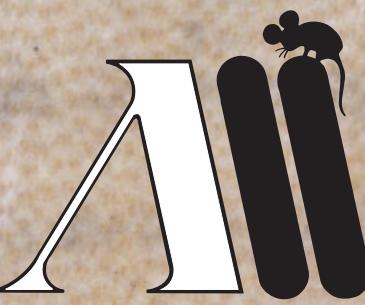


# ANNALES



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*Annali di Studi istriani e mediterranei*  
*Annals for Istrian and Mediterranean Studies*  
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# HATE SPEECH: CONCEPTUAL INTERSECTIONS AND COUNTER-NARRATIVES

## INTRODUCTION

In July 2024, an interdisciplinary academic symposium about hate speech took place in Ljubljana.<sup>1</sup> This international professional exchange was the foundation for the articles appearing in this special issue of *Annales, Series Historia et Sociologia*; ultimately, these articles together argue that a synthesis of knowledge scattered throughout different disciplines is the way forward if we wish to understand this complex phenomenon. I want to thank Prof. Mateja Sedmak and the *Annales* journal, who recognized the merit of this debate to be published on its pages. I also wish to acknowledge the excellent and diligent peer-review process and especially extend my gratitude to the anonymous reviewers who donated their time and expertise to this endeavour.

The special issue opens up a space for discussions that address the contemporary challenge of polarization of societies and contribute to a clearer conceptualization of hate speech. The contributions come from various disciplines (sociology, political science, anthropology, linguistics, law) and focus on country cases outside of the usual "Western gaze": Croatia, Slovenia, Serbia, and Turkey. In so doing, a space is provided for scholarly study across the wider Central-Eastern European and Balkans region. Although the contexts differ, the underlying dynamics are remarkably similar. The special issue thus advances a regional perspective that challenges the dominance of Western-centric hate speech scholarship. In contrast to what is often pervasive in legal analyses' focus on individual rights and freedom of expression, these contributions emphasize collective processes: the sedimentation of prejudice into institutions, the entanglement of discrimination with governance, and the circulation of destructive messages across media and everyday life. Rather than treating it as a narrow legal category or a problem of a linguistic nature, the issue thus traces how hate speech participates in the maintenance of hierarchies: how words and silences, gestures and policies, all converge in the practices of inclusion and exclusion that shape modern societies. Across its diverse case studies ranging from legal practice and online discourse moderation in Slovenia, to nationalist symbolism in Croatia, migration management in Serbia, everyday imaginaries of difference, and the pragmatics of ethnic labelling in Turkey, the issue's

authors share an intellectual commitment to understanding hate speech as a system of governance and social reproduction of difference, not an anomaly of aggression. In this sense, hate speech is not simply what offends, it is what defines the boundaries of belonging.

A shared conceptual argument is that hate speech must be understood beyond merely "illegal expression." It is not only a verbal, written or otherwise disseminated aggression but a systemic, performative, and relational phenomenon that sustains hierarchies of "race," class, gender, nation, and other conceptions of group belonging. The special issue explicitly links hate speech to Othering as a social mechanism and as a social act with effects, a tool of governance, a mirror of inequality. Together, these frameworks recast hate speech as a mechanism of boundary-making, woven into politics of inequality. Yes, legal definitions must balance freedom of expression with human dignity and democratic participation. But the scholarly focus should shift from "offensiveness" to social effect, for hate speech is about undermining equal participation. Online environments intensify this dynamic through speed, anonymity, and privatized governance.

## Nationalism, racism, migration and gender

**Veronika Bajt's** opening article lays the conceptual groundwork for the collection by arguing that hate speech must be approached sociologically, as a practice that reflects and reinforces structural inequalities. Moving beyond narrow legal definitions, Bajt frames hate speech as a mechanism of social domination, enabled by power asymmetries that allow some groups to define others as inferior or threatening. Drawing on critical race theory, nationalism studies, the concept of criminalization of migration, and intersections with gender analysis, she identifies two central logics: boundary-making and the so-called myth of purity, which together explain the construction of both external "enemies" (e.g. migrants, racialized Others) and internal ones (gender "deviants," dissenters). Hate speech thus operates as a discursive tool for policing boundaries and sustaining the myth of purity. It is not random or purely emotional but instrumental, embedded in the nation-state's pursuit of homogeneity. Bajt's approach positions hate speech as both a mirror and a mechanism of structural power: it reveals social

<sup>1</sup> The conference was organized by the Peace Institute within a research project entitled "Hate Speech in Contemporary Conceptualizations of Nationalism, Racism, Gender and Migration," funded by the Slovenian Research Agency (ARIS), grant number J5-3102.



Photo by Jon Tyson on Unsplash.

hierarchies and reproduces them by legitimizing exclusion. Thus, hate speech is a sociological phenomenon, not just a legal category. Understanding it demands an intersectional, multi-scalar lens connecting micro-level discriminatory communication with macro-level power structures.

In her article on anti-migrant discourse in Serbia, **Marta Stojić Mitrović** shifts the focus from speech to governance, arguing that hate speech extends beyond words into policy and institutional practice. Using speech act theory, she shows how its perlocutionary force lies in producing social and political effects. Migrants become hyper-visible as bodies, yet silenced as voices through racialized governance. Drawing on critical border studies, Mitrović demonstrates how border governance is enacted as everyday performance. She shows how grassroots hate speech becomes state action that reproduces exclusion visually and affectively. She argues that hate speech can function without speech – through bureaucratic routines that normalize exclusion, media spectacles (e.g., police raids), and strategic silences. This “hate by design” captures how administrative omissions, detention protocols, and legal amendments transform migrants into governable subjects, reinforcing hierarchies of belonging

while preserving Serbia’s image as a “responsible” EU partner. Ethnographic evidence illustrates how local protests evolved into national policy, embedding discrimination in procedural norms. Mitrović’s analysis resonates with Bajt’s “border and purity” framework: here, borders are not only territorial but bureaucratic and discursive, defining who is human enough to be protected by law.

**Ana Frank**’s article extends Bajt’s framework into the symbolic and affective realm of identity. Drawing on postcolonial theory, psychoanalysis, and intersectional feminism, she introduces the notion of “the imaginary” as a network of images and myths that define belonging. Hate speech functions as a disciplinary mechanism within this imaginary, often implicit and non-verbal, emerging through visibility and everyday cues. Frank’s key empirical findings are based on interviews and focus groups with migrants, Muslims, Roma, and gender minorities in Slovenia, revealing how markers like the headscarf are tolerated for Christian women but vilified for Muslim women. Frank situates this within cultural or neo-racism, where exclusion is justified by lifestyle and civilizational difference rather than biology, intertwined with gendered and religious Othering. Her core argument is that hate speech restores normative order when imaginaries are challenged, operating through silence, glances, and institutional practices. Effective counter-narratives must hence confront not just individual expression of speech, but these systemic imaginaries.

