily as a condensation of fear and a sense of threat. It presents to us how the residents "fear" that "foreigners from distant lands would pee in the basements of apartment blocks, steal from the local stores, break into weekend homes, fight with knives or in some other way disturb the local people."[24] They speak of how "crime in Šiška . . . has literally blossomed" and how they are threatened by "infectious diseases."[25] "All the foreigners are becoming an excessive burden for our country," "all the costs have to be paid by us penniless citizens, who ourselves are already living on the edge of poverty," while "every tenth Slovene is hungry."[26] Residents have problems with their water supply "because the local mains supply is now overloaded."[27] "The illegals can swamp little Slovenia."[28] "The residents of Šiška have already pointed out many times that because of the asylum centre they are scared to let their children play outside, that the immigrants drop litter, that there is a lot of crime in their neighbourhood and that they feel like second-class citizens. . . ."[29] The res-

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[24] I. Križnar, *Mag*, 14 February 2001.

[25] B. Oblak, taken from *Nedeljski dnevnik*, 7 January 2001.

[26] "Letter to the editor," *Nedeljski dnevnik*, 14 January 2001.

[27] *Večer*, 27 January 2001.

[28] Writes F. Majcen in a letter to the editor, *Večer*, 3 February 2001.

[29] *Večer*, 5 April 2001.

idents of the Goričko border area . . . live in fear of the ever more violent immigrants, who come here from neighbouring Hungary."[30] The people of Bloke "first of all . . . put up with soldiers for five years, then had four years of refugees, and don't want the illegals."[31] "The four-year presence of Bosnian refugees aroused an antipathy to foreigners among the Bloke people," "at night they did not dare go out, and especially women felt uncomfortable near the refugees." The Bloke residents say: "Isn't it enough that everything good, including roads, bypassed us and that we have been occupied by the army? Now they want to force[32] foreigners on us."[33] *Slovenske novice* published a piece entitled "Will the Bloke people again groan in dismay?"[34]

This narrative, which none of the media in Slovenia managed to avoid, shows either the Slovenes as a whole or the residents of areas where immigrants have been accommodated, as victims of the refugee and immigrant policies of the state. The strategy encapsulates the narrating of the "experience with refugees" from the beginning of the nineties, and then in some standardised template presents the "suffering" of the local inhabitants. There is a clear dualism set up between the residents (suffering subjects) and the state as the reviled centre, localised in Ljubljana, which simply takes from the people and gives nothing, while *their neighbourhoods* are under threat. The problem of the immigrants in fact takes a back seat—it becomes insignificant and instrumentalised in the binary relationship of residents–the state, local community–the centre, Slovenes–the authorities, democracy–arbitrary rule, justice–injustice and so on.

The victims in the narrative of illegal immigrants are therefore not the immigrants themselves. The role has been assumed by individual groups of scattered local residents, who acquire their uniformity and special cultural and social character/identity precisely in the relationship towards the immigrants and towards the state's policy. The "voice of the victim people" draws attention to the apparently "intolerable conditions" in which those "affected" find themselves, to

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[30]I. Gerenčer, *Delo,* 29 January 2001.

[31]*Dnevnik*, 24 January 2001.

[32]Transl. note: the original Slovene verb *posiliti*=violate, rape.

[33]Ibid.

[34]V. Kerman, *Slovenske novice*, 29 January 2001.

suffering villages and residents, and begins to function as the language of the "civil society" against the state.[35] In the case of the forming of "events" from the "immigrant crisis" we witnessed a condensing of the relationship towards the new state. Hatred of the immigrants as "others" coincided with hatred of the state as the Other. This Other then assumes the role of "culprit" for the troubles (it is incapable of resolving the "crisis") and also for xenophobia. In a latent form this hatred has been shown in the conflict between the centre and the periphery, and in the logic of *not in my backyard*. But in the "immigrant crisis" it became transparent, and formulated a plausible story which in the end—and this is most interesting—everybody believed. A consensus was therefore established among both the xenophobes and among numerous people who had come out (or at least thought they had) against xenophobia. The conclusion held which could be condensed into the sentence that it is "the state" (and not the civil society) which is "guilty" of xenophobia (or whatever we want to call it) in Slovenia. Society had behaved and responded "normally."

The smuggling, criminal state

"The state" is criticised from various points of view.[36] Firstly as the authorities, set against the "suffering local residents," who are suffering not only because of the immigrants, but also, or perhaps primarily, because of the attitude of the authorities/the state to them: for it is "the state" which is settling refugees on them, and in such a way that "the decision on temporary accommodation of asylum

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[35]Thus far (primarily in the Yugoslav situation in the eighties, but also in the post-Yugoslav situation) we have had to deal chiefly with the constant feature of Slovene civil society nationalism, in which the function of victim is played by the Slovenes and their culture as a whole (relative to the Yugoslav state). Yet after 1991, as a "semiotic system of the civil society," Slovene nationalism was formed "through an especially discursive history, which has resulted in the 'arbitrary' division of society into those who have earned inclusion and those who have not" (J. C. Alexander, "Citizen and Enemy as Symbolic Classification. On the Polarizing Discourse of Civil Society," in *Where Culture Talks, Exclusion and the making of Society*, ed. M. Founier and M. Lamont [Chicago: University of Chicago Press, 1992]: p. 291). But this formation—at least in the beginning—did not contain any anti-state sentiment.

[36]The term "state" has had different meanings although the way the term was used in the public showed that the implication often was obviously "government." This also shows the typical non-distinction between both terms—probably the consequence of the communist legacy and short post-Yugoslav and post-communist period.

seekers and other immigrants was taken without their agreement."
"The local residents of Šiška, enraged at the 'chicanery of the state,'
have already given notice of a blockade of Celovška Street and of
city passenger traffic."[37] "The unannounced return has once more
aroused mistrust and fear among the local residents of Šiška, who
have for some time demonstrated organised opposition to the
accommodation of immigrants."[38] If the illegal immigrants are crim-
inals, the state has assumed the role of "smuggler," since it is oper-
ating on the sly, and not informing local authorities of the moving
and accommodating of immigrants: it has cheated the residents, not
taken them into consideration and settled the refugees without their
assent. A state which "smuggles" refugees may easily be delegit-
imised, just as a smuggler of immigrants may at the same time be
criminalised: so if the state is protecting migrants, criminal tenden-
cies may be ascribed to it.

"Whatever the state doesn't like, it sends to us in Prekmurje";[39]
"they will bring us diseases, so why don't they bring us their nuclear
waste as well."[40] "The politicians themselves have created fertile
ground for the arrival of illegal immigrants."[41] "We local people . . .
do not believe that the state will honour the agreement,"[42] "our gov-
ernment does not protect its own citizens,"[43] "the government
underestimates the people of Bela Krajina."[44] Mr. Oblak, of the so-
called Šiška initiative, states that the "state is abusing . . . trust."[45]
Under the title "The state more intolerant than the people,"[46] follow-
ing state and other appeals for tolerance, there is a presentation of
the views of people from Prosenjakovci, to whom "no one, least of all
the state, has in the end even said thank you." The state "has not trou-

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[37]N. Žolnir and I. Gerenčer, *Delo*, 2 February 2001.

[38]Ibid.

[39]M. Dora and L. Cjuha, *Nedeljski dnevnik*, 28 January 2001.

[40]Summing up the people of Vidonci in an article by M. Dora, *Nedeljski dnevnik*, 18 January 2001.

[41]*Večer*, 26 March 2001.

[42]I. Gerenčer, *Delo*, 29 January 2001.

[43]M. Vodišek, "Letter to the editor," *Delo*, 1 February 2001.

[44]M. Dimitrič, *Delo*, 1 February 2001.

[45]H. Kocmur, *Delo*, 2 February 2001.

[46]I. Gerenčer, *Nedelo*, 4 February 2001.

bled itself much over the will of the people," "the state has done virtually nothing . . . so is now impotent and is becoming intolerant towards the people." The state "has the people of Vidonci by the throat."[47]

From words to deeds

The criminalisation of the state enabled legitimate resistance in a crisis situation, especially if the state was protecting not its own inhabitants and their rights, but the immigrants. There were appeals for "the state of Slovenia occasionally also to protect its own citizens, who have only one state,"[48] or: "Why do our authorities not protect their own citizens, why through their apathy do they leave us distressed?"[49] When certain politicians appealed for tolerance, and when journalists in certain media also changed their manner of writing, the pressure grew. The state was supposedly being discriminatory towards its own inhabitants, and by appealing for tolerance, it was supposedly cultivating a "dubious compassion."[50] Meanwhile "The politicians themselves have created fertile ground for the arrival of illegal immigrants."[51] They should stop and think about the fact that "in certain parts of Slovene cities you no longer hear Slovene words." Politicians "are doing nothing for the survival of the Slovene nation, since they are far enough away from the areas on which they are forcing foreign culture." And "is it not absurd that politicians, who are natural enemies of differently thinking Slovenes, are appealing for tolerance towards foreigners."[52] "We should also be asking how many immigrants from the former Yugoslavia have stayed here. If the ministry cannot provide clear answers, my view is that our political leadership is also wound up in criminal activities. . . ."[53]

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[47] T. Doneva, *Mag*, 31 January 2001.

[48] M. Vodišek (a frequently published correspondent on the subject of immigrants in the newspapers), "Letter to the editor," *Delo*, 16 February 2001.

[49] I. A. Stanič, "Letter to the editor," *Mag*, 14 February 2001.

[50] M. Vodišek, "Letter to the editor," *Delo*, 16 February 2001.

[51] F. Majcen, "Vaši odmevi" (Your responses), *Večer*, 26 March 2001.

[52] Ibid.

[53] I. A. Stanič, "Letter to the editor," *Mag*, 14 February 2001.

In a state which does not look after its people, and even attacks them, the people are thereby justified in using self-defence, or self-protection (the title of the quoted letter to the editor is "Xenophobia or self-protection?"). So what then? "If by 3 February the state, as is set out in the agreement between it and the municipality of Grad, does not move the immigrants from the Vidonci centre, the municipality will stop supplying the centre with electricity and water, and will also stop supplying food and other care and provisions for the immigrants."[54] The people of Bloke are "determined to fight the settling of illegals with every means."[55] "We will take a path that no one has so far. We will use the harshest of measures. . . ." "Bojan Oblak, leader of the civil movement for removing the immigrants, mentioned that 'we would, if necessary, physically prevent the return of such a large number of illegals.'"[56]

The intolerable circumstances, once identified as such (the Asylum Seekers' Home, which "finally exploded"),[57] and of course through na-tural justice, establish the right to resist. Local residents regarded the settling of refugees as an occupation, and "they will resist occupation."[58]

"Are we Slovenes xenophobic?" The theory of normality

The question "Are we Slovenes xenophobic?" started to appear in the media at the beginning of February, and was put to numerous respondents, primarily experts. Through the debate on xenophobia the "Slovenes" as a self-establishing imaginary collective first gained the chance for autoreflection on their new citizenship and civic identity. It is indicated precisely by this apparently "naïve" question on xenophobia amongst the Slovenes.

The question itself does not offer many options for response, and in fact makes it possible for the hypothesis of xenophobia amongst the Slovenes to be legitimately rejected. It is a question of belief, and in fact is asking, "can we really believe (as some people tell us) that we Slovenes are xenophobic?" The rhetorical question derives from

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[54] I. Gerenčer, *Delo*, 29 January 2001.

[55] M. Povše, *Dnevnik*, 24 January 2001.

[56] H. Kocmur, *Delo*, 2 February 2001.

[57] B. Oblak, summarised in *Nedeljski dnevnik*, 7 February 2001.

[58] K. Klanjšek, *Dnevnik*, 24 January 2001.

the imaginary "we," of which both the questioner and respondent are constituent parts. It implies that "we all know" who the Slovenes are (that is, an essentially "cultivated nation" that wishes no harm to anyone). From the debates it was clear that in the affirmative answer to the question, this common place was rejected. For if "we" Slovenes are xenophobic, then the two of us—the questioner and respondent— are also part of a xenophobic collective. So how could we then even ask about xenophobia? Viewed from this imaginary place, it is not at all possible to say that the Slovenes are xenophobic.[59] And if they "in fact" are not, then someone has misled them, and the real "culprit" must be found for the suspected or actual xenophobia.

Responding to a (differently posed) question on xenophobia could in fact enable a reflection on the notion of being cultivated, of "innocence" and the original democratic nature of the Slovene people in their own state and of Slovene nationalism itself as something positive per se. But responding to the question on xenophobia on that "in essence" level for the most part set up a narrative on the Slovenes as innocent and unsuspecting people that had in fact been surprised by something very strange with this xenophobia. The response to the question on xenophobia can in general be divided into five categories. These clearly illustrate the variants of reflection and reasoning on xenophobia and racism in the Slovene post-socialist scene. The fifth response from the texts referred to here does not belong in the same category, and represents a different, more reflective attitude, for it does not answer the question posed in the same way.

First response: So-called xenophobia

According to I. Guzelj, a journalist on *Mag*, there is no xenophobia in Slovenia. The described threats and protests by local residents "test-

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[59]The national "we" is always a construct which automatically excludes those who might doubt the existence of this "we." The imaginary nature of the community does not mean that it does not have real effects. By answering "of course we Slovenes are xenophobic" we would—in terms of psychoanalytic discourse—be admitting the terrible fact that our construct of the Slovene is based on the exclusion of "those others," and therefore by admitting the effect of the "real" would be showing what was the core of being Slovene. By answering "of course you Slovenes are (xenophobic)" it would be showing (from the point of view of a respondent for whom it is doubtful whether they would automatically agree to the imaginary inclusion in this "we") the absolute logic demonstrated in the talk of "us, the Slovenes," from which you can be excluded only if you are not a Slovene (still or any more). As for the gender dimension of the construct of the Slovene (transl.: *Slovenec*—masculine noun=(male) Slovene) I shall not go into that at all here.

ify to the healthy logic that the maintenance of the current level of security and order . . . is a basic civilisational right of any member of an ordered society."[60] This is the logic of healthy normality against what is not normal or natural. In his letter to the editor B. Oblak speaks of the "normal reaction of people to abnormal circumstances . . . the state has actually broken down."[61] These are extremely civilised protests, in which people (in intolerable circumstances) are fighting for human rights (the Šiška initiative adopts the label "civil initiative"). The problem is primarily with the "rights of citizens," who because of the asylum seekers are in "intolerable circumstances." A similar argument is presented in *Slovenske novice* by M. Bauer, who says that "the people in Goričko are not stupid, they don't believe absolutely everything from the mayor, and besides, they still remember similar refugee stories. They came from what was once the south of the country for a few days, and stayed for years. . . . If the foreigners don't leave Vidonci, the local people will try to starve them out. Which is of course scandalous, but understandable. . . . A lot of this is all wrong, because some people just have rights, while others just have duties" (clearly the asylum seekers have "only rights" and the local people "only duties"). But, "what in the name of God, Allah, Buddha or the animist deities can these foreigners do for us to accept them more willingly and easily. Nothing."[62] This is apparently the question which we should be asking publicly, but are not, through fear of being accused of xenophobia: "Because we are so stuck up, we are scared someone might accuse us of chauvinism, racism and whatever else is in that package." So clearly the Šiška residents "know very well that a blockade is the only way for them to perhaps avoid unwanted and frequently problematic neighbours."[63] It is true, therefore, that it is scandalous, what the residents are demanding, but everything can be understood and one can sympathise with them, for the foreigners themselves do nothing for us to be able to "like them more," and because of other cowards who are scared of accusations of racism, and because of the treacherous government, the local people clearly

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[60]*Mag*, 7 February 2001.

[61] *Mag*, 21 February 2001.

[62]M. Bauer, "Nič!" (Nothing!), *Slovenske novice*, 30 January 2001.

[63]Ibid.

have no choice. The residents are in fact courageous, active citizens and are only expressing and fighting for what apparently all of us are thinking privately.[64]

The reaction of the "indigenous people"[65] is entirely "understandable," and from the local point of view it is a normal and natural reaction to violence and violation,[66] for the state has not provided for their protection. Moreover, "the state is helping to spread rumours about the xenophobia of those who were the first to draw attention to the violation of fundamental human rights to a decent life."[67] And at the same time, "humanitarian organisations and experts, through their activities in the fight against xenophobia are protecting the inaction of the state."[68] This is "so-called xenophobia," to which "Slovene citizens are apparently susceptible in massive numbers," and which has been "put about by certain sociologists."[69] In truth it is therefore those who talk of xenophobia who are intolerant, since because of them "there will clearly be no reconciliation in Slovenia for a long time." This will be made sure of by the "duty discord-sowers" with the "assistance of government structures." The point is, "the Slovenes and the ones who no longer feel Slovene, or rather never did (for this involves after all free choice of identity), having pilloried themselves and others with xenophobia."[70] Xenophobia has therefore been produced by the "self-proclaimed," "free-spirit" and "progressive" civil society and self-proclaimed scientists. In this connection there is also a dubious credibility in

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[64]The majority of extremist right-wing political parties in Western democracies adopt the position of public expression of what apparently "everyone thinks," but for the sake of politically correct democratic language "do not dare to say"—this involves primarily subjects relating to immigrants and minorities. "Expression of the secret thoughts of the masses" was, for example, the main strategy in the election campaigns fought by parties such as the Austrian Freedom Party of Jörg Heider.

[65]As they are called in *Mag*, 7 February 2001.

[66]The metaphor of rape (*posilstvo*=violation/rape) in racial/nationalist discourses is frequently used to indicate the extreme humiliation and violation of the nation victim. It was very widespread in the post-Yugoslavia wars, and had tragic real consequences.

[67]T. Doneva, *Mag*, 7 February 2001.

[68]Ibid.

[69]B. Oblak, "Letter to the editor," *Mag*, 21 February 2001.

[70]I. Puc, *Mag*, 21 February 2001.
Here can be seen the exclusionary function of the question on xenophobia, where whoever answers yes, either no longer belongs, or even never belonged to the Slovene collective, to that imaginary "we."

Slovene public opinion polls. So one after another everyone is suspect who talks about xenophobia, including public opinion pollsters. On the other hand the author cites certain other "researchers," such as "Dr. Zvone Žigon," who "pessimistically point out that Europe already senses that it cannot absorb such cultural diversity."[71] So if "Europe senses," then it would in fact be better to admit "that it [xenophobia] is in our blood."[72] The so-called xenophobia (if it exists) is therefore something natural and normal. In another context it is described thus: "Are we Slovenes egoistic pigs, because we don't like these people, the illegals and asylum seekers, anywhere? No. Hatred of foreigners is a genetic law. They have it, let us say, in Iran, too."[73] Thus there is no need to worry, as a natural phenomenon xenophobia is legitimate, it is omnipresent, including in Europe,[74] and the Slovenes, even if they/we are xenophobes—but they/we aren't, because xenophobia is an invention—they/we are not abnormal.

Second response: We Slovenes are normal (xenophobia is a deviation from normality)

But if you thought that a view similar to this position was held just by local residents in action and some more extreme tabloid journalists, you would be seriously mistaken. This conviction was—in a modified form—much more widespread. It was supported by certain intellectuals, who in fact—or so it seemed at first glance— wanted to criticise xenophobia.

The main strategy employed here, too, was—alongside the questioning on xenophobia—providing proof of the "normality" of people, or rather the normality of the Slovenes in relation to the suspected latent or visibly radical evil. Behind this for the most part—I would not say always—lurked a direct or indirect justification of xenophobia and racism. In the discourse on xenophobia the local residents,

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[71] Ibid.

The journalist provides an incomplete quotation from a scientist who in terms of bibliography is concerned almost exclusively with the Slovene identity, Slovene minorities and emigration.

[72] Ibid.

[73] M. Bauer, *Slovenske novice*, 30 January 2001.

[74] The argument of "Europeanness" was frequently used in justifying xenophobia: for example in apparently quite innocent conversations, on hearing that the Slovenes were not (according to the public opinion polls) any more xenophobic than "Europe," the questioners gave visible signs of relief.

that is Slovenes, protesting against the settling of immigrants, are presented for the most part as "perfectly ordinary, cultivated people,"[75] who wish no argument with anyone, or at least up until recently they did not.

B. Oblak, the main player in the "civil initiative," presents himself, for example, as a "perfectly ordinary family man, a computer engineer, who had been drawn into events . . . rather by coincidence and mostly through his official duties as president of the residents' council."[76] And he says: "The resistance of certain local communities against the planned (or already existing) long-term or temporary accommodation of illegal immigrants and asylum seekers is not xenophobia, but the expression of disagreement with the existing attitude of the government. . . . It is an entirely normal reaction by people to abnormal circumstances. . . ."[77] T. Doneva writes about Bojan Oblak in *Mag*, "a resident from the other side of Celovška Street, who for some time has been striving to resolve an intolerable situation."[78]

One of the more interesting and intellectually coloured ideas of the normality and naturalness of anti-foreign discomfort or racism as a "reflex" in connection with the immigrants was published in *Delo*. In the article "We master (and govern)"[79] Alojz Ihan in this connection wrote about the "reflex behaviour" of people when they see in their fields "a chocolate coloured African."[80] For the "farmers'

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[75] All the nationalist movements in the area of former Yugoslavia conducted wars in the name of culture and a higher level of culture of one's own nation. Culture, as I. Čolović says, is "one of the main references of aggressive ethnic nationalism" ("*U ime kulture. Politička pozivanja na kulturu*," in *Interkulturalnost versus rasizam i ksenofobija*, ed. B. Jakšić [Beograd: Forum za etničke odnose, 1998], pp. 25–31). The July newspaper debate on erecting a mosque in Ljubljana, which provoked a Slovene anti-Muslim and racist outpouring of "heartfelt culture" is just one of the outstanding examples (see "Right to reply," *Delo*, 25 and 27 July 2001).

