The pragmatics of legitimation

THE RHETORIC *of* REFUGEE POLICIES IN SLOVENIA

2nd Edition

MARJETA DOUPONA HORVAT
JEF VERSCHUEREN
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THE RHETORIC *of* REFUGEE POLICIES IN SLOVENIA

The Pragmatics of Legitimation

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FOREWORD TO THE 2nd EDITION

When in the beginning of 1992 the war broke out in Bosnia-Herzegovina, »the refugee tide [....] swamped our moral obligations as well as the capabilities of an economically exhausted Slovenia« (*Delo*, 28 April, 1992). Even renowned intellectuals of leftist political orientation cautioned that Bosnian refugees make us face »the choice between humanitarianism and accountability to our own country (so that we do not end up as a 'dumping-ground for the leftovers of ethnic cleansing')« (*Delo*, 30 March, 1993). The refugees from Bosnia-Herzegovina were reportedly 'causing more and more disturbances', they 'disrupted the habits of local population', 'increased tensions between nations', were 'potential criminal offenders', not to mention the fact that their health was 'already seriously undermined' so we could not rule out the 'outbreak of smaller-scale epidemics', and that their 'civilizational and cultural level and behavioral patterns were different'. Do you find this somewhat familiar? Looks as if it were taken from yesterday's newspaper, doesn't it? And yet all of these characterizations date from the time we were preparing the first edition of *The Rhetoric of Refugee Policies in Slovenia* eight years ago (first published in book form in 1998). But make no mistake, these labels referred to Bosnian refugees, and not to **illegal immigrants, illegals, immigrants, emigrants, asylum seekers, aliens**, or the peculiarly Slovene category **'prebežniki'** that 'exert pressure on our borders' today. This extraordinary strain on Slovenia's borders is accompanied by an interesting transformation and recasting of the historical account: Bosnian refugees, whom eight years ago the media and some state institutions described using the same disqualifying terms (see above) as they use for illegal immigrants in Slovenia today, suddenly turned into 'our people'. Of course they are 'ours' - after all, we used to share the same country (although eight years ago the 'argument' in use was quite the opposite: **even though** we lived in the same country, we are not obliged to accept them). But they became so much 'our' that the media virtually never use the term 'refugees' for the illegal immigrants in Slovenia today, regardless of the fact that the use of the term is in accordance with the UN Convention on refugees and the definitions in the Geneva Convention. Suddenly, only Bosnian refugees deserve to be called **'refugees',** that is, only those who **fled from** the war in Bosnia-Herzegovina[1]. Words carry weight so refugees can only be people who flee from something. And

1 The Slovene word for a refugee is 'begunec'. It is derived from the verb 'bežati' (to flee, to run away from danger, escape) and the noun 'beg' (flight, escape). In contrast to the English term, it does not place stress on 'seeking refuge'.

that 'something' must be palpable and unambiguous, which the war in Bosnia-Herzegovina certainly was for the Slovenes, if only because it was geographically so close. Refugees also enjoy some inalienable rights guaranteed by international laws and international conventions. This is another fact that the Slovenes learned through the long years of media debates on Bosnian refugees (even though when writing the Asylum Act Slovenia conveniently modified these conventions to suit its own needs).

In short, **refugee** is a term that is almost too loaded with meanings. Ergo, it cannot be attached to anyone, particularly not to the unknown, uninvited arrivals with 'vacant gazes' and 'unknown intentions' who sneak into the country on all fours covered in mud and dirt. Those cannot be other than **prebežniki**[2] – note how relentlessly precise is the authentic folk diction here – people who fled to Slovenia for unknown reasons and intend(ed) to continue their journey towards the most frequent destination, the West. **Prebežniki** thus became a label for the category of people who found themselves within the Slovene territory almost accidentally, by mistake one could say, and in doing so they violated Slovene laws because they crossed the border illegally. Slovenes obviously do not want to see that **prebežniki**, the same as **refugees**, **flee from** something and seek refuge. This is confirmed by the fact that out of several terms available, they chose the one that places stress primarily on chance, instability and shortness of their stay in Slovenia. A semantically very close term '**pri**bežniki' did not meet with wide acceptance precisely because it too explicitly implies that one has arrived at the destination and therefore intends to stay there[3].

Nevertheless, the term **'prebežniki'** retains at least minimal reference to the destiny and situation of these people who mostly flee from a politically or economically uncertain future in their home country. By contrast, **'illegals'** (ilegalci) classifies them as members of a criminal underground. **Illegals** are primarily people who have committed some illegal or unlawful act, that is, people who have violated laws in some way. And the term **'illegals'** in no way alludes to the fact that such a person seeks refuge fleeing from something. One who sees these people as **'illegals'** only sees them as violating laws and therefore eliciting corresponding treatment, which implies forceful methods and special means.

It is somewhat surprising that among the widely accepted

2 Prebežniki is derived from the verb 'prebežati' meaning to 'arrive in another place by fleeing'. In contrast to 'bežati', where the implication is 'run away from danger' (see note 1), 'prebežati' does not imply any specific cause for fleeing; moreover, it is commonly used in the sense 'defector'.

3 The essential difference between the two terms stems from the prefixes 'pre' and 'pri' when combined with verbs. While the former suggests chance, instability, shortness, the latter points to intention, permanence, duration.

terms used for the people who illegally cross the border is the term **'foreigners'** ('tujci' in Slovene)[4]. Of course they are **foreigners**, as much as anybody else is who crosses the border legally with a valid non-Slovene passport. Foreigners – a legal category – always existed and they always will do. And foreigners are both people possessing a valid passport and those without it. If such a general and until now neutral term suddenly starts to be applied to people who illegally cross Slovenia's borders, then it unambiguously indicates some basic uneasiness and ambivalent attitude of the Slovenes towards foreigners in general. As long as they arrive in Slovenia with valid passports in their pockets they are acceptable and we proudly talk of **traditional Slovene hospitality.** But as soon as they 'sneak' into Slovenia scrambling through some muddy ravine in an attempt to reach the West, this traditional hospitality shows its other face - **intolerance and resistance**. Another term for it is **xenophobia**. Of course, Slovenes try to avoid this term. As we have already pointed out in connection with the term **refugee**, words carry weight which is occasionally too heavy.

Words also have their own history and meanings independent of those we are willing to ascribe to them. Some time ago, the Republic of Slovenia, which is supposedly a social state governed by the rule of law, and a state that signed (all?) international conventions on the protection of human rights and refugees, established the Center for the Removal of Foreigners. For those whose blood has not boiled at the reading of these words, or who find such a choice of the name completely natural, let me explain a few things: usually one removes pests, dirt, rubbish and waste, then stains, fruit skins and stones, but also tumors and other useless 'parts' of the human body. In short, we remove things that are not only redundant or obstructing our way, but we also want to get rid of them beyond any doubt and once and for all. One could almost say that we want to eradicate them from the face of the earth. Societies that consider themselves civilized, or want to be seen as such, usually do not remove people. Somehow it appears bad taste, and it has also been highly unfashionable/unpopular at least since the end of the WWII – to name only two reasons in case nothing more essential or rational has come across your mind. No doubt many criminal organizations deal in removal of people, but governments, at least most of them, do not belong to this type of organization or at least they do not want to. The unwanted foreigners are usually 'deported', a (legal) term that has been

4 Although the term (illegal) aliens is often used in English in similar contexts, the Slovene 'tujci' is closer to the English 'foreigners'.

widely in use implying a forced departure from a country. After all, they could as well be returned or turned back, or something like that. However, removal suggests that the most likely places they could be found after such an act is dustbins, sewers, or even some free floating fumes.