### History, symbol and memory

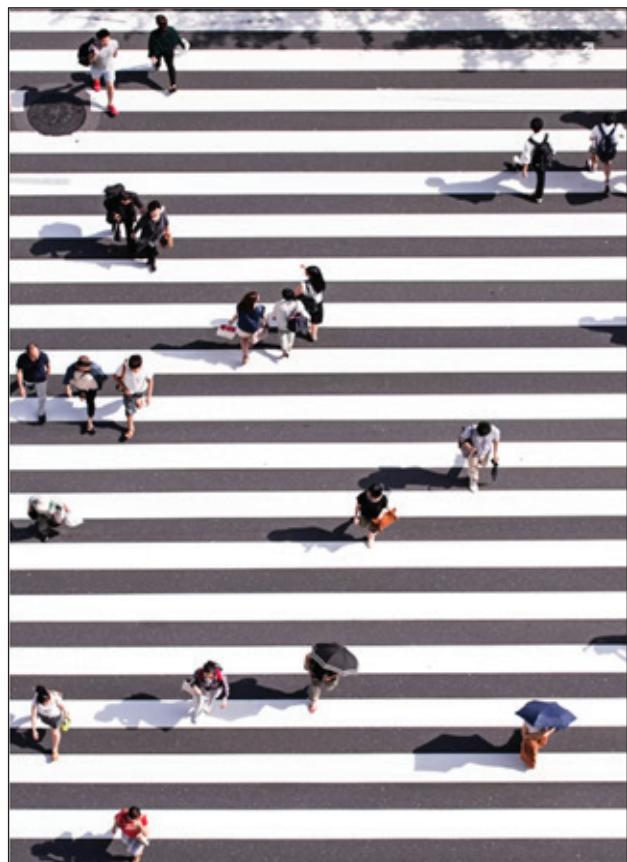
**Katarina Damčević**’s case study examines how historical symbols act as vehicles of hate speech in Croatia. Focusing on the contentious salute “Za dom spremni” (*Ready for the Homeland*) which was used by the WW2-era fascist Ustaša regime, the article applies cultural semiotics to show how symbols mediate nationalism, memory, and exclusion. The contemporary Croatian state’s tolerance of the salute (one such prominent example is a memorial plaque near the Jasenovac concentration camp) signals institutional complicity in normalizing exclusion. In this symbolic economy, hate speech becomes cultural heritage. Educational curricula and public policy sanitize fascist legacies, transforming a gesture of violence into a marker of patriotism and thus preventing any critical reckoning, argues Damčević. She exemplifies how hate speech operates through the politics of memory, by deciding which histories can be spoken and which must remain unacknowledged. The salute’s contemporary reappearance in politics, popular culture, and sports demonstrates how hate speech can be non-verbal yet performative, embedding discrimination in everyday rituals. Damčević

warns about broader implications, concluding that confronting hate speech in post-conflict societies requires addressing competing historical narratives; legal bans alone cannot succeed without challenging the collective imaginary of nationhood. In this, she directly echoes Frank's conceptual analysis and Bajt's myth of purity: in both, the Other is expelled from collective identity. The Croatian case adds a diachronic dimension, showing that hate speech is not only about current discourse but about the narratives societies construct about themselves and about their pasts.

**Melike Akkaraca Köse's** linguistic study deepens the theoretical conversation by dissecting how hate speech operates within language itself. The article examines ethnic terms in Turkish, such as "Ermeni" (Armenian), "Yunan" (Greek), "Rum" (Greek), and "Yahudi" (Jew/Jewish). These are words that function both as neutral ethnic descriptors and as pejoratives for slurring, revealing a dual role of naming and denigrating. Akkaraca Köse develops the complex phenomenon of Ethnic/Social Terms used as Insults (ESTIs). Unlike canonical slurs, ESTIs carry derogatory autonomy: their pejorative force stems from shared conventions rather than explicit insult. This is because they are linguistic forms that are contextually ambivalent, capable of naming or denigrating depending on situation, tone, and intent. She situates this phenomenon within Turkey's national narrative of homogeneity, showing how language becomes an archive of Othering. Terms like "Ermeni" or "Rum" hence become semiotic tools for constructing Turkishness through negation. Hate speech here is not an anomaly but embedded in the lexicon, commodifying ethnic identity as moral judgment. Her analysis underscores the issue's central theme that hate speech is never just about meaning as such, but about who gets to define and control meaning. The Turkish case underscores that even ostensibly neutral language can perpetuate structural hierarchies when social imaginaries of nationhood are exclusionary.

### Addressing hate speech: The limits of moderation and accountability

**Zoran Fijavž** analyses how Slovenian digital media manage hate speech under the EU Digital Services Act, based on interviews and document analysis. His findings highlight four dimensions: (a) moderation extends beyond illegal hate speech to incivility and offensive content; (b) large outlets use advanced systems, while smaller ones rely on social media with weaker controls; (c) a paradox in the law shows that, by late 2024, no takedown orders were issued for Facebook by Slovenian authorities, while local media faced stricter policing; and (d) moderators endure psychological strain and harassment amid resource shortages. The study shows that hate-speech governance



*Photo by Ryoji Iwata on Unsplash.*

has been privatized, shifting responsibility from the state to precariously resourced media workers. It situates online moderation within the political economy of digital capitalism, revealing how infrastructural inequality shapes which hate speech is removed and which persists.

**Neža Kogovšek Šalamon** and **Sergeja Hrvatič** round out the special issue with a highly important and timely empirical study. They examine how the Article 297 of the Slovenian Penal Code, the provision criminalizing public incitement to hatred, violence, or intolerance, is enacted in prosecutorial and judicial practice. They explain the Slovenian legal framework where Article 297 had long been understood as requiring both a public act of incitement, and either a threat to public order or the use of threat, insult, or verbal abuse. This dual condition made Slovenia's approach among the narrowest in the EU (alongside Cyprus). The 2019 Supreme Court judgment, however, clarified that these conditions are alternative, not cumulative, and that a threat to public order may be abstract, not concrete. This interpretation thus aligned Slovenia more closely with European rather than U.S. doctrine. The authors analysed 157 prosecutorial files in the period from 2019 to 2023 to see whether the prosecutorial

practice changed because of the Supreme Court judgment, or not. Their analysis shows that public figures accounted for a third of suspects. Only 14% of the reported cases resulted in indictments, and even fewer in convictions. The data reveal that most incidents occur online, where anonymity and platform architecture complicate evidence collection.

Kogovšek Šalamon and Hrvatić's legal-empirical study of Slovenian prosecutorial practice reveals how law's explicit definitions often fail to capture social harm because legal definitions focus on explicit incitement, ignoring systemic discrimination. Their contribution argues that Slovenian law enforcement remains relatively lenient and structurally ill-equipped, underscoring the limits of purely judicial approaches. The courts, by focusing narrowly on intention and explicitness, overlook the subtler perlocutionary force of everyday "destructive messages," the cumulative effect of repetition and coded hostility. Like Bajt and Frank, Kogovšek Šalamon and Hrvatić's text can also be read as an understanding that hate speech cannot be fully grasped within the boundaries of law. It must be read within the field of power, ideology, and social structure. The failure of the legal system is symptomatic of a broader cultural denial: the refusal to see hate speech as a mirror of systemic inequality.