[76] *Mladina*, 5 March 2001.
Official duty, ordinariness, the family-man quality of the civil initiative player should point to his normality, which through "healthy logic" can in no way lead to anything evil or have any evil consequences. It is intriguing to read these arguments together with the thesis of H. Arendt on the "banality of evil" in connection with the national socialist "bureaucrat" and family man Eichmann, which argues that evil is not embodied in the sick and "inhuman," but in fact the most normal, dutiful and tradition-respecting members of society become the protagonists of social evil.

[77] B. Oblak, "Letter to the editor," *Mag*, 21 February 2001.

[78] *Mag*, 31 January 2001.

[79] *Delo,* 10 February 2001, Sobotna priloga (Saturday Supplement).

[80] An excellent linguistic analysis and critique of this text was written by I. Ž. Žagar in *Dnevnik*, 26 April 2001 (Lebensraum). See also his text in this volume.

wives burst into tears" and certain "ancient defence reflexes" develop.[81] In his opinion the reactions of the villagers "does not involve xenophobia, but simple reflexes."[82]

Certain other people also made a note of "normality." The *Mladina* journalist J. Aleksič, in his typically high-tension reportage style during a visit to Vidonci composed the following: "In general, to begin with I can say about this that I didn't get the feeling obtained by the average viewer of the evening TV news—in other words the feeling that this involved some sick, xenophobic demented rednecks who would quite happily torch the building up on the hill.[83] The people in this part of the Prekmurje region are actually very scared, and fear all too often doesn't just fuel the imagination, but also exaggerated words and threats. . . . In the building a few hundred metres ahead along the road various refugees have already been accommodated there for years. Mainly from Bosnia, but of course never anywhere near such a numerous human bomb as right now. . . ." So in brief, the journalist did not get the feeling that this involved "sick xenophobic demented rednecks." On the contrary, the residents are completely normal. If we are looking for xenophobia, then by this conviction we must be expecting something sick, some weirdly sick and (most probably) at first glance evil people, whose very features tell you that they are dangerous, for at any moment they might launch into some Ku Klux Klan action. Xenophobia is understandable as an illness, and as something that can be felt, seen and determined in people as a "disturbance." And local residents can at least be understood (as long as you are normal).

In one part of his report the journalist writes the following portrayal of his emotional experience of the journalistic research situation: "Herds of anorexically skinny Africans, shivering Iranian

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[81] In place of the apparently politically correct syntagma of the "chocolate coloured African" we could easily read the word *zamorc* (=negro, also even "nigger"), but Ihan does not use it. It is interesting that a few months later (July 2001) the Ljubljana police "read" in the same way as Ihan the behaviour of skinheads in attacking Ignacio Bintchende. Here, too, it was not supposedly a sign of racism. The lads were "simply" having a fight. In connection with this, in his "deputy's question" parliamentary deputy Jelinčič used the word *zamorci* (negroes).

[82] A. Ihan, "(Ob)vladamo" (We master (and govern)).

[83] With his use in Slovene of the adjective *redneckovski* [*sic*] the writer is presumably thinking of white conservatives such as in the deep south of the USA, and of the link to the Ku Klux Klan.

Rambos and coughing and wheezing adolescent women of indeterminate age, without exaggerating, literally surrounded me, and when they started literally to rattle off at me in broken English and occasionally impressive German a machine-gun fire of accusations about the impossible conditions, I remembered with a heavy heart the theory of the beehive, which earlier Mr. Franc had impressed upon me."

Third response:
Just a sudden outbreak of xenophobia

The next view is not uniform, but is a mirror-image opposite of the position that maintains that xenophobia is indeed xenophobia. In the first two responses it was already observed that those who say there is no xenophobia, are creating an image of shocked surprise, which asks how is it possible that in what "we" (Slovenes?) say and do, "they" (anti-xenophobes?) see xenophobia? In the third view, too, the basic perception of the situation is shocked surprise—but not as a denial of xenophobia, but in the sense of a question, how is it possible for xenophobia to appear so suddenly (among such cultivated people as the Slovenes)? "What has happened to the Slovenes, that they have become so openly hateful of foreigners who are escaping through Slovenia?"[84] Here a view of themselves opens up for the Slovenes. The horrified J. Šmidovnik writes in *Delo* that he is "convinced . . . that many other people in this country are also horrified; he would like to believe that even the majority of Slovenes have always been good and friendly people—not just to each other, but also to foreigners."[85] Šmidovnik, who believes that the Slovenes were always and still are "friendly," must ask himself about the cause of the xenophobia, which clearly does not sit happily with friendliness.[86] Where is the reason for the xenophobic evil? Whence this sudden change? What has caused people to change overnight?

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[84] J. Šmidovnik, *Delo*, 10 February 2001.

[85] J. Šmidovnik, "Vladavina vaških straž" (Rule of the village guards), *Delo*, 10 February 2001, Sobotna priloga (Saturday Supplement).

[86] It is interesting that nowhere in his statements does the author provide proof of this "friendliness." And how could he? The notion of the "friendliness" of some nation can only be a belief, a polite self-evident phrase serving the imaginary construct of the collective. Šmidovnik takes this as the "precondition" of the Slovene identity in contrast to those who say that the Slovenes traditionally hate themselves and precisely for this reason (of course!) have an antipathy towards others.

What is this devil leading us into temptation? "And this now, when we have gained our own state, with which we can settle problems in our own way. . . ."

The answer lies, at first glance paradoxically, of course in the state: "I think the blame lies squarely on the Slovene state. These are the consequences of mistaken actions by the state, which was not committed, or not committed enough, in dealing with such a serious problem. . . . Our state has clearly not devoted sufficient attention to this problem." And someone else is guilty: "The information media have shown this situation in its worst light. . . . The impression created by the media has been such that the immigrants are to blame for all the dangers. In this way they firstly aroused fear, and then hatred of people—primarily of the immigrants, and then of the state, which has forced them upon us." So there are two main culprits: the state and the media. Evil cannot lie in the residents, who are "in essence" traditionally friendly, and the reason for their behaviour must be hidden elsewhere.

Fourth response: Xenophobia is caused by others

One letter to the editor states the following: "I agree that hatred of foreigners does not belong in a democratic country, where human rights should be respected. But I wonder, is this year's campaign against xenophobia not somewhat exaggerated. . . . In the eyes of the media and the Slovene public the residents near the foreigners' centre have suddenly become xenophobes and racists. . . . All those who talk so much today of intolerance of foreigners in Slovenia, could also ask themselves about intolerance in Slovenia in general . . . arrogant attacks on the Church and believers, especially on the Archbishop of Ljubljana . . . there is still no mention in the textbooks that we Slovenes also had our own (fratricidal) holocaust. . . . Here a person asks themselves, how are we Slovenes supposed to be tolerant towards foreigners, when we can't even be tolerant towards each other?"[87]

The argument of exaggerated claims of xenophobia and warnings of xenophobia is also characteristic of certain liberal or even rad-

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[87]G. Blažič, "Letter to the editor," *Večer*, 3 April 2001.

ical/alternative authors.[88] It is interesting to note that here they concur with the non-critical existentialist responses to the question about xenophobia. The prototype of this kind of interpretation is the text "On xenocide or the latent xenophobia of the country" by B. Vezjak in *Večer* of 12 February 2001, which states (in the subheading) the following: "The national policy saw immigrants as a subject of removal a long time before it started dealing with this literally, when in fact it 'symbolically' equated them with revolting insects" (here the writer is aiming at the mayor of village Prosenjakovci, who is equated with the state). Thus "the state's repressive policy towards foreigners is latently xenophobic . . . it would prefer to shove them out into the night. . . ." Here it is not the "media construction of the problem" that is guilty of xenophobia, as it is with some other writers, but simply the "mechanisms of the state's actions." Those who produced the "culpability discourse" (NGO's and certain sociologists) and who are accusing the local residents, are making a mistake. The following needs to be asked: "Are objections to the settling of immigrants in their residential neighbourhoods enough for some individual or even group to be labelled cultural racist or xenophobe? And are they enough for us to speak *tout court* about the growth of xenophobia in general in Slovenia?" This supposedly involves for the most part a "suspected hatred," for there were similar reactions to the construction of a drug addicts' commune and waste dumps. The Slovenes are "like stay-at-home people, especially sensitive about the defence of their living space [in German *Lebensraum*]" and behind this "defence mechanism stands a special psychological character profile." As with Ihan, who speaks of "reflexes," stress is given here to "defence mechanisms," to something therefore which should function regardless of human will. For this reason "the view of xenophobia could be relativised, although no one wishes to justify actions of this kind." What happened is therefore excusable and understandable, and the stigmatisations were premature. The trump card of

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[88] At the time this study was being completed (July 2001) the main daily paper *Delo*, for example, published a commentary by B. Jež, which through a quasi-analysis of analysis and statistics on intolerance again speaks of the exaggerated claims of racism and xenophobia, and above all advises and lectures sociologists that they must "watch out" [*sic!*] in the application of their research. This is similar to B. Oblak's doubts about their "objectivity" in the "hidey-hole of two million" (B. Jež, "Drugi in drugačni" (Others and those different), *Delo*, 12 July 2001).

xenophobia was used by the state (state secretary at the interior ministry B. Bugarič, who "is continually pointing to xenophobic local residents"), in order to cover up its own xenophobia.

Fifth response:
The state is to blame, not the people

There were quite a few analyses and critiques which not only stressed the danger of xenophobia, but spoke of fascism and the danger of an outbreak of violence against foreigners. D. Pušenjak for example argued that "fascism in Slovenia is thriving and developing, in line with all the rules as if from some textbook, while the state is sitting there doing nothing."[89] But hatred of/toward the state does not seem too much of a problem to him. He even states: "It is also our common fortune that the local residents, who are unwittingly and unwillingly making a nest for fascism because the state will not intervene, are not acting against the refugees as much as against the state, when they take their rights into their own hands. Sooner or later the state will have to move." Rare are those who speak out against this: "It is the smallest, poorest, marginalised civil society from Metelkova which is standing up against selfishness in the purest sense of the word. Metelkova is the cathedral of the highest civil awareness and civil wisdom."[90] Writings such as those of Pušenjak also warn of the possibility of an outbreak of violence against foreigners: "When there is the first paedophile assault, rape or perhaps just the first fight, not even necessarily caused by any foreigner, the accommodation centres will be torched."[91] D. Štrajn also saw the danger of actual violence in the words and threats. He wrote that it seemed that "it was only a matter of a short time before the enraged populace would descend with torches and pitchforks on the locations where the examples of global poverty are more imprisoned than not."[92] In his opinion, xenophobia and racism cannot be justified, whatever the direct causes for its outbreak: "It can certainly be said that people who have been consumed by paranoia

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[89] *Nedelo*, 11 February 2001.

[90] Ibid.

[91] Ibid.

[92] *Dnevnik*, 10 February 2001.

because of those two or three hundred poor wretches . . . 'are not themselves guilty' of not being informed or that various state bodies have screwed things up for them; and of course here too we have not been let down by that great culprit for everything wrong with us: a lack of strategy. But whatever the cause of xenophobia, local resident aggression, incomprehensible racism and so on, xenophobia is what it is: a disgrace and even greater damage to a nation that is suffering from it to such an extent as ours."[93]

Some such angles on the subject also analysed the February media U-turn in connection with xenophobia. Yet even for the majority of the most critical views, the reason for xenophobia and racism is primarily the policy of the state: "I do not believe that in Slovenia intolerance of foreigners is so prevalent, but I do know that it can easily be provoked. The sense of threat is so great that a very small stimulus is needed to activate intolerance. And most certainly these events speak of a primitivism which is partly 'native' and partly induced."[94] The state bears prime responsibility for the reactions of the people, or as B. Brumen states: "Here . . . in every textbook on migration and work with asylum seekers it says that the basic principle of settling these people is dispersion. But then in the middle of the night they take 400 people to a village with 40 inhabitants. For this reason I appeal against the demonisation of the villagers of Vidonci. . . . In these circumstances of course they were scared, as would anyone anywhere else in Slovenia."[95] So in the end we are dealing with normality. Moreover, "whoever has been in Šiška knows that the only demand from the local residents was that the centre should only accommodate as many people as it had room for." This claim, made in March, was seen to be at least uninformed and highly understanding, sympathetic and tolerant towards the sentiments of the local residents. In reality the residents of Šiška, headed by Oblak, were demanding much more. In April the newspapers reported that they had not given up "their demand for the earliest possible complete removal of immigrants from their neighbourhood at all costs."[96]

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[93]Ibid.

[94]B. Lešnik, "Večer round table," *Večer*, 3 March 2001, Sobotna priloga (Saturday Supplement).

[95]Ibid.

[96]H. Kocmur, with the subheading "Time given by the Šiška residents to the state for vacating the centre has run out," *Delo*, 6 April 2001.

CONCLUSION

The elements that characterised the public (media) discourse on immigrants and xenophobia in Slovenia in 2001 were as follows:

• emotionalisation—a policy of creating crises and scaremongering in the public arena;

• laying blame on immigrants and the state;

• victimisation of the "indigenous" local residents (emphasising the excessive rights of the immigrants and sympathy towards immigrants as a problem);

• emphasised hatred of the state;

• legitimisation of possible "defensive" activities, threats to the state;

• normalisation and socialisation of xenophobia and racism as a "normal, understandable aberration" or biologically conditioned response.

It would be possible to agree with the already noted assessments that in the first half of February there was a "media U-turn" and that there were several attempts to deal with the question of the immigrants and the issue of racism and xenophobia with greater sensitivity. But these changes in the media simply involved a re-shuffle: it established a relativising discourse on xenophobia and racism; in actual fact it prevented any self-reflection by the people of Slovenia. Just the question "Are we Slovenes xenophobic?", as it was formulated by the majority of questioners, self-questioners, commentators and other writers, demanded (despite a few critical voices) by its own logic an answer in the negative.

The actual denial of intolerance and racism is one of the basic characteristics of hate speech today—it involves a self-legitimisation which denies that an action (aimed against others or those different) is intolerant, xenophobic or racist, and presents it as acting out of self-defensive necessity. Numerous writers who have debated xenophobia have tried to justify it: so that in actions such as the threats of residents to blockade streets or set up village guards, they "did not see" elements of xenophobia, or rather they tried to normalise them through the suspicion that "every xenophobia has its (external) cause." Xenophobia was supposedly provoked, with some going as far as to say that the state deliberately provoked it. The causes of actions which were assessed as being xenophobic, lay somewhere

else: for example in the incapacity of the state, in the media, in mistaken policies, genetic make-up, reflexes, ancient defence mechanisms, the psychological profile of the Slovenes, in a number of registers, and so on and so forth.

The fact that the direct actions of the residents were often or even for the most part not aimed directly against the immigrants, but against the state, does not mitigate the situation. A truly charged "dialogue" with the state this spring in Slovenia created an atmosphere that was the basis for an impermeable and increasingly restrictive "immigrant policy" that was "adapted to Europe." In this the media firstly played the role of mediators of consensus. When there was public criticism of the media discourse as well as the policy and speech of certain state officials, the media also split into those that opposed the claims of xenophobia or spoke about it being exaggerated, and those that agreed with the claims of xenophobia and tried to analyse it. Although it is not possible to make sweeping generalisations, it is nevertheless possible on the basis of collected material and the above analysis to assert that the first group comprises *Mag, Slovenske novice, Nedeljski dnevnik*, and partly—in view of certain important individual writers—also *Delo, Večer* and *Mladina*. The second group comprises chiefly *Dnevnik* and *Mladina* and partly—again in view of individual writers—*Delo* and *Večer*). It was chiefly *Mag* and *Slovenske novice* that led the field in heaping abuse on those who spoke in public about xenophobia. It was primarily here that certain writers concocted the theory of some suspected anti-xenophobic (global left-wing) conspiracy between the state, sociologists and non-governmental organisations, and tried to criminalise them all in one package. The women's magazines such as *Ona, Jana* and *Glamur,* veered mainly towards a sympathetic discourse and for the most part did not adopt or create xenophobic opinions—in this particularly *Glamur* published some critical reflections and presentations.

It can be said in general that the main strategy of mainstream debates after February—despite the "catharsis" (Pušenjak)—was the normalisation or denial of xenophobia, through the following assertions:

• we Slovenes are not generically xenophobic, and if we are, we are firstly towards ourselves;

- xenophobia is for the most part accidental and insubstantial, latent and isolated, and should not be blown out of proportion;
- intolerance is increasing only towards the Romanies and "those different," and intolerance towards "others" has fallen;
- racism is an extremely marginal phenomenon—even normal and natural, if there are enough people of a different skin colour in such a small country as Slovenia, for this arouses special reflexes (here racism is expressly biologically understood, while cultural racism cannot be);
- sociologists and others exaggerate in their assessments of intolerance, xenophobia and racism, while public opinion polls are biased and suspect;
- in reality "we" Slovenes are better than the European Union, since there they are just as xenophobic, if not more, and they already have more restrictive immigration policies, even towards Slovenes.

By way of illustration may I append this epilogue—a quotation from the column of a leading and influential commentator for Slovenia's main daily paper, *Delo*:

> So we understand each other: the public should be sensitive to every such attack of racism, although we should retain our senses and acknowledge that in Slovenia there are no such racial disturbances as have been raging in the towns of northern England. For various civil society groups are making such a hue and cry that you would think the state itself should be hauled before the court in The Hague for persecution of blacks, Jews or homosexuals. . . . The fact is that Slovenia is characterised by a high level of ethnocentrism and xenophobia, and in this respect ranks in the top third of a scale of forty-three countries. . . . But let us take a look: since 1995 there has been a decline in intolerance towards "others," with the exception of Romanies, while there has been an increase in intolerance towards "those different". . . . Racism is therefore an extremely marginal phenomenon, for there really is very little different skin here anyway. But it would not be wise to make a big song and dance about xenophobia and our other vices, for in the past we have been far more intolerant of each other, and were happy enough fighting amongst ourselves. Sociologists should therefore watch out in the application of their research, for Slovenia is a hidey-hole of two million, and not comparable to the population mass of Great Britain or Germany. . . . We could in fact permit ourselves the assertion that Slovenia is becoming an increasingly open society, more so than the European Union, which will keep its borders closed to our workforce for another seven years.[97]

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[97]B. Jež, "Drugi in drugačni" (Others and those different), *Delo*, 12 July 2001.

THE PROBLEM OF XENOPHOBIA IN THE CONTEXT OF POPULISM AND EUROPEAN ENLARGEMENT

Maria Marczewska-Rytko

Preliminaries

There has been a noticeable rise in radical right-wing populism on the European political scene since the 1980s.[1] The populist policy of Euro-scepticism is associated with the parties representing this trend.[2] Although they have not attracted the majority of the electorate in particular countries, they are capable, as the Austrian example clearly shows, of causing much confusion in international relations. In the context of the increasingly united Europe, the answer to the question of whether the populist movement and populist ideas are an integrating or a disintegrating factor becomes important. In the broader context, it is a question about the model of democracy to which we aspire.[3] It is also a question about ways of solving social-cultural problems, because the unification of Europe

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[1] According to Hans-Georg Betz, parties are "right-wing first in their rejection of individual and social equality and of political projects that seek to achieve it; second in their opposition to the social integration of marginalized groups; and third in their appeal to xenophobia, if not overt racism and anti-Semitism. They are populist in their unscrupulous use and instrumentalization of diffuse public sentiments of anxiety and disenchantment and their appeal to the common man and his allegedly superior common sense." H.-G. Betz, *Radical Right-Wing Populism in Western Europe* (New York: Houndmills, Macmillan, 1994), p. 4. Cas Mudde writes that e.g. nationalism, exclusionism and the strong state constitute the main features of right-wing extremism. C. Mudde, *The Ideology of the Extreme Right* (Manchester-New York, 2000), p. 24.

[2] Cf. P. Taggart, "New Populist Parties in Western Europe," *West European Politics* 1 (1995); P. Taggart, *The New Populism and the New Politics: New Protest Parties in Sweden in a Comparative Perspective* (Macmillan, 1996); R. Herbut, "Partie polityczne w państwach demokratycznych," in *Politologia wrocławska. Księga jubileuszowa z okazji 30-lecia Instytutu Politologii Uniwersytetu Wrocławskiego,* ed. K. Dziubek, T. Łoś-Nowak and K. Paszkiewicz (Wrocław, 2000), p. 80; P. Taggart, "The Populist Politics of Euroscepticism" (paper presented at the conference in Seattle, 28 May–1 June 1997).

[3] Cf. M. Canovan, "Trust the People! Populism and the Two Faces of Democracy," *Political Studies* XLVII (1999): pp. 2–16; W. Sadurski, *Racje liberała: eseje o państwie liberalno-demokratycznym* (Warsaw, 1992).

involves not only economic and political integration, but also the co-existence of European nations. The process of integration is accompanied by growing awareness of the ethnic differences, different traditions, and unique cultural identities of European nations.[4] This applies to both the post-communist countries and the countries of Western Europe. Jerzy Jedlicki observes that in recent years we have witnessed rising hostility towards all "others" and increased violence motivated by xenophobia.[5] As Martin A. Lee writes: "In Western Europe today, there are 50 million poor, 18 million without jobs, and 3 million homeless. By every measure, post-communist Eastern Europe is faring much worse. Such conditions are ripe for exploitation by neofascist demagogues who have successfully tapped into widespread post-Cold War uncertainties by scapegoating foreigners and denouncing economic globalization. Immigrants and asylum-seekers are routinely depicted as a threat to national identity and financial stability at a time when the European work force is reeling from high unemployment, stagnating wages and cutbacks in social services."[6]

There are also terminological problems. There is no general agreement among scholars as to an unambiguous definition of populism and its usefulness on the threshold of the twentyfirst century.[7] Generally speaking, populism makes a direct appeal to the people or nation, rejecting existing state institutions and the system of values promoted by cultural and political elites. Populism, denoting a policy based on social dissatisfaction, tends to rely on a strong leader, who gains power by winning popular support for the struggle against a non-existent enemy.[8] Ryszard Herbut is right when he writes that a populist leader tends to take advantage of any favour-

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[4] Cf. A. Siciński, *Przeciw rasizmowi i nietolerancji w Europie*, <http://wiedzaizycie.pl/96013200.htm>.