Slovenia obviously does not remove unwanted foreigners in such an absolute and total way. And, of course, what we have here is just a minor awkwardness in choosing and using a specific term. But this is precisely what I would like to draw attention to: when state-appointed merchants-in-words begin to take pleasure in their business, when they begin to see verbal equilibristic and ventriloquism as something natural, not just their professional task but as something they are and something they are called upon to do ('and nobody else does it as well as they do'), or something they are qualified to do, the **meanings inherent to words** become dependent on their wish and their will exclusively. Anything else is awkwardness, misunderstandings, and insinuations. Yet if, despite all, we give in just another fraction and allow that 'removing foreigners' is only clumsiness or misunderstanding – doesn't the utterer's 'clumsy' choice of this particular word say more about what he/she had in mind and actually wanted to say, than if the words were carefully weighed? Doesn't this misunderstanding suggest other readings of the message?

Yet I am afraid that 'removal of foreigners' does not point to any clumsiness or misunderstanding but to an increasingly obvious global, indisputable and profound conviction that, after all, we are not all equal. Proof comes from a seemingly different sphere of activity: in the search for solutions of how to put to use fats, which are a by-product in the processing of waste parts of potentially 'mad' cows into bone meal, there was a downright serious proposal that it should be used to make soap for less developed countries. Make no mistakes, this proposal originated in Slovenia. Very innovative, one could say, given the fact that some EU countries quite open-heartedly suggested that BSE infected beef should be exported to countries struck by famine. This would probably produce some beneficial demographic effects too.

Therefore, we are still (and increasingly so) "we" vs. "others". Foreigners. And that is the reason why we decided to reprint this book.

Ljubljana, 10 September, 2001
IGOR Ž. ŽAGAR

ABSTRACT

This paper discusses an episode in Slovene public rhetoric, historically situated roughly as a one-year timespan from April 1992 to March 1993, and topically defined in terms of "refugee policies". The approach is a pragmatic text analysis in a tradition of empirical ideology research, paying special attention to implicit aspects of meaning construction, in interaction or in contrast with explicitly voiced perspectives and with rhetorical goals and constraints.

The general pattern of the rhetoric of refugee policies in Slovenia during the investigated period is quite intriguing. At first sight, a discrepancy emerges between a self-imposed standard of legitimation (in terms of democratic values and human rights) and obvious characteristics of policies to be legitimated. The question is: what are the ideological processes that manage to restore enough "coherence" for the rhetoric of legitimation to "work"? Various strategies can be observed.

First, a major role is played by the *self-categorization* of the new Republic of Slovenia as a state where adherence to democratic principles and human rights considerations is simply a matter of fact, an unquestionable inherent property.

Second, different principles of legitimation are played off against each other in such a way that a *hierarchy of values* emerges which makes it possible to overrule "pure" democratic and human rights principles in ways for which examples can be found in other states whose democratic quality is supposed to be beyond doubt.

Third, the refugee question is successfully defined as a "problem" (both in terms of numbers and in terms of a threat to the public order). In other words, *a crisis is constructed* in such a way that deviations from certain principles pass easily as exceptional measures which do not in themselves break a more fundamental, and supposedly stable, value system.

Fourth, *international authority* is invoked explicitly to legitimate policies (as in the case of the right to work). This strategy works even when references to international sources do not fit those sources. This can work because (I) hardly anyone has access to the original texts, (II) the legitimated policies have a wide basis of support, and (III) the international community does not benefit from being too strict with one of the "new democracies".

Fifth, the refugee population is subject to *other-categorization* as a group of people hardly worthy of the kind attention given to them by the generous people of Slovenia.

1 An earlier version of this paper was presented by Jef Verschueren at the conference on Political Linguistics, Antwerp, December 7-9 1995 (the paper will be published in the *Belgian Journal of Linguistics*), and again by Igor Ž. Žagar at the *Ethnological Summer School*, Piran, September 1996 (the paper will be published in the proceedings *MESS 1996*). The final, and much more extensive, version of this paper was presented by Igor Ž. Žagar at the conference *Analyse critique des discours identitaires: les enjeux du droit, les enjeux de la langue, les enjeux de l'histoire*, Ljubljana, November 6-8 1997. During the period covered by this analysis, Marjeta Doupona Horvat worked as a journalist. All the data for this paper were collected by her, and together with Igor Ž. Žagar she provided a first analysis. While writing, Marjeta was employed as a junior researcher at the Institutum Studiorum Humanitatis in Ljubljana, on a program financed by the Slovenian Ministry of Science and Technology. The Slovenian Ministry of Education and Sports provided the news clippings related to the education of refuguees. Jef Verschueren's contribution would not have been possible without an annual invitation from the Institutum Studiorum Humanitatis over the past several years, and a research program supported by the Belgian National Fund for Scientific Research (NFWO/FKFO) and a Belgian government grant (*Federale Diensten voor Wetenschappelijke, Technische en Culturele Aangelegenheden*, IUAP-II, contract number 27). Igor Ž. Žagar's contribution would not have been possible without a research program supported by the Slovenian Ministry of Science and Technology. Further thanks are due to Jan Blommaert, Chris Bulcaen, Gino Eelen, and Michael Meeuwis for comments on the earlier version.

1. INTRODUCTION

This paper discusses an episode in Slovene public rhetoric, historically situated roughly as a one-year timespan from April 1992 to March 1993, and topically defined in terms of "refugee policies". The approach is a pragmatic text analysis in a tradition of empirical ideology research, paying special attention to implicit aspects of meaning construction, in interaction or in contrast with explicitly voiced perspectives and with rhetorical goals and constraints. In particular, we will focus on the process of *legitimating* policies, an activity which seemed to assume extra importance in the context of ongoing nation- and identity-building under the watchful eye of external actors such as "Europe" and the rest of the international community. (For earlier examples of the approach, see Blommaert & Verschueren 1991, 1992a, 1992b, 1993, 1994; for methodological issues, see Verschueren 1995a, 1995b; for a further theoretical framing of legitimation as a discourse activity, see van Leeuwen 1996.)[1]

As to the *nature of the data* we are using: they are all publicly accessible pieces of discourse. Their *sources* are both predictable and easy to identify: politicians and other public figures, state institutions, and the media. But their exact *status* is harder to interpret. The difficulty arises from *a visible reluctance to deal with the refugee issue in public, in spite of an equally visible consensus on the problematic character of the presence of refugees*.

Though the media paid a lot of attention in 1992, this lasted only for a few months. Political parties remained relatively silent, apparently assuming that there was not much to be gained from dealing openly with this "problem". Documents from state institutions consisted predominantly of technical instructions for people working with refugees. In general, the leading statesmen did not speak out,[2] but left the public formulation and defense of policies in the hands of those institutions that were supposed to implement them. A forum for debate was obviously felt to be redundant, as appears from the speedy dismantlement, when a new parliament was formed after the elections of December 1992, of a parliamentary subcommittee called *Working Group for Refugees*; the president of this subcommittee (himself related to the Italian minority in Slovenia, and disliked by many because he was raising too many difficult questions) was sent to Spain as ambassador,

2 One of the few exceptions was Igor Bavčar, then Minister of Interior Affairs, who addressed the issue on TV in April 1992, saying that "We cannot allow that in relation to the refugee problem they [i.e. the international community] would treat us like a former Yugoslav republic." For an assessment of the importance of this kind of remark, see section 2.2.

and that was the end of the working group. A general parliamentary debate about a proposed new law concerning "temporary refugees" - intended to focus more on financial ramifications than on the content of the law itself - was announced in the autumn of 1993, but has not yet been held at the time of writing (in mid 1996).

Implementation was first in the hands of the *Ministry of Defense*, but then moved to a newly established *Office for Immigration and Refugees*. Other institutions dealing with refugees on a national level were the *Ministry of Education and Sports* and the *Ministry of Health*. A special role was accorded to the Slovene *Red Cross*. In a report on refugees issued by the Government of the Republic of Slovenia on May 13th 1992, we read:

> Every refugee receives an identification card issued by a competent office of the Slovene Red Cross, and he/she is entered into the central register of temporary refugees maintained by the Red Cross of Slovenia (The Government of the Republic of Slovenia, Information on Refugees in Slovenia, p.11).

