

The Politics of Exclusion Citizenship, Human Rights and the Erased in Slovenia

JELKA ZORN

Fakulteta za socialno delo

Topniška 31

1000 Ljubljana, Slovenija

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After the succession of Slovenia from former Yugoslavia majority of residents of non-Slovenian origin (from other republics of former Yugoslavia) gained Slovenian citizenship. Those who didn't gain citizenship were secretly erased from the Register of permanent residents. The erased were deprived of all the rights that arise from the status of permanent residents: they were stripped of all social and economic rights including the right to live in Slovenia, although they had been living in Slovenia for decades with their families; they had their homes, social networks, employments and so fort in this country. According to the Law on Foreigners, which suddenly was applied on them, they became "aliens staying illegally in Slovenia". By staying illegally in Slovenia they felt under the police jurisdiction. They had to legalise their staying from the very beginning; for many these procedures turned into bureaucratic torture. As a result of the erasure from RPR some of them suffered expulsion from Slovenia – they were expelled from their own homes and by force divided from their family members. In 1999 and in 2003 the "erasure" was recognised by Constitutional court as an anti-constitutional act, but nevertheless discrimination continued. It has been only since 2002 that the erased have gained their political subjectivation and have started publicly fight for their rights. For ten years (since 1992 to 2002) silence and cultural anaesthesia have prevailed over their experiences. The results of analyse of the interviews showed that there is a high co-relation between human rights and citizenship (rights). There has been hardly any human right that has not been violated when one lacks (residential) citizenship.

Key words: ERASED FROM REGISTER OF PERMANENT RESIDENCE, DISCRIMINATION, EXCLUSION, CITIZENSHIP, HUMAN RIGHTS, BUREAUCRACY, POLICE

Introduction

The concept of nation state and (residential) citizenship are closely related to documentation, namely passports and control of movements of persons through state borders. Documentation and distinction between (residential) citizens and non-citizens is essential to construct entities such as citizenship, nationhood and stateness (Tropey, 2000). The notion of national community is codified in documents rather than merely "imagined" (in Anderson terminology). The paper will present some main figures of the Slovenian citizenship and how the nation building was codified in personal documents. After the succession of Slovenia from former Yugoslavia ethnic Slovenians automatically become Slovenian citizens. Residents of non-Slovenian origin (i.e. from other republics of former Yugoslavia) had to apply for the Slovenian citizenship. Those who didn't gain citizenship were secretly erased from the Register of Permanent Residence (RPR). They were deprived of all the rights that arise from the status of permanent residents: they were stripped of all social and economic rights including the right to live in Slovenia, although they had been living in Slovenia for decades with their families; they had their homes, social networks, employments and so fort in this country. The paper will present some consequences of the erasure: ethnographic method of research was used to gain knowledge and data of the everyday experiences of individuals who suffered such a form of discrimination and total exclusion from society and state protection. The main two methods I used were semi-structured, in-depth interviews and collecting of erased people's personal documentation. I conducted 21 interviews, mainly held at interviewees' homes. I obtained their addresses from the Association of the Erased Residents of Slovenia. The Association was established in February 2002, precisely ten years after the erasure from the RPR. The erased individuals phoned the president of the Association, Aleksandar Todorović, and explained their situation. They wanted to be "heard," to talk to someone who would understand their problems, but above all they wanted the wider public to become familiar with the injustice they suffered. People I interviewed were glad to participate and most of them thanked *me* at the end of our conversation. Many of them shared with me the most traumatic experiences of their lives and were occasionally worried that I would not be able to properly depict their tragic stories. These stories have been for years governed by bureaucratic rules, in contravention of the principles of democracy and equality and were incomprehensible to "common sense". "The tape can stand anything", was a comment by one interviewee. Some made preparations for the interview beforehand: they went out of their way to relate events in chronological order, and they prepared in advance a selection of the most important documents which they thought were vital for me to see. So, the second main method used in my research was collecting of erased people's personal documentation. This documentation mainly consisted of official notifications, appeals by the erased persons and other correspondence that was exchanged with the Ministry of Internal Affairs, various courts, the government, head of the state, Human Rights Ombudsman and others. My fieldwork also included many informal, non-structured interviews with other erased persons and several conversations with various officials involved by duty in the process of implementation of the erasure. In the next section some main figures about the succession of Republic of Slovenia from former Yugoslavia regarding Slovenian citizenship will be explained. The paper will continue describing the "logic" of the erasure from the RPR. For an illustration of totality of the problem a list of violation of human rights will be presented as well as three cases and some quotations of people I interviewed. The first main argument is that racist ideology had to be employed for inventing and implementing the erasure. The second main argument is that bureaucracy and police have had crucial role to control personal documentation and hence executive and symbolic power over the lives of individuals.