[5] E. Siedlecka, *Czy ścigać za słowa*, <http://www.freepress.org.pl/pp43.htm>.

[6] M. A. Lee, "Reawakening the Beast," *Intelligence Report* (fall 2001): pp. 40–41.

[7] Cf. J. Dzwończyk, *Populistyczne tendencje w społeczeństwie postsocjalistycznym (na przykładzie Polski)* (Toruń, 2000); P. Kozłowski, *Szukanie sensu, czyli o naszej wielkiej zmianie* (Warsaw, 1995); J. Hausner, *Populist Threat in Transformation of Socialist Society* (Warsaw, 1992); M. Marczewska-Rytko, *Populizm. Teoria i praktyka polityczna* (Lublin, 1995).

[8] M. Marczewska-Rytko, "Problem of Populism in East-Central Europe," in *The Future of East-Central Europe*, ed. A. Dumała and J. Z. Pietraś (Lublin, 1996), pp. 485–490.

able circumstances, usually a crisis, to promote his own party, or, in fact, his own person.[9] This charismatic type of leadership is determined by the tendency to defend social groups threatened by the effects of modernisation initiated by the elites, which are regarded as alienated from society. The concept of populism tends to be associated with the concepts of ethnocentrism and xenophobia. Ethnocentrism can be defined as a worldview, according to which the dichotomic division into "us" and "them" constitutes the basis of social life and the criterion for evaluating the surrounding world. Here, "us" constitutes an idealised group, and "them" are seen as a threat and a source of evil. Usually, such an attitude leads to defensive isolation and conflict.[10] Xenophobia, on the other hand, consists in the creation and propagation of such an image of the community (often the motherland) in which there is no room for "others," whose influence on the cultural ethos, usually highly deceitful, is seen as destructive to a given culture.[11]

In the period of universal chaos, differentiation of social groups, the disintegration of culture into closed sub-cultures, and the disappearance of the sources of norms, populism aspires to liberate individuals from a state of emptiness and anomy. Thus, the diagnosis formulated by Cardinal Miloslav Vlk is quite convincing: "The rootlessness and alienation of the contemporary man: the world of appear-

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[9] R. Herbut, "Partie polityczne w pánstwach demokratycznych," p. 80.

[10] Cf. A. Krzemiński, "Etnocentryzm," <http://www.niniwa.cad.pl/ETNO.htm>. H.-G. Betz writes that "by the early 1990s, a majority of the Western European population supported a number of xenophobic views. At the same time, the 'immigrant problem' became one of the most important political issues with governments and political parties coming under mounting public pressure to offer effective solutions." H.-G. Betz, *Radical Right-Wing Populism in Western Europe,* p. 103.

[11] Cf. R. Okraska, "Szukanie obczyzny: na manowcach ksenofobii i ideofobii," *Zakorzenienie* 5 (1999). C. Mudde writes that "everything what is considered 'alien,' or deviating from their [extreme right political parties] own nation and conventions, is portrayed as negative and is perceived as threatening," and later "most attention in the xenophobic party literature is paid to the threat of (mass) immigration and the creation of a multi-cultural society. All parties portray an image of a 'flood' of immigrants which is out of control and which is kept hidden by 'the Establishment.' Immigrants are seen as competitors, since they take away jobs, money and houses from the 'own people'." C. Mudde, *The Ideology of the Extreme Right,* pp. 172–173, 188. According to Ernest Gellner, "by linking dislike of the Other to citizenship rights, nationalism turns xenophobia from what may, in favourable circumstances, be a mere human foible, into a destructive, dangerous force." E. Gellner, "Nationalism and Xenophobia," in *New Xenophobia in Europe,* ed. B. Baumgartl and A. Favell (London-the Hague-Boston, 1995), p. 7.

ances offers a shelter from deep uncertainty, an easily accessible home, liberation from mysteries, questions, anxiety and loneliness, promising, at the same time, 'a better tomorrow.' However, this world can only be entered through the renunciation of one's own reason, conscience and responsibility, which are surrendered to the superior carriers of a given ideology."[12] The yearning for a community, the appeal to values, and the discovery of one's own identity in order to fulfil the need for roots constitute the main points of reference of contemporary populism. As Ryszard Kapuściński rightly observes, populist leaders take advantage of the "natural tendency of the uprooted (and uprooting gives rise to agonising fear and confusion) to find an identity, promising to fulfil their dream."[13] Pascal Bruckner speaks about the same relationship in a different way: "Fearing the future, fearing the unknown, fearing the loss of one's own identity or failing to realise it, fearing the 'other,' yearning for the former glories, the 'average man' tries to find relief in belonging to a mass and being faithful to the leader, who acts towards him in accordance with the principles of 'reverse psychoanalysis,' reinforcing all his frustrations and aggression to prevent the realisation of his personal independence."[14]

These problems correspond with the crisis in political communities, manifesting itself in distrust towards the ruling elites.[15] They are perceived as incapable of meeting the expectations of the citizens, or of solving problems connected with the process of European integration. Consequently, it can be heard that "the time has come to put an end to the influence of various interest groups and give the society a bigger role to play in the decision-making process."[16] Other scholars raise similar problems. For example, Paweł Kozłowski writes that "the basis of democracy, according to a populist, is a simple man, the government should be in the hands of sim-

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[12] M. Vlk, *Nie żyć w kłamstwie i nienawiści* (Lublin, 2000), pp. 14–15.

[13] R. Kapuściński, "Współczesne patologie władzy a banalność zła," in *Sacrum i kultura. Chrześcijańskie korzenie przyszłości,* ed. R. Rubinkowicz and S. Zięba, (Lublin, 2000), p. 94.

[14] Cit. in N. Popov, *Serbski dramat* (Warsaw, 1994), p. 9.

[15] A. W. Jabłoński, "Społeczeństwo obywatelskie–wprowadzenie do analizy politologicznej," *Politologia wrocławska,* pp. 43–46.

[16] E. O. Ericksen, "Towards the Post Corporate State?" *Scandinavian Political Studies* 4 (1990): p. 358.

ple people . . . the rule of the simple people. Power should be exercised by the people, intermediary institutions distort it, and professional politicians become degenerate and live off the people. The postulated return to democracy is, to some extent, a return to the Greek ideal—direct participation and involvement of all."[17] It can be observed that the return to this ideal is possible only in a community based on the principles of brotherhood and social solidarity. The ideal of the populist vision of the world is a small community based on the principles of brotherhood and social solidarity. Each individual aspiring to government should rely on the concealed values inherent in the nation, the people, and the society.

Distrusting politicians, populists put all their trust in the ordinary people. Consequently, the will of the people is supreme in relation to the traditional institutions and elites. The will of the people is identified with justice and morality. Populism, with its distrust of intellectuals, always emerges together with the ideology of social enmity towards the existing social order established by the stable ruling class. The idea that whatever the people want must be right leads to a rejection of professionalism, of constitutional limitations, or of the existing legal system.

This idealisation of the people and the society is accompanied by a depreciation of the elites. In the light of the above, P. Kozłowski's suggestion is hardly surprising: "In populism, the basis of activity is to be found in the will rather than in qualifications and competence: everyone can govern as long as his intentions are honest. Populism is distinguished by distrust and dislike of politics and professional politicians, the repulsion is supported by a moral sanction and ethical condemnation: 'an honest man does not meddle in politics.'"[18] Distrust and dislike of professional politicians lead to all kinds of conspiracy theories. The populists point to secret plots and conspiracies aimed against the nation. Foreigners, Jews and Freemasons pose a threat to the community because they undermine its basis by introducing their own culture. On the other hand, those who occupy higher positions in the social hierarchy are represented as dishonest. Ryszard Kapuściński writes that "the perception of the OTHER as a threat, as a representative of alien and destructive forces was shared by all nationalistic, authoritarian and totalitarian regime of

[17] P. Kozłowski, *Szukanie sensu, czyli o naszej wielkiej zmianie,* p. 115.

[18] Ibid., p. 118.

our epoch. It is a universal cultural phenomenon and, unfortunately, no civilisation proved immune to the pathology of hatred, contempt, and destruction instilled by leaders and ideologists."[19] These features are characteristic of new populism as a whole.

New populism in Western Europe

We shall begin our brief review with Switzerland, generally regarded as a country with a stable political system.[20] In the elections of 1995, the People's Party won 14.9% of the vote.[21] The representation of particular political parties in the National Council and the Council of the Cantons after the elections of 24 October 1999 is shown in the table 1.

TABLE 1

THE REPRESENTATION OF POLITICAL PARTIES

Political Party	%	National Council 200 seats	Council of Cantons 46 seats
People's Party Schweizerische Volkspartei Parti Suisse de l'Union Démocratique du Centre SVP	22.5	44	7
Sozialdemokratische Partei der Schweiz Parti Socialiste Suisse SPS	22.5	51	6
Radical-Demokratische Partei der Schweiz Parti Radical-Démocratique Suisse FDP	19.9	43	18
Christlich-Demokratische Volkspartei der Schweiz Parti Démocratie-Chrétien Suisse CVP	15.8	35	15

Source: <http://www.agora.stm.it/elections/election/switzerland.htm>.

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[19] R. Kapuściński, "Współczesne patologie władzy a banalność zła," p. 96.

[20] H.-G. Betz, *Radical Right-Wing Populism in Western Europe,* pp. 21–22; U. Altermatt, "Xenophobie und Superpatriotismus. Die populistische Anti-Überfremdungsbewegung in der Schweiz der sechziger und siebziger Jahre," *Fashismus in Österreich und international. Jahrbuch für Zeitgeschichte 1980/1981* (Wien, 1982), pp. 167–193; M. Ebel and P. Fiala, *Sous le consensus de la xénophobie. Paroles, arguments, contextes (1961-1981)* (Lausanne, 1983); U. Altermatt, *Sarajewo przestrzega. Etnonacjonalizm w Europie* (Kraków, 1998), p. 250.

[21] U. Altermatt, *Sarajewo przestrzega*, p. 251.

The high position of the People's Party, in which the populists play a major role, is particularly interesting. Table 2 shows the influence of the openly populist parties.

Table 2

The influence of the openly populist parties

Political Party	%	National Council 200 seats	Council of Cantons 46 seats
Schweizer Demokraten SD	1.8	1	-
Lega dei Tiscinese LdT	0.9	2	-
Freiheitspartei der Schweiz FPS	0.9	-	-

Source: Ibid.

Table 3

The results of the latest elections

Political Party	%	National Council 183 seats	Federal Council 64 seats
Sozialdemokratische Partei Österrichs SPÖ	33.2	65	24
Freiheitliche Partei Österreichs FPÖ	26.9	52	14
Freedom Party Österreichische Volkspartei ÖVP	26.9	52	26

Source: <http://www.agora.stm.it/elections/election/austria.htm>.

Perhaps the greatest confusion on the international political scene was caused by the Austrian Freedom Party headed by Jörg Haider.[22] Beginning with 5% support in 1983, the party steadily increased its influence among the electorate. In subsequent elec-

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[22]H.-G. Betz, *Radical Right-Wing Populism in Western Europe,* pp. 11–13, 49–52; E. Wakolbinger, "Austria. The Danger of Populism," *New Xenophobia in Europe,* pp. 10–27.

tions to the National Council the party won 9.7% (1986), 16.6% (1990), 22.5% (1994) and 21.9% (the early elections in 1995), to find itself in the company of the leading political forces in the country after the most recent elections (see table 3).

The election success of the Freedom Party, its participation in the coalition government, and its ideas caused heated discussions among politicians and scholars. The EU member countries, apprehensive of having a populist party in power, imposed political sanctions on Austria. There were different opinions regarding the character of that party and the decision of the European community. For example, the editor-in-chief of the Austrian daily *Die Preisse*, Andreas Unterberger, wrote that "if that party, regardless of its incohesion and populist flexibility can be regarded as having any ideological identity at all, then I would situate it somewhere in between the Thatcherite wing of the British Tories, the Northern League of Umberto Bossi, the French Gaullist Pasqua, who, amidst anti-European slogans, turned away from Jacques Chirac, the American Republicans, and the Bavarian CSU. As long as it was in opposition, Haider's FPÖ, was characterised by populism, and, depending on what could attract more votes at any given time, it was either pro— or anti-European."[23] It can be argued that the problem can be reduced to the fact that, having entered the government coalition, the party signed a declaration supporting the process of expansion of the European Union. On the other hand, many of the party members are opposed to that declaration.[24]

Hans Rauscher is partly right when he writes that "the Austrians expect that those at the top will finally take care of them and guarantee their most beloved security. . . . That is why one third of the voters support Haider. They cannot appreciate his Nazi nostalgia, they buy his slogans against foreigners . . . the workers are the biggest losers of both European integration and globalisation. It is they who lose most as a result of increased competition. And Haider promises them a better socialism, or, strictly speaking, national

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[23]A. Unterberger, "Melanż wielu barw," *Gazeta Wyborcza*, 26–27 February 2000, p. 17. Cf. A. Pelinka, "Sto dni czarno-niebieskich," *Gazeta Wyborcza*, 13–14 May 2000, p. 8.

[24]Cf. A. Rubinowicz, "I za, i przeciw," *Gazeta Wyborcza*, 10 March 2000, p. 10; "Fragmenty Deklaracji koalicji Partii Ludowej i Partii Wolności," *Gazeta Wyborcza*, 4 February 2000, p. 8; *Declaration. Responsibility for Austria—A Future in the Heart of Europe,* <http://www.fpoe.at/english/declaration.htm>.

socialism. He promises the workers secure jobs by isolating the country from abroad, from the Union, from imports from Third World countries, and, most of all, by closing the borders to foreigners."[25] On the other hand, he is wrong when he gives the name of national socialism to what is simply populism.[26]

Another populist movement is the National Front in France. Founded in 1972, it became a protest movement against the influx of immigrants and economic problems. The National Front champions peace and order, family and the motherland, tradition and religion.[27] A return to traditional values is seen as a remedy for the problems facing French society. Its ideal is a strong national state.[28] Consequently, the National Front exhibits a negative attitude towards European integration and NATO institutions. It supports the preferential treatment of the French and the imposition of restrictions on the number of immigrants.[29] It was founded by Jean-Marie Le Pen, a charismatic leader inspired by the ideas of Poujadism.[30] Opinions regarding Le Pen are highly diversified. For example, "For some Le Pen is a clown, making use of comic gestures and wanton rhetoric. For others, an irresponsible populist who criticises the basis of the republican system, and always juxtaposes the number of the unemployed to the number of foreigners who must be removed from France."[31] In the elections of 1981, the party won only 0.2% of the vote. In 1986, electoral support rose to 9.9% and the extreme right won 35 seats in the National Assembly. As a result of changes in the election law, the number of its deputies in the National Assembly was reduced to one. In the elections of 1993, the

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[25]H. Rauscher, "Modre oczy Jörga Haidera," *Gazeta Wyborcza*, 9–10 October 1999, pp. 22–23.

[26]Cf. P. Johnson, "That's Populism, Not Fascism," *World Press Review*, October 1994, pp. 51–52.

[27]*Front National, Pour la France; Programme du Front National* (Paris, 1985); H.-G. Betz, *Radical Right-Wing Populism in Western Europe,* pp. 13–17, 52–55.

[28]*The Front National Real Politics!* <http://www.front-nat.fr/anglais/indexc.htm>.

[29]B. N. Grindel, "Anti-Immigrant Agitation in 20th Century France; the National Front as an Example of Long Held Political Beliefs" (paper presented at the international conference ISSEI, Bergen, 14–18 August 2000).

[30]J. M. Le Pen, *Nadzieja. Rozważania o Francji i Europie* (Warsaw, 1994); *Encyklopedia politologii,* t. 4, *Myśl społeczna i ruchy polityczne współczesnego świata,* ed. M. Marczewska-Rytko and E. Olszewski (Kraków: Zakamycze, 2000), p. 293.

[31]R. Sołtysik, "Klęska na życzenie," *Gazeta Wyborcza,* 7–8 June 1997, pp. 12–13.

Front won 12.7% of the vote, and in the presidential elections in 1988 Le Pen gained the support of 14.4% of the voters. In 1995, his electoral support was much the same (15%). The position of the National Front in the National Assembly is shown in the table 4.

TABLE 4

1997 ELECTIONS

Political Party	%	National Assembly 577 seats
Parti Socialiste PS	23.5	241
Rassemblement pour la République RPR	15.7	134
Front National FN	14.9	1

Source: <http://www.agora.stm.it/elections/election/france.htm>.

In Italy, there are two political parties representing the populist movement: the Northern League and the Forza Italia.[32] The Northern League was founded as a party of protest against the political establishment compromised by a series of corruption scandals, and their brethren in the south of Italy. In the parliamentary elections of 1994, the party won 8.5% of the vote. The Forza Italia movement headed by the Milan media mogul Silvio Berlusconi was formed in the spring of 1994.[33] Having won the elections with 21% of the vote, Silvio Berlusconi became the prime minister. The Forza Italia formed a coalition government together with the Northern League and the neo-fascist National Alliance (Alleanza Nazionale)[34] which ruled the country for 7 months.

In the elections of 21 April 1996, the above-mentioned parties won considerable electoral support (see table 5). The year 2001 was the year of S. Berlusconi's great victory.

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[32] H.-G. Betz, *Radical Right-Wing Populism in Western Europe,* pp. 7–10, 47–49.

[33] *Forza Italia,* <http://www.forza-italia.it/english/english.htm>.

[34] *The Latest News from Alleanza Nazionale,* <http://www.alleanza-nazionale.it/index2_eng.htm>.

TABLE 5

1996 ELECTIONS

Political Party	%	Chamber of Deputies 630 seats
Forza Italia FI	20.6	123
Alleanza Nazionale AN	15.7	93
Lega Nord LN	10.1	59

Source: <http://www.agora.stm.it/elections/election/italy.htm>.

Drawing the ideological portrait of the Northern League, Zbigniew Mikołejko writes: "The leader of the Northern League Umberto Bossi, after 'the three-day march towards the sea,' declared Padania's independence in Venice in September. Padania is a non-existent country, which never existed but is assumed to emerge from the supposed historical, cultural, and socio-economic identity of the people of the Padana Valley. Although such myths are assumed to have a long history, their real origins can be traced to the contemporary bourgeoisie of Venice, Lombardy and Piedmont."[35]

Similar tendencies can be observed in other countries: Parties of Progress were formed in Denmark (2.4% of the vote in the elections of 11 March 1998), Norway (15.3% of the vote in the elections of 15 September 1997) and Sweden; in Finland, the Party of the Rural Population was formed (after success in the 1980s, its role is now marginal); the Flemish Bloc plays an important role in Belgium (9.9% of the vote in the elections of 13 June 1999), as well as the Front National (1.5% in the elections of 1999); in Germany, The Republikaner.[36]

New populism in Poland

In ideological terms, elements of the populist tradition have often been combined with elements of Christian-nationalist or socialist

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[35] Z. Mikołejko, "Niepodległość utopii," *Gazeta Wyborcza*, 7–8 December 1996, pp. 23–24.

[36] Cf. H.-G. Betz, *Radical Right-Wing Populism in Western Europe,* pp. 17–21; C. Mudde, *The Ideology of the Extreme Right,* pp. 25–115.

traditions in Poland.[37] The canon of populist values has become the basis for different kinds of populism (in the institutional sense), and populist tendencies can be observed in different social and political currents.[38] Its practical aspects have been determined by the need for solutions proposed by populists and social consent.

"Self-Defence" emerged as a form of defending the people who took bank loans and as a result of rising interest rates were unable to repay them (hence the slogan "we will not abandon the land where our debt was born"). Very soon the movement, which in the early stages of its development became notorious for physically removing the representatives of the establishment on wheelbarrows and organising roadblocks, turned into a political movement. It declared that "no negotiations with the representatives of the ruling elites make any sense, since they are determined to realise foreign interests. We must organise resistance against the plunderers of national property. . . ."[39] Other documents of the movement also contain slogans attacking the establishment. In one of the interviews, Andrzej Lepper, the leader of "Self-Defence" said: "I and 'Self-Defence' as a whole want to live in Poland, not in the country sold out to foreigners."[40] In the elections of 23 September 2001, "Self-Defence" won considerable electoral support, almost 10% of the vote.

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[37] Cf. J. Raciborski, "Determinanty procesu krystalizacji preferencji wyborczych," in *Polska scena polityczna a wybory,* ed. S. Gebethner (Warsaw, 1993), pp. 121–125; S. Gebethner, "Osiemnaście miesięcy rozczłonkowanego parlamentu," in *Polska scena polityczna a wybory,* pp. 28–30; R. Gortat, "Czy stabilizacja sceny politycznej?" in *Polska scena polityczna a wybory,* pp. 49–53.

[38] See also M. Marczewska-Rytko, "Populist Movements in the Process of Transformation in Poland—1989–2000," in *Approaching a New Millennium: Lessons from the Past—Prospects for the Future*, ed. D. Apollon, O.-B. Fure and L. Svåsand, (Bergen, 2000), CD.