### Counter-narratives and the politics of recognition

In tracing how nationalism, racism, gender, and migration intersect in the making of hate speech, the contributors to this special issue accomplish more than regional documentation. They offer a theoretically grounded, empirically rich account of hate speech as a global condition, one that travels across languages and borders, yet always returns to the same question: who is entitled to speak, and who is silenced by what is said?

Several unifying threads weave through the special issue. One is intersectionality, since the contributors treat social categories such as ethnicity, gender, nation, and the phenomenon of migration not as separate axes but as interlocking systems. The most frequent targets of hate speech are those already stigmatized along multiple dimensions. Moreover, the performativity of power links the contributions in acknowledging how speech acts, policies, and symbols do not just reflect power but perform it. Mitrović's "hate by design," Frank's "imaginary," Akkaraca Köse's ESTIs, and Bajt's "border and purity" each illustrate this principle in different registers. In a sense it is also the failure of legalism that Kogovšek Šalamon and Hrvatić exemplify in showing how juridical approaches cannot grasp the diffuse, affective, and structural nature of hate speech. Law can sanction incitement but not

imaginaries. Another unifying thread of the special issue is the normalization and invisibility of hate speech. Analysed most prominently in the Croatian semiotic, Turkish linguistic, and Slovenian digital-media cases, it highlights how hate speech becomes normalized through heritage, humour, or algorithm. The challenge, as previously noted, lies not only in condemning hate speech but in first recognizing it. Throughout the volume, the authors show that countering destructive messages requires more than refutation; it demands altering the frameworks that make hate speech intelligible. This may entail a legal reform, but also educational change, inclusive policy, redefining collective memory, media accountability, linguistic awareness, and the reimagining of belonging. Across disciplines and cases, the authors converge on a politics of recognition: the task is to build societies where difference does not automatically signify danger, where language is not weaponized. This entails a collective willingness to imagine the community otherwise.

Despite their disciplinary diversity, the seven articles converge on a shared insight: hate speech is relational, systemic, and performative. It is not merely an expression of individual prejudice but an enactment of collective order. This shared understanding allows the special issue to move beyond condemnation toward explanation. Hate speech is not only something societies must combat but something they produce to sustain themselves. Recognizing this unsettling truth opens the door to more meaningful counter-narratives – ones that address the conditions enabling hate speech rather than merely its expressions. And yet the special issue does not end with prescriptions but with a challenge. If hate speech is a mirror of our social dynamics, then countering it requires more than censorship or polite dialogue. It requires a transformation of the imaginaries that render inequality acceptable.

Taken together, the contributions advance a regional epistemology of hate speech rooted in Central-Eastern European and Balkan experiences but with global resonance. They collectively argue that hate speech is a mode of governance. Counter-narratives must operate not only at the level of expression but within imaginaries, institutions, and infrastructures. In unison, the studies in the special issue portray hate speech as a traveling concept, adaptable across histories yet anchored in persistent inequalities. By connecting the discursive, legal, technological, and symbolic dimensions, this special issue of *Annales* offers one of the most comprehensive regional syntheses to date, bridging critical theory and empirical rigor. We hope you will enjoy reading it.

**Veronika BAJT**

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## THE SOCIOLOGY OF HATE SPEECH

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### ABSTRACT

*Hate speech reflects and reinforces underlying prejudices and structural inequalities, functioning as a mechanism to maintain existing power dynamics and social hierarchies. It is a multifaceted sociological phenomenon that intersects with the multilevelled concepts of nationalism, racism, gender, and migration. This article argues that a comprehensive understanding of these intersections is necessary to sociologically analyse hate speech, revealing this interplay between systemic power structures and individual prejudices. This is necessary if we are to understand and mitigate the rising influence of hate speech in society.*

**Keywords:** hate speech, nationalism, migration, border, purity

## LA SOCIOLOGIA DEL DISCORSO D'ODIO

### ABSTRACT

*Il discorso d'odio riflette e rafforza i pregiudizi di fondo e le disuguaglianze strutturali e funziona come un meccanismo volto a mantenere le dinamiche di potere e le gerarchie sociali esistenti. Si tratta di un fenomeno sociologico multiforme che si intreccia con i concetti stratificati di nazionalismo, razzismo, genere e migrazione. Questo articolo sostiene che una comprensione completa di queste intersezioni è necessaria per analizzare sociologicamente il discorso d'odio, rivelando questa interazione tra strutture di potere sistemiche e pregiudizi individuali. Ciò è necessario se vogliamo comprendere e mitigare la crescente influenza del discorso d'odio nella società.*

**Parole chiave:** discorso d'odio, nazionalismo, migrazione, confine, purezza

INTRODUCTION<sup>1</sup>

Theoretical expectations (Malešević, 2024) have held that atavistic notions of group membership rooted in ethnic essentialism or primordial ties would gradually diminish following the decline of post-colonial nationalisms and, more definitively, with the end of the Cold War and the consolidation of the supposedly last few independent nation-states, such as Slovenia (these are often described as “historical latecomers”). However, these assumptions have proven premature. Nationalisms in “stateless nations” (e.g., Catalonia, Scotland) have regained momentum, underscoring the continued relevance of sub-state identity politics. Concurrently, questions of national identity and group belonging have reemerged with renewed intensity, particularly in response to transnational migration and the 2015 “Long Summer of Migration” in Europe. At the EU level, disputes over asylum policy have exposed deep normative divisions among member states, framing migration as a challenge to solidarity and sovereignty. Public discourse has oscillated between humanitarian and security narratives, while far-right populist movements have mobilized anti-immigrant rhetoric to contest multiculturalism and European integration. This has inevitably brought about practices of symbolic exclusion of non-nationals that are increasingly mirrored in policies that criminalize migration. Recent research confirms a global resurgence of nationalism (Bieber, 2022) and racism (Chan & Montt Strabucchi, 2020) alongside the proliferation of hate speech directed at racialized and marginalized Others; this further accelerated during the COVID-19 pandemic (Moreno Barreneche, 2020; Bajt, 2021).