The succession of Republic of Slovenia

In 1991 Slovenia became independent and according to international and domestic mainstream public opinion is the only success story on the territory of the former Yugoslavia. Institutionally and economically Slovenia has been the most developed among newly established states of former Yugoslavia. Except 10 days war for independence, there was practically no war, almost no wounded and dead bodies, no bombing, no refugees fleeing the country etc. Slovenia became known as the country where democracy, economic development, security, civil society and respect for human rights have high priorities. Already before its succession from Yugoslavia Slovenians have claimed for itself an European identity and have tried to differentiate themselves from the “Balkans”. In public discourse the territory of former Yugoslavia was transformed into an imaginary Balkans, the realm of violence, primitivism, irrationality, and so on (Vodopivec, 2001; Kuzmanic, 1999; Rizman, 1999). Statements as “Back to Europe to where we always belonged”¹ or “This is a choice between Europe and the Balkans”² were very typical. They imply “balkanism” thus reinforcing the belief that those who want to join Europe must leave behind the Balkans. They presume that “to belong in the Balkans” is incompatible with “to belong in Europe” (Vodopivec, 2001:396). Rastko Močnik wrote that in such examples balkanism was a mixture of flattery aimed at compelling “Europe” and the current hegemon to admit that this or that country did not belong in the “Balkans” and at mobilizing progressivism which encouraged the natives to make the effort to prove that they do not belong in the “Balkans” (Močnik, 1999:146). The very cruel implementation of mentioned mobilizing progressivism of the natives can be identified in the erasure form the RPR. However, the Republic of Slovenia has become a new borderland of EU in 2004. The question is of how much the erasure as a modern exclusionary politics is of very European manner. Similarly, the European Schengen regime produces masses of people *sans papiers*; they are left without rights as a consequence of the discriminatory border regime, defined as Fortress Europe.

Due to the explanation of the logic of the erasure, Slovenian Law on Citizenship has to be considered. Slovenian Law on Citizenship was one of the most important laws, which accompanied the proclamation of independence of Republic Slovenia. Before dissolution of former Yugoslavia we all had federal Yugoslavian and republican citizenship. The later was a special legal institute according to which each person, citizen of Yugoslavia was simultaneously, without special request, a citizen of one republic. The republican citizenship was unknown to the vast majority as it had no legal or other affects regarding rights and duties. Only after the dissolution of Yugoslavia the republican citizenship entailed legal consequences. In Slovenia, those who were registered in republican citizenship book became Slovenian citizens automatically, the rest of the population living in Slovenia had to apply for Slovenian citizenship. As republican citizenship was acquired on the basis of the principle *ius sanguinis* its ethnic perspective could be identified already at this point. People who came to Slovenia as migrant workers from other republics of former Yugoslavia and their children, although born in Slovenia, had to apply for Slovenian citizenship within 6 months window in 1991. There were two conditions. The first one was a formal status of permanent resident. The second condition was that they did not pose a threat for public order, security and defence. One can imagine how such a loose condition – a condition which *a priori* violates equality before the law – could be (mis)used by public authorities for rejecting their applications for citizenship. For example, officers of former Yugoslav national army were constructed as a “public enemy” and therefore denied obtaining citizenship, as well as those who were convicted to prison sentences.³ It can be assumed that there was a hidden principle according to which Slovenian citizenship was or is something of which one had to prove oneself *worthy of it* (Agamben, 1998:132). The notion of worthiness of Slovenian citizenship has manifested very clearly in last two years, when erasure become a public issue. Right wing politicians have argued that erased people didn’t want Slovenian citizenship and accordingly this shows their disrespect for Slovenian nation and Slovenian state. The (aspired) political stance of the Slovenian residents of non-Slovenian ethnic origin become a legitimate (but not legal) ground to deny (residential) citizenship and rights that arose from that status.