[39] *The Appeal to the Polish People* proclaims "The present ruling caste does identify itself with the fate of the nation, and carries out tasks imposed upon it by foreign economic and political centres. . ." ("Merkuriusz. Biuletyn Partii i Ugrupowań Politycznych," 1993, no. 4, p. 19). In the *Declaration* of 23 September 1993, the group commented upon the election results in the following way: "Some of the main manipulators . . . working towards Poland's loss of independence have become members of parliament. These views [expressed by the Western centres, that little or nothing will change in the direction of transformations] must be based on some grounds. These are dangerous signals, indicating that the tired and economically deprived Polish society has again been subjected to clever manipulation. . . . " ("Merkuriusz. Biuletyn Partii i Ugrupowań Politycznych," 1993, no. 18, p. 7).

[40] Jacek Żakowski's interview with Andrzej Lepper, "Nie chcemy dużo: jakieś 60 bilionów," *Gazeta Wyborcza*, 19 August 1993, pp. 10–11.

The documents of the "Polish Agreement" (*Porozumienie Polskie*) Party, formed before the presidential elections in 2000, refer to threats to Polish national identity and the nation from the European Union. In a letter to Poles abroad, Jan Łopuszański identifies the imminent dangers: "In the present situation there are threats to Polish property, Polish jobs, Polish industry, agriculture and trade, as well as to Polish scientific potential. The attributes of national sovereignty are being handed over to supranational organisations. Polish patriotism is treacherously destroyed, to be replaced by the models of consumer civilisation." The presidential candidate finds this situation horrifying and so believes that "it is our duty to interrupt this process of the destruction of our Nation and State." And this, according to him, requires "a referendum on Poland's accession to the European Union," in which "the nation, increasingly aware of the dangers will reject the temptation of giving up the responsibility for the Nation's future to foreigners."[41] Similar arguments are advanced by political groups on the extreme right of the Polish political scene and by Radio Maryja backed by the Polish Catholic Church.[42] Many nationalistic groups point to the threats to Polish national identity. They do not accept the integration process, which they regard as contrary to Poland's national interests and Polish cultural and national identity. There are also other opinions. For example, another presidential candidate, Andrzej Olechowski, declares that "xenophobia . . ., hostility towards others and the belief that they want to harm us, threaten our cooperation, solidarity and cohesion. . . . It dims our sight and leads to false conclusions. A person who fears others will not leave his house, when his neighbours tell him that it is on fire."[43]

It seems that the problem of Jedwabne and the reception of Jan Tomasz Gross's *Neighbours* offered an opportunity for a broader look at the problem of xenophobia in Poland. In the editorial discussion published in *Res Publica Nowa*, Marcin Król stated that "if many

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[41] "Polska Scena Polityczna. Vademecum Partii i Ugrupowań Politycznych," *List do Polonii,* 2000, no. 10, pp. 9–10.

[42] Cf. J. Kornaś, "Problem przystąpienia Polski do Unii Europejskiej w świetle poglądów środowisk narodowych," in *Polska między Zachodem a Wschodem w dobie integracji europejskiej,* ed. M. Marczewska-Rytko (Lublin, 2001).

[43] A. Olechowski, "Przejdźmy do konkretów,"
<http://www.olechowski.pl/new/ksenofobia.htm>.

Western countries tolerate marginal neo-fascist movements, then in Poland, after the exposure of the massacre in Jedwabne, it turned out that such attitudes are more widespread."[44] Even if we decide that his emphasis is not quite right, the importance of placing the debate in a larger historical and geographical context is manifest. Paweł Śpiewak points to the need for a discussion on national problems, on the problem of patriotism, since the dominant conception of the nation is based on the idea of exclusion. It can also be observed in anti-Semitism, not only the active and openly declared anti-Semitism, but also anti-Semitism on the level of cultural models.[45] In this context, certain observations of Jürgen Habermas are particularly valuable. He deemed it necessary to create a new patriotism, liberated from ethnic and cultural ties. This postulated patriotism would denote participation in the same public institutions, voting in the same elections, and making joint political choices. Thus, civil patriotism would replace ethnic and cultural patriotism. Commenting on this question, J. M. Rokita observed that "the history of the nineteenth and the twentieth centuries, the history of totalitarianism, the two world wars, point to the necessity of building the common good, which is the transnational good . . . it is perhaps more important than the national interest."[46] Marek Zaleski's observation acquires a special significance in this context: "Fundamentalism manifests itself not only on the occasion of Jedwabne but has been with us for at least the last ten years, when the questions of liberal democracy or problems connected with the entry to Europe have been discussed. It is as if the Poles had a special mission of saving Europe plunged in the sloth of liberalism. After all, the Poles were the defenders of Christianity, Christ of the nations, and now they have the Pope with his vision of evangelisation and ecumeny on the global scale. That is why they have special rights, they are in possession of a special interpretation of the history of the Church and history of the world as a whole. This mode of thinking will always get in the way of a serious discussion of not only the sin of anti-Semitism but also of our future, ourselves, and our place in Europe."[47] What

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[44]"Akt skruchy i co dalej?", *Res Publica Nowa*, July 2001, p. 6.

[45]Ibid., p. 8.

[46]J. M. Rokita, "Czy zjednoczona Europa oznacza kryzys patriotyzmu?" <http://republika.pl/fotomedia99/rokita.html>.

[47]"Akt skruchy i co dalej?", p. 9.

solutions can be adopted then? Of course, we can believe in the power of the truth. However, what is important is discussion, education, a critical view of the past, a closer look at the glorified values, and the discovery that the heating up of imaginary conflicts between different social groups fosters all kinds of populist tendencies.

Concluding remarks

The above considerations suggest certain conclusions. First of all, at the beginning of the twentyfirst century, populist movements constitute a part of the European political scene. They attach great importance to national values, the sense of national identity, and at the same time adopt a hostile attitude towards the "others."

Second, populist parties advance a bi-polar vision of the world, with a wise, worthy and deceived nation at one end, and the political elites bringing the country to ruin at the other. An important role is played here by the theory, or rather theories of plots and conspiracies.

Third, the fears evoked by the integration process and the ongoing processes of globalisation offer a perfect opportunity to populist politicians. They support continuing state control and the paternalism of the state, as well as a return to religious values and the national tradition. As a result of the above processes, uprooted groups turn their attention to the state, which is expected to restore the cohesion of the previous systems and to provide protection. The populist vision seems to alleviate the fear of the disappearance of traditional values among universal values.

Fourth, a Europe moving towards unity must adopt some models to counteract the negative phenomena outlined above. Various solutions are proposed, from administrative prohibitions and provisions of the penal code to social ostracism. However, such proposals are not approved by many groups within society. At the same time, according to the predominant view, the most effective measure is moral protest: consistent and unambiguous condemnation of all racist acts and xenophobia.

HATE SPEECH IN RUSSIA: OVERVIEW OF THE PROBLEM AND MEANS FOR COUNTERACTION

Tanya Lokshina

Introduction

Public racist statements and comments as well as incitements to ethnic and religious hatred/hostility (i.e. hate speech) are becoming ever more widespread in Russia in recent years. Such an up trend has been observed not only in marginal circles but also in the mainstream, even among high-profile state servants and politicians.

There seem to be several reasons for the growth of hate speech in Russia. Among them we can particularly note the over-all expansion of racist feelings in society and a decline in tolerance in relation to "other" cultures and religions in the context of the difficult social and economic situation of the larger part of the population. Another important reason is the connivance of public officials with regard to open manifestations of racism, as well as manipulation of racist views among the public by individual representatives of the authorities with the purpose of achieving their political goals. Misjudgment and underestimation of the problem of hate speech by journalists and editors, a weak reaction of society in general and of the NGO community in particular are also factors conducive to further deterioration of the situation.

The combination of these negative factors results in a lack of public dialogue on hate speech and related issues. The current situation is paradoxical: while dissemination of hate speech is advancing with alarming speed, practically everyone pretends that nothing out of the ordinary is taking place in the country. Consequently, many of those who spread hate speech move on from words to action, particularly youth groups of skin-heads and such. The number of incidents of violence against representatives of ethnic and religious minorities in different localities across the country is increasing at a

distressing pace. The longer such a situation persists, the more difficult will be the task of changing the attitude of the public towards this dangerous phenomenon and remedying the harm.

Hate Speech/Xenophobia and the Russian State

On the federal level, war propaganda or incitement to discrimination and violence are not carried out, at least not openly. In 1999, the militaristic rhetoric among top federal officials during the first days of the Balkan crisis never ventured beyond repetitive warnings of a "threat of the third world war," and their strong statements at the onset of military actions in Dagestan and, later on, in the Chechen Republic, were addressed exclusively to "terrorists," "bandits," "Islamic extremists," and so forth.

At the same time, it should be noted that fervent appeals to militaristic values in connection with military actions in Chechnya ("fight the war until the victorious end!") began to be used quite actively by the federal authorities as a factor in political life. Vladimir Putin succeeded in gaining unanticipated popularity particularly owing to the fact that he had positioned himself as a supporter of "decisive actions."[1]

Moreover, in 1999, the federal-level mass-media was riddled with statements and comments of a more than radical nature. By way of an example, the host of a prominent analytical program regularly broadcast by the ORT Channel (country-wide coverage, state-controlled) publicly suggested that the entire territory of Chechnya be subjected to "carpet-bombings" and that it should be "cover[ed] with asphalt."[2]

It should be stated that the position of the authorities and the mass-media bodies corresponded to general public feeling. In 1999, according to sociological surveys, 64% of the Russian population approved of the actions of the military in Chechnya, and 55% were against negotiations with the Chechen leaders. By January 2000, this trend in public opinion was only reinforced: 67% and 62% respectively.

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[1] See the Collection of Reports of the Moscow Helsinki Group, *Human Rights in Russian Regions–1999*, <www.mhg.ru>, Section "Ban on Propaganda of War and the Instigation of Discrimination and Violence."

[2] A. Ivanov, "Will They Drop an Atomic Bomb on the Terrorists?" *Argumenty i Fakty* 37 (1999).

Public opinion is certainly sensitive to the influence of state power and especially to that of the mass-media. However, in this case, one can observe a very vivid contrast with the public attitude dating back three years from 1999 to the period of the first Chechen war, when practically the same percentage of people that now approve of the campaigns had negative feelings about the military action. This very contrast allows us to suggest that it is more likely that the authorities captured the attitude of the public, than that they formed the requisite public opinion.

To develop this point further, we shall refer to a very thorough article by Lev Gudkov "Antisemitism in the Post-Soviet Russia"[3] that sums up the results of numerous relevant surveys by the VTSIOM (All-Russian Center of Research in Public Opinion) up to 1997, not only in relation to Jews but concerning other traditionally "attention-getting" ethnic groups.

The author states that in the 1990s national xenophobia shifted from the peoples of the near abroad to Russia's own "aliens." The Chechens have been at the top of this list since 1993, that is long before the first war and even much before the start of organized, pre-war propaganda. Let us note that in 1997, in response to the question "which peoples inflame national hatred?" 57% of respondents referred to the Chechens, 38% to other peoples of the Northern Caucasus, 24% to the Azerbaijani (referring to those residing in the territory of Russia). Only then did the ranking include the so-called external "enemies," and in a very unobvious sequence at that: the Estonians, the Georgians, the Tajiks. It is also interesting that the Azerbaijani, known to the great majority of the population of Russian localities as a people trading at clothing and farm markets, proved to be perceived far more negatively than the Vietnamese, also represented mostly at clothing and farm markets, but still mentioned by only 2% of respondents. Xenophobia, therefore, has no absolute character; on the contrary, it is clearly directed.

Interestingly enough, Jews proved to be far behind on the list of "enemies": only 6% of respondents indicated them. (By way of comparison, 4% of respondents referred to the Russians.) Antisemitism now seems to be an ideological phenomenon rather than an every-

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[3] Collection of articles *Intolerance in Russia: Old and New Forms*, ed. G. Vitkovskaya and A. Malashenko, (Moscow: Moscow Center Carnegie, 1999), p. 196.

day-life problem. Indeed, in 1997, in answer to the question "How would you feel if your sister, daughter married a Jew?" 55% of respondents chose the answer "I would have nothing against it," which, taking into consideration the formulation of the question, testifies to a relatively high level of tolerance.

It is also worth noting that of all the social layers in Russia, the most xenophobic ones are students of vocational and training schools, students of troubled high schools, and surprisingly enough, officials and professionals with higher education and of mature age. It is rather sad to observe that the proverbial Soviet intelligentsia has fallen that low.

Going back to more current statistics, by 2000, as many as 70% of Muscovites entertained negative feelings towards the Chechens.[4] Notably, after the August 2000 explosion in the Pushkinskaya Square underpass, 65% of Muscovites started supporting the idea of having all members of Caucasus-origin ethnic groups deported from Moscow; 57% of respondents demanded that terrorists' locations be attacked with the use of all available weapons.[5]

Although over the course of 2000, as in the 1990s, the authorities did not openly propagate war, discrimination or violence, there was no serious official effort made to check propagation of the sentiments described above. It suffices to recall the statements made by some politicians and officials following the aforementioned terrorist act in Pushkinskaya Square.

Admittedly, the remarks initially made by the President of the Russian Federation, Vladimir Putin, were balanced and appropriate:

> Speaking about the terrorist act, I should point out that it would be a mistake to search for an ethnic or Chechen connection, or any other connection of that sort in the course of investigating this crime. . . . It is not right to brand an entire ethnic community. The criminals and terrorists have neither nationality nor religious affiliation.[6]

However, while speaking on the subject of international terrorism, President Putin eventually linked the terrorist act to Chechnya:

> Clearly, mankind has not produced any other cure (for terrorism) than an adequate response. We must bring our effort in the Northern Caucasus to its logical comple-

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[4] T. Muzaev, "When There is no Tap Water," *Russkaya Mysl*, no. 4338, 2000.

[5] I. Buldakova, "Balanced Comment On Pogroms," *Argumenty i Fakty* 33 (2000).

[6] Cited from a report carried by the *Lenta.ru* website, (9 August 2000).

tion: the terrorists must be gotten out of their lair. People in the Russian Federation's other territories must be protected against such acts.

Unlike the Russian President, Moscow Mayor Yuri Luzhkov had as early as the night following the underpass explosion, no doubt that there was "clear evidence of a Chechen connection" to the terrorist act. Admittedly, he then added: "Of course, one must distinguish between the rascals and normal people."[7]

Since the early 1990s, a number of open nationalists have been occupying top positions of power in the country.

In 1994 the State Committee of Print (currently, the Ministry of Print) was headed by Boris Mironov—a genuine Nazi. He used to say openly about himself, "I am a hard-core nationalist," and when accused of being a fascist proudly replied, "If Russian nationalism is fascism, then I am a fascist."[8] Among his publications, there is book *On the Indispensability of a National Revolt*, whose opening paragraph runs as follows:

> Kikes have captured Russia and hold it in their greedy sticky hands. They stole the power, courts, money, oil, gas, energy, plants, factories, TV, radio, newspapers . . . torment the Russian people, drive it to destruction with hunger, clod, fear, unemployment, extreme poverty, eradicate Russian national spirit, Russian national consciousness, and turn the Russian youth into their slaves.

Admittedly, this piece of art came out only in 1999, long after the end of Mr. Mironov's ministerial career. However, the very fact that such an odious and grotesque character managed to stay in the office of Minister of Print for almost a full year testifies to a very high tolerance among Russia's top executive power leaders to nationalism in all forms.

Today, the authorities maintain a more decent front and there are no ministers publicly professing such ideas. Unfortunately, this cannot be said of regional leaders. The biggest hate speech champion among Russian governors was indubitably the great crusader against Zionism and relentless persecutor of the Meskheti Turks, Nikolai Kondratenko, the former Governor of Krasnodar Region. Among his many verbal gems, the following is illustrative:

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[7] Cited from a report carried by the *Lenta.ru* website, (8 August 2000).

[8] Quoted from A. Verkhovsky, A. Papp and V. Pribylovsky, *Political Extremism in Russia* (Moscow, 1996).

I have always called for a rebellion. However, the Russian people refused to listen to me and went to the polls. 37% of voters cast their ballots for the Communists, and 60% for the Jews! . . . Look closer at what is happening in Moscow. One can already see a new Zionist, à la Kazan state taking shape. That is why we do not have Russians in high-level positions? Today's Moscow appears to have room enough to accommodate the Israeli Mossad, the American CIA, NATO, etc.[9]

Upon the expiration of his second term, Kondratenko left gubernatorial office, allegedly owing to pressure from the federal center. The pressure, if there was such, came from behind closed doors, and the mass media could refer only to certain unconfirmed rumours in this respect. In any case, from the gubernatorial office Kondratenko proceeded straight to the Federation Council (Upper House of Parliament), where he proudly represents Krasnodar region to this day.

The top hate speech governor for the year 2000 was the then-newly elected head of the Kursk region, Mikhailov, who stated in his after-election interview to *Kommersant-Daily* that the fact that he had managed to defeat Rutskoy, his main opponent in the election race, signified that President Putin was on his side, also struggling against Jewish dominance. To quote:

Do you know what AJC stands for? It means the All-Russian Jewish Congress. Today we are dealing with a whole organization here, rather than with some individual. You know who Rutskoy [Mikhailov's main opponent in the election race] is, but you probably do not know that Boris Berezovsky has been backing him. And now we are the winners in this region. I believe this is indicative of a new effort underway to eventually liberate Russia from all the rot that has accumulated over the past decade. This is where we are allies with, rather than opponents of, the Russian President. To underscore, Vladimir Vladimirovich is a Russian man. So am I. For your information, Rutskoy's mother, Zinaida Iosifovna, is Jewish.[10]

Undoubtedly the President did not appreciate this remark. However, no official critique followed. Instead, the presidential plenipotentiary representative for the Central federal district held a closed meeting with Mikhailov. After that meeting, at which no jour-

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[9] Quoted from the Collection of Reports of the Moscow Helsinki Group, *Human Rights in Russian Regions–1999*, <www.mhg.ru>, Section "Ban on Propaganda of War and the Instigation of Discrimination and Violence."

[10] E. Kondratyeva, "From Governor to Anti-Semite–National Discord," *Kommersant*, 7 December 2000.

nalists were allowed and on which the plenipotentiary never commented, Governor Mikhailov publicly sent his "regrets to A. V. Rutskoy and his mother" and assured the public that he treated members of all ethnic communities with respect.[11] His apology indirectly testifies to the fact that pressure must have been exerted over the too eloquent and unreserved Governor. But again, this pressure was covert.

The Mikhailov case can, of course, be viewed as a standard example of how Russian authorities handle manifestations of anti-semitism and other forms of xenophobia. The federal executives' position on those sorts of pronouncements was in that case quite explicit. However, it was voiced by a presidential representative rather than by the Russian President himself. Also, the plenipotentiary met with Mikhailov after a delay of several days, a fact read by the mainstream mass media as too lengthy a pause or even as an indication of confusion. Notably, the Prosecutor General's Office refused to open an investigation into the case, explaining that Mikhailov's remarks "were an isolated occurrence," "had no consequences,"[12] and that Mikhailov himself had publicly expressed his regrets over the matter.[13] In addition, the regional prosecutor's office refused to see any signs of an offence in the given case.[14] Two State Duma deputies (from the CPRF and "Unity" factions) tabled a motion to have a special statement passed condemning all anti-Semitic manifestations and calling on the President of the Russian Federation to look into the developments in Kursk.[15] But the State Duma has been persistently refusing to put the issue on the agenda—four refusals up to August 2001.

The Parliament also represents a truly fascinating field for hate speech research. One of the most infamous stories connected with

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[11] A report carried by the *Strana.ru* website (15 January 2000). Notably, this failed to prevent another incident in the same vein. The former Vice-Governor, Sergey Maksachev, was beaten in the regional administration building. Maksachev's attackers were from the newly elected governor's staff (with one of those, according to the victim, introducing himself as a GRU (Main Intelligence Directorate) lieutenant general and Deputy Governor Vasily Oleinikov), and accompanied their assault with antisemitic invective.

[12] This description of the assault on Maksachev is incorrect, for obvious reasons.

[13] E. Kondratyeva, "Governor to Anti-Semite–National Discord," *Kommersant*, 7 December 2000.

[14] "Asked and Was Forgiven," *Tribuna*, 25 December 2000.

[15] A. Sadchikov, "Jews Are the Engine of Progress," *Izvestiya*, 23 November 2000.

the former State Duma (Lower House of Parliament) is the case of a then-deputy General Makashov, who made very strong antisemitic statements at a meeting in October 1998. A relevant criminal suit was filed but the case never moved to trial (the charges were modified and resubmitted several times; several expert evaluations were carried out, etc.). Meanwhile, several months later, in February of 1999, he spoke at an assembly of the Cossack Army of the Don and specifically declared that the Movement in Support of the Army, led by him, could also justly be called the Movement against Kikes. Another leader of this movement, V. Ilyukhin, who also headed the national Security Committee in the former Duma, in the course of hearings on the issue of President Eltysin's impeachment, stated that one of the reasons for Eltsyn's "anti-people" politics is that Jews are among the members of the RF Government. Despite the fact that the situation with Makashov and Ilyukhin caused quite an outcry in democratic circles and among the mass-media, the CPRF, to which both Ilyukhin and Makashov belong and which they, accordingly, represent in the Duma, refrained from coming out with a univocal condemnation of its members' anti-Semitic statements. Instead, the CPRF leaders uttered general comments on the inappropriateness of "disrespectful treatment of any people" and disapproval of anti-semitism together with "Zionism and Russophobia."[16] Makashov did not make it into the new Duma but Ilyukhin succeeded once more in becoming a Duma Deputy, along with some other sadly notorious figures. For example, Vladimir Zhirinovsky, leader of the LDPR (Liberal Democratic Party of Russia whose faction is represented in the State Duma) and Vice-Speaker of the State Duma, who once organized a rally under the slogan, "A good Chechi[17] is a dead Chechi."[18] Or some deputies from the CPRF fraction, such as the already proverbial Pyotr Romanov, Vice-Speaker of the Duma, who in 1995 participated in the work of the Russian People Union (a small black-hundred organization that referred to itself as a direct heir of the pre-revolutionary Russian People Union), or Yuri Nikoforenko, who recently stated that "the Zionist circles of China were interested" in the dismissal of E. Nazdratenko, Governor of the Primorye Territory.