Contemporary nationalist and racist discourse is not only pitted along the lines of cultural difference, but also invokes biological determinism through exclusionary narratives such as references to “our blood”, which intersect with sexist, homophobic, and transphobic ideologies. Stigmatizing those who are deemed not to belong (Triandafylidou, 1998; Bajt, 2016) or domestically marginal-

izing those who do not contribute to the biological reproduction of the nation (Yuval-Davis, 1997), the concepts of “external” and “internal” enemies function as strategic constructs for managing the perceived dislocations of postmodernity. This is vividly reflected in contemporary hate speech, which frequently targets immigrants, racial and religious minorities, and LGBTIQ+ individuals. Empirical evidence points to a simultaneous rise in nationalist economic protectionism, xenophobia (particularly Islamophobia), homophobia, and racially motivated violence, indicating the persistence and transformation of exclusionary discourses in contemporary societies. References to race, nationality, ethnicity, gender, and culture are most prominent in debates on hate speech (cf. Hietanen & Eddebo, 2022, 443), that is why this article focuses on nationalism and migration as exemplary frameworks of sociological hate speech analysis.<sup>2</sup>

Nationalism and modern forms of racism are intertwined with notions of ethnic and cultural superiority, fuelling hate speech by promoting exclusionary ideologies that marginalize minorities. Such rhetoric is amplified in political discourse and media, legitimizing xenophobic attitudes, reinforcing social divides, and perpetuating prejudice and discrimination. Hate speech rooted in racism dehumanizes marginalized communities, legitimizes the unequal treatment of minorities and violence towards them, and perpetuates historical injustices and contemporary inequalities. Derogatory language stigmatizes ethnic groups and becomes a vehicle for perpetuating systemic racism. A systematic, large-scale analysis of American newspaper coverage of Muslims (Bleich & van der Veen, 2022) suggested that consistently negative media coverage contributes to the public’s acceptance of negative associations with marginalized groups. In addition to ethnic stereotyping, gender also plays a crucial role in the sociology of hate speech. Misogynistic language and gender-based slurs reflect broader patterns of gender inequality and reinforce patriarchal structures. Finally, migration adds another layer of complexity to hate speech, as migrants, often

1 This work was supported by the Slovenian Research Agency (ARIS) [grant number J5-3102 *Hate Speech in Contemporary Conceptualizations of Nationalism, Racism, Gender and Migration*; and P5-0413 *Equality and Human Rights in Times of Global Governance*]. The author would like to thank Mateja Sedmak and two anonymous reviewers for their valuable comments to an earlier version of the manuscript. Thanks also goes to Matt Rees, who provided proofreading and language-editing assistance for this article.

2 Legal definitions generally relate prosecutable expression to attacks on protected characteristics such as ethnicity, gender, religion, and so on, whereas sociological analyses examine how language, threats, or stigmatizing labels reinforce dominance and social hierarchies. Beyond the legal threshold for hate speech, sociology thus shows how it can still create fear, social exclusion, and polarize communities.

depicted as the Other, have become the prime target for populist xenophobic and nativist rhetoric.<sup>3</sup> By constructing migration as a threat to social cohesion and economic stability, anti-immigrant hate speech exacerbates social divisions and influences policies and practices that disadvantage migrant communities, increasing their discrimination and social marginalization.

This article analyses the interplay between the structural and situational factors that give rise to hate speech, with particular emphasis on the intersections of ethnicity, nationality, and gender. I propose a sociological definition of hate speech, conceptualizing it as discriminatory, anti-minority derogatory expression aimed at subjugating marginalized groups (see Leets, 2002). While hate speech is often discussed within legal and linguistic frameworks, and frequently in tension with the principle of freedom of expression, it remains undertheorized in sociology. The absence of a universal definition, coupled with the highly contextual and nationally embedded legal treatments of hate speech, has limited the scope for comparative or theoretically grounded analyses. Consequently, scholarly debate on hate speech is fragmented, and its causes, social functions, and impacts remain insufficiently examined. This article addresses that gap by analysing hate speech not as an isolated discursive event, but as a practice of social domination, deeply entangled with broader dynamics of nationalist state policies, racist prejudice, gendered norms, and migration “management”. I argue that hate speech should be studied through its intersections along these long-standing axes of inequality and exclusion. Building on this intersectional approach, I introduce two critical perspectives to improve our understanding of the symbolic logics underlying contemporary hate discourse: the perspective of “borders” and the perspective of “purity”. These two lenses help explain how hate speech constructs “insiders” and “outsiders”, and how it legitimizes hierarchies of belonging and exclusion.

The analysis is guided by two central research questions: 1) How should hate speech be defined sociologically? Does it encompass all offensive acts toward social groups, or is it specifically targeted at subjugating minorities perceived as the Other? 2) How is hate speech produced, and what role does the social position of the speaker and the target play in this process? To address these questions, I draw on theoretical and empirical literature spanning sociology, nationalism theory,

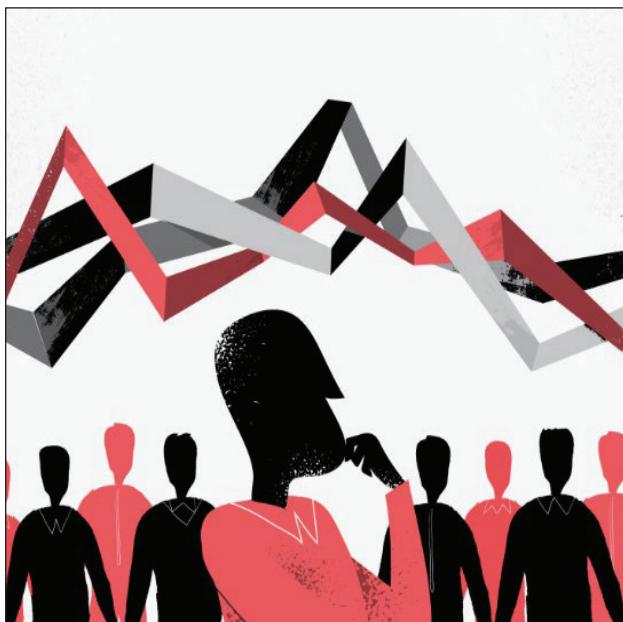
critical race studies, and migration studies, especially on “crimmigration” (Stumpf, 2006). In particular, I explore five core dimensions of hate speech: a) its function, b) its intended message and audience, c) the identity of its target groups, d) the role of prejudice and discrimination in its emergence, and e) its embeddedness in broader social and political systems. Through this analysis, I demonstrate why the study of nationalism, racism, gender, and migration is essential for understanding the mechanisms and consequences of hate speech in contemporary societies.

The paper begins with an overview of selected academic attempts to define the phenomenon of hate speech. While the literature in the field of computational large language models (LLMs) has seen exponential growth and has overtaken the legalistic discussion that has generally dominated hate speech analyses, my focus is on a sociological understanding. After examining how hate speech is produced and what roles the social position of the speaker and the target play in this process, I then turn to uncoupling its other dimensions. My inquiry is grounded in the recent European experience of migration. In 2015, Slovenia, a Schengen member state along the “Western Balkans” migration route, became a key transit corridor for refugees fleeing conflict zones in the Middle East (Kogovšek Šalamon, 2017). The arrival of large numbers of refugees triggered an upsurge in xenophobic rhetoric and online hate speech, alongside rapid shifts in policy. These included amendments to the (Slovenian) Defence Act, the construction of a razor-wire border fence with Croatia, and the tightening of asylum legislation (Bajt, 2019). Delineating how migration is constructed as a symbolic “invasion” through racist prejudice and as a security threat through nationalist policies, I argue that hate speech is embedded in the very core of the nation-state. These developments reflect not only a securitization of migration but also a broader discursive transformation, in which hate speech functions to justify exclusion and reinforce national boundaries.