The erasure

After the proclamation of Slovenia’s independence on 25th Jun 1991 there was a 6-month window for lodging the application to apply for citizenship. The majority gained the Slovenian citizenship (about 171.000 people). The small minority (about 2.300 people) were rejected. There was also a group of people who did not apply for Slovenian citizenship. It can be assumed that they found their status as permanent residents satisfying to enjoy residential, civil, social and economic rights or they thought they were automatically Slovenian citizens. Against these people who did not become Slovenian citizens, either because they didn’t apply for citizenship or their applications were rejected an unconstitutional, illegal act of erasure from Register of Permanent Residents took place in February 1992. This act of erasure was carried out *secretly* by Ministry of Internal Affairs, without any legal ground whatsoever. The number of the erased persons is 18.305, according to data of the Ministry of Internal Affairs, but also higher numbers were suggested.

According to the Law on Aliens⁴, which suddenly was applied on them, they became “aliens staying illegally in Slovenia”. By staying illegally in Slovenia they felt under the police jurisdiction. About the erasure or “killing the juridical person in them” (to use Hannah Arendt words) erased found out accidentally, on case-by-case basis. For example, a person went to a local municipality to attend a certain bureaucratic business. An official asked him or her for personal documents, identity card or passport. Documents were taken and destroyed on the spot with an explanation: “Sir or Madam, you are not entitled to *our* documents anymore!”. People were not officially notified about their loss of permanent residence; they were left without any written decision about the change of their status.

Such a way of (non)informing people, without any possibility to control one’s own legal status or to complain violates the constitutional right to legal remedies, right of equal protection of rights and right to personal dignity and safety. In addition, people were completely individualised and treated as bureaucratic objects. The burden for gaining back their residential status was shifted on the affected persons themselves, as if *they* were responsible for loosing the right to live in Slovenia.

It is important to stress that the exclusion could only be implemented if the erased were first dehumanised, which was done

through racist discourse.

Racism

In Zygmunt Bauman's words, racism manifests the conviction that a certain category of people cannot be incorporated into the rational order, whatever the effort and hence they must remain perpetually alien. Racism declares a certain category of people endemically and hopelessly resistant to control and immune to all efforts at amelioration (Bauman, 1999:65). Besides the erasure, how did racist ideology manifest? However, in the first half of the nineties public discussions appeared, which openly expressed hostility towards Slovenian citizens of non-Slovenian ethnic origin, i. e. those who gained Slovenian citizenship in accordance with 40th Article of Law on Citizenship (these are people from other republics of former Yugoslavia). There were public suggestions to withdraw their citizenship rights. The rightwing-oriented deputies repeatedly requested (in 1993, 1994 and 1995) a revision and revocation of citizenships already acquired under Article 40 of Slovenian Law on Citizenship. The rationalisation for such an unconstitutional idea was that "it was too easy to gain Slovenian citizenship", that "citizens of non-Slovenian decent have not assimilated enough in Slovenian society/culture", that "Slovenian culture and Slovenian language are jeopardized" etc. As already mentioned, Slovenians were trying to prove that they did not belong in the "Balkans" by spreading the idea that everything related to the Balkans was harmful and incompatible with Slovenian culture, including those citizens (with or without Slovenian citizenship) who had ethnic origins in other ex-Yugoslavia republics.