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[16] *Nezavisimaya Gazeta*, 27 February 1999.

[17] "Chechi"—a derogatory slang term referring to Chechen combatants fighting the federal forces.

[18] I. Buldakova, "Balanced Comment on Pogroms," *Argumenty i Fakty* 33 (2000).

It should be noted, though, that in every new convocation of Parliament, the number of avid nationalists is lower than in the previous one.

At the same time, we are also quite distressed by the fact that within the framework of election campaigns candidates strive to manipulate racist feelings in society in order to enhance their popularity with the electorate, and such attempts on their part are growing both in frequency and in frankness.

For example, in 1999, during the Parliamentary campaign and regional election campaigns, the candidates' ethnicity was often used as in nationalistic speculations. In Novossibirsk, Perm and Sverdlovsk regions, antisemitism was used as a means to defeat opponents. Moreover, in many regions, anti-Semitic leaflets were spread with the aim of discrediting the leader of the election bloc: "Motherland—The Entire Russia," Moscow Mayor Yuri Luzhkov.

Reports of regional human rights organization-partners of the Moscow Helsinki Group comprise extensive data on the activities of extremist groups and on crimes committed on the grounds of racial and ethnic hatred. The Russian National Unity (RNE) is the strongest and most visible group, and skin-head activity has been on the rise. It is significant that the RNE sometimes find support among regional and local authorities. In the Briansk Region, for example, members of the local RNE branch are in the gubernatorial public chamber.[19] In the spring of 2000, in the Saratov Region, RNE agents were elected (with 38 votes in support and only one against) to sit on the public advisory council with the Saratov mayor and on the public council with the regional Duma.[20]

It is evident that Russian law-enforcement bodies frequently cover up for extremists. A vivid case of such collaboration took place in Oryol. As was reported by a correspondent for the human rights periodical *Express-Chronicle*, Alexander Romanov, representative of the local Regional Department of the Federal Security Service (FSB) stated that the appeals to "Kill the Kikes!" that regularly appear in the city of Oryol "have nothing to do with Jews." The Oryol FSB

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[19] See the Collection of Reports of the Moscow Helsinki Group, *Human Rights in Russian Regions–1999*, Briansk regional report.

[20] M. Shirokova, "RNE Assumes Power in Saratov," *Kommersant*, 11 July 2000.

believes that "such inscriptions neither manifest extremism nor inflame national hatred."[21]

As concerns incidents involving violence towards or undignified treatment of representatives of ethnic minorities, their major part in 1991–1997 and their significant part in 1998–2000 are related to activity of the militant organizations identifying themselves as "Cossacks," calling for the revival of this estate and fighting for special and group privileges for all members of the movement. Cossack organizations of Krasnodar and Stavropolye actually demand that the respective regional authorities restrict the rights of persons of Caucasus origin or even deport such persons. At the same time, Cossack units, both independently and in cooperation with police, carry out document checks in the streets and markets, detain people and search them and their cars. Such activities are often accompanied by threats and acts of violence towards representatives of ethnic minorities. Despite the frequency of these incidents and the extreme nationalist orientation of leaders and members of Cossack units, federal and regional authorities support them in various ways, give them power mandates and attempt to integrate them within the power system. In a number of regions, Cossack organizations receive direct and indirect financial support from the authorities. In some regions, special normative acts were passed, endowing Cossack units with the right to carry out joint actions with law enforcement bodies.[22]

Religious xenophobia is also quite relevant to the situation in Russia. Even more so, a level of hate speech which would be unacceptable with regard to national relations, would be, on the other hand, quite "normal" when directed against religious minorities, the so-called "sects." Direct propaganda aimed at their discrimination can be found even in the programs of centrist parties (for example, "Motherland—The Entire Russia"). This fascinating topic, however, deserves a separate study and we will, therefore, refrain from discussing it in this paper. Instead, we shall turn our attention away

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[21] Quoted from A. Verkhovsky, A. Papp and V. Pribylovsky, *Political Extremism in Russia* (Moscow, 1996).

[22] The relevant acts are listed in the Report of the "Memorial" Society *Compliance of the Russian Federation with the Convention on the Elimination of All Forms of Racial Discrimination*. The Report was published in March 2001 and can be found at <http://www.memo.ru>.

from an elaboration upon the situation with hate speech to the actual means that can be used to combat it.

Legal Mechanism to Combat Hate-Speech

Persecution of an Individual

The basis is provided by Article 282. Article 282 reads:

> 1. Actions directed toward incitation of ethnic, racial, or religious hostility, humiliation of ethnic dignity, as well as promotion of the ideas of exclusiveness, superiority or inferiority resulting from religion, ethnic or racial affiliation, if such actions are committed publicly or involve the use of mass media—shall be punished with a fine in the amount of from five hundred to eight hundred minimum wages or in the amount of the salary or other personal income of the convict earned within the period from five to eight months; or with restraint of liberty for a term of up to three years; or with imprisonment for a term of from two to four years.
> 2. The same actions committed:
>   a) with resort to violence or the threat of violence;
>   b) by a person abusing his/her official position;
>   c) by an organized group—shall be punished with imprisonment for a term of from three to five years.

The Constitution and the laws on mass media, organizations and rallies reproduce almost literally the same formula for the prohibited actions.

It is important that, as compared with the old Article 74 of the Criminal Code of RSFSR, the publicity of the actions and the need to prove intent are noted; however, the *corpus delicti* is still unclear. What kinds of actions incite hostility still needs to be clarified, as well as what actions do not. It is hardly likely that the legislator meant that such utterances as "All Armenians are stupid," or "All Jews are traitors" made publicly, in the street should constitute a criminal offence. This lack of clarity has for years been the subject of discussion, and finally the General Prosecutor's Office came up with its "Methodological Recommendations."[23] In some respects, the Recommendations have made the issue clearer; in others, they have only made the situation more complicated.

The positive inputs include the following points:
• the accrual of the consequences of the inciting actions is not required;

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[23]Methodological Recommendations no. 27-79-79 of 23 June 1999, "On the Use of Special Knowledge in Cases and Materials on Incitement to Ethnic, Racial, or Religious Hostility," unpublished, the author's archive.

- incitement of hostility must be distinguished from statement of facts (although it should be noted that there is room for doubt as to the universal recognition of some facts);
- in the event that punishable ideas are expressed openly, an investigator or a prosecutor may evaluate them without special qualifications, i.e. without obtaining an expert opinion (which, in Russian practice, often only complicates the case: the court or the investigators obtain two opposite expert opinions, and have to drop the case on this basis);
- on the other hand, disguised utterances now also qualify as punishable;
- a list of categories of utterances has been provided that should be regarded as inciting hostility; however, this list, along with the examples of correct wording, contains a number of clearly ambiguous cases—see below.

The negative aspects include the following:

- the concept of "direct intent" has been reconstituted;
- "a statement of absolute opposition and incompatibility of the interests of an ethnic or religious group with those of another"—however, it is clear that most religions try to convert followers of other religions;
- "relating grieves and calamities of the past, present, or future to the existence and targeted activities of definite ethnic, racial, or religious groups"—this imposes unthinkable restrictions on historical science and thus departs from the idea of a simple statement of facts being distinguishable and non-punishable.

On the whole, there is no clear-cut solution to the collision between suppressing hate speech and upholding freedom of speech and expression. Concomitant with the transition from a condition of total disregard of this freedom to its constitution in Russian society, a relevant discussion has been sparked. It is still going on, albeit no new arguments have been offered.

There is a choice to be made between models: between that of the United States where the First Amendment has unconditional priority, and those pertaining to most of Europe where clear legislative restrictions are in place. These include explicit prohibition of particular actions related to the Nazi past, denial of the Holocaust or the use of fascist symbols.

The American experience in its pure form is in any case impossible to reproduce in Russia, since this would mean a manifest disregard by Russia of its international obligations resulting from the country's participation in the International Pact on Civil and Political Rights and the International Convention on Elimination of All Forms of Racial Discrimination, ratified long ago by the Soviet Union and binding on Russia as the Soviet Union's successor. Moreover, in accordance with Part 4 of Article 15 of the Constitution of the Russian Federation, international treaties "constitute an integral part" of Russia's legal system.

Under the above documents of international law, each member state assumes the obligation to implement decisive and effective measures to ban racial discrimination and its incitement in any form and by any individuals, groups or organizations. Each member state must declare a punishable crime any dissemination of ideas based on concepts of racial superiority or hatred, and any acts of violence arising therefrom, as well as provision of any assistance to racist activities, including financing thereof. All organizations and any propagandistic activities fostering or inciting racial discrimination must be declared illegal and banned. All individuals must be guaranteed effective protection by the State against racial discrimination. However, these obligations are followed by no list of specific bans. For instance, the ban on denying the Holocaust is an initiative of individual countries. Russia should also formulate its own list of prohibited actions. As we can see, this issue is now regulated only at the level of departmental instructions, which is not a solution, since the instructions have nothing to do with courts and generally involve a regulation of the lower tier.

At the same time, specification at the level of the law is highly problematic, since society still lacks even a shadow of consensus. The courts are also affected by this lack and evade definite decisions, so no precedents are established.

In those cases when law enforcement agencies take steps against extremist groups, they try to avoid bringing charges on incitement of ethnic hostility or discrimination. As a rule, in such cases, rare as they are, suits are brought under other articles, such as "hooliganism," or "causing bodily injury," etc. The investigators are usually reluctant to consider the organized nature of such crimes and their

relation to the activities of extremist groups. Thus, the above-mentioned Article 282 is practically dormant. Article 239 of the Criminal Code of the Russian Federation ("Setting up of an Association Encroaching Upon Individuals and their Rights") is virtually never used either. Neither is paragraph "e" of Article 63 of the Criminal Code ever invoked—the paragraph that establishes as an aggravating circumstance the committing of a crime for reasons of ethnic, racial, or religious hostility.

By way of example, we can refer to the following case (only one of many): In October 2000, a trial was held in St. Petersburg of skinhead racists who had mercilessly beaten up a Chinese national a year before. The skinheads Rumyantsev, Razin, and Grebnev (the last one is also the leader of the St. Petersburg regional branch of the *National Bolshevik Party*) were declared guilty and sentenced to various terms of imprisonment.

However, an amnesty was immediately granted to the convicts, since Article 282 of the Criminal Code of the Russian Federation (*incitation of ethnic, racial, or religious hostility*) while covering, among other things, violent actions against the victim and not covered itself by the amnesty, had not figured in the indictment.

The ineffectiveness of investigators and courts must be addressed through a process of clarifying of their objectives. There are the following options: One idea strongly promoted by a prominent expert and human rights activists, Lev Levinson, is to move Article 282 to the category of private prosecution, thus depriving investigators of the right not to initiate a case. (However, numerous other experts in the human rights community are not happy about this suggestion, as it diminishes the status of the crime, thus perceptibly relieving prosecutors from taking the initiative.) Another idea, more popular in the Russia human rights and academic milieux, is to divide the two crimes currently covered by Part 1, Article 282 and referred to as "incitation of ethnic, racial, or religious hostility" into two sub-groups:

• negative references to nations, ethnic or religious groups that humiliate their ethnic or religious feelings;
• calls for violent actions, discrimination or humiliation by racial, ethnic or religious features.

The punishment for the first sub-group could be limited to meas-

ures unrelated to imprisonment (fines, etc.)[24] while crimes of the second sub-group could indeed be punishable by imprisonment.

Such a measure could also be a response to the opinion popular with both rank-and-file policemen and judges that it is wrong to put people behind bars "for words." At the same time, this would be a nod to the First Amendment, a certain compromise that at this stage appears reasonable since it creates an opportunity to apply Article 282 in a consistent manner and removes the effect of impunity.

However, there are political concerns. In the view of a number of human rights organizations operating in the Russian Federation, including the Moscow Helsinki Group and the Memorial, the very possibility of a broad interpretation of Article 282 may in certain conditions make for restrictions on freedom of speech and other abusive practices. For instance, in some Russian Regions (the Krasnodar Region, the Republic of Kabardino-Balkaria, Bashkortostan), human rights or ethnic minority rights activists have received threats of prosecution under Article 282 from officials.

Persecution of organizations and media

Persecution of organizations and media is based on the respective laws (on civil associations, mass media, political parties, trade unions, rallies). The procedure for their closure is rather complex.

The situation in the field of application of prohibitive measures provided by civil law is hardly better than in the field of criminal law.

The effective Law *On Mass Media* in its Article 4 prohibits "abuse of the freedom of speech," i.e. dissemination of the same ideas of violence, incitement of hostility and the like referred to above. Article 16 of this law prescribes a procedure for applying sanctions against a publication that infringes on the requirements of Article 4. Termination of media against the will of their owners is possible only through a court procedure. The very filing of a suit by the "registration authorities" is only possible after repeated violations within 12 months by the media of Article 4 of the Law *On Mass Media*, for which the violator has been warned in writing at least twice. As a rule, the accused media challenge every such warning in the court;

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[24]Another option is to treat such offences as administrative, introducing a relevant article into the Administrative Code.

consequently, before the court rules on such a challenge, the hearing of a suit for termination of the media is impossible. Also, faced with a threat of termination, a media body can take a new name, with the same editorial staff, the same owners, the same address and the same team of authors. Such, for example, was the story with an extremist publication *Den'* (Day), which resurfaced unchanged under the title *Zavtra* (Tomorrow). There is another even easier way to avoid termination: changing some of the owners. In both cases—after a change of name or of composition of the owners—the paper is subject to re-registration, and denial of or delay in the re-registration over a clearly prescribed period are punishable. After such a re-registration, a new periodical comes into existence, the warnings automatically become void, and the whole extremely complex procedure has to be started from the beginning.

On the positive side, such easy transformations of their legal status are only practicable for marginal media. For big media, re-incorporation means major administrative and subscription problems.

In those rare instances when cases against media reach the stage of a court hearing, the defendants have many opportunities to delay the hearing by not showing up, filing concocted petitions for new evidence, etc.

Putting an end to the activities of extremist civil associations is also very difficult. Articles 41–45 of Chapter V of the Law *On Civil Associations* regulate the responsibility of civil associations for breaches of the laws of the Russian Federation, including suspension of the association's activities and its liquidation. Both such suspension and liquidation can only be effected through a court procedure after repeated written warnings, "if such warnings have not been challenged in the court in accordance with the due procedure or have been recognized by the court as legally ungrounded."

Both prosecutor's offices and offices of the Ministry of Justice keep voicing their concern over the too sophisticated procedure for suspension and liquidation of extremist civil associations. One more difficulty that is faced in practice is that illegal activities of civil associations' members caught in the act—and certainly such activities are not in their Charter; not a single civil association has ever attempted to include in its Charter any kinds of activity prohibited by the Constitution and federal law, a fact which has not at all hin-

dered some civil associations being involved in exactly those kinds of activity—are not at all easy to relate to the activities of the association as a whole, the more so if there are no relevant program documents—resolutions, records of meetings, etc. In such cases the association's leaders simply dump the unlucky functionary and disavow any responsibility.

In reality, no media or organization's closure through court procedures has been achieved to date. To address this collision in regard to organizations, the bill *On Countering Political Extremism* is being drafted. (Similar provisions are also contained in the new bill *On Political Parties*.)

According to Articles 13 and 14 of this bill, an organization can be banned if its leaders, a division or even a single member was involved in extremist activities with the leaders' knowledge and the leaders did not denounce such activities of their organization's member. Notably, the ban also intends to make impossible the recreation of the organization upon pain of criminal prosecution (however, no specific details have yet been drafted).

Such innovations in themselves can only be hailed. In the aforementioned case of General Makashov, whose statements have never been denounced by the leaders of his party, the CPRF, conviction of Makashov (had it taken place) would have led to a ban on the Communist Party of the Russian Federation. In practice it would have forced the CPRF to disavow Makashov without even waiting for the trial in order to avoid such a risk.

However, Article 3 of the bill that provides a definition of political extremism effectively places on an equal footing such offences as attempted *coup d'etat*, separatist rebellion and chauvinist propaganda.

In our view, such confusion is intolerable in the Criminal Code where they are crimes of totally different gravities. It is apparent that purely propagandistic actions should also be classified according to their gravity—along the lines of our proposals on Article 282 of the Criminal Code.

How could sanctions against organizations be graded? For example, as follows: Violent actions should surely entail a ban. "Soft" nationalistic propaganda, considerable fines. "Hard" propaganda, suspension for a period to be established by the court, or a ban, depending on the gravity of the offence.

It should be also noted that the bill makes no reference to mass media. In our opinion, this is only just, since a mechanism of this kind for media closure would be at clear variance with the concept of freedom of speech.

Means other than Legal

However, apart from legal innovations, there exists the issue of defining a general policy in relation to radical nationalism (moderate hate speech is a different issue).

As long ago as 1998, a concept of suppressing extremism with all legal methods was offered in a report by the Informatics for Democracy Center (INDEM). The authors suggested that the existing legal base was sufficient, and the problem was in the lack of political will. Official implementation of the concept has never been initiated. However, some developments did begin.

The most numerous examples of "strong-will decisions" were provided by Moscow Mayor Yuri Luzhkov. The Moscow Organization of the Russian National Unity lost its registration on two charges: membership of minors and membership of citizens of the Moscow Region, i.e. citizens of a different constituent of the Russian Federation. Obviously, the same charges could have been put forward against a multitude of other organizations of all orientations. The more prominent newspapers shut down recently—*Shturmovik* and *Russky Poryadok*—were closed on formal grounds and not because of their contents. The RNE and the National Bolshevik Party (the NBP) were expelled from their offices on accusations of their failure to observe fire safety rules (for comparison, the editorial office of the authoritative paper *Kommersant* that spoke against Luzhkov was suspended in the same manner).

Also, there are cases of plain violations of law. For instance, again in Moscow, in May 1999, a street praying service organized by "Pamyat" National Patriotic Front was dispersed: the municipal authorities had withdrawn their previously issued permission for this action only two hours before it was supposed to start.

A peculiar way to counter hate speech should be also mentioned: it is the practice of banning any symbols that can be interpreted as Nazi. Such a ban is contained in the federal law of 1995 on perpetuation of the memory of Victory in the WW II, and in a number of

regional laws, including the Moscow law. This ban helped restrict the circulation of national-radical press: it is easier for the police to sort out symbols than texts. However, the ban still remains somewhat unclear; in particular, it is not clear whether the symbol of the RNE that looks very much like a swastika is illegal.

The above-mentioned examples all represent "negative" manifestations of strong will, which, on the other hand, can also be exercised from a positive perspective. Compelling meaningful declarations on the unacceptability of nationalism in all forms could make a good start. Admittedly, Putin has already made a number of declarations on the subject, but those statements have always remained quite general, while with regard to specific cases the authorities are, as a rule, passive (the trend of comportment which we illustrated above in the example of Governor Mikhailov). We hope that from general declarations the State will proceed to concrete statements and actions.

Another important positive manifestation of strong political will could be in the development and implementation of educational programs targeting the growth of tolerance in society. After all, nationalism and xenophobia certainly strive on the traditionally low educational standards in our country. To remedy this situation the State should promote research addressing the roots of the problem and implement effective educational programs for children, youth, adults and, particularly, civil servants and journalists. A country-wide public campaign receiving certain support from the State and addressing precisely the moderate forms of hate speech can also be very useful. (One of the pilot projects currently implemented with the support of the Open Society Institute by the Moscow Helsinki Group in cooperation with three other NGOs—Center for Development of Democracy and Human Rights, Glasnost Defense Foundation and Panorama Information and Research Center—supports thorough monitoring of manifestations of hate speech in mass media in the federal center and in 5 selected regions, in order to develop, on the basis of the monitored findings and their analysis, effective regional-level and federal-level campaigns.)

A very encouraging development is that such measures as support for research, educational programs and public actions, as well as assistance to victims of political extremism, regular monitoring of social tension, psychological assistance for refugees, etc. are actual-

ly outlined in the Federal Program *Formation of Tolerant Conscious-ness and Prophylactics of Extremism in the Russian Society* (com-monly referred to as the Tolerance Program)[25] in the items titled "The Individual, the Family, and Society." This long-awaited Program, initially formulated as early as the fall of 1999, was finally passed by the Government in August 2001. We certainly hope that the State will now start putting into practice the Program's provi-sions. At the same time, it is self-evident that the Program's imple-mentation will be hindered by grave budgetary difficulties.

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[25]The Program's full text can be found at <www.tolerance.ngo.ru>.

ROLE OF THE RUSSIAN ORTHODOX CHURCH IN NATIONALIST, XENOPHOBIC AND ANTI-WESTERN TENDENCIES IN CONTEMPORARY RUSSIA

A LEXANDER V ERKHOVSKY

Not Nationalism, but Fundamentalism

Much has been written about nationalism in the Russian Orthodox Church (*Russkaya Pravoslavnaya Tzerkov*–RPTz) and to dwell on the theme briefly will suffice. Aggressive Russian nationalism is quite widespread in our country and it would be unwise to assume that it is unrepresented in the RPTz too, as well as in any broad public association not rigidly demanding that its members emphatically renounce nationalism.