## SOCIOLOGICAL PERSPECTIVES ON HATE SPEECH

The findings from a recent systematic review of extant literature on hate speech and its correlates identified 423 academic definitions, 168 measurement tools, and 83 legal definitions (Vergani et al., 2024). Defining “hate speech” is undoubtedly

<sup>3</sup> Migration is a complex phenomenon and should not be treated as a homogeneous category. Hate speech may be less frequent against high-skilled migrants from affluent states compared to irregular migrants from the Global South. However, despite differing attitudes toward different “categories” of people on the move, I argue that the conceptualizations applied in this article are universal.



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important, yet it is ultimately secondary to understanding its broader social consequences. While the law is tasked with providing precise definitions to delineate what constitutes an illegal utterance versus what remains permissible within the realm of freedom of expression, sociology approaches the issue from a different vantage point. Legal frameworks necessarily draw clear boundaries for the purposes of regulation and sanction. However, a wide spectrum of derogatory, demeaning, and hostile speech operates outside these legal confines. It is precisely within this extra-legal space that sociology, as the discipline concerned with the patterns and dynamics of social life, offers valuable insights. Hate speech, when examined sociologically, is not only a discursive practice that marginalizes and stigmatizes, but also a phenomenon with potentially harmful and at times even deadly consequences for individuals and communities. It should therefore be seen as a symptom and conceptualized as a pivotal mechanism that transforms derogatory speech into action, creating pathways toward real-world violence.

The consequences of hate speech are far-reaching and deeply damaging. On an individual level, it contributes to psychological harm, including anxiety, fear, and internalized stigma among those in targeted groups. It can also lead to social withdrawal, reduced access to public spaces, and diminished participation in civic life. On a structural level, hate speech legitimizes discriminatory policies, fuels social exclusion, and normalizes violence. It reinforces stereotypes that justify unequal treatment in education, employment, housing, and healthcare. In extreme cases,

hate speech lays the groundwork for hate crimes and institutionalized forms of oppression. Hate speech reflects and reinforces underlying prejudices and structural inequalities, functioning as a mechanism for maintaining existing power structures and social hierarchies. In sum, it is a multifaceted sociological phenomenon. The sociology of hate speech reveals this interplay between systemic power dynamics and individual prejudices, which is necessary if we are to understand and mitigate the rising influence of hate speech in society.

Several scholars have proposed sociologically relevant definitions of hate speech, highlighting different aspects of its meaning and effects. Tsesis (2002, 81) introduced the concept of *misethnicity*, which he defined as "hatred toward groups because of their racial, historic, cultural, or linguistic characteristics." This is reflected in "consistently disapproving, hypercritical, and oft-reiterated generalizations about groups and persons belonging to them," through which members of outgroups are depicted as malevolent, inherently evil, or vile (Tsesis, 2002). For Tsesis, such expressions are specifically directed at historically oppressed racial and ethnic groups and operate as a tool of their denigration. Waldron (2012, 27) similarly defined hate speech as "publications which express profound disrespect, hatred, and vilification for the members of minority groups". In his account, the harm of hate speech lies not only in the insult to its targets, but also in the way it undermines their social standing and the assurance of dignity that democratic societies should provide. Gelber (2019) argued that hate speech constitutively and causally harms its target(s) by subordinating them and thus undermining their equal participation in public deliberation. She proposed a narrow, regulable category of hate speech defined by the kind and degree of harm it produces. In her view, an utterance becomes hate speech when: 1) it is publicly directed at a member of a group subject to systemic discrimination in the relevant context; 2) the speaker acts from relative authority (formal or informal) embedded in those discriminatory structures; and 3) the speech subordinates the target, thus legitimizing discrimination against it. She stressed that the capacity to harm can be mobile and may involve the construction of new targets. Gelber's approach explicitly avoids relying on detecting a speaker's emotion of "hate" or the use of epithets because "moderate" policy discussion or "jokes" may still be hate speech if they play a subordinating, exclusionary role (see also Jalušić, 2017). Hate speech is therefore not simply about offensive language, nor does it depend on the speaker expressing personal "hatred." It is about speech acts that, when uttered by someone in a position of social or institutional authority, reinforce existing inequalities and undermine the civic

participation of already marginalized groups. This framework is valuable for my first research question because it draws attention to the relational character of hate speech: it matters who speaks, about whom, and within what structures of inequality.

After a series of legal and linguistic discussions having dominated the field, another key focus of contemporary hate-speech research arose: its rapid online dissemination. The use of computational methods and machine learning to analyse such speech is increasingly growing (Poletto et al., 2020). In digital spaces, the Internet's speed and reach allow hate speech to spread instantly, prompting many states to shift regulation to private platforms (Brown, 2017). This raises practical challenges for applying definitions in fast-moving environments where corporations – not public institutions – make decisions. These analyses highlight the need for definitions that account for the media conditions that shape hate speech. Hence Hietanen and Eddebo (2022) proposed four modes of definition: teleological definitions (speech directed toward harmful ends), consequentialist definitions (speech producing harmful effects), formal definitions (the prohibition of specific ideas or forms), and consensus-based definitions (rules set by authority or agreement). They argued that real-world practice usually blends these modes, and that it is necessary to more clearly articulate the underlying values, especially in regulatory and online-moderation contexts. Their typology is particularly useful for this article's second research question: it shows how definitions can be translated into rules and practices that recognize not only intent and effects, but also the ethical commitments societies choose to protect. After all, hate speech cannot be understood outside the framework of democratic regulation (Pejchal, 2020). Its definition requires attention to the harm it produces, since democracies must constantly balance freedom of expression with the protection of human dignity. Indeed, Pejchal (2020, 281) noted that "there is an international consensus that the term 'hate speech' is contextual," so any attempt to define hate speech faces limitations.

All these varied approaches underscore the need to focus on subordination as a component of systemic discrimination, to provide tools to clarify and operationalize definitions across legal and digital settings, and to expose the distinctive pressures of online media environments. For this reason, I develop a sociological perspective that links the conceptualization of hate speech to theorizations of nationalism, racism, migration, and gender. I argue that hate speech is not simply offensive group-directed expression, but speech that

produces and reinforces Otherness, particularly through racialized and gendered exclusion. This perspective embeds definitional criteria within observable social relations, and shows how hate speech functions as a mechanism of subordination, creating justification for exclusion, violence, or repression. My approach aligns closely with Parekh (2012, 40–41), who identified three core features of hate speech: 1) it targets a specific person or group based on an arbitrary, normatively irrelevant trait; 2) it stigmatizes the group by assigning it qualities widely regarded as undesirable; and 3) it portrays the group as an unwelcome presence and a legitimate object of hostility. This framework captures both the denigrating content of hate speech and its role in legitimizing exclusion and hostility.