Such a hate speech didn't affect only individuals of the "wrong" ethnic origin, but did harm to the whole society. It resulted in all-embracing public normalisation of exclusionary public discourse and practices. Vlasta Jalušič argued that these new totalitarian temptations are related to the issues of migration, refugees and various newly emphasised and politicised identities who cannot fit and hence must remain perpetually alien (Jalušič, 2003:13; Bauman, 1999). The key player is not only the state, which attempts to control everything, and can guarantee or violate rights of individuals, but a different, much more dispersed totalitarianism of mass society or social totalitarianism (ibid.). It can be defined as a moral social police in the project of forced homogenisation.

The implementation of the erasure (and persistent ignorance of the socio-economic problems and personal degradation that erased individuals and their families suffered) was possible in such an ideological context, where it seemed that political nationhood or statehood has been substituted with ethno-national unity, where rights and belonging to political community have had ethnic character. According to Hannah Arendt nation state cannot exist once its principle of equality before the law has broken down. Without this legal equality, which originally was destined to replace the older laws and orders of the feudal society, the nation dissolves into an anarchic mass of over- and underprivileged individuals (Arendt Š1948Č 1979:290).

Violation of human rights

As a result of the erasure the whole list of personal and social rights were violated. To mention the most typical I came across in my research: right to legal remedies; protection of human personality and dignity; right to equal protection of rights; prohibition of torture; protection of personal liberty; freedom of movement; right to personal dignity and safety; protection of family integrity; parental rights and duties; right to employment or dismissals from work; right to pension; right to medical treatment; right to social assistance; protection of the privacy of correspondence and other means of communication; right to compensation etc.

The consequences of the erasure were deportations from Slovenia, confinement to Deportation centres and above all general personal insecurity and radical degradation of their socio-economic status. For example, Mr. T. explained:

The state literally made a poor man out of me. If I was a criminal, I would be better off. Now I can't provide food for my children. I am on the edge of nervous brake down, nights I can't sleep. When you just think that to own one ordinary paper it would open me a possibility to get my job back. But no, they won't give it to me (a recorded interview, June 26, 2002).

Many interviewed persons reported that they had found themselves on the edge of the bare survival. They were stripped of every political status and wholly reduced to bare life. Only what was left to them was that they were still human beings and subjects of human rights (Agamben, 1998:171).

When speaking of the attempts to relegalize residence in Slovenia, people frequently described it as a bureaucratic vicious circle. One of the conditions for acquiring citizenship (through regular naturalization) or residence permit was official evidence that the person has a permanent means for living in Slovenia. Many did not have a means of survival, precisely because they had been erased – through the erasure they lost their jobs or their pensions. Another option to proof the condition of possessing a permanent means for living in Slovenia was presentation of a contract proving that they were supported by their spouse. However, the salary of a spouse had to be sufficiently high to be deemed as ensuring social security for all family members. In short, the erased people and their families whose material status was not very good (and it deteriorated precisely because of the erasure), did not fulfill conditions for the acquisition of residence permit or citizenship through regular naturalization. And, since they did not have residence permits, work permits or citizenship, they could not get a job, so the *vicious circle maintaining social exclusion was perpetuated*.

However their inalienable human rights were seriously violated, but no juridical or other institution nor the general public seemed to care to protect them and to compensate the damage.⁵ In 1999 and in 2003 the Constitutional court established that constitution was violated and demanded that the authorities compensate them. This demand hasn't been implemented until today. In order to give an idea of the variety of consequences of the erasure as well as to show the deprivation of citizenship and residential rights as an overwhelming, total experience I would like to briefly present three cases.