Identification cards handed out by the Red Cross were the only ones accepted by the Slovene state. Though such cooperation between states and non-governmental organizations is not uncommon, the link that developed between the state and the Red Cross in this case was a particularly strong one. As a result, Red Cross officials did not refrain from making political statements that were hardly suitable for representatives of a humanitarian organization, as we shall see later (see example (2) below).

The actual data for this paper, representing the three types of sources mentioned above in various combinations, are the following:

(I) Transcribed recordings of a meeting of the short-lived *Working Group for Refugees*. These materials are very restricted since, in spite of several meetings of this parliamentary subcommittee having been held, only few of the minutes are available.

(II) Regular reports about refugees published by the *Office for Immigration and Refugees*, statements made by representatives of that Office, and some reports by the *Ministry of Education and Sports*.

(III) Transcribed speeches of the national *Red Cross* secretary.

(IV) A collection of news clippings about educational

problems, made by the *Ministry of Education and Sports*.

(v) News reports in Slovene newspapers (such as *Delo, Dnevnik, Slovenec, Večer, Primorske novice* and *Slovenske novice*) and periodicals (such as *Mladina*). The period we concentrated on for systematic screening was from April 17th 1992 to June 1st 1992. This was the most intensive period of reporting, the beginning of which was determined by the outbreak of war in Bosnia and Hercegovina after the first attack on Sarajevo on April 6th 1992, and the end of which was marked by the emergence of a wide consensus that the "critical" number of refugees had already been several times exceeded - which led to the closing of Slovene borders for Bosnian refugees two months later. The "problem" was largely blocked from public consciousness in the subsequent period.

When Croatia and Slovenia seceded from the former state of Yugoslavia in 1991, a war broke out which hardly touched Slovenia. An immediate consequence for Slovenia, however, was a considerable flow of refugees. First there were Croatian refugees (some from the Karlovac region, close to the Slovene border, and some from Krajina, but most from Vukovar and Osijek in eastern Croatia) in the summer of 1991. They stayed in Slovenia for a relatively short time. In the turmoil of those days, facing the task of organizing a new state, they formed a hardly noticed complicating factor. When Bosnian refugees started to arrive in April 1992, however, more public attention was focused on them initially. Moreover, though the present number is only half of what it was at some points in 1992, many of them have stayed in Slovenia because of the protracted war situation and the ensuing fragile peace; in mid 1996 there were still 11.780 Bosnian refugees in Slovenia. Let us now look at how this situation was reacted to, and in particular how the reaction was rhetorically legitimated.

2. THE STANDARD OF LEGITIMATION

2.1. DEMOCRACY AND HUMAN RIGHTS

During the period when the presence of refugees was relatively prominent in public awareness, not many Slovenes ever had any personal contacts with individual refugees. Yet, most people held the distinct belief, which was upheld by the media and the political establishment, that "we [Slovenes] take good care of them [Bosnian refugees]."

This self-image was completely in line with the mood of the times. Ever since the onset of the so-called "Slovene spring" in 1988-89, the movement that would result on June 25th 1991 in the realization of a "1000-year-old dream" of independence, there was a strong sense of being engaged in a quest for democracy, with full respect for fundamental human rights and the rule of law. That is why the Slovenian public, the media and politicians alike had openly disapproved of the violations of human rights in Kosovo, condemned the Italian authorities for their inhuman treatment of Albanian refugees in Bari in the summer of 1990, and sympathized with the Tiananmen victims. For many people, the very fact of gaining independence was equivalent to having achieved democracy and abiding by the internationally agreed rules of fundamental freedoms and human rights.

The international community underscored Slovenian self-perception in the process of recognizing the newly independent Republic of Slovenia. The first to do so were the breakaway states Croatia, Lithuania, and Estonia, followed on December 19th by Iceland, Sweden, and, most importantly, Germany. Since breaking up Yugoslavia was entirely along the lines of the same nationalist logic as uniting the two Germanies, it would have been hard for German leaders to defend the one without defending the other. The Vatican, apparently eager to regard any anti-communist state as a serious step forward for humanity, followed suit. The recognition process was virtually complete when other European Union countries, though more reluctantly, and the United States agreed at the beginning of 1992. Given the types of conditions imposed by EU countries, recognition fully implied acceptance of the democratic nature of the new state, and confidence in its adherence to human rights.

As a result, it was hard for people to imagine that the Slovenian treatment of refugees could have been anything but democratic and in full respect of their rights. Facile belief in such "facts" was matched by an explicit acceptance of these norms for evaluating rules, regulations, and the actual treatment of refugees. Probably it is in this light that the prominent role given to the Red Cross, even in matters that usually belong to the authority of the state, may be seen.

2.2. THE RESPONSIBILITIES OF AN INDEPENDENT EUROPEAN STATE

A second yardstick for evaluating the young state's performance vis-à-vis refugees immediately introduces ways of making the demands of democracy and human rights less absolute. In fact, a hierarchy of values is introduced in which the newly independent country's responsibility towards its own citizens (in terms of both security and prosperity) is valued more highly than its responsibility towards "others". This attitude, voiced elsewhere in Europe most clearly by the extreme right (as in the "our own people first" of the *Vlaams* Blok in Belgium), even surfaces in the discourse of Mirko Jelenič, general secretary of the Red Cross of Slovenia:

2 I think that we have already exceeded this limit and it is a high time somebody helped us. At any rate I think that it would not be a catastrophe if Slovenia closed its borders. We are a sovereign country and every government makes use of this measure to protect its own citizens. (*Slovenec*, 29 April, 1992).

Here the Red Cross assumes the role of fig leaf for the state. Whereas the expected hierarchy of values for a humanitarian organization could be expected to accord the highest ranking to its concern for people in need, Jelenič focuses on the right of a sovereign state to close its borders in view of its duty to "protect" its citizens. That such a measure would not be a "catastrophe" shows that the perspective of the Slovenian state is taken rather than the perspective of the refugees or of an organization designed to help them.

It is not surprising, then, that the same hierarchy of values is accepted by most of the media, as exemplified in (3).

3 The second wave of refugees from Bosnia-Herzegovina, however, raises serious questions. How far can we extend our humanitarianism and to what extent and in what way are we obliged to help our neighbors as an independent country [...]. One could fear that as soon as the Balkan wars are over we are going to face the Romanian or Albanian syndrome, a new tide of refugees, yet under no conditions would Slovenia be able to endure this. Therefore, we have to start thinking now what **the price of our independence is**. (*Slovenec*, April 29, 1992, emphasis ours).

Thus the requirements of "humanity" and "independence" are played off against each other, with the latter coming out on top. As in (2), where the need to "protect" citizens was left entirely indeterminate, there is no specification at all in (3) as to the type of risk refugees might mean for "independence", or indeed of the "price" that is at issue.

Leading politicians and intellectuals join the same theme. During a seminar held in Trieste in March 1993, Dr. Lev Kreft, a member of parliament for the Party for Democratic Reconstruction (now United List of Social Democrats) and a philosophy professor at the University of Ljubljana, is said to have done so in no uncertain terms:

4 We are faced with the choice between **humanitarianism and responsibility** to our own country (so that we will not end up as the 'dumping ground for the leftovers of ethnic cleansing'), deliberated Dr. Lev Kreft, the vice-president of the National Assembly, and called attention to the dilemma we are faced with: shall we be the first country to become safely snug within the fortified walls of the developed Europe, or an unstable military frontier and a sanitary cordon just outside the fortified walls of Europe (*Delo*, 30 March, 1993, emphasis ours).