Existing definitions converge on the idea that hate speech denigrates minorities or Others, undermining their dignity and civic standing. However, these categories are often treated as fixed rather than socially constructed. A sociological perspective instead examines how such groups are produced: notably through nationalism, racism, migration politics, and gendered hierarchies. From this view, hate speech is not merely an act of vilification but a mechanism that reinforces boundaries between "us" and "them." By embedding the concept within broader dynamics of power, inequality, and exclusion, sociology highlights how hate speech sustains enduring patterns of discrimination, particularly in the form of sexist, homophobic, racist, and nationalist prejudice, and why its effects reach beyond individual insults to threaten democratic cohesion. What counts as a vulnerable target is itself the outcome of wider social and political processes: nationalist myths of purity, border regimes, and the construction of the Other continually generate categories of belonging and non-belonging. Situating definitions of hate speech within these broader structures, we can extend the above discussed approaches, showing that when nationalism, racism, migration, and gender are considered, we can better understand both how hate speech is defined – and how it operates in practice.

#### BOUNDARY-MAKING AND THE "MYTH OF PURITY"

How is hate speech produced, and what role does the social position of the speaker and the target play in this process? My goal is not to reiterate warnings about the dangers of hate speech, nor to compile further empirical evidence of its proliferation, both of which are already well-documented (Waldron, 2012). Instead, this article adopts a historical and socio-analytical perspective to demonstrate, through

specific examples, how deeply destabilizing “destructive messages” can be socially (Tsesis, 2002). Situating hate speech in the context of migration processes emphasizes how nationalism, racism, and gender (including sexuality) relate to its production and proliferation. The research problem thus centres on reconceptualizing the link between nationalism, purportedly a neutral ideology of the nation-state, and migration, which increasingly carries negative and stigmatizing connotations in public and political discourse. Both must be analysed as gendered, racialized, and mutually entangled, a perspective largely absent from current scholarship. This reconceptualization is crucial, since questions of national, racial, and cultural affiliation are inseparably tied to the construction of what Triandafyllidou (1998) referred to as “significant others,” the (racialized) “them” against which collective identities of “us” are reinforced. Building on this theoretical foundation, I argue that understanding exclusion, discrimination, and hate speech requires attention to the nationalist, racialist, and sexualized logics through which Otherness is articulated.

These processes are particularly pressing in the context of intensified global migration flows over recent decades and proliferated as a result of the social disruptions of the COVID-19 pandemic, both of which raised fundamental questions surrounding social cohesion. Even though international migration flows dropped sharply in 2020 due to border closures, travel restrictions, and lockdowns (IOM, 2022), the pandemic coincided with a marked increase in hate speech and xenophobia. The United Nations Secretary-General warned of a “tsunami of hate” targeting migrants and minorities during the health crisis, driven by disinformation and scapegoating (United Nations, n.d.). Similarly, a Council of Europe report documented a significant rise in online hate speech against migrants, refugees, and ethnic minorities during COVID-19, amplified by conspiracy theories and the so-called “infodemic” (CDADI, 2023). These trends suggest that proliferation is not actually linked to migration volume, but to heightened uncertainty, fear, and disinformation, which reframes migrants as symbolic threats in public discourse and intensifies identity-based polarization. Issues such as mobility, integration, and the inclusion of “foreigners” (i.e., migrants) thus become entangled with broader concerns about the viability of multicultural coexistence (Benhabib, 2004; Joppke, 2010). Importantly, the groups most disproportionately targeted by nationalist and racist exclusion, and by hate speech in particular, are also those who are already structurally marginalized: immigrants and refugees, as well as ethnic, religious, and sexual minorities.

Media narratives, often shaped by nationalist and populist political agendas, frequently construct a homogenized image of migrants as inherently male and threatening, irrespective of their actual backgrounds or individual circumstances (Wojnicka & Pustułka, 2019). Scholarly analyses have subsequently employed critical postcolonial and intersectional frameworks of these perceptions, particularly in narratives that construct foreign men as dangerous and hypermasculine (Scheibelhofer, 2017). Yet neither migrant men nor migrant women constitute homogeneous groups. Their experiences are shaped by a complex intersectional matrix, including social class, ethnicity, age, sexual orientation, and family circumstances; these produce diverse positionalities and migration outcomes. As such, migrant experiences are not only gendered but also differentiated in terms of marginalization and privilege (Wojnicka & Pustułka, 2017). An intersectional approach to Otherness considers how these ethnic, religious, gendered, and sexualized dimensions of identity are mobilized in nationalist discourse, practices, and policies. Only such an integrative framework can adequately explain the persistence and the evolution of hate speech in contemporary societies.

The multivocal concept of “purity,” closely tied to ideas of autochthony and nativeness, is a useful entry point for examining the dynamics of inclusion and exclusion in hate speech’s intended message. Purity is invoked in national myths to establish the imagined unity of the nation, while simultaneously designating Others as impure, unsafe, or contaminating. The Dangerous Other is often depicted as a source of disease, destruction, or pollution, a figure whose very presence is framed as a threat to the health of the national body politic (Bajt, 2021). Historically, these ideas have underpinned radical projects of systemic exclusion, most extremely in policies of racial hygiene and eugenics (Gasman, 2004). Nevertheless, they remain present today, resurfacing during the COVID-19 pandemic as contagion anxieties mingled with xenophobia, and amplified by hate speech on digital networks (CDADI, 2023). Ideas of purity – and impurity – are also embedded in contemporary state practices that govern access to labour markets, residency rights, social benefits, and citizenship; together, they continue to shape policies of exclusion. Hate speech operates within these frameworks and can become part of the state’s nationalizing practices.

This dynamic illustrates how exclusionary discourses and institutional arrangements co-constitute the nation-state, revealing that hate speech functions not merely as a communicative act but as a mechanism embedded in broader projects of

boundary-making and identity construction. Nationalism, racism, and hate speech thus converge in their reliance on collective myths of purity and boundary-making. These myths are central to the construction of national identity and, in turn, to hate speech's function of exclusion. To understand how these processes relate to anti-immigrant hate speech, it is necessary to situate national identities within Europe's broader historical and contemporary self-understandings. Italy, Germany, "Eastern Europe," and Slovenia represent just some of the cases where ethnolinguistic nation-building has been particularly influential (e.g. Smith, 1998), and where multicultural realities coexist uneasily with nationalizing tendencies. At the core of these tendencies lies the myth of European exceptionalism. European identity has often been narrated as culturally superior, civilizationally advanced, and historically destined for progress (Geary, 2005). This self-understanding, however, insulates "Europe" from the global contexts in which it developed; these narratives obscure Europe's heterogeneous and interconnected origins, papering over the multicultural exchanges that have profoundly shaped the continent (Fontana, 2003). The Moorish presence in Andalusia, which lasted for eight centuries and influenced European science, art, and architecture, is often minimized. The Ottoman Empire's long-standing interaction with Southeast Europe, particularly the Balkans, remains both feared and denied in national memory, despite its centrality to the region's history (Todorova, 1997). Even Germany, frequently imagined as the heartland of European unity, was historically a mosaic of ethnicities and languages, from Sorbs to Jews to Slavic-speaking communities (Fontana, 2003; Kersting & Wolf, 2024). Europe's history is therefore one of encounters rather than purity. However, the traditional Eurocentric narrative of exceptionalism insists on isolating European development from its context and tracing it back to supposedly superior ancestors. Such retrospective nationalisms and myths of descent construct an image of a "pure" European identity and an inherently superior European "race." The Greeks provide a telling example: fragmented and divided, they forged a collective identity by defining themselves against external Others (Triandafyllidou, 1998). The invention of the "barbarian" as a mirror of inferiority enabled the Greeks to recognize themselves as a people of higher culture. What originally denoted nothing more than a foreigner, someone who could not speak fluent Greek, became transformed into the extremely negative category of "uncivilized savagery" (Fontana, 2003).