The first case

Mr. B. was living in Slovenia since the beginning of the seventies. He is married and has two children. In the eighties he started his own business. In 1991 in the time of dissolution of federal Yugoslavia he applied for Slovenian citizenship. In 1992 he became a Slovenian citizen. Due to implementation of the right to purchase the apartment he and his family lived in he sold all the property he had in Bosnia. In 1993 when he came to local municipality to change the old personal documents for the new one,

they destroyed his old documents and delivered him a written decision that his citizenship has been withdrawn. In the same time he was erased from the register of permanent residents, as everybody else who didn't become Slovenian citizen and suddenly his living in Slovenia became illegal by the Law on Foreigners. He complained and the procedure took many years, he regained his citizenship only in 2001. Meanwhile, when he was subject only to human rights but not citizenship or residential – many of his personal human rights were violated. He was denied the right to purchase the apartment and instead the money was spent for lawyers advocating for unlawfully denounced citizenship and erasure from the register of permanent residence. He was two times expelled from the country. Although he is of Serbian decent (he is a Bosnian Serb) he was delivered to Croatian border police in the time there was still war going on. Croatian border police denied him entrance to Croatia and so Slovenian police was supposed to drive him back. But on the way back, from Croatian border control to Slovenian the policemen stopped the car in the neutral border territory, pulled Mr. B. from the car and one of the policeman put the gun in his mount saying: "If you ever dare return to Slovenia I will pull the trigger," and left him there. Mr. B. returned illegally to Slovenia that night. He asked Croatian border police for help. The Croatian policeman first cooked him coffee and than showed him clandestine, green border option. Mr. B., who used to live in Slovenia without documents, was under permanent threat and harassment of the local police. At another occasion police took him to the police station for some kind of questioning and seriously beaten him (he had a broken rib and other sever body injuries). Later on the local and higher court had found out, that the police did not misuse their power since Mr. B. resisted the official invitation to the police station.

The second case

Mrs. U. was born in Slovenia in the fifties. Her mother was Slovenian, her father was Serbian, born in Croatia. She lived all her live in Slovenia, she was educated, married and gave birth to two children in Slovenia. In 1991 she did not apply for Slovenian citizenship, because she tough she was a Slovenian and entitled to it automatically. Only when her second child was born, when she went with her husband to the local municipality to register the child's birth she was told that she was not Slovenian citizen. According to the law she become a foreigner illegally living in Slovenia. The official demanded that she bring a foreign passport with foreign address if she wanted to legalise her staying in Slovenia. If she wanted a citizenship, the official explained to her, she needed to pass the exam proofing she masters Slovenian language among other conditions. Mrs. U. lives in small community where everybody knows each other, and so the official actually knew that Mrs. U. was not a foreigner. One can imagine how desperate, humiliated and powerless Mrs. U. felt when she left the local municipality. For years she was living illegally in her own apartment and still today she is not a Slovenian citizen; she became a Croatian citizen with Slovenian residential rights, which she obtained only in 2000. Her personal documents are Croatian passport and Slovenian identity cart for foreigners.

The third case

Mrs. S. came to Slovenia as a young migrant worker from Bosnia in the eighties. She was employed in a factory and lived in a nearby village where she rented a small place. In the beginning of the nineties she lost her job. She didn't apply for Slovenian citizenship so she was erased from the register of permanent residents. She was about to loose her apartment because she couldn't afford to pay the rent anymore. One day, police came to her door, asked for documents and because she didn't have the right ones (she was erased therefore her staying in Slovenia became illegal) took her to Ljubljana, to the Deportation Center. She said to me: "I cried when they first drove me here because it seemed they put me in some kind of prison." In the beginning of the 2002 when I met her, she was still living in the same institution, some kind of prison – the Deportation Center. She has lived there all these years except two or three years when she spent in a refugee camp and one year she spent in psychiatric hospital.

Human rights as overlapping citizenship rights

On the basis of ethnographic data that I gathered in the field during my research I came across general conclusion, that in everyday life in Slovenia, as in many other countries, human rights are overlapping citizenship and residential rights (Agamben, 1998; Arendt Š1948Ĉ 1979).

For example, one of the interviewed, Mr. B. who I mentioned earlier explained about the importance of having (residential) citizenship:

In the year 2001 the authorities returned me my citizenship status. Now I am completely another man. The police do not torture me anymore. When they stop me in the street they and ask for documents, I show them, than they thank me and I can continue my way. Before they use to call me names, they could beat me and so forth. They knew I was without documents and that I am of Serbian nationality and so they could manipulate and torture me as much as they wished. Now they don't say anything (a recorded interview, June 26, 2002).