The purity of a hierarchic ranking is left in this phrasing in favor of a choice between two incompatible alternatives: humanitarianism and responsibility. Moreover, the choice is not one between two equals. The frivolous connotations of *človekoljubje* (humanitarianism), which does not only mean 'humanitarianism' or "humaneness", but also "human kindness" and "philanthropy", which locates it in the realm of kind but luxurious gestures, contrast sharply with the straightforward *odgovornost* (responsibility). In the process, a new value system emerges in which the motivating force becomes an unmistakable economic one: finding a link, as soon as possible, with the European Union, is a question of responsibility, no matter what the human costs may be.

2.3. OBJECTIVE POSSIBILITIES

Whereas responsibility towards the citizens of the new state (2.2.) was invoked to overrule demands associated with democracy and human rights (2.1.), implying an evaluative ranking between these two types of considerations, a third explicit standard of legitimation consists in supposedly objective, value-free, limitations on the extent to which it is possible to help.

This criterion was not only referred to in statements by politicians, but also Red Cross representatives claimed that "we have come to the point where we can't help anymore," and its general acceptance was signalled by the matter-of-fact way in which it was echoed in the media, as in (5):

5 [...] refugee **tide** that has already **swamped** our **moral obligations** and capabilities of economically exhausted Slovenia calls for new measures despite the infinite readiness [of Slovenia] to do everything within its capacities (*Delo*, 28 April, 1992, emphasis ours).

The metaphor established by the word choices *val* (tide) and *preplaviti* (swamp), combined with the past tense (*je preplavil / swamped*) and further accentuated by means of temporal adverb *že*, creates the image of an uncontrolled natural force which has run its course but which should be prevented from doing similar damage in the future, which is why "new measures" are needed. "Moral obligations" having been fulfilled and all "capabilities" having been spent, there is nothing more that an "economically exhausted" Slovenia can do. This is presented as an objective fact which has nothing to do with "readiness" to help.

Needless to say that behind that "objectivity", there is a world of infinite vagueness, making it possible to use this criterion at will to lend substance to "responsibility", the evaluative superior to principles of democracy and human rights.

3. THE GROUNDWORK FOR LEGITIMATION: CONSTRUCTING THE REFUGEE PROBLEM

3.1. THE REFUGEE WAVE: A QUESTION OF NUMBERS

The *begunski val* (refugee tide) metaphor, as in (5), incorporates one of the most salient aspects in the construction of the refugee problem, the sheer numbers which could be adduced to support the objectivity of the limitations on what Slovenia could do. An imminent collapse of the Slovenian state was presented as a genuine risk. This picture was developed by politicians and journalists alike. But the question of numbers was not as simple as it seemed.

Soon after the first massive arrival of refugees, the authorities began to claim that the maximum number of refugees that Slovenia could accept was being approached. The exact quota was of course a matter of political decision-making and rhetoric, since real arguments were never put forward. One common would-be argument was that all the so-called "collection centers", a euphemism for refugee camps, were full. In reality, the question was not whether the centers were full, but whether enough centers were being provided. When, for instance, the number that was supposed to be the maximum bearable number of refugees for Slovenia had been exceeded three times, the *Ministry of Defense* announced that new centers would be opened. Moreover, all the centers (with the exception of one in Kamnik, where trailers were used) were opened in buildings that had been constructed long before the arrival of refugees: military barracks, unused school buildings, lodgings for seasonal workers, and the like.

In June 1992, the government distributed a *Report on the Situation Regarding the Refugee Problem in the Republic of Slovenia* (in English) where we read:

5A The number of refugees already greatly exceeds the **limit** of persons that the Republic of Slovenia is **able** to absorb while still maintaining organisational and spatial control. This limit is 10,000 **persons**. For Slovenia the problem is tremendous, refugees already represent 3% of the total population, which would be comparable, in the case of Germany, to 2 million refugees.

An additional wave of refugees would severely threaten the standard of living in Slovenia, as well as the ability to ensure the security of the state. Already, there is a 13% unemployment rate. Two average

salaries are insufficient to cover the minimum cost of living of a four member family. (pp. 2-3)

In this quotation, the absoluteness with which the "limit" of "10,000 persons" is phrased in terms of the "ability" of Slovenia to absorb them contrasts sharply with the argumentative weakness - a sure sign that the figure is purely random. In what sense would the Republic of Slovenia lose "organisational and spatial control" if more than 10,000 refugees would have to be absorbed? If the number of refugees already represented "3% of the total population" (i.e. roughly 60,000, a figure which is also given in the same document), how come that the Republic of Slovenia had not yet lost its "control"? Though there is no doubt that a "standard of living" may be affected by the presence of large groups of people who need state support, the document also specifies that of the 60,000 refugees, only about 15,000 stay in the "collection centers", the others being in the care of relatives and friends. The dramatic nature of the situation is poorly illustrated with the "13% unemployment rate", which was fairly standard in much of Europe and far below the rate, for example, in the former East Germany. Finally, if "two average salaries are insufficient to cover the minimum cost of living of a four member family", they could be expected to get state support as well, if the argument is supposed to be relevant, which of course they did not.

Though the source text for (5A) was in English, it may have been meant primarily, directly of indirectly, for domestic consumption, soliciting support for restrictive measures to be taken concerning refugees, without violating open adherence to humanitarian principles. After all, communication with the outside world cannot have been all that successful, because at a certain moment foreign humanitarian aid for refugees in Slovenia included medicine for malaria.

With very few exceptions, the media simply appropriated the state's point of view, as is clear from (6):

6 We can accept 15,000 refugees at the most and the government has been calling attention to this problem for some time now. The number of refugees is already almost as much again. (*Slovenec*, 30 April, 1992)

Note that the specification of the limit is not embedded under the government's "calling attention to", but it is

foregrounded as an independently established "fact". What seems to be at work here, among journalists, is a strong process of identification with the nation and the national interest under circumstances that are perceived as a "threat" from the outside. Therefore, questions such as 'Are there too many refugees in Slovenia?' or 'Are we supposed to close the borders?' were treated very seriously by the Slovene press. A positive answer to such questions represented some kind of silent consent between politicians (who spoke about this at every press conference), the media, and the public at large.

There seemed to be more agreement, though, on arbitrarily posited quota - in spite of some variability and change on that issue as well - than on the actual number of refugees, which was visibly subject to inflation and manipulation. Thus Dr. Ludvik Toplak, a member of parliament for the People's Party (the former Peasant Party), today the Chancellor of the University of Maribor, said:

7 [....] how many more refugees can Slovenia accept, knowing that it has already been said in the past that their number may not exceed 2% of the Slovene population. At the moment, there are already more than 70,000 refugees, while **unofficial** estimates are **even higher** (transcript from a speech in parliament).

The adverb neuradno, introduces a distinction between the official figures (about which it is already unclear what they are exactly based on, since they show a lot of variability, especially when we compare figures for internal use and those for international consumption) and unofficial data. That the latter ought to be taken seriously is strongly suggested by the use of the connective pa, generaly translatable with "and" but involving a "reversal of argumentative expectations" (see Žagar 1995).[3] This practice, of course, opens the way to endless speculation and manipulation. As a result, the number of refugees was sometimes hopelessly exaggerated and dramatized, as in the words of Mirko Jelinič, secretary general of the Slovene Red Cross, spoken nearly a year later at an international conference in Trieste in March 1993, at a time when according to the official data of the *Office for Immigration and Refugees* there were at most 50,000 refugees in Slovenia:

8 At the time of the war in Croatia and **now**, during the war in Bosnia-Herzegovina, **there were** 170,000 refugees in Slovenia. This is 8% of its population (from a transcribed speech).

3 *Pa* could be replaced with the unmarked *in*, but the effect would be a weakened contrast. The reason why *pa* is said to function as a reversal of argumentative expectations is as follows: the phrase "now there are 70,000 already," in the given argumentative context, suggests that this is such an incredible number that more cannot be imagined; *pa*, then, reverses this expectation by introducing "even more" and focusing on the introduced contrast.