The border provides another lens through which we can examine how social and political processes construct categories of belonging and

exclusion. A border may appear as a tangible, physical barrier such as a fence or a wall. It may also be digitally established, through technologies such as barcodes or biometric controls that regulate access to territory, rights, membership, or participation. Yet beyond these material and digital forms, the border always carries a symbolic dimension: it represents the line of (self)categorization that defines who belongs, who is recognized as part of the civic and cultural community, and who does not (Bajt, 2016). In this way, borders are as much about identity as they are about territory. Hate speech reinforces these symbolic borders by discursively constructing outsiders as dangerous or impure, thereby legitimizing exclusionary practices. Border-making is therefore not only a spatial or legal process, but also a communicative one, where language becomes a tool of boundary enforcement. In doing so, it shifts the discussion beyond borders as mere lines.

Myths of purity are reinforced through hate speech, introducing discursive violence into governance. The exclusion of foreigners is therefore not an accidental aberration, but intrinsic to the logic of the nation-state, which repeatedly seeks to homogenize itself (Rae, 2002), presenting the civic body as an ethnocultural body. Citizenship, immigration regimes, welfare entitlements, and education systems all reflect and reproduce this drive toward homogenization, systematically positioning minorities as outsiders. Conceptualizing hate speech as a potential part of these structural homogenization processes highlights its role in reproducing symbolic violence, where language becomes a mechanism for sustaining social hierarchies and normalizing systemic marginalization. The contemporary European context demonstrates how these dynamics operate in practice. In times of economic insecurity and political crisis, migration is frequently framed as a permanent threat. The portrayal of migrants, especially Muslims, as dangerous Others thus becomes a powerful populist tactic. What is crucial is that hate speech is not confined to the fringes of society. It increasingly emanates from the very institutions that are meant to protect democratic values, including parliaments and political parties. Right-wing politicians often resort to populist platitudes, invoking the protection of the ethnocultural nation against supposed threats from migrants, Muslims, or other minorities. This rhetoric does more than draw boundaries between "us" and "them"; it actively constructs the Other as inferior or uncivilized, thereby legitimizing contempt and disrespect. By framing minorities as existential dangers to the nation's purity and security, nationalism and racism transform symbolic exclusion into moral

panic, which in turn normalizes verbal aggression and paves the way for physical violence. Addressing the electorates as endangered ethnocultural nations illustrates how racism, migration politics, and hate speech dovetail to normalize exclusion and foster divisions.

Gender also plays a key role in hate speech, as misogynistic slurs reflect systemic gender inequality and uphold patriarchal norms. Hate speech not only insults individuals, but reinforces structural hierarchies that legitimize exclusion and violence against women, making gendered language a tool of social control. However, gender relations as well as stereotypes are socially constructed and intertwined with nationalizing processes. These often marginalize migrants, especially women, and normalize sexist and homophobic prejudice against minorities. This matters because ignoring gender as a social construct allows nationalist projects to portray migrant men and LGBTQ+ individuals as cultural threats, embedding hate speech within broader political agendas.<sup>4</sup> In the nationalist mythology, the male is the defender of the nation, “our” women, and “our” borders; any deviation from this ideal is perceived as threatening and unnatural, and consequently in need of elimination. Framing hate speech in this way allows the positioning of gender nonconformity as treasonous, legitimizing verbal and physical aggression as acts of patriotic defence. The principles of “male” and “female” are evidently separated, and their active and passive roles are clear (Mayer, 2000). This rigid dichotomy underpins hate speech by creating a binary moral order, demonizing those who challenge these roles. The rape of “our” women is therefore perceived as a penetration of the nation, a polluting intervention in the national body; any “mixing” with the Other symbolically corresponds to the loss of the nation’s purity, uniqueness, and culture. This metaphorical framing explains why hate speech often uses sexualized language: it dramatizes cultural anxiety and mobilizes fear of contamination to justify exclusionary rhetoric. Gender stereotypes, when interwoven with ethnic identity, can give ample scope for the thriving of racist nationalism (Yuval-Davis & Anthias, 1989). Gender has thus emerged to play a pivotal role because it helps secure the “self” by creating the immigrant Other as culturally different. Hate speech then becomes a strategic identity-building practice, where defining the Other sustains a sense of superiority.

These historical and contemporary dynamics raise pressing questions about how to conceptualize migration in a world of increasingly technologized

borders on the one hand, and the symbolic exclusion of populations seen as non-belonging on the other. Technological border regimes not only regulate movement, but at the same time produce discourses that frame certain groups as perpetual outsiders, fuelling the narratives of threat and contamination that underpin hate speech. Migration to, from, and within Europe is not new; but it has now become one of the continent’s most contentious issues, transforming from a social fact into a moral panic. Too often, politics further exacerbates the problem rather than offering solutions, creating fertile ground for language that dehumanizes and delegitimizes migrants. Political amplification of fear legitimizes hate speech as part of mainstream debate. The rise of exclusionary rhetoric and hate speech in public institutions demonstrates how deeply myths of purity and danger continue to shape European societies, undermining the principles of equality, inclusion, and dignity that these societies claim to uphold.

The recent rise of populist nationalism has revived ideas of national purity, often cast in cultural or racial terms. Populist right-wing parties, such as the Lega Nord and the Brothers of Italy, UKIP in the UK, Golden Dawn in Greece, and Fidesz in Hungary, have all reinforced national boundaries by racializing difference, particularly in response to the 2015 “refugee crisis.” The figure of the Muslim migrant became a symbolic threat used to reassert ethno-racial and civilizational difference, thereby re-territorializing white identities (Thorleifsson, 2019). Refugees were portrayed as Islamic terrorists, and the Cologne New Year’s Eve assaults were used to cast Muslim men as criminals. In Germany, groups like Pegida and the Alternative für Deutschland have warned that “true Germans” are endangered by migrants and Muslims. Slovenia has similarly grounded identity in language, culture, and myths of autochthony, portraying migrants, particularly Muslims, as backward or dangerous. These narratives indeed shape policy: Slovenia built a razor-wire fence on its Croatian border in 2017, reflecting Europe’s broader border hardening. Despite different migration histories, such movements all construct exclusion through nationality, ethnicity, religion, and notions of symbolic impurity. Debates over whether Turkish-Germans can ever be fully German and fears of Balkan migrants diluting Slovenian culture fuel discrimination in housing and employment. Across Europe, migrants are linked to crime and welfare dependency, intensifying fears of “cultural contamination” and strengthening anti-immigrant sentiment.

<sup>4</sup> However, the phenomenon of homonationalism strategically and selectively incorporates certain LGBTQ+ subjects (e.g., white, cisgender, and middle-class gay) to showcase support for their rights as a means of reinforcing racial, religious, and cultural hierarchies. Their incorporation into the nation-state as symbols of modernity and progress hence occurs at the expense of racialized, immigrant, and non-normative bodies, which are simultaneously marked as threats.

From a sociological perspective, Leets (2002) emphasized that hate speech is not merely “offensive” speech, but a form of discriminatory expression that targets identity traits such as ethnicity, religion, or nationality. It is therefore instrumental; hate speech works to define and enforce the boundaries of national belonging. In this sense, it is intimately linked to the nationalist discourses outlined above. The racialized and gendered construction of the Dangerous Other does not remain in the realm of symbolic identity, but is enacted through speech practices that stigmatize and exclude. Hate speech thus serves as a discursive technology that reproduces nationalist myths of purity and constructs outsiders as existential threats.

### CONSTRUCTING MIGRATION AS A THREAT

Let us now turn back to the function of hate speech and its embeddedness in broader social and political systems, particularly the phenomenon of migration. In the early 19th century, Europe experienced what Bade (2005) called “proletarian mass migration,” a period marked by the freedom to easily cross borders. This historical openness stands in stark contrast to the present, where migration is increasingly framed as a security threat. The shift has not been merely administrative; it has fundamentally altered the language and symbolism surrounding mobility. When borders become militarized, and monitored with infrared sensors and drones, migration is no longer conceived of as a human journey but as an intrusion. Irregular migrants, including asylum seekers, are often confined in detention-like settings and left in prolonged bureaucratic limbo. Such practices not only restrict movement, but they also construct migrants as inherently suspicious, reinforcing stereotypes of criminality. This securitization narrative feeds directly into hate speech, which thrives on metaphors of invasion and contamination, and portrays migrants as enemies. The concept of “symbolic assailants” (Jiang & Erez, 2018) captures this dynamic well: even without committing criminal acts, migrants are imagined as threats to the social order, and states increasingly merge criminal and immigration law (“crimmigration”) to manage migration (Stumpf, 2006; Zedner, 2019). This convergence reflects a shift in how states perceive and manage borders; they are no longer merely geographical demarcations, but dynamic spaces where legal, political, and social controls intersect. By blurring the boundary between crime and (im)migration, states provide a legal foundation for exclusionary rhetoric, making hate speech appear rational and justified. Securitization and legal frameworks do not simply regulate migration, but in effect actively shape a

discursive environment in which hate speech flourishes. Immigration violations, which had previously been civil matters, have now become criminalized, enabling detention and deportation under the banner of public order and national security. In Slovenia, recent reports indicate that foreign nationals now make up most of the prison population. Counterterrorism policies further fuse these legal regimes to fortify borders and control movement. More broadly, the principle of free movement throughout the EU has been challenged by the reintroduction of internal border controls. Discretionary policing at these borders contributes to the criminalization of migration, as law enforcement officers exercise considerable latitude in stopping and checking individuals, often relying on racial or ethnic profiling (van der Woude & van der Leun, 2017). These developments underscore the fact that borders are not merely lines on a map; they carry political, cultural, and emotional significance.

Nevertheless, one crucial fact about global migration is that most people continue to live in the countries in which they were born. Only one in every 30 people migrates across borders (IOM, 2024). This observation is not just statistical; it challenges alarmist narratives that fuel hate speech by portraying migration as an overwhelming or uncontrollable phenomenon. By showing that cross-border migration is relatively rare worldwide, the data undermines the rhetoric of “invasion” and helps us understand how exaggerated perceptions of threat become a foundation for hostile discourse. Despite their modest overall share, the number of international migrants has increased significantly over the past half-century. In 2020, an estimated 281 million people lived outside their country of birth, which was 128 million more than in 1990 and more than triple the figure recorded in 1970 (IOM, 2022; Castles et al., 2013). This long-term growth has made migration an increasingly visible and politicized issue at national, regional, and global levels.

Importantly, the relatively small statistical presence of migrants contrasts sharply with their outsized symbolic role in hate speech iterations. Although international migrants form only a small share of the world’s population, their regional concentration makes migration highly visible and politically charged, driving intense debate and media attention. As earlier sections have shown, populist, nativist movements, as well as racist hate speech, depict migrants, particularly Muslims, as existential threats to cultural integrity and security. Hate speech, framed around notions of invasion, impurity, and danger, magnifies the presence of migrants far beyond their demographic weight (Wodak, 2015; Mudde, 2019). In this way, migration statistics and hate

speech imaginaries diverge; while only a fraction of the global population migrates across borders, the figure of “the migrant” becomes central in political struggles over identity, belonging, and national purity. Media discourses are frequently fuelled by populist politicians who portray the overwhelming majority of migrants as young dangerous males (Wojnicka & Pustułka, 2017), while migrant women are marginalized and often reduced to reproductive bodies, exaggerating their role as child-bearers and framing them as demographic threats to the host nation (Sargent & Larchanche, 2007).

Another important fact concerning the act of crossing borders relates to the role of nationality and passport access. Surveys on overall quality of life by country and migration opportunities indicate that the availability of migration pathways is partly determined by one’s country of birth, and, in particular, by the passport held by the prospective traveller. This is crucial for understanding hate speech because such structural inequalities often become discursively exaggerated into narratives of privilege and exclusion. When mobility is framed as a marker of worth, hate speech exploits these disparities by portraying migrants from less privileged countries as inherently inferior or threatening, reinforcing stereotypes that legitimize discrimination and hostility. For example, the Henley Passport Index, a global ranking of countries according to the freedom of citizens to enter other countries, demonstrates that an individual’s ability to travel with relative ease depends significantly on citizenship. Visa access generally reflects a country’s status and standing in the international community, as well as its stability, security, and prosperity compared to other states. Slovenia ranks highly in this regard. The data also reveals two additional points. First, citizens of countries highly ranked on the Human Development Index can travel visa-free to approximately 85% of all other countries. Singapore, Japan, and South Korea occupy the top three positions, closely followed by Denmark, Finland, France, Germany, Ireland, Italy, and Spain. Most of these countries correspondingly also serve as popular destinations for immigration. Second, visa restrictions imposed on countries with very low levels of human development make regular migration routes difficult, if not impossible, for