It is true what Arendt wrote, that the rights of man, supposedly inalienable, proved to be unenforceable – even in the countries whose constitutions were based upon them – whenever people appeared who were no longer citizens of any sovereign state (Arendt Š1948Ĉ 1979:293).⁶

Persons without citizenship or residential rights as they are people who were erased from the register of permanent residents (or as refugees without refugee status are) are becoming such a disturbing element in the context of modern nation states, because they appear as discontinuity between a man and a citizen, nativity and nationality, they bring to light the difference between the birth

and the nation. The whole question of human rights was and still is blended with the question of national emancipation; only the emancipated sovereignty of the people, of one's own people, seemed to be able to ensure them (Arendt Š1948Ć 1979:291). In this sense, the erased are truly people of human rights – the first and the only real appearance of rights outside the fiction of citizen that always covers them over (Agamben, 1998:131).

The role of police and bureaucracy

The damage is done to the very structure of legal institutions when a relatively large number of residents had to live outside the jurisdiction of general legal framework and without legal protection. In Hannah Arendt's words, putting certain categories of people outside the protection of the law is the first essential step on the road to total domination (Arendt Š1948Ć 1979:447). The incapacity to treat all individuals as legal persons (i.e. persons having the status of a citizen or of a foreigner with permanent or temporary residence) may lead to such a group of people coming under the authority of the police, that is to say, the police regime. The erasure created a situation in which the very presence of these people in Slovenia was a violation of the law, and of course, such situations are dealt with by the police. The sociology of the police teaches us that the categories that first come under the police regime are those who lack power within important state and other institutions. A particular group of people becomes police property when the ruling elite hands over their problems to the police (Lee, 1981 in Neocleus, 2000:81, 82). The police regime works in such a way that it renders *vita activa* (here understood as a struggle for the recognition of rights and an opportunity to be "heard" by the public) impossible. In symbolic terms, in such a context the police become the guardians of citizenship status. The erased, without right to residence and without the right to work, were forced to transgress the law constantly. They were liable to imprisonment (in Deportation centre or in local police stations) without ever committing a crime. The entire hierarchy of values which pertain in civilised countries was reversed in their case. The following example can illustrate the reversion of values.

Mr. N. lives in Roma settlement in Ljubljana. In 1992 he was erased from the register of permanent residents. He is trying for years to legalise his staying in Slovenia but has not succeeded till 2002 when I interviewed him:

It is difficult to live without documents. For a living I collect old iron. The other day when I went to work the police stopped me. They asked for my documents. I showed them the paper of confirmation that I applied for citizenship, but it didn't count. They took me to the police station. They were questioning me there. They asked me questions they already knew the answer. Look Šhe said to meĆ I am a grown up man. I have done nothing wrong, but when I drive my car down the street and suddenly I see a policeman I get scared. I am afraid that he would stop me and found out that I don't have citizenship. I am afraid that he would send me to prison or to centre for foreigners and deport me to Bosnia or that he will keep me the whole day at the police station. It does not matter that you are not guilty at all (a recorded interview, August 9, 2002).

In addition to the police also bureaucracy played a huge part in implementing the erasure. One can ask how it was possible that the administrative staff demanded a foreign passport with an official foreign address and an exam proving that someone speaks Slovenian language although they knew that the person was born in Slovenia and had no other homeland than Slovenia. How it was possible that so many ordinary people, bureaucrats, policemen, judges and so forth were involved in systematic severe violations of human rights? Why didn't they resist the implementation of erasure, which was obviously an outrage not only to legal norms but also to common sense? Or to ask with other words, how is it possible that in most known cases there was no ethical dilemma manifested?

Zygmunt Bauman suggested that moral inhibitions against criminal or unconstitutional activities tend to be eroded once three conditions are met, either singly or together: 1) the violation of human rights is authorised (by official order; in our case it came from the Ministry of Internal Affairs); 2) actions are routinized (by rule-governed practices and exact specification of bureaucratic object); and 3) the victims of unconstitutional activities are dehumanized (by ideological definitions). In our case this was racist ideological subtext, which was and still is very normalised and widespread.