The manipulativeness of this quotation hinges on ambiguous time deixis. It is not at all clear whether the figure 170,000 is intended to be interpreted cumulatively (the only interpretation that could begin to approach the reality of the "refugee waves", though even then there are no data available to substantiate the numerical claim) or whether there is an attempt to favor the (linguistically possible) reference to the moment of speaking. This ambiguity is established by the combination of the past tense (*je bilo / were*)[4] with explicit reference to the time of speaking by means of the abverb *sedaj* (now). The statement is cunningly protected against criticism by avoiding the present tense, and by inserting sedaj after the connective *in*, which may be interpreted as suggesting consecutiveness. An interpretation involving simultaneity, however, is virtually forced upon the listener when the percentage, 8%, is given: 170,000 indeed represents roughly 8% of Slovenia's two million inhabitants. Giving such a percentage would break rules of relevance unless simultaneity can be assumed.

3.2. THREATS TO THE PUBLIC ORDER

The refugees, flooding the country in such huge and uncontrollable numbers, undergo a process of *abnormalization and criminalization*. Both are accomplished in (9):

9 As a matter of fact, these refugees **cause more and more disorder**, **disturb the habits** of the town and certain educational and sports establishments – in short, they cause the **increasing tension between nations** in Jesenice, which, given the number of inhabitants from former Yugoslav republics, could grow in scope. It is true that the fears of inhabitants lack an entirely rational explanation, as the refugee center never housed any other refugees. However, it is also true that in Jesenice the **number of conflicts related to nationality issues is increasing**, while **bomb threats** have already been turning into reality. Last week unknown individuals destroyed Čedo bar and a nearby shop; **violence** in the town is on the increase and it is high time minister Bavčar and the Office for Refugees began considering how to establish control over **those refugees** hosted by [local] families. Before it is too late. (*Večer*, 4 November, 1992).

Thus the refugees, being different and behaving differently, are guilty of "causing more and more disorder", "disturbing the habits in the town", and ultimately "causing national tensions". The mode of thinking is clearly a

4 The Slovene language forms its past tense by combining a present tense form of the verb *biti*, "to be", (*je* being the third person singular) with a so-called descriptive participle (in this case *bilo*, which is again a form of *biti*).

homogeneistic one: the mere presence of foreigners is abnormal and hence by definition problematic. The step from abnormalization to criminalization is taken by means of the simple pattern of anaphoric reference (see the underscored segments) which establish referential identification between the "refugees" and the "unknown individuals" who destroyed a bar and a store and, by extension, between the refugees and the even less known human agents behind the "threatening with bombs".

Thus mere speculation is elevated to the level of facts. And so is mere potentiality, as in (10):

10 [...] the refugees who could **be potential criminal offenders** [...] will influence the distrust of foreigners about **safety** (*Dnevnik*, 29 April, 1992).

This description does not refer to reported past acts, but only to the potentiality of criminal behavior on the part of refugees. This case of *tautologous highlighting* (every human being is the potential perpetrator of criminal acts), underscored by means of *lahko* (could be), evades the tautology and performs the highlighting so successfully that the "distrust of foreigners" is fully and satisfactorily explained.

3.3. IN A NUTSHELL

Numerous reports could be used to illustrate the resulting picture in a concise manner. One example, with the appropriately dramatic title *Rubikon begunskega vprašanja* / The Rubicon of the Refugee Issue (*Delo*, 29.4.1992), will suffice. The article starts off, as in (11), with an appeal to the higher duties of the newly independent state (see 2.2.), fending off possible criticism that might be based on the need to respect human rights (see 2.1.) and stressing its equality with the other states of Europe. The argument is clear: Slovenia is not obliged to show more solidarity with Bosnian refugees than any other country, since it is no longer part of a common political entity. The question whether the secession itself may have been indicative of already diminished feelings of solidarity, is thus nicely evaded.

11 Obviously neither Europe nor Slovenia is sufficiently aware of the fact that we are now an independent and internationally recognized country and that we should behave accordingly. Why should we treat refugees from Bosnia-Herzegovina differently from other European countries? Perhaps because we used to live in the same country once, or because the neighboring Croatia is of such an opinion?

The author, who usually takes care of *Delo*'s crime reports, then presents a picture in which he combines a description of the refugees (some being deserters, most belonging to the lower classes, and some taking such bad care of themselves that they pose a health risk) with a presentation of their escape as unnecessary (running away because of rumors) and utterly useless (ending up in tents of which there is an ample supply where they come from). His conclusion, left mostly implicit, hardly comes as a surprise:

12 Apart from this, the border officials also turn back conscripts who try to sneak into our country in order to avoid being recruited to defend their own country.

It is not quite so easy to care for approximately 25,000 refugees from Bosnia-Herzegovina and Croatia, as people who come here are from the **lower social strata**. We would not like to underestimate them, but we should be aware of the fact that the **health** of some of them is already **seriously undermined**, so that even a **smaller-scale epidemic** cannot be ruled out. The only possible solution for [the accommodation of] new refugees are **tents**. **And indeed in the places from where they came there is no lack of tents either. It is surprising that people should flee from a village because they heard that someone was killed in a nearby village.** It seems that none of them is aware that a strong propaganda apparatus works to the advantage of Serb extremists who are not so well organized as to settle their own population in the territories that were deserted.

Although such reasoning may appear cruel, our country must be aware what its own realistic potential is and resolve the refugee problems within its capacities (emphasis ours).

4. LEGITIMATING SOLUTIONS TO THE "PROBLEM"

4.1. CLOSING THE BORDERS

One obvious measure taken by the Slovenian government, as early as August 1992, was to close the borders to refugees. In defense of this policy, an objective standard of what is possible, detached from political willingness, is eloquently invoked, as in (13) and (14).

13 The burden imposed upon a young country by a great number of temporary refugees has long since exceeded its **objective capacities**, so since 10 August 1992 we have not been giving the status of temporary refugee despite the fact that a certain number of people from the endangered zones still occasionally flee to Slovenia (Office for Immigration and Refugees, a speech delivered at the seminar about solving refugee problems in Slovenia, 15 March, 1993, p.2)

14 All possibilities in the Republic of Slovenia for accommodating and caring for temporary refugees are exhausted, so Slovenia cannot accept any more in the future. (*Office of Immigration and Refugees*, May 1993, Information on the needs for humanitarian aid for temporary refugees in the refugee centers and for those staying with their host families, p.7)

Strangely enough, (14) is the conclusion of a text in English, distributed a long time after the borders had already been closed, but detailing the material and financial support Slovenia would like to receive from the international community to cope with its "refugee problem".

Predictably, to maintain the self-image based on concepts of democracy and human rights (see 2.1.), an attempt is made to show that closing the borders is really the best solution for the refugees themselves, as there is no way in which Slovenia can take care of more:

15 This could really disturb **provision** for refugees, cause an **unfavorable political atmosphere**, and an additional strain on the already insufficient capacities of the country, and among the results would be **decline in the standards observed in providing material conditions for accommodation, food, health protection and education of refugees**.

Needless to say that this formulation allows for total vagueness in every crucial notion: *preskrba*, *neugodno politično*

razpoloženje (provision, unfavorable political atmosphere), and the entire string following *zmanjšanje standarda* (decline in the standards). Questions, for instance, as to who or what shapes the political frame of mind, remain unasked while a clear answer is suggested: the arrival of more refugees.

4.2. OUT OF SIGHT OUT OF MIND

Not only the *number* of refugees is presented as an aspect to be "managed", but so is their *visibility* and the attention they attract. Thus a representative from one of the refugee centers said:

16 [...] A special difficulty for us is the location of centers – the one in the rooming house is right next to the street and control is hence more difficult, the other is in the military barracks next to the post office center and it already presents more and more disturbance for people living nearby. In addition, we in Maribor are exposed to Muslim organizations, like nobody in Slovenia it seems, as they would like to set up some sort of Muslim center here as a link between the centers in Zagreb and in Vienna (*Plus*, April 1992).