There is also a deplorable pre-revolutionary vestige involving the close link of many Church bishops and clergy with Black Hundred (*Chyornaya Sotnya*) organizations. Moreover, that link has been in no way openly condemned, and a large number of Black Hundred members have been canonized in the last decade, including at the time of mass canonization of new martyrs at the Jubilee Bishops' Council in August of 2000.[1]

Since the time in 1991 when in several monasteries sermons ceased mentioning Patriarch Alexy II because of his conciliatory speech before the American rabbis, the RPTz leaders have not dared to speak directly against anti-Semitism, which serves as a major component of Russian ideological nationalism. There is no mention of anti-Semitism in "The Bases of the Social Concept of the Russian Orthodox Church" adopted at the Jubilee Council.

All that certainly does not mean that RPTz is a nationalist and anti-Semitic body. The very same "Bases" directly condemn nationalism.[2]

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[1] A short list of saint members of Black Hundred can be found in "Torzhestvo Istiny" (Triumph of Truth), *Rus Pravoslavnaya* (Orthodox Rus) 9 (2000).

[2] An English translation of "The Bases of the Social Concept of the Russian Orthodox Church" is accessible at <http://www.orthodox.org.ru/sd00e.htm>.

But the RPTz bishops' inconsistent position (the reasons for which we shall not discuss here) allows members of the Church to collaborate with aggressive nationalist (and, certainly, extremely anti-Western) groups.

There is a multitude of such facts, especially those concerning the Russian National Unity (*Russkoye Natzionalnoye Edinstvo*—RNE), the largest nationalist organization that only conventionally is an Orthodox one, but actively cooperates in many regions with RPTz clerics.[3] Yet there is no proof of direct approval of such cooperation on the part of the RPTz bishops.

Thus, one can say that the RPTz as a public association represented by its leaders does not support radical nationalist groups. But that is not as important compared to the fact that the Church itself contains such groups.

The reference is to a whole number of Orthodox brotherhoods holding extremely nationalist ideological positions. Like the similar extra-Church groups, such brotherhoods are not supported by the bishops, but it is impossible to "expel" anybody from the Church for political views and the nationalist brotherhoods continue working actively.[4]

Nationalism or anti-Westernism for such brotherhoods is only a derivative from their general world outlook position and a more correct term for it would be "Russian Orthodox fundamentalism." That world outlook based on extremely mythologized notions about the pre-revolutionary Orthodox monarchy is widespread in the Church. Actually it is a simplified and aggressive form of nostalgia for "the Golden Age" negated by the revolutionary epoch and rejected by post-Soviet modernization.

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[3] The facts on this theme can be found, in particular, in the following published sources: Vyacheslav Likhachyov and Vladimir Pribylovsky, *Russkoye Natzionalnoye Edinstvo. Politika, istoriya i ideologiya* (Russian National Unity. Politics, History and Ideology) (2000); Alexander Verkhovsky, *"Tzerkov v politike i politika v Tzerkvi"* (Church in Politics and Politics in Church), *Politicheskaya ksenofobiya v Rossii* (Political Xenophobia in Russia) (1999); Albert Shatrov, "Karayushchiye namestniki Boga" (God's Punishing Representatives), *Nezavisinaya Gazeta–Religii* (Independent Newspaper–Religions), 4, 1998; "Fashizm I religiya" (Fascism and Religion), *Information and Analysis Bulletin of "Anti-Fascist" Public Fund*, no. 6, 1998.

[4] For more details about politicized Orthodox brotherhoods see Alexander Verkhovsky, op. cit.; Stella Rock, "Fraternal Strife: Nationalist Fundamentalists in the Russian Orthodox Brotherhood Movement." The report has not yet been published.

Without trying to analyse this phenomenon within the report framework, we shall note only that "Russian Orthodox Fundamentalists" (hereafter—simply fundamentalists) stand for restoration of autocracy, restrictions against the Jews and confessions other than the Orthodox one, the imperial principle of state structure, the RPTz status as the state church, complete rejection of the concepts of democracy and human rights (in particular, as concerns freedom of conscience), opposition to any forms of Western influence within the country and struggle against it beyond its borders, rigid paternalism of the state in all areas and compulsory imposition of "Orthodox values" in everyday life, culture and even the economy.

These positions are so widespread that the Patriarchate can act only against their most extreme manifestations. Those fundamentalist circles that are at least partly moderate already coexist with the Patriarchate more or less peacefully. Moreover, fundamentalism in the RPTz has been on the rise since the early 1990s and there are no grounds to believe that this rise will stop in the near future. There is not enough space here to describe the developments in relations between fundamentalists and the Patriarchate (among the administrative staff of which, by the way, they are also represented). One can say that since the early 1990s the unstable balance has been gradually shifting in favour of fundamentalism.[5]

It is fundamentalism, not nationalism as such, that is the basic anti-liberal and anti-modernist phenomenon generated by the Church.

Religious Xenophobia—Church as a Source of a Wider Xenophobia

The aspiration to curb proliferation of other religions in the country is one of the major public positions of the Orthodox Church. It is quite natural as such, as it stems from the aspiration to convert as many people as possible to the Orthodox faith and to save their souls. In practice, one can see that the motivation is not always the one mentioned. Or, at least, it is not the only one.

As early as 1993, the RPTz actively supported a campaign for radical restrictions on foreign missionaries' activities. Those missionar-

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[5] That process, in the period from the early 1990s till the spring of 1999, was described in Alexander Verkhovsky, op. cit.

ies were seen by the Church as "hunters for souls" trespassing on the canonic territory of the RPTz. At that time it was possible to promulgate such a view, and quite admissible for an Orthodox Church member, in society as a whole. Yet, a secular society (including almost all preachers) does not care about the division of canonic territories between orthodox Churches. A secular state has no constitutional grounds for preventing somebody from "hunting for souls" or breaching the boundaries of religious jurisdictions.

As Yeltsin's administration at that time agreed with such an approach, the RPTz, overcoming its natural hostility towards Communists, was compelled to make use of the support rendered by the Communist-patriotic opposition. It has been using it ever since, and the Communist Party of the Russian Federation (CPRF), nurturing its traditionalist great power ideology more attentively than the Communist one, has been willingly rendering that support.

It is impossible to say that the RPTz approves of the program of the CPRF. But the Church leaders and the leaders of the CPRF and other "Communist-patriotic" organizations in the second half of the 1990s even had joint semi-political structures.[6] With the coming of Putin into power the Patriarchate put a substantial distance between itself and the opposition, but it is not ready to get rid of its support altogether. Meanwhile, the very fact of their collaboration works in favour of xenophobic and anti-Western tendencies personified by the CPRF and similar organizations.

In the first place, the Patriarchate is brought closer to those organizations precisely by the attitude toward non-Orthodox (predominantly foreign) preachers. This is the way Metropolitan Kirill (Gundyayev), Head of the Department of External Church Relations (*Otdel Vneshnikh Tzerkovnykh Svyazey*—OVTzS), and in fact the number two men in the Church, personifying the liberal-conservative wing of the RPTz, spoke as recently as this year:

> We believe that the struggle against sectarianism by means of making religious legislation more strict is unpromising. . . . Because in the case of sectarianism we refer not simply to freedom of choice—we refer to the attempts of known forces to

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6 The reference is to the All-World Russian National Congress and the Russian Zemstvo (Local-Government) Movement. See more details about these organizations in Alexander Verkhovsky, op. cit.

divide our society spiritually and to add to the existing national, property and political div-isions of today also religious ones.[7]

If one takes into account that the overwhelming majority of those who now are called "sectarians" in Russia belong to the religious associations brought to Russia from abroad tens or hundreds of years ago, it is clear that the "known forces" are somewhere abroad too.

It is frequently said that the RPTz bishops fight non-Orthodox bodies first of all because they are afraid of competition. Allegedly it is due to the fear that the Moslems or the Baptists, who presently are not engaged in active proselytism, are subject to incomparably less condemnation than the rapidly multiplying Jehovah's Witnesses. This judgement is sufficiently reasonable, but it is not enough. In fact, in 1993 when a major competitive threat was posed by the "indigenous" White Brotherhood and Mother-of-God Centre, the demands were to introduce restrictions against foreigners regardless.

But whatever the bishops' motives, the rhetoric, as one can see even in the example of Metr. Kirill, is obviously of an isolationist nature. And if one adds the fact that "sects" of Western origin obviously prevail in Russia over "sects" of Eastern origin, it is additionally possible to say that the anti-sectarian rhetoric is of an anti-Western nature.

It is easy to find much more cutting statements among those voiced by fundamentalist activists in the RPTz and their patrons among the bishops. But it is precisely the position of the very moderate Metr. Kirill which is indicative.

The State Digests the Church's Proposals

Since 1999 anti-Western sentiments have been going strength in Russian society in general. Neither are they alien to Putin's administration. Therefore it is not surprising that anti-sectarianism motivated by the confrontation with the West has now found semi-official support.

On 5 June 2001 a draft concept of state policy in the religious sphere was published and sufficiently advertised,[8] one of its authors

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[7] Alexander Korolyov, "Opasno putat religiyu s politikoy" (It's Dangerous to Mix Religion with Politics), *Trud* (Labor), 14 March 2001.

[8] "The Concept of the State policy in the Sphere of Relations with Religious Associations in the Russian Federation." The complete text, many relevant publications and almost all the discussion on the issue are accessible at the site of the second author of the draft, that is the Institute of State-Confessional Relations created in 2000.
See <http://www.state-religion.ru>. See the Concept text itself at
<http://www.state-religion.ru/cgi/run.cgi-action=show&obj=1270.htm>.

being the Main Directorate of the Ministry of Justice of the Russian Federation for Moscow. Our task is not to analyse that document as a whole, but it is important to note some aspects.

The declared purpose of the Concept is to develop the provisions of the law of 1997, "On Freedom of Conscience and Religious Associations," concerning the division of religions into the "traditional" ones and the rest, those provisions having since remained at the level of statements in the Preamble to the Law. The Concept proposes legalizing and regulating the privileges of "traditional" religions and the practice of state cooperation with them. As for the naturally arising question of which religions will be defined as the "traditional" ones, the Concept gives a principally anti-law and discriminatory answer: religious associations should be sorted according to three criteria: the number of their adepts, their historical contribution to the development of the country and their actions "as a creative and unifying spiritual force of the Russian society aiming to maintain peace and stability in the Russian Federation."

The motivation for the proposed reform with its general conservative-xenophobic orientation is also very important. Here is an almost complete list of problems noted in the draft:

> • manifestations of a spiritual crisis of the contemporary Russian society in all spheres of its life, a devaluation of the system of traditional moral values, a world outlook disorientation of a part of the society, a loss of moral guidelines in many areas of modern culture, a weakening of spiritual and moral bases of the institution of family and other negative social consequences;
> • presence of threats to the preservation and development of the cultural identity and the spiritually indigenous nature of the peoples of Russia;
> • aggravation of problems related to the manifestations of religious enmity and the activation of religious extremism in the society;
> • foreign religious expansion into Russia as an element of external policies of a number of foreign states.

This wording, despite its streamlined form, is generally reminiscent of the rhetoric coming from the leaders of the Communist-patriotic opposition of the 1990s, not the Church leaders.

One should admit, though, that such rhetoric was weakened during editing. In particular, the clause dealing with "foreign religious expansion" disappeared in the course of further editing.

During the editing, yet another important amendment took place: the phrase "traditional religion" was in almost all cases replaced with "traditional religious organization." The reason for the amendment is transparent: the state intends to interfere in jurisdictional disputes inside the confessions. This fact is of much practical importance, first of all for the Moscow Patriarchate in its struggle with splits, and for the so-called "moderate" Muftiates which are under great pressure from the young and more radical (religiously and politically) Moslem associations.

Here we now find ourselves on the border between the confessional policy and the anti-terrorist one. But it should be understood that the opportunity for such interference will hardly be used for the sole purpose of combating extremists alone. A good example is a year-old story concerning the election of the Chief Rabbi of Russia, who was distinguished, not just by his confession (the new Chief Rabbi is a Hasid, while the previous one was not), but also by his loyalty to the Kremlin.

After the Concept was published and gained the support of official propaganda and the leaders of the main "traditional" religious associations,[9] a discussion about amendments to the Law of 1997 promptly began. The hearings in the State Duma were held as early as July 6. The choice of title for the hearings was sufficiently impressive: "The Problem of Legislative Support to the State-Church Relations in the Light of the Social Concept of the Russian Orthodox Church."

The recommendations[10] approved at the hearings are permeated with the very same xenophobic spirit as is the Concept quoted above, and in case of their adoption they will entail discriminatory and possibly repressive consequences. And, although there was no vote taken at the hearings, it is reasonable to assume that Metr. Kirill, acting as one of the key speakers, is in general solidarity with the recommendations.

In particular, it is proposed "to accelerate the work on preparation of a draft law on counteraction to religious extremism." Understandably the state is concerned about the proliferation of the so-called

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[9] See also at <http://www.state-religion.ru>.

[10] The complete text is accessible at
    <http://strana.ru/society/religion/2001/07/09/994682962.html>.

"Wahhabism,"[11] but the State Duma will not adopt a law narrowly directed precisely against just this, as has already been done in Daghestan, and that means, undoubtedly, that it will be possible to use the future law against the most diverse religious associations.

In the conclusion of this chapter it should be added that the Concept quoted above is not the only one. Some days after its appearance, an alternative draft prepared under the guidance of Prof. Nikolai Trofimchuk by the Russian Academy of State Service (*Rossiyskaya akademiya gosudarstvennoy sluzhby*–RAGS) was published.[12] That draft was written in less xenophobic terms and does not lobby for RPTz interests, but it also raises serious doubts. The personality of the author also gives cause for concern: Mr. Trofimchuk recently served as co-author of a book titled *Expansion*[13] maintaining a thesis about the geopolitical expansion of the West by means of religious missionary activities and, accordingly, about the need for cultural ("axiological") isolationism and active support for the Orthodox missionary activities on the part of the state.[14]

"INN Jihad"—First Campaign

Firstly, the Orthodox fundamentalists are basically against liberals and Westerners, which two groups are perceived by them as almost identical. Secondly, the concept of "the worldwide Kike-Masonic conspiracy" with its spear-point aimed precisely against Russia is to some extent characteristic of practically all Russian nationalists including the Orthodox ones. When the theme of "globalization" became popular in the West and subsequently in Russia,

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[11] The use of the term in Russia is not in conformity with its meaning in the Arab world. In Russia it is used to mean any militant Islamic fundamentalism, but evidently introduction of a legislative ban on Wahhabism will also hurt quite peaceful Moslems who are attracted to fundamentalist concepts, not Islam in the forms in which it has traditionally existed in the territory of the USSR.

[12] See the complete text at <http://www.state-religion.ru/cgi/run.cgi?action=show&obj=1269>. The most important excerpts were also published in *NG-Religii*: "Kak vystraivat vzaimo'otnosheniya vlasti I konfessiy v novom veke" (How to build mutual relation between the authorities and the confessions in the new century), *NG-Religii*, 27 June 2001.

[13] N. A. Trofimchuk and M. P. Svishchev, *Ekspansiya* (Expansion) (2000). The text is also accessible at <http://www.state-religion.ru/cgi/run.cgi?action=show&obj=1165>.

[14] See also N. A. Trofimchuk, "Gosudarstvo i missionerskaya deyatelnost" (The State and the Missionary Activities), 28 March 2001, <http://www.state-religion.ru/cgi/run.cgi?action=show&obj=1197>.

those assumptions naturally gave birth to a specific Orthodox anti-globalism.

It had its beginnings with statements against the commodity bar code, in which our fundamentalists, prompted by like-minded Greek fundamentalists, discovered the number 666.[15] Hegumen (presently Achimandrite) Tikhon (Shevkunov), Father Superior of Sretensky Monastery in Moscow, as early as 1998 became the main messenger of new trouble coming from the West which has come to be regarded as nothing less than the advance of the Anti-Christ.[16] Considering that Sretensky Monastery is one of the Church's largest publishing houses, the propaganda has proven to be quite successful. In the Church's press and parishes they started to have passionate discussions about whether it was admissible for Orthodox believers to buy bar-coded goods.

Then they started to discover "the Seal of Anti-Christ" in all kinds of code designations in general, primarily those on magnetic cards. Moreover, the taxpayer's individual number (*Individualniy Nomer Nalogoplatelshchika*—INN), which according to the plan of the Ministry of Taxes would be issued to each resident of the country, was considered the most obvious case. Ultimately, in the consciousness of the majority of fundamentalists, INN merged inexplicably with the bar code and a belief spread that "the Number of the Beast" was somewhere inside INN as well.

A powerful campaign was unleashed against INN in the autumn of 1999. Hundreds of parishioners, monks and even fathers superior of monasteries were signing petitions with the demand not to introduce INN. The motivation in all cases was Apocalyptic, so that passions immediately began to run high. An observer aptly called that movement the "INN Jihad."[17] Certainly, the actions both in favour of the

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[15] It is not appropriate to go into details of the bar code here. It is enough to say that the presence within it of three sixes is a variety of optical illusion.

[16] See, for example Hegumen Tikhon (Shevkunov), "Amerikantsy ob Antikhriste: s nim nam bolshe vezyot" (Americans about Anti-Christ: We are more lucky with him), *Pravoslavnoye knizhnoye obozreniye* (Orthodox Book Survey), June 1998.

[17] That definition was produced two years later by Sergey Grigoryev, Editor-in-Chief of the *Russian Line*, webserver, one of the active fundamentalists not supporting the campaign. See S. Grigoryev. "Chego khotyat protivniki INN?" (What do the opponents of INN want?), *Russkaya Liniya* (Russian Line), 2 December 2000, <http://www.rusk.ru/News/00/12/new02_12a.htm>.

canonization of the family of the last Emperor, Nicholas II, and against "the heresy of ecumenism" proceeded concurrently, and often in confusion with the protests against INN. But the "INN Jihad" was aimed directly against the policy of the state authorities, that fact giving it extra impetus in the radical environment and creating an additional problem for the leaders of the Church.

The Synod tried to stop the new campaign by making a compromise proposal. The Synod's Decision of 7 March 2000 ruled that INN was not "the Seal of Anti-Christ,"[18] but repeated the assertion that the bar code contained the number 666. Without arguing against the introduction of INN in essence, the Synod actually asked the authorities to show condescension to the most superstitious among the believers, and for that purpose to introduce—neither more, nor less!—a system of bar codes different from that in the rest of the world.

"INN Jihad"—Second Campaign

It was no surprise that the Synod's decision did not stop the campaign, but it was surprising that the campaign was actually suspended for a few months. Starting in the autumn, after the Bishop's Council fulfilled the fundamentalists' main demand to canonize Nicholas II and his family, the "INN Jihad" was resumed on a much larger scale.

At that time references to the authority of some elders, primarily of all to that of Archimandrite Kirill (Pavlov), Confessor of Troitse-Sergiyeva Laura, that is the main monastery (and the main Ecclesiastical Academy) of the country, became the strike-force. Fathers superiors of monasteries were taking more active stands and were joined by some (differently oriented) politicians traditionally lobbying for the interests of RPTz and, of course, radical nationalists. Hearings on that theme, titled "Globalization and personal codes as an issue of world outlook choice of a contemporary human," were held in the State Duma on 23 January 2001.

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[18] "Uvazhat chuvstva veruyushchikh. Khranit khristianskoye trezvomysliye" (To respect the Believers' Feelings. To preserve sober Christian thinking), Statement of the Holy Synod of the Russian Orthodox Church, 7 March 2000,
<http://www.russian-orthodox-church.org.ru/nr00 3083.htm>.

A summary of the opinions voiced since the autumn of 2000 produces a quite homogeneous picture. It was alleged that, firstly, the number 666 is "implanted" in the bar code including the one used in taxation-related document circulation. Secondly, the act of giving a person a unique number to stay with him or her for an entire life substitutes his or her Orthodox Christian name. Thirdly, uniform computer registration leads to total control over the people; the introduction of INN is just another step on the path towards such control. And, fourthly, computer systems are all compatible according to global standards, thus making possible the inclusion of the registry of Russian citizens in the world registration system controlled by the mystical global forces of evil—by the West, "the new world order," "the world Jewry leaders," or directly by Anti-Christ.[19] One has to admit that the bar codes were not mentioned then as often as before, and that attention was focused on the idea that globalization leads unswervingly to the kingdom of Anti-Christ, while the mission of Russia and the Russian Orthodox Church was to defend national and religious identity in the face of such a dangerous trend. Therefore it was not so important whether INN was literally "the Seal of Anti-Christ," nor whether there were sixes in the bar code. The important thing was not to take a step backward in global confrontation.[20]

In addition there were occasional calls "to escape into the wilderness," cases of refusal to give the Eucharist to those parishioners

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[19] Although seldom, argument no. 5, the most realistic one, was sometimes invoked: creation of a unified taxpayer database makes taxpayers vulnerable not only to the state, but to the bandits as well, as all such databases soon find their way on to the black market.