Conclusion

The erased established their own non-governmental organisation and start fighting politically for their rights only 10 years after the erasure. Only in the 2002 they came out publicly and collectively, as victims of exclusionary governmental practices and bureaucratic oppression. This shows that the fundamental deprivation of human rights is manifested first and above all *in the deprivation of a place in the world which makes opinions significant and actions effective* (Arendt Š1948Ć 1979:296).

Another general criterion to evaluate on respect for human rights is human dignity. Human dignity is a constitutional right and a common value foundation for all fundamental rights, as well as a criterion for the respect for law (Pavčnik, 1997; Arendt Š1948Ć 1979). The argument of human dignity is frequently intertwined with the principle of the rule of law (equality before the law, trust in the law) and the welfare state (ensuring a life worthy of human beings) (Pavčnik, 1997). The accounts of erased persons frequently revealed brutal violations of human dignity that led to ultimate desperation and feelings of isolation. For example, Mr. V. B. whom I met in the Deportation Center in Ljubljana expressed feelings of hopelessness, saying that his life was no longer worthy of a man. I talked to him and his "roommate" in a corridor of the Deportation Center:

"For thirty years we, Bosnians, were building various facilities across Slovenia, and now look where we ended up," said Mr. V. B. and pointed towards a small room with three bunk beds. "Some wanted to expel us earlier, when the country became independent, others tried later. They have now laid down such rules that they have succeeded." "We wasted the best years of our lives in Slovenia," said his colleague. "I worked my whole life and now I don't have anything. Everything stopped when I arrived in here Šthe Deportation CenterĆ. Can you imagine what psychic pressure that is. All of a sudden everything crumbles around you." "It seems that they think this is more profitable than if they gave us citizenship or residence permit. As citizens, we would have the right to social aid, pension, they would be obliged to help us resolve housing problems" (a diary record from the Deportation Center, February 27, 2002).

On another occasion, when I wanted to help V. B. to deal with the distress caused by erasure, he replied:

You can't do anything; you can't help me. The only thing you can do is cry with me. I simply cry sometimes (a diary record, March 1, 2002).

In ten years of systematic violation of human rights, suffering and pain of constructed Other did not penetrate the public discourse. Erased were constructed as cultural Other exactly through humiliation and exclusion from all spheres of life, in many cases even from their family life. But their pain, which is the pain of the Other did not matter. The disturbing experiences were rather silenced in order to preserve the normalising premises of everyday life. I want to illustrate this silence, which can be defined as *cultural anaesthesia* with two quotations. It was before the erasure become the important public issue, that somebody told me:

It is not the violation of our rights that hurts the most, what is even more painful is the gap between proclaimed democracy, respect for human rights and state ruled by law on the one hand and the real conditions that were thrown upon us on the other. It is painful to realise that our problems are not mentioned in public at all, because they could ruin the perfect picture of Slovenia being a democratic state. It is this silence of what happened to us that hurts the most (a diary record, November 2002).

In his interview Mr. T. said:

I am ashamed in front of my neighbours. In their eyes I am young, healthy, but I don't want to work. Poor his wife, they think, he has to support him. I am explaining the whole problem for many years, again and again, I am repeating myself as a parrot, but still at the end everybody thinks it is my fault (a recorded interview, June 26, 2002).

The silenced pain of the erased as well as the gap between advocated values of equality and real life experiences can be defined as cultural anaesthesia, which is Allen Feldman gloss of Adorno's insight that in a post-holocaust and late capitalist modernity the quantitative and qualitative increase of objectification increases the social capacity to inflict pain upon the Other – and to render the Other's pain inadmissible to public discourse and culture. This formula implies that the ability to achieve the collective representation in public culture is unevenly distributed within systems of economic, ethnic, gender, sexual and cultural domination (Feldman, 1996:90). Although the erasure has become an important public issue and there was even a referendum to question the proposed law, which could partially compensate the damage, cultural anaesthesia still prevails in Slovenian public space.