Similarly, when one of the centers was about to be closed in the winter of 1993, the Office for Immigration and Refugees explained the reasons for this imminent removal of the refugees as follows:

17 The center is located inappropriately close to the border crossing Predor Karavanke (Karavanke Tunnel); the only possible solution would be electrical heating, which is too expensive. Jesenice and its surroundings are already heavily burdened by refugees who found accommodation with families, while the barracks in which refugees currently live were at any rate designated to be pulled down before they moved in. (*Večer*, 4 November, 1992).

Though the list of reasons is long, it is quite remarkable that closeness to the border would figure among them. Why could the proximity of a border crossing (just like the proximity of a road and a post office in (16)) be so disturbing? Because the refugees could run away? Clearly the authorities, if not the inhabitants of the area, would be overjoyed if that happened. The problem really seemed to be visibility: the refugees were not meant to be seen. The center in question, located at Hrušica in the Jesenice area, was indeed set up near the international road from Villach

(in Austria) to Ljubljana, close to the entrance of the tunnel under the Karavanke Alps. When questioned about this matter in an interview for *Mladina* weekly, the director of the Office for Immigration and Refugees, whose idea the closing of the center had been, declared:

18 The town of Jesenice pointed to the problem. The hints that conditions were inappropriate also came from other sources. The barracks were designated to be pulled down. On the other hand, it is true – the tunnel is near [Karavanke Tunnel, border crossing]. In a way that is our main gateway to the West and I really do not think it quite **appropriate** [...] (*Mladina*, 17 November, 1992).

Thus the scope of the criterion of "appropriateness" or "suitability" gets narrowed down to the center's location near Slovenia's gateway to the West. Further questioning then leads to a re-perspectivization of the problem involved in the refugees' visibility:

19 Q: Do you think that refugees should be kept away from the eyes of others?
A: No, not like that. Yet I don't like it that some go to the 'collect centers' as if to a zoo, for sightseeing. That is the reason why I ordered that no one is to be admitted to the collect center unless we issue a pass. (*Mladina*, 17 November, 1992).

Thus, again the measures are presented as aimed at the benefits of the refugees.

4.3. THE RIGHT TO WORK

A popular complaint about the refugees was that instead of working they just "took" the money, thus using up the already sparse resources of the Slovene state. In this way, they were blamed for what was in reality controlled by the majority: refugees from Bosnia and Hercegovina were denied the right to work in Slovenia, the only exception being refugees working as teachers and nurses in the refugee centers themselves. In a speech delivered at an international gathering on refugee problems held in Trieste in March 1993, the director of the Office for Immigration and Refugees said:

20 The stay of temporary refugees in Slovenia is being prolonged, so the need to engage them in work during their **spare time** is increasing. It is well known **that according to the international conventions**

the temporary refugees are not allowed to work, so the employment option is not available in Slovenia either. They can work within the collect centers, but not outside them. The organization of work and life within the collect centers run by the Office for Immigration and Refugees is such that we try to engage temporary refugees as much as possible in the sense that they take responsibility for themselves and others and alleviate psycho-social tensions. (*Office for Immigration and Refugees*, a speech delivered at the seminar about solving refugee issues in Slovenia, May 1993, pp. 7-8).

It is hard to escape the, probably quite unintentional, cynicism of *prosti čas* (spare time) in relation to people whose only real commodity is time. What is more disturbing in this declaration is the claim that 'according to international conventions temporary refugees are not allowed to work', a claim which is nicely embedded under the presupposition-carrying *znano je* (it is well known), one of the most dependable deterrents of disagreement. Presenting the fact as well-known turns out to have been quite necessary since there are no conventions of the sort referred to at all.

For one thing, the notion of *začasni begunci* (temporary refugees) is handled here as if it were a clearly defined label figuring in international legislation. As a matter of fact it is quite marginal and not the object of legislation at all - let alone that there would be laws that would forbid members of the category to work. Clearly, refugees from the war in ex-Yugoslavia cannot automatically benefit from the UN Convention Related to the Status of Refugees (28 July 1951) and the corresponding Protocol Relating to the Status of Refugees (31 January 1967). The label "convention refugee" applies to all persons who are recognized as refugees by a state because, in keeping with the Convention and the Protocol, they can demonstrate well-founded fear of prosecution on the basis of race, religion, nationality, political ideas, or membership to a particular social group. Someone can also be recognized as a refugee, largely on the basis of the same principles, directly by the UN High Commissioner for Refugees, even when residing in a state that is not party to the Convention or Protocol and even if recognition as a convention refugee has been refused; they then become "mandate refugees", enjoying the protection of the UNHCR but not necessarily all the rights stipulated by the Convention; their status is then "humanitarian" (or Status- B). But any state is free to accord either convention status or humanitarian status to a wider group of people than those

defined by the Convention. In particular, this may happen with whole groups of people who flee their country because of generalized violence, foreign aggression, internal conflicts, massive violations of human rights, or any other circumstances that seriously disturb public order. Such expansion of the concept of "refugee" was collectively decided for regional purposes, e.g. for Africa in the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (10 September 1969); this is also part of the so-called Cartagena declaration and has been accepted by the Organization of American States. Nothing of this kind happened for Europe. But in April 1981, a Special Expert Group of the Executive Committee of the UNHCR discussed the problem of mass escape and used the term "temporary refugee" in its report, designating people enjoying the protection of a state while a more permanent solution is being sought for them.

It is on the basis of this report that Slovenia decided to introduce the label "temporary refugee" as well, but in the process they converted it into a seemingly settled category with clear legal implications. International authority was thus invoked, rather perversely, to demonstrate adherence to international human rights agreements (of a kind that did not exist) while legitimating idiosyncratic policies which cannot be said to have violated the letter of existing agreements but at least their spirit.

Later, when a new director took over the Office for Immigration and Refugees in 1994, the legitimation process was reversed by focusing on the lack of a legally binding status for the refugees:

21 The document that refugees now possess is not a legal document because it is not based on legal acts [...] Refugees are only registered, **but they have no status**. They acquired a de facto status only by crossing the state border. The card gives them access to certain benefits, for example health insurance (a transcript of an interview with the new director, April 1994).

The fact that the refugees "do not have a status" is linked, of course, to their being "temporary" as well as to their own unwillingness to really have a status within Slovenian society. This, combined with references to unemployment and a "Slovenes first" principle, completes the argumentation for denying them jobs. Thus a representative of the Office for Immigration and Refugees said:

22 We must know that refugees have come for a limited period of time. If nobody seems to be interested in integration it makes no sense to think about giving them jobs. **In principle we could find jobs for all of them.** But you already know about unemployment in Slovenia. It must never happen that refugees would get jobs instead of our unemployed people.

4.4. FREEDOM OF MOVEMENT

Though the Universal Declaration of Human Rights says quite explicitly that "Everyone has the right to freedom of movement and residence within the borders of each state" (Article 13), the Slovenian authorities had no problems with measures to limit the movement of refugees. The attempt to avoid placing centers too close to the road (see 4.2.) was already one of them. Similarly, a delicate rhetorical balance was sought to uphold the principle of freedom of movement while justifying serious restrictions on that freedom. As in (18), standards of "appropriateness" enter the argumentation:

23 We recommended to the management of the collect centers **that they adjust the refugees' leave to the local conditions**. At Bloke, for example, there are more refugees than local people, so *it would not be appropriate* if all the refugees living there suddenly appeared in the village (*Večer*, 31 July, 1993).

The method of "adjustment to (or harmonization with) the local conditions" consisted in requiring exit permits which were not simply handed out on demand, but on the basis of an assessment of what was "appropriate" to the "local conditions". The permits themselves receive an interesting justification, as in (24).