[20] See, for example The open appeal to President of the Russian Federation V. V. Putin, Minister of Taxes and Charges G. I. Bukayev and the Constitutional Court of the Russian Federation from Orthodox priesthood, church clergy and laymen of Vladimir-Suzdal Eparchy (Diocese) of the Russian Orthodox Church, 20 December 2000. Published at the website of the Movement "For the Right to Live without INN," <http://infolab.spb.ru/anti-inn/text002.htm>; "Yarko vyrazhenniy demonicheskiy kharakter . . . " (A Clearly Evident Demonic Nature . . .) The Appeal of the brothers of Svyato-Vvedensky Monastery of Optina Pustyn to the Orthodox Christians, *Rus Pravoslavnaya* (Orthodox Rus), 1, 2001; "Globalizatziya i lichniye kody kak problema mirovozzrencheskogo vybora sovremennogo cheloveka" (Globalization and personal codes as an issue of world outlook: Choice of a contemporary human), *Russian Line News*, 27 January 2001, <http://www.rusk.ru/News/01/l/new27_01al.htm>; V. Petrov, *INN i plany "knyazey tmy"* (INN and the Plans of "the Princes of Darkness"), *Russian Bulletin server*, <http://www.rv.ru/super/2001/2/diablos.htm>.

who "accepted INN" etc., and thus some grounds emerged for accusation of a split. Some went so far as to make barely disguised calls to overthrow the authorities.[21]

Such radical moods among the fighters against INN caused a delimitation within the ranks of the Orthodox anti-globalists. Comparatively moderate opponents of globalization believed that INN was not the boundary at which it was necessary to make a final stand. More precisely, they believed it was both possible and necessary to bargain with the state on that issue, but that it was not worthwhile to bring relations with the authorities to a sharp conflict and to subject themselves to the risk of real persecution for the sake of INN.

Elder Archimandrite Ioann (Krestyankin), a person of the greatest authority among the conservatives, produced the most convincing arguments in favour of a moderate position. In his especially video-recorded late January appeal, an unusual event in itself, he gave this reminder: "And what can be said about control and total spying, with which they frighten simple-minded people so much? When and in what state was there no secret office? All was . . . and all is . . . and will be . . . but nothing prevents a believer from seeking the salvation." In the same appeal Elder Ioann spoke sharply against the INN fighters' split-provoking manner of speech.[22]

Many Orthodox fundamentalist leaders including Archim. Tikhon (Shevkunov), once the initiator of that entire campaign, an implacable opposition activist Konstantin Dushenov, Editor-in-Chief of *Rus Pravoslavnaya* (Orthodox Rus) newspaper, Sergey Grigoryev, Editor-in-Chief of *Russkaya liniya* (Russian Line), and others also showed solidarity with him. But they added an additional argument that a refusal to be obedient to the state was obviously un-patriotic, as it implied that Putin's regime was a God-fighting one. And that went (and goes) counter to the hopes they pinned on Putin as "their" president. Yet their arguments were accompanied by emphasis that in general the opposition to liberal and anti-Christ globalization must

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[21] Celibate Schema Priest Nikolai (Uskov), "Pravoslavnych zagonyayut v ugol" (The Orthodox Believers are being driven into the Corner), *Rus Pravoslavnaya* (Orthodox Rus), 12, 2000.

[22] Archimandrite Ioann (Krestyankin) on INN, *Pravoslavie.Ru.*, 1 February 2001, <http://www.pravoslavie.ru/jumal/society/ioannkrestyankin.htm>.

be continued. As far as one can judge, Archim. Kirill (Pavlov) took a similar position.[23]

Few have stayed in the ranks of the staunch fighters. It is necessary to mention a Petersburg priest, Alexey Masyuk, and the Editor-in-Chief of *Svyataya Rus* (Holy Rus) newspaper Konstantin Gordeyev (these two have actually become the leaders of the Movement "For the Right to Live without INN"), as well as Father Rafail (Berestov), an Athos Mountain Elder. With such obvious disequilibrium among their forces, the outcome of the struggle was predetermined.

A broadened session of the Theological Commission held on 19–20 February 2001 in Troitse-Sergiyeva Laura adopted a Final Document which definitely denied any Apocalyptic meaning in bar codes and INN and condemned the split-bound spirit of the fighters against INN, while as concerns the threat of globalization it said only that "processes of globalization . . . may be used by a malicious will to enslave people and human communities."[24]

Respectable Orthodox Anti-Globalism . . .

The radicals were defeated and since then have exhibited almost no activity.[25] But in compensation the more moderate Orthodox anti-globalists are still active.

In addition to the above-mentioned figures, these include many of the elders and fathers superior of monasteries. This can be seen even by reading the officially published statements made at the Theological Commission session,[26] though not all judgements at

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[23]See, for example Archimandrite Tikhon (Shevkunov), his speech in a *Radonezh* broadcast on 29 January 2001, *Pravoslavie.Ru*,
<http://www.pravoslavie.ru/jurnal/society/arhim tihon_radonezh.htm>; Archimandrite Amvrosy (Yurasov), "Antikhrista boimsya, a Boga–net?" (We are afraid of Anti-Christ, but do we fear God?); Sergey Grigoryev, "Chego khotyat protivniki INN?" (What do INN opponents want?); Konstantin Dushenov, "Tzarsky put" (Tzar's way), *Rus Pravoslavnaya* (Orthodox Rus), 1, 2001.

[24]Its text is accessible at <http://www.russian-orthodox-church.org.ru/nrl02206.htm>.

[25]Even the information campaign has been waged relatively weakly. It is possible to learn about it at "Stoyanie v istine" (Perseverance in truth) <http://www.voskres.ru/truth> and *Svyataya Rus* (Holy Rus) <http://kongord.narod.ru> sites.

[26]*Vestnik "Russkoy Linii"* (Russian "Line Herald"), 6, 2001,
<http://www.rusk.ru/News/01/2/new24_02a.htm>.

odds with the opinion of the Patriarchate were published.[27] Archim. Kirill (Pavlov), who was absent from the session, did not sign the Final Document either.[28]

There are also quite a few principled anti-globalists among the Bishops, who, in a disciplined way, have been implementing the instructions of the Patriarchate to prevent the proliferation of "INN Jihad." As the volume of the report is limited, there will be no examples given, even more so because Patriarch Alexy II and Metropolitan Kirill who are considered almost liberal have been speaking regularly since early 1999 on the topic of confrontation between liberal Western values and the traditional national-Orthodox values of Russia.[29]

Metr. Kirill then drew the following conclusions from theoretical discourses: "Civil rights and freedoms . . . remain in our view an unconditional value," but "liberal values in politics, economics and social life should be considered by us as admissible only under the condition of resolute renunciation of establishment of the principles of liberal axiology as applied a human personality," and, to be more specific, the Church insists on "establishment of the system of values traditional to Russia in the sphere of upbringing, education and formation of inter-personal relations."[30]

Accordingly, the balance existing between liberal values and traditional ones must be shifted in favour of the latter.[31]

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[27]Interview by Konstantin Gordeyev in *Blagovest* (Church Bells Ringing) newspaper of Samara. "Stoyaniye za pravdu" (Perseverance for Truth), <http://www.voskres.ru/truth/econtrol/INN/gord3.shtml>.

[28]Archimandrite Kirill Hasn't Signed the RPTz Final Statement on INN. *NG-Religii*, 28 February 2001.

[29]The discussion was initiated by an article by the Patriarch: The Patriarch of Moscow and All Russia Alexy II. "Mir na pereputye" (The World at Crossroads), *NG-Religii*, 23 June 1999. We have already had an opportunity to write about that period: Alexander Verkhovsky, "The Religious Factor in the Presidential Campaign and in the Formation of Ideology of the New Rule," *National-Patriots, Church and Putin. Parliamentary and Presidential Campaigns 1999–2000* (Moscow, 2001).

[30]Metropolitan of Smolensk and Kaliningrad Kirill, "Norma very kak norma zhizni" (Norm of faith as norm of life), *Nezavisimaya Gazeta* (Independent newspaper), 16–17 February 2000.

[31]Metr. Kirill spoke about that on 21 March 2001 at a seminar at the Center for Strategic Developments. See *Blagovest-Info*, no. 12, 2000.

Formulas contained in "The Bases of the Social Concept of the RPTz" written under the control of Metr. Kirill (and adopted by the Bishops' Council in August of 2000 without discussion) are soft enough, but quite definite:

> The spiritual and cultural expansion fraught with total unification should be opposed through the joint efforts of the Church, state structures, civil society and international organizations for the sake of asserting in the world a truly equitable and mutually enriching cultural and informational exchange combined with efforts to protect the identity of nations and other human communities.
>
> . . . Invariably open to co-operation with people of non-religious convictions, the Church seeks to assert Christian values in the process of decision-making on the most important public issues both on national and international levels. The Church strives for the recognition of the legality of religious worldview as a basis for socially significant action (including those taken by state) and as an essential factor which should influence the development (amendment) of international law and the work of international organizations.

Certainly, there is nothing reprehensible in the fact that RPTz as a religious association wants society to take its faith into account as much as possible. For us it is the tone in which the Church is being voiced by its leaders that has significance. It is clear that RPTz has so far been a sufficiently disciplined structure, especially at the episcopacy level, and usually neither the bishops, nor even the majority of politically active laymen let themselves make significant deviations from the line designated by the Synod. The anti-globalist position of the Synod's leading members that has gradually taken shape over the last two years gives more freedom to fundamentalists.

. . . And Its Practical Applications for Church and State

It's no surprise that in the existing atmosphere decisions made by the session of the Theological Commission in February have merely transferred the discussion about INN to more respectable channels.

On 3–4 May 2001, the Saint Petersburg Ecclesiastical Academy, headed by Bishop Konstantin (Goryanov), together with two secular institutes, held a conference titled "Spiritual and Social Problems of Globalization." The conference adopted a final document,[32] which

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[32]The document has been published at the site of the Movement "For the Right to Live without INN" at <http://infolab.spb.ru/anti-inn/mfo09.htm>.

all Orthodox anti-globalists could well sign. The document was thoroughly drafted and has already become a theoretical basis for further development of the movement. Therefore it is worthwhile to give a rather full citation from it:

> 1. The ideology of globalization is in opposition to the Christian world outlook and incompatible with it; it takes root and is propagandized in secular society and the Church through the efforts of the world elite and it expresses its interests. Globalization becomes an embodiment of the utopian idea of mondialism about creation of a unitary, supranational and rigidly controlled community on Earth. . . .
>
> 2. The conference ascertains a principal conceptual distinction between the processes of economic integration and technological progress and the global concentration of power. The latter is the essence of the ideology of mondialism using the planet-wide introduction of information-financial technologies as a tool to achieve world leadership.
>
> 3. The historical calling of Russia as a country preserving the Orthodox faith, culture and traditions is not recognized and is rejected by the mondialists. Yet the values mentioned are important for the whole world. The Russian Orthodox Church and the state have become the main obstacle in the path of aspirations for world domination. . . .
>
> 4. Changes in the traditional system of values, destruction of national culture, Christian moral sense, primitivization of the people's thinking and universal work to make them accustomed to "voluntary-compulsory" acceptance of digital identifiers (personal codes) replacing a human name in all state-public relationships are presently the main manifestations of the globalization process in the Russian Federation. . . . As Confessor of Svyato-Troitskaya Sergiyeva Laura Archimandrite Kirill (Pavlov) noted with justice and precision, "By accepting INN a person is incorporated into the system of evil."

It is possible to find some differences in this document as compared to the Final Document of the February plenary session of the Theological Commission, but on the whole we find that it merely reformulates, with more definitiver resolution, the provisions of "The Bases of the Social Concept." It is not surprising that no reprimands, at least no public ones, have come from the Synod. Neither has the Metropolitan of Saint Petersburg and Ladoga Vladimir (Kotlyarov) objected, although he is considered to be one of the most liberal bishops of RPTz.

Thus, fundamentalist anti-globalism, albeit not in its most radical forms, has been in fact legitimized in RPTz. Now one has only to wait for a new stage of its activation.

A quite definite political resonance is also evident. First, on 15 February 2001 the Duma rejected a draft law "On the Basic Docu-

ments of the Russian Federation Certifying the Identity of a Citizen of the Russian Federation," because it suggested innovations such as a citizen's personal code and magnetic record of passport data. The draft was not saved even by the fact that it was submitted by a wide and authoritative group of deputies ranging from liberals to Communists. A new draft submitted to the Duma in April does not contain anything "mondialist."

Secondly, the above-considered draft "Concept of the State Policy in the Sphere of Relations with Religious Associations" has appeared. Certainly, it is a purely secular document, but its aggressively xenophobic and anti-Western spirit is quite in tune with the Saint Petersburg document quoted. And Metr. Kirill who approved the draft made no remarks concerning its inadmissible tone.

Thirdly, a resolution on "Digital identification of a person (INN, personal codes etc.) as a basis of the globalization process and its assessment by public and religious organizations" made at Duma hearings of 22 May 2001 reproduces in full the identical final document of the Saint Petersburg conference.[33]

There remains one last, but very important circumstance. Recently official propaganda has begun openly to favour fundamentalism. The reference is to the religious department of the actual official propaganda website *Strana.Ru* which openly promotes the views of Archim. Tikhon (Shevkunov). Probably this is done partly for the purposes of state manipulation of intra-Church conflicts, but some more principled rapprochement also exists.[34] For example, *Strana.Ru* has published a whole manifesto drafted by Archpriest Vladislav (Sveshnikov), Confessor of the Union of Orthodox Citizens, a wide Orthodox-nationalist coalition.[35] It says, in particular:

> Never before have the European West and America been feeling so openly hostile to Russia as at present.

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[33] The final document is also published at the site of the Movement "For the Right to Live without INN," <http://infolab.spb.ru/anti-inn/text021.htm>.
See other materials from the hearings at <http://mfolab.spb.ru/anti-inn/list03.htm>.

[34] For more details about it see Alexander Verkhovsky, "Dilemma Kirilla i Mefodiay" (A Dilemma of Cyrill and Methodius) *Russkaya Ideya* (Russian Idea), 29 March 2001.

[35] "Prot. Vladislav Sveshnikov predlozhyl kontzeptziyu vozrozhdeniya Rossii" (Arch. Vladislav Sveshnikov proposed a concept of revival of Russia), *Strana.Ru*, 25 March 2001, <http://strana.ru/society/religion/2001/03/25/985524595.html> and <http://www.strana.ru/special/dossier/2001/03/25/985533435.html>.

One of the most necessary and difficult tasks for contemporary Russia is what may be called the search of true friends and true services to them for a joint opposition to the International of the so-called "new world order," which to the people understanding the issue spiritually is the ground for the beginning of the Apocalyptic times.

This resembles in some respects, contemporary Russian foreign policy (at least before 11 September 2001), but the state, of course, usually prefers to cut off the extremes. And at the end of August 2001 the openly fundamentalist religious department of *Strana.Ru* was closed.

Certainly, the state uses the Church, but RPTz is a force too significant to let itself be used without any initiative on its own part. And Church initiatives with an anti-liberal, xenophobic and anti-Western orientation have become increasingly noticeable over the last two years.

In the field of ideology, the Patriarchate is moving closer to the fundamentalists, while the state is moving closer to the Patriarchate.

ANTIRACIST LEGISLATION AND POLICIES IN THE EU AND THEIR IMPACT ON THE ACCESSION COUNTRIES

Laura Laubeova

Introduction

The accession countries from Central and Eastern Europe (CEE) are in the process of harmonising their legislation with the European Union in all sectors, including minority protection and human rights observance, as stipulated in the Copenhagen criteria and accession agreements. Owing to different historical experiences and a lack of democratic tradition, the post-communist countries have not yet managed to adopt and implement anti-discrimination clauses and sufficient measures for protection of minorities. Both the international commitments, including those enacted before 1989, and the newly adopted legislation often seem to have a very low potential for enforcement and implementation (mainly owing to previous neglect of minority policies, paternalism, and abuse of the equality and solidarity concepts under communism; continuing prevalent ethnocentric and xenophobic public opinion; low awareness of minority issues among policy makers and public administration officers; inability of educational systems to cope with these negative phenomena, etc.).

One of the most discriminated groups in Europe is the Roma. The fall of communist rule in CEE in 1989 brought official recognition of the Roma as an ethnic minority group, but also led to the growth of racism, racially motivated attacks against the Roma, and the emergence of extreme right political parties which included anti-Roma measures in their political programs (as a solution to the "gypsy question" [*sic*]). The Roma have had to face high unemployment, inappropriate and ineffective education as well as hidden discrimination on the part of state and public administration, providers of public services and other institutions. Racism and discrimination have been among the main reasons behind the immigration of the

Roma to the EU countries. The issue of "economic" migration has forced the EU countries to adjust their immigration policies; consequently, the Roma have been blamed for blemishing countries' accession prospects and have faced increased discrimination despite efforts to facilitate the process of repatriation after their return.

Postmodernist thought has shown that eurocentrism, xenophobia, racism, superiority and prejudice are no longer "normal" and "natural" (neither is the division between "us" and "them," as some sociobiology experts claim)[1] but all these have to be eliminated, or at least to have their impact minimized, if Europe wants to survive.

The recently held WCAR in Durban in September 2001 reminded Europeans that racism is one of the most pernicious features of human society, and that Europe still owes a lot to the third world countries that used to be the subjects of European colonization and exploitation.[2] On the other hand, the EU has adopted concrete antiracist measures that (together with a determination to enforce these) may serve as a positive example not only for the EU accession countries but also for other parts of the world.[3] One of the most problematic issues in our region is the denial of racism together with a myth of post-communist exceptionalism, often expressed in phrases like: "there is no racism here; it is only xenophobia," and "what is applicable elsewhere has no relevance here because the situation here is really specific" etc.

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[1] Cf. van den Berghe, "Does race matter?" in *Ethnicity*, ed. John Hutchinson and Anthony Smith (Oxford: Oxford University Press, 1996); Ellis Cashmore, *Dictionary of Race and Ethnic Relations* (London: Routledge, 1996) entries on race, race relations, racism, sociobiology; Steven Rose, Richard Lewontin and Leon Kamin, *Not In Our Genes: Biology, Ideology and Human Nature* (London: Penguin Books, 1990); Kenan Malik, *The Meaning of Race* (Macmillan, 1996).

[2] More details on the UN World Conference Against Racism, Xenophobia and Other Intolerance are available at <http://www.un.org/WCAR/>, <http://www.unhchr.ch/html/racism/>, <http://www.racism.gov.za/>, and <http://www.icare.to>–"caucases pages."

[3] Also promising are recent developments in the field of EU immigration policies; see details in European Commission: *Communication from the Commission to the Council and the European Parliament on a Community Immigration Policy*, Brussels, 22 November 2000, Com (2000) 757, and *Migration: An Economic and Social Analysis* by Stephen Glover et al. UK Home office, RDS occasional paper no. 67, <www.homeoffice.gov.uk/rds/index.htm>.

Allow me to quote Mary Robinson, who, in her opening speech at the NGO Forum in Durban, said:[4]

> Racism—as you all know—manifests itself in an extraordinary multiplicity of guises and mutations. It may have deeply entrenched and institutionalised structures so that anyone of a given complexion or ethnicity starts off in life with multiple strikes against them. . . . Racism. Transmuted into xenophobia, means that "the stranger," the refugee, the migrant worker, the so called "undocumented alien" and their children—are treated with contempt or derision, are humiliated, and denied their basic human rights. Racism transformed into genocidal hatred, can mean that one's neighbour and erstwhile friend becomes a frenzied attacker, someone prepared to injure or even kill. One of the most positive aspects of the World Conference for me has been the clear evidence of an emerging alliance between governments and civil society on follow up to this Conference.

Mary Robinson's last sentence in particular shows that the role of civil society in the struggle against racism and all its forms has become unquestionable, and that the current process of drafting the so called National Action plans, in accordance with the WCAR final documents, should not be allowed to fall into disuse by nation state governments but should be widely promoted and supported by civil society.

I would like to mention here several positive aspects that emerged from the WCAR in Durban:

- The UN conference for the first time in history provided space for the Roma to raise their voice and formulate their demands.[5]
- The conference acknowledged that institutional racism and other forms and transmutations of racism are still deeply embedded in all societies and that they should be confronted by nation states governments and civil society.
- A parallel conference on racism and public policy brought experts from all over the world who managed to provide expertise that can serve as a starting point for antiracist policy drafting and enforcement.[6]
- The Central and Eastern European NGO Caucus managed to articulate their requirements both in the preparatory stages (e.g.

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[4] Address of the UN High Commissioner for Human Rights, Mary Robinson, Durban, 28 August 2001.

[5] Details available at <www.icare.to>—Caucases pages: Roma and Travellers.

[6] Details are at <www.unrisd.org>.

at the meeting in Warsaw in 2000) as well as at the official part of the WCAR in Durban.

In this paper I will present an overview of major antiracist/antidiscrimination mechanisms and instruments that are relevant primarily for the EU accession countries: the EU Race Equality directive; ECHR (Protocol no. 12 to the European Convention on Human Rights); CoE mechanisms; ICERD, etc. Additionally, I will try to highlight difficulties with their enforcement and implementation in PC Europe, and we may see if these difficulties apply to all the post-communist countries, and what are the major differences and specifics in respective countries and regions. I will mention one example of a promising policy in the Czech Republic.

In order to understand the issue of racism and discrimination in its complexity, I will make a final overview of the main definitions and levels of racism.

Major antiracist instruments and policies in Europe

The end of the Cold War together with growing globalisation has had a substantial impact on interethnic relations, including the "ethnic revival" trends, in the EU member countries, which increasingly have had to face and address issues of racism, xenophobia, and related discrimination against minorities and immigrants. Consequently, Europe has adopted new policies to enhance minority protection and to facilitate anti-discrimination law enforcement. Non-governmental organisations, active in the field of minority protection and human rights observance, as well as civil society generally, have played a positive role in both policy design as well as implementation. The involvement of civil society is not surprising in countries with democratic traditions and can serve as an effective inspiration for the CEE countries. NGOs have a high potential for positive influence on and contributions to the establishment of coherent mechanisms that can survive electoral processes and populist policies in the region.