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POLITIKA ISKLJUČIVANJA U STVARANJU SLOVENSKE DRŽAVE.

SLUČAJ IZBRISANIH

JELKA ZORN

Fakulteta za socialno delo
Topniška 31
1000 Ljubljana, Slovenija

Koncept nacije-države i (rezidencijalnog) državljanstva – građanstva je usko povezano s dokumentacijom,

tj. putovnicama i kontrolom kretanja osoba preko državnih granica. Dokumentiranje i distinkcija između (rezidencijalnih) državljana/građana i ne-državljana/ne-građana su esencijalni za konstrukciju jedinica poput državljanstva/građanstva, nacionalnosti i državnosti. Značenje nacionalne zajednice je kodificirano dokumentima, a ne samo "zamišljeno".

Nakon odvajanja Slovenija od bivše Jugoslavije većina stanovnika ne-slovenskog porijekla (iz drugih republika bivše Jugoslavije) dobilo je slovensko državljanstvo. Oni koji nisu dobili državljanstvo potajno su izbrisani iz Popisa stalnih stanovnika (tj. 18.305 izbrisanih osoba). Izbrisanim su otuđena sva prava koja proizlaze iz statusa stalnih rezidenata: ukinuta su im sva socijalna i ekonomska prava uključujući i pravo na život i boravak u Sloveniji, premda su u Sloveniji živjeli desetljećima sa svojim obiteljima; imali domove, socijalne mreže, zaposlenje itd. Članak prikazuje neke posljedice brisanja iz Popisa. Etnografska metoda je korištena kako bi se skupilo znanje i podaci o svakodnevnim iskustvima osoba koje su podvrgnute takvom obliku diskriminacije kao i potpunom isključivanju iz društva te koje su izgubile svaku državnu zaštitu. Polazišna točka istraživanja bila je perspektiva osoba podvrgnutih brisanju, njihova iskustva, sjećanja i interpretacije.

Rezultati analize intervjua pokazuju da postoji visoka korelacija između ljudskih prava i državljanstva/građanstva tj. građanskih prava.

Ključne riječi: BRISANJE STANOVNIŠTVA, DISKRIMINACIJA, ISKLJUČENJE, DRŽAVLJANSTVO, GRAĐANSTVO, LJUDSKA PRAVA, BIROKRACIJA, POLICIJA

1 A quotation of former vice president Janez Drnovšek (Žarkov, 1995).

2 A quotation of former vice president Janez Drnovšek (Močnik 1999:141).

3 Roma were disproportionately affected upon the dissolution of Yugoslav federation. As it is the case of other Roma communities in Central and Eastern Europe, Slovene Roma also face widespread prejudice and discrimination in employment, education, housing, health care services and court proceedings (they are more liable to prison sentences and longer penalties). Various monitoring mechanisms have ascertained that Roma are frequent victims of police violence and of deportations after being caught by the police without legal status (Dedić, 2002).

4 In 1991, when the Law on Aliens was in the parliamentary procedure, two parties (the ZSMS and ZKS) made an attempt to achieve the adoption of an amendment to Article 81 of this Act proposing that the citizens of other ex-Yugoslav republics who did not apply for Slovenian citizenship but had permanent residence in Slovenia or worked in Slovenia, would be issued permanent residence permits. Had this amendment been accepted, the erasure would not have taken place (Mekina, 2003). During the years that followed, it turned out that the obtaining of residence permits was an extremely complicated, time-consuming and for many very expensive procedure. Besides there was war in Croatia and Bosnia and Herzegovina going on, so it was often not possible to acquire personal documents from their municipal and state institutions.

5 For many years Helsinki Monitor Slovenia has been the only organization that provided legal help for the erased individuals and publicly advocated for their rights.

6 They might have been citizens of a sovereign state, but in Slovenia they were treated as if they were not, since their staying had been made illegal.