24 Nobody prevents them from going out beyond the walls surrounding the barracks. They can go out but they need a permit. Prison? "No" answers the center manager Ervin Vidovič. They can go out whenever they want to. The formality involving the permit only means that they have a document on them. They are foreigners without documents. And if somebody wants to check their identity, the permit is the only document showing where they come from. (*Večer*, 29 May, 1993).

This raises the question why the refugees could not simply hold on to their Red Cross registration cards (which were safely guarded by the center's management) as proof of

identification. As in (24), freedom is repeatedly stressed, and the restrictions are downplayed as much as possible. Another example, demonstrating again the interplay between policies and an assessment of local conditions, is (25).

25 Since the inhabitants of Veržej have no difficulties with refugees and do not complain about them, the management of the center does not overly restrict their movements. It is true that anybody who wants to go to the village must check with the guard on duty, but they are always allowed to leave. The refugees may also travel to Ljutomer, but they must obtain a permit to go there (*Delo*, 15 December, 1993).

Limiting freedom of movement was very much part of a generally accepted policy. Already before independence, and hence before refugees really became a "problem", it found its way into the Slovenian law on foreigners, article 22 of which goes as follows:

26 The Executive Council of the National Assembly of Slovenia may issue a decree to restrict or prohibit movement of refugees in a specific area, or it may prohibit permanent or temporary stay in certain places for reasons related to public order.

Thus the Slovenian state granted itself the right to limit freedom of movement for foreigners by decree. But in the absence of such a decree (none was even proposed at the time of the events reported here) any measures taken by the local managers of individual refugee centers could be seen as outside the law. Therefore, the Slovenian Council for the Protection of Human Rights and Fundamental Freedoms sent a letter to the Prime Minister in the Summer of 1992, asking him to investigate observed practices and to make sure that the human rights of the refugees would not be violated. A year later, the Council still had not received an answer from the cabinet of the Prime Minister. When questioned about this, the Prime Minister answered: *'Haven't we [responded yet]? I'll try to get some information about that'*. Yet nothing changed. Though equality before the law and the right not to be discriminated is part of the Slovenian constitution, the right to freedom of movement remained a matter of personal decision-making, on the basis of an assessment of "local conditions", in the hands of individual camp managers. By way of illustration, one day at a refugee center in Ljubljana the following rules were announced:

27 1. Room seniors have to make a list of those people who would like to go out the following day and bring that list to the office of the Red Cross every day by noon.
2. The following day room seniors get permits for those refugees who were on the list the day before.
3. Exit permits are only and exclusively distributed in that manner except, in case of emergency, by written permission from a doctor.[5]

Since restrictions on the freedom of movement for refugees seemed so very normal, that whatever "freedom" was allowed could be presented as an act of good will. Consider (28).

28 Of course they all want to get out of the refugee center which is extremely stifling. In the meanwhile they already made necessary arrangements to be able to go to the town **for two hours a week, but in a group of ten at the most**. Naturally they are issued a permit for each such leave (*Delo*, 10 February, 1993).

A true sign of openness indeed.

4.5. EDUCATIONAL SEGREGATION

As to refugee children, educational segregation was the original response. About one of the secondary schools in Postojna we learn that Bosnian children were not allowed into the regular classes for the following reasons:

29 [...] The classrooms are either full or the inclusion **of such a number** of refugee students would **alter the structure of the class too radically**. Therefore they organized a department for refugee students only and the lessons will start on Wednesday (*Primorske novice*, 22 October, 1993).

Harking back to section 3.1., the emphasis on numbers is striking in this quotation: *tolikšnega števila* (such a number), where *število* (a number) reinforces the quantitative angle which would already have been clear from *tolikšen* (such); and again *preveč* (too). Thus the suggested changes in "the structure of the student population", which are not further explained at all, can be assumed to be purely numerical. Since that is seen as sufficient grounds for segregation, there is little doubt that the societal model warranting the measures is a homogeneistic one operating with an implicit threshold of tolerance.

5 The original text was written in a somewhat strange mixture of Slovene and Bosnian Serbo-Croatian.

Policies of separate treatment did not end at the point where separate classes were organized. For one thing, proposals were made not to apply the same criteria to Bosnian children as those that counted for Slovenes. Consider (30).

30 International declarations (The World Declaration on Education for All and the second document of UNESCO) bind Slovenia to secure conditions for the realization of the basic educational needs. However, our country has no necessary means to realize this, so the ministry will submit a proposal to the government to adopt a resolution on the abbreviated educational program only if the financial means are provided from abroad. (*Večer*, 21 August, 1992).

In other words, even a different (shorter, and therefore cheaper) education program is made conditional on financial help from abroad. Both aspects clearly violate Article 22 of the 1951 Convention Relating to the Status of Refugees, which says:

31 1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.
2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education, and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

Following guidelines of the UN High Commissioner for Refugees, recourse to bad economic conditions to justify deviations from the rule is acceptable only for developing countries - a category which Slovenia, in its eagerness to be accepted by the European Union, did not want to be associated with. But by not recognizing the refugee status of the Bosnian refugees (see 4.3.), it was of course possible to get around this rule. Furthermore, a UNESCO recommendation that refugee children should be given classes in their mother tongue during the first year of their living in a foreign-language society was taken quite literally and it was the intention to carry this far beyond the first year.

Another, rather radical, separation measure was the construction of new school buildings, especially inside the refugee centers, as in Črnomelj:

32 Soon in the spring 157 children aged 6 to 14 will start to attend elementary school classes in a completely new building within the premises of the collect center (*Republika*, 10 February, 1993).

Note that all of a sudden, the costs involved in constructing new school buildings do not seem to be an impediment. Yet costs, as in (30) when justifying shortened programs, will re-emerge in the practical legitimation of the facts underlying (32); see (34).

A first practical reason cited for the building program has to do with safety. In particular, contact with Bosnian children is seen as a health risk. Consider the following extracts from a letter written to the Ministry of Education and Sports by parents from a school where Bosnian children had classes (in the afternoons) as well as Slovene children (in the mornings).

33 [...] The children [refugee children] might have had a medical check, but it is known that the check was not in accordance with Slovene standards and with the check undergone by our children. As long as we do not have the results of the check confirming that their health is 'o.k.', the same as the health of their teachers, we do not intend to start any serious discussion about these possibilities. We know what the health of refugees unfortunately is.
[...] The quality of the facilities and teaching aids in our school is not as good as of those in other schools in the area. Is this the reason why you want to cram refugees into our buildings? Because it won't mean any harm for our school? Therefore, you are aware that their level of civilization and culture and behavioral patterns are different. We do not allow our children to be under the same roof as refugee children if they can be separated like in other places. (*Dnevnik*, 4 November, 1992)

Note the contrast between the highly specific "b.p.", an abbreviation of *brez posebnosti*, i.e. "without problems" in medical jargon, and the completely underspecified reference to "civilization", "cultural level" and "patterns of behavior". However sincere the worries about health problems may be, it is hard to escape the conclusion that these parents simply do not want the children to be together at all (not even in the same building at different times) and that they would find good reasons easily in the more general domains quoted if *b.p.*-certificates could be provided.

A second practical reason for separation involves distance and the need for (and by extension: cost of) transportation:

34 They have decided to provide education within the center because both Črnomelj schools are a distance from the center so they would have to organize additional transport for refugees. (*Dnevnik*, 26 November, 1992).

As a matter of fact, Črnomelj is really a small town with only a few thousand people where walking from the refugee center to either of the two schools would not really have been a problem. A significant number of pupils had to walk the same distance to school anyway: refugee children living with relatives in the town could not attend the local schools either and had to walk to the center.