1. RACE EQUALITY DIRECTIVE

On 29 June 2000, the Council of the European Union adopted Directive 2000/43/EC, "implementing the principle of equal treatment between persons irrespective of racial or ethnic origin" (the "Race Equality Directive" or "Race Directive").[7] The directive is the product of a ten-year campaign by Starting Line Group, a broad network of non-governmental organisations coordinated by the Migration Policy Group, and presents Europe with an historic opportunity to make a lasting contribution to the struggle for racial equality.[8]

Within three years, all EU member states should conform their legislation to implement its principles. Also, the Directive is now part of the *acquis communautaire*, the body of law which all states wishing to join the EU must adopt. Therefore, each EU candidate country will have to enact legislation and educate its judges, prosecutors and other public officials about these new legal standards.[9] Among the Directive's most significant features are the following:[10]

• The scope of discrimination: The Directive expressly includes both "direct" and "indirect" discrimination within the scope of prohibited action. Indirect discrimination occurs "where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary." Some rules, though neutral on their face as to ethnicity, in fact may disproportionately disadvantage members of certain minority groups who have a ten-

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[7] An important note must be made here that is relevant mainly to post communist countries where "race" has a strong biological connotation. As mentioned in point (6) of the Directive preamble, "The European Union rejects theories which attempt to determine the existence of separate human races. The use of the term 'racial origin' in this Directive does not imply an acceptance of such theories."

[8] Details on this NGO coalition strategy can be found in "Uplifting Standards" in *NGO News, A regional Newsletter for CEE and NIS NGOs*, no. 19, autumn 2001, Freedom House, pp. 8–9 (can be ordered at <fh@freedomhouse.hu>).

[9] The EU has explicitly stated that the Directive "is part of the *acquis communautaire*" (endnote 2) and that "adoption of the Community *acquis* in the area of equality is a *sine qua non* for accession since it is essentially a question of human rights. . . ."

[10] More details also available in *Roma Rights*, Newsletter of the ERRC, no. 1, 2001, Access to Justice, pp. 63–66.

dency to wear long skirts or head scarves. By including "indirect" discrimination within its ambit, the Directive reaches a broad swath of discriminatory policies and actions which, though not motivated by overt and readily provable racial hatred, nonetheless "disadvantage" members of racial or ethnic minority groups. In so doing, it goes beyond the current, more limited conceptions contained in, for example, the case law of the European Court of Human Rights and the United States Supreme Court. The directive also prohibits harassment, instruction/incitement, and victimisation. Harassment occurs "when an unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment"; instruction or incitement to discrimination and violence; and victimisation (i.e. "adverse treatment or adverse consequence as a reaction to a complaint or to proceedings aimed at enforcing the principle" or nondiscrimination).

• Public/private actors: The Directive applies to "both the public and private sectors, including public bodies." Thus eliminating the "state action" hurdle which has hampered anti-discrimination law enforcement in other contexts, e.g. the European Convention on Human Rights, do not as clearly apply to discrimination by private parties.

• Positive action: The Directive leaves open the possibility for states to adopt "specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin." Roma have historically suffered discrimination in housing, education, employment and other fields. This measure makes it possible for governments to employ a range of devices to achieve more adequate representation. These could include employment recruitment efforts targeted at historically underrepresented minority groups, as well as hiring codes and educational admissions criteria which make clear that diversity at the workplace is in itself a desired goal. While a rule guaranteeing "absolute and unconditional priority" for certain groups is not permissible, the European Court of Justice has approved an affirmative action policy providing that, where two applicants are equally qualified, historically underrepresented

applicants should be given preference, unless reasons specific to another applicant tilt the balance.[11]

- Burden of proof/evidence: The Directive makes it practically feasible for many victims to prove the discrimination they have suffered in two principal ways. First, the Directive shifts the burden of persuasion in civil cases by requiring that, once a *prima facie* case of discrimination has been established, "it shall be for the respondent to prove that there has been no breach of the principle of equal treatment." Second, the Directive provides that indirect discrimination may be "established by any means, including on the basis of statistical evidence." As a practical matter, statistical evidence may often be the best or only way of proving indirect discrimination—i.e. of showing that an apparently neutral provision puts members of a minority group at a particular disadvantage "compared with other persons."

- Enforcement bodies: By requiring that states designate a body capable of "providing independent assistance to victims or discrimination in pursuing their complaints," the Directive opens the way to the establishment of effective enforcement bodies capable of taking legal action to secure equal treatment. I would also like to mention here the "ECRI general policy recommendation no. 2: Specialised bodies to combat racism, xenophobia, anti-Semitism and intolerance at national level"[12] (adopted by the European Commission against Racism and Intolerance [ECRI], a Council of Europe body). The document provides seven basic principles on the establishment, the functioning and the execution of powers of specialised bodies in the field of equal treatment and non-discrimination. The recommendation has no legally binding force, but member states of the Council of Europe must consider the recommendations in good faith. The recommendation is likely to become the main point of reference for the establishment of specialised bodies in this field, including those bodies that will be set up under the EU Directive.

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[11] *Roma Rights*, Newsletter of the ERRC, no. 1, 2001, Access to Justice, p. 68.

[12] ECRI general policy recommendation no. 2: Specialised bodies to combat racism, xenophobia, anti-Semitism and intolerance at national level, CRI (97) 36 of 13 June 1997.

The role of NGOs will be vital in the enforcement process; let me quote from the *Roma Rights* newsletter: "Notwithstanding the major step forward the Directive represents, civil society actors must act to ensure its effective implementation both in the EU and in the candidate countries. While the EU will no doubt invest resources toward this end, it will need help from the non-governmental community in highlighting the significance of this development, and the nature of the legal and institutional changes required; as well as in capacitating lawyers, other advocates and government officials to make use of this new legal tool in their anti-discrimination work."[13] "Independent legal and advocacy expertise from the NGO sector will be needed to ensure that ambiguous and potentially broad-ranging provisions are applied in a manner most favourable and accessible to discrimination's victims. Questions are sure to arise concerning, *inter alia*, the effectiveness of the sanctions required, the independence and functions of the government enforcement bodies to be established, and the scope of 'disadvantage' needed to constitute a *prima facie* case of discrimination. Absent sustained NGO input, the Directive's potential to transform anti-discrimination law in Europe may not be fully realized."[14]

2. EUROPEAN CENTRE FOR MONITORING RACISM AND XENOPHOBIA (EUMC), VIENNA

The EUMC was established on the basis of EU Council Regulation no. 1035/97 of 2 June 1997.[15] In article 3.3 of the regulation it states that the EUMC shall be concerned with the extent, development, causes and effects of the phenomena of racism and xenophobia. The EUMC has the overall aim of providing the European Parliament, the European Commission and the 15 Member States with reliable and comparable data and statistics on racism, xenophobia and anti-Semitism. In addition, EUMC has been working on an operational definition of the following four basic terms: racism, xenophobia, anti-semitism, islamophobia. The reason is that the member states, as well as the accession states, should ultimately agree to a more or less comparable understanding of the four terms, which for the moment

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[13] *Roma Rights*, Newsletter of the ERRC, no. 1, 2001, Access to Justice, p. 64.

[14] Ibid., p. 64.

[15] More details available at <http//:www.eumc.at>.

is not the case. Nevertheless, the recent legal instruments which have been adopted by the European Council oblige the member states to adapt their internal legislation also. It is hoped that this will trigger a convergence process of understanding.

As a member of the EUMC Rapid Response Network (RAREN) in 2001, I have tried to contribute to these efforts and provide a view from the CEE region.

3. PROTOCOL NO. 12 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR)

Another significant development providing opportunities for enhanced action in the field of racism and discrimination was the adoption in June 2000 by the Committee of Ministers of the Council of Europe of Protocol no. 12 to the European Convention on Human Rights ("Protocol no. 12" or "the Protocol"), broadening the scope of the Convention's Article 14 on non-discrimination, which presently prohibits discrimination only in the enjoyment of the rights already enshrined in the Convention. Unlike the Race Directive, however, this Protocol comes into force only after ten states have ratified it.

There is another aspect that may hinder the ECHR's impact on the region that we are discussing here. The majority of post-communist countries that aspire to enter the EU are full members of the Council of Europe and the UN. There is a marked tendency for mechanisms of the Council of Europe and the UN to be taken less seriously by governments of the post-communist countries than the mechanisms and instruments of the EU. This kind of negative motivation (If you do not adopt EU legislation, you will not be allowed to join us) seems to be more effective than appeals to human rights and justice. However, Article 6 of the Treaty of the European Union states that, "The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms . . . as general principles of Community law."

Similarly, a high EU official stated: "The EU is committed to the respect and the promotion of the universal principles set out in the Universal Declaration on Human Rights, complemented by the International Covenant on civil and political rights and economic, social and cultural rights. Its activities are also based on the commitments engendered by the main international and regional instru-

ments for the protection of Human Rights. These instruments enshrine common values regarding fundamental freedoms and democratic principles which are universal, indivisible and interdependent."[16]

4. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (ICERD)

The Race Discrimination Convention defines discrimination broadly to include both direct and indirect discrimination. Article 1(1) of ICERD defines "racial discrimination" to include "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

Pursuant to Article 14, individuals or groups of individuals alleging violation of the Convention may file a communication with the Committee seeking redress, after first exhausting all domestic remedies. Communications must be filed within six months of the final domestic decision in the case. To date, the Committee procedure has been under-utilized.

5. NON GOVERNMENTAL ACTIVITIES: PROJECT TO IMPLEMENT EUROPEAN ANTI-DISCRIMINATION LAW

The Project to Implement European Anti-Discrimination Law, funded by the Open Society Institute, and administered by three NGOs[17] is a three-year initiative which started in January 2001. It covers the 15 EU member states and 11 candidate countries (Turkey and 10 in Central and Eastern Europe). In close cooperation with local NGOs and individuals, the Project aims to make the most of the historic opportunity for enhanced anti-discrimination litigation and advocacy created by the recently adopted EU Race Directive and Protocol

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[16] Quoted from: "The Respect of Human Rights and the Protection of Minorities in the Context of the Enlargement of the European Union," speech by Ramiro Cibrián, Head of Delegation of the European Commission to the Czech Republic, Prague, 9 May 2000, speech at the Panel Discussion on the Protection of Minorities in Europe.

[17] The European Roma Rights Center (ERRC), Migration Policy Group (MPG) and Interights.

no. 12 to the ECHR. The project has three principal initiatives, each designed to promote the Directive's effective application and the Protocol's timely entry into force:[18]

- training/capacitation of judges, lawyers, NGO anti-discrimination advocates, government officials, members of parliament and representatives of specialised bodies to ensure that key actors throughout the continent are sufficiently informed about the legal obligations flowing from the Directive and the Protocol and know how to make creative use of it;[19]
- legislative advocacy before individual governments and relevant EU institutions to ensure that the requirements of the Directive—in a nut-shell, the adoption of comprehensive anti-discrimination legislation and the establishment of effective enforcement bodies— are swiftly and adequately complied with, and that Protocol no. 12 to the ECHR is speedily ratified by at least the minimum ten states required for its entry into force;
- test litigation before selected constitutional and Supreme Courts, the European Court of Human Rights and the European Court of Justice, to ensure the adoption in judicial caselaw of the various elements of the Directive and the Protocol.

All three Project components aim to identify the principal legal and institutional needs in each country; therefore a detailed analysis of existing legal provisions and relevant jurisprudence pertaining to racial and other forms of discrimination in the 26 countries covered by the Project is being undertaken.

6. CASE STUDY: SUPPORT FOR RACE AND ETHNIC EQUALITY PROGRAMME IN THE CZECH REPUBLIC

The Czech Republic is a typical example of a post-communist country that does not share the colonial past, and related burden of guilt, with the more developed democracies. This may hinder antiracist

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[18] Quoted from the ERRC newsletter *Roma Rights*, no. 1, 2001; and the Freedom House Newsletter NGO News, no. 19, autumn 2001.

[19] One of the trainings was held in Prague, 25–28 April 2002, Implementing European Anti-Discrimination Law workshop, targeted at lawyers, government officials and activists for following countries: Bulgaria, Czech Republic, Luxembourg, Spain, and United Kingdom. More information is available at <www.migpolgroup.com> or <www.interrights.org>.

efforts, namely identification, recognition, and minimizing of the impact of racism through effective legislation and policies. This fact does not preclude it from successful cooperation in policy drafting with countries that have had long experience with race relations issues, such as the UK.

In April 2001, the governments of the Czech Republic and the UK started a joint project aiming to promote race and ethnic equality in the Czech Republic. One of the project's main aims is to prepare the way for the implementation of Council Directive 2000/43/EC of 29 June 2000, Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin, which all member states of the European Union will be expected to incorporate into national law by 19 July 2003. The proposals, in the format of a report and recommendations, which will be submitted to the government and/or responsible state institution after 31 March 2002 will comprise:

• Definition of a comprehensive anti-discrimination policy in the Czech Republic: The relevant document (Report) will review domestic anti-discrimination legislation and its enforcement, including anti-discrimination policies in the private sector (if any). Further, it will look at anti-discrimination legislation in selected EU member states. The purpose of the report is to indicate whether and which amendments to the existing anti-discrimination laws, policies and measures are required.

• Definition of a strategy to strengthen capacity to combat discrimination: the report and recommendations will focus on how to improve and foster the institutional and administrative capacity of the state to tackle discrimination and to promote equality. The study will consider the pros and cons of two basic options for improving the institutional and administrative capacity to tackle discrimination:

(i) setting up a specialised body at the national level (e.g. a national commission for racial equality, ombudsman against ethnic discrimination etc.) to combat discrimination and intolerance;

(ii) analysing institutional and operational arrangements within the framework of existing institutions (i.e. ministries, including the beneficiary) and formulating recommendations, in particular on how to improve its co-ordination role with ministries.

On the basis of analysis and in line with the future policy proposals/decisions of the government, the report will focus in detail on the practicalities for adoption and implementation of one of the two options:

• Preparation of draft amendments to laws and/or new laws linked to strengthening the legal protection of minorities and to tackling all forms of discrimination (priority given to racial discrimination), on the basis of the studies above and with regard to government policies, and working with the government office (department of human rights), including measures to promote the institutional framework for such activities. The proposals will be submitted to the Human Rights Commissioner who will be responsible for presentation to the Government.

• Elaboration of an awareness raising campaign strategy to increase awareness and understanding of the impacts of discrimination (setting immediate targets and an outline of delivery mechanisms/instruments, plus medium-term goals to be achieved) aimed at (a) public administrators and (b) the general public.

• Implementation of a series of regular consultative round-table discussions to assess the situation of the Roma community, the forms of discrimination faced and the effectiveness of government measures to combat discrimination. The round-tables will serve both as workshops for the exchange of opinions among government officials, opinion-makers and representatives of the Roma community, as well as a means of disseminating information on government policies in this area.

A positive aspect of the above programme is that there is cooperation with the NGO sector, namely the project mentioned in the above chapter and administered by the ERRC and other European NGOs. A potential risk of the project is that its results may not be accepted by the general public nor politicians because the media and other public opinion shapers seem to be more or less ignorant of these anti racist efforts.

Theoretical framework

Political theory, mainly in the field of theorising multiculturalism does not intersect with practical political and social solutions. A major task ahead for any theorist of public policy is to account for

and provide practical solutions for discrepancies between progressive normative prescriptions, formulated both in political philosophy as well as in the body of law, and insufficient mechanisms for their implementation. The gap is even more evident in international law, which only offers general principles of conduct of states and sets minimum standards for the protection of minorities, thus leaving concrete measures to the goodwill of national governments,[20] or provides broad definitions of racial discrimination that are difficult to transform into de facto racial equality.[21]

Policy makers should be aware of and follow the impact of the academic discourse based on research in political science, law, and sociology, on the practical activities in the fields of policy-making, law-making, law enforcement and public administration, especially when targeting the Roma. For this purpose it is useful to analyse various models of interethnic relations focusing on theorising of multiculturalism. Charles Taylor argues that the politics of ethnic recognition can promote participatory citizenship and the search for a common good, while Will Kymlicka maintains that, in some circumstances, group differentiated rights may be required in order to put into operation some basic liberal principles.[22] A critique of the "false" liberal universalism is reflected in some political theories of integration that analyse the cultural, economic, and political domains of integration.[23]

The complex and contested concept of equal opportunities that assumes shared meaning but in further exploration often proves to

[20] Patrick Thornberry, "An Unfinished Story of Minority Rights," in *Diversity in Action. Local Public Management of Multiethnic Communities in CEE*, ed. Anna-Maria Biró and Petra Kovacs (Budapest: Local Government and Public Service Reform Initiative, 1998), pp. 45–75.

[21] Atsuko Tanaka and Yoshinobu Nagamine, *The International Convention on the Elimination of All Forms of Racial Discrimination: A Guide for NGOs* (London–Tokyo: MRG-IMADR, 2001).

[22] Charles Taylor, "Politics of Recognition," in *Multiculturalism: Examining Politics of Recognition* (Princeton, New Jersy: Princeton University Press, 1992).
Will Kymlicka, *Liberalism, Community and Culture* (Oxford: Clarendon Press, 1998).

[23] Rainer Babock, *The Integration of Immigrants* (Strasbourg: Chronicle of Europe, 1994), Document CDMG (94) 25E, and H. Antony, *Nationalism and National Integration* (London: Unwin Hyman Ltd., 1989); R. Baubock, *Transnational Citizenship. Membership and Rights in International Migration* (Aldershot: Edward Elgar, 1994); Bikhu Parekh, *Rethinking Multiculturalism, Cultural Diversity and Political Theory* (London: Macmillan, 2000).

be "superficial or erroneous"[24] is being complemented by the debate over affirmative action, positive action or special differentiation according to the needs of the targeted groups.

Special focus should be placed on theories and definitions of racism. The critical race theory, one of the recent legal philosophies among US lawyers, understands racism broadly and shows its relation to law: "Racism is viewed not only as a matter of individual prejudice and everyday practice, but as a phenomenon that is deeply embedded in language and perception. . . . Concepts such as justice, truth and reason are open to questions that reveal their complicity with power. This extraordinary pervasiveness of unconscious racism is often ignored by the legal systems."[25] The exploration of various mechanisms and forms of denial of racism may help us to comprehend the complexity of the phenomena in terms of the need for recognition.[26] Recognition of denial and subsequent recognition of racism itself may offer valuable insights if complemented by multi-disciplinary approaches to the consequences of psychological, cognitive, social psychological, socio-economic, political, and sociological explanations of racism.

An important and complex issue is the interconnectedness between racism and economic interests. The definition of racism should thus include notion of power relations and cover also cases where the skin colour (or religion, or culture) can play minor role, despite its strong stigmatising effect, i.e. relation where mainly economic and power interests are at stake.[27]

Definitions of racism range from biological determination to cultural essentialism and social pathology labelling and are abundant

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[24]Barbara Baginole, *Equal Opportunities and Social Policy: Issues of Gender, Race and Disability* (London: Longman, 1997).

[25]Steven Vago, *Law and Society*, Sixth edition (Uppersaddle River, New Jersy: Prentice Hall, 2000), p. 68.

[26]Stanley Cohen, *Denial and Acknowledgement: the Impact of Information about Human Rights Violations* (Jerusalem: the Hebrew University, 1995), pp. 87–118.

[27]I am hinting at the neverending discussions between "experts" who claim that the problems connected with e.g. Roma minority are actually social and economic problems, and other experts who claim that these are problems connected with racism. In reality, both groups are partially right as the issue is too complex and often involves both aspects.

in dictionaries and sociology books.[28] I would like to highlight the basic distinctions that have practical implications. Apart from the so called "scientific racism of the nineteenth century" that focuses on the natural hierarchy and can still be found in much academic writing,[29] the most common form is so called "common-sense" or "popular" racism based on prejudice and stereotypes targeted at groups who are either physically or culturally different. The most pervasive and damaging form is that of institutionalised or structural racism. This can be found in most hidden forms: School authorities may believe that minority students who choose to come to mainstream schools must adapt to school norms. There is no thought of the school adapting in any fundamental way to the students. Thus, for example, well intended "multicultural" education can be perceived as assimilation, including the bridging and enrichment classes that produce "coconuts" (people with black skin and white insides).[30] Another example is the hidden racism in textbooks stereotyping members of certain minority groups or using insensitive language. Much research has been done on institutional racism in police work, housing and employment policies.

In coping with racism, xenophobia and other related forms of intolerance, it is necessary to work with a variety of variables at many different levels. Being aware of the reasons for and conditions of various forms of racism can help us to plan appropriate policies and work methods. There are several levels at which one accounts for racism and its forms: psychological, cognitive, social psychological—intergroup relations, structural and institutional.

Conclusion

Design and enforcement of effective mechanisms and instruments against racial discrimination, racism, xenophobia and related forms

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[28]E.g. Ellis Cashmore, *Dictionary of Race and Ethnic Relations* (London: Routledge, 1996); Kenan Malik, *The Meaning of Race: Race, History and Culture in Western Society* (London: Macmillan, 1996); Mike O'Donnell, *Race and Ethnicity* (New York: Longman, 1991).

[29]E.g. R. Herrnstein and Ch. Murray (1994, 1995) *The Bell Curve* as analysed in Stephen Gould, *The Mismeasure of Man,* 1996.

[30]This expression is very common in the South African context; however it is also frequently used by Roma in the Czech Republic, e.g. by Ivan Veselý, president of the Dzeno association.

of intolerance presuppose interdisciplinary analysis, encompassing aspects of international politics and international law, as well as analysis of policies preventing racial discrimination from a historical perspective. Local experience and public opinion are affected by global tendencies, and although there are many factors specific to the post-communist region, research has shown that racism takes universal forms and that the response to it should therefore also be more or less universal.