It is clear, therefore, that the main policy goal was separation for its own sake. This goal is completely embedded in a wider rhetoric defining the refugees as really "temporary" in the sense that they were expected to leave as soon as possible. In that light, again the measures that were taken were successfully presented as in the best interest of the refugees themselves. As late as 1994, official Ministry of Education and Sports sources still explain the policy as follows:

35 We have opted for the implementation of a parallel educational program which is not included in the school system of the Republic of Slovenia. Thus the children are not integrated into our compulsory school program, for such integration would signify the first step towards the assimilation of these children, and neither Slovenia nor the Bosnian government is interested in doing so. With the fact that lessons for the children proceed in their mother tongue, the national and cultural identity of these children is preserved. And the children will be able to join in normal life after their return to their homeland.

This explanation corresponds to an apparently deeply felt need to reassure the public that no attempt would be made to "integrate" the Bosnian refugees into Slovenian society. Such was the main thrust of an interview with Renato Kranjc, Director of the Office for Immigration and Refugees, which received the title NEINTEGRACIJA BEGUNCEV / NON-INTEGRATION OF REFUGEES (*Večer*, 31.07.1993). Putting the issue into an international context, the concept of integration displays some interesting semantic and rhetorical peculiarities here. Integration (which would be achieved, e.g., by putting children into the same classrooms as the Slovenian pupils) is rejected because it would lead to assimilation (putting national and cultural identity in jeopardy). In an American context, the

term integration was used as least since the '60s to refer to the fact of opening all institutions (including schools) to both blacks and whites; as such, it was opposed to segregation. In a present-day West-European context, integration is commonly advocated as an alternative to assimilation since it would imply full participation without loss of identity. Only the American usage is relatively unambiguous since it opposes identifiable practices (separating groups vs. not separating them in institutionally defined settings) - even though a lot of ambiguity remains, for instance in the definition of the groups to which the policies would be applicable. In both the Slovenian and the West-European usage, the vague notion of identity blurs the picture. The Slovenian usage shares aspects of both the West-European and the American usage, while also differing from both. Thus it shares with the West-European usage the terms of the rhetoric ("integration" and "assimilation"), but it differs on both arguments and conclusions, if not in the concepts labeled by the terms. With the American usage it shares one term ("integration") and two concepts/practices ("integration" and "segregation"), but it differs completely in political goals.

At the time of writing this article (1995-96), practices and arguments had changed. With the same government still in place, and with the same Minister of Education and Sports, the idea of separate classes and schools had been abandoned (though one was still functioning in Postojna) on the basis of a simple argument: there were not enough refugee children to warrant the extra expense.

5. GENEROSITY AND (IN)GRATITUDE

The public perception of mutual attitudes is an integral part of the construction of the refugee problem.

From the day when the first refugees arrived, official institutions and the media claimed that Slovenia took good care of them. This meant offering a roof for more than 70.000 refugees, providing them with three (or two) meals a day as well as with fruits and milk for the children, distributing hygienic supplies once a month (or once a week), dispatching volunteers to liven up their spare time, and watching over their psycho-social well-being in general. The resulting image is one of sheer generosity bestowed on a helpless group of people.

The refugees were indeed *made* helpless. Being deprived of mobility, not being allowed to work, being isolated and separated as much as possible, they could indeed hardly take care of themselves. In the refugee centers they were not even allowed to cook their own meals. What may seem like a minor detail was quite consequential for the image the refugees received. Since the meals were prepared mainly by formerly unemployed Slovenes, the Bosnian refugees got to eat what Slovenes thought was appropriate for them. This led to complaints which, in turn, was taken as an act of complete ingratitude.

The ungratefulness of the Bosnian refugees became part of a general picture, fitting perfectly in an overall pattern of misbehavior and of habits which show that they hardly know what is good for them. The following string of examples will show this.

36 It has happened that just before lunch they had chocolate, and then nobody wanted to eat. (*Večer*, 31 July, 1993).

37 There are objections to the discipline as regards their dietary habits, as they do not eat everything. Occasionally they do not eat meals, for example, maize porridge with goulash, or they take food to the hut and secretly make extra dishes to their own taste. (*Delo*, 10 February, 1993)

38 He said that the local inhabitants were more than once indignant at the sight of bread, even yogurts, at the courtyard of the refugee center in Teharje (*Delo*, 15 December 1993).

39 According to Darko Blažič they reduced the quantity of bread so they do not need to throw it away anymore (*Delo*, 16 February 1993).

40 Knowing the attitude towards food of refugees from the center in Stara Fužina in Bohinj, and their attitudes otherwise, one could say that they do not often remember their cousins who are freezing and starving.
[...] Given the demand of some Italian doctor that the meals should include enough fruits, they can hardly stay within the limits of 500 tolars per day. There are a lot of problems with food. Refugees have three meals a day, they eat meat every day and each child gets two liters of milk per day. Therefore it is not surprising that a lot of food is left behind, you can see bread and Swiss cheese scattered along the corridors. This is partly connected with the fact that they have 15 families with men or fathers having job in Slovenia. The center suggested that the costs of supporting their cousins should be taken off the salaries of the workers, but the proposal did not meet with any response. As a result, some have relatively a lot of money, while food ends up as pigswill. The essence of the problem probably lies in the general attitude towards aid as well as towards work (*Delo*, 13 February 1993).

Especially (40) shows that the situation, and the rhetoric, is not free of perversion. For one thing - in relation to the limit of 500 tolars a day - meat is not necessary every day, and two liters of milk per day seem somewhat exaggerated; yet this is seen as sufficient grounds to deny fruits, which are obviously seen as a luxury. Further, the "husbands and fathers" with jobs in Slovenia had jobs there before their families came as refugees, and cases have been attested where such families were in the refugee centers only because they were not allowed to go and live with their relatives. The final sentence sums up the situation quite clearly: what goes wrong is due to the refugees' general attitude towards help; they lack gratitude. Most striking of all is the reference to "their attitude towards work", which is rather cynical given the fact that they were not allowed to work in the first place. A classical example of blaming the victim.

6. CONCLUSION

The general pattern of the rhetoric of refugee policies in Slovenia during the investigated period is quite intriguing. At first sight, a discrepancy emerges between a self-imposed standard of legitimation (in terms of democratic values and human rights) and obvious characteristics of policies to be legitimated. The question is: what are the ideological processes that manage to restore enough "coherence" for the rhetoric of legitimation to "work"? Various strategies can be observed.

First, a major role is played by the *self-categorization* of the new Republic of Slovenia as a state where adherence to democratic principles and human rights considerations is simply a matter of fact, an unquestionable inherent property.

Second, different principles of legitimation are played off against each other in such a way that a *hierarchy of values* emerges which makes it possible to overrule "pure" democratic and human rights principles in ways for which examples can be found in other states whose democratic quality is supposed to be beyond doubt.

Third, the refugee question is successfully defined as a "problem" (both in terms of numbers and in terms of a threat to the public order). In other words, *a crisis is constructed* in such a way that deviations from certain principles pass easily as exceptional measures which do not in themselves break a more fundamental, and supposedly stable, value system.

Fourth, *international authority* is invoked explicitly to legitimate policies (as in the case of the right to work). This strategy works even when references to international sources do not fit those sources. This can work because (I) hardly anyone has access to the original texts, (II) the legitimated policies have a wide basis of support, and (III) the international community does not benefit from being too strict with one of the "new democracies".

Fifth, the refugee population is subject to *other-categorization* as a group of people hardly worthy of the kind attention given to them by the generous people of Slovenia.

Within the rhetorical boundaries drawn by these strategies (which sometimes occur in a bundled form, as in the "Rubikon" example discussed in 3.3.), ideas and arguments can be used or rejected in virtually unrestricted ways. Thus refugees can be blamed for not working, while being forbidden to work. Segregated education can be instituted

and abandoned at will. And refugees can be said to be completely free, while their every movement is being regulated. And, generally, Slovenia can uphold its image of openness and tolerance while doing everything it can to prevent the refugees from merging into mainstream society. Unfortunately, none of this is typically Slovenian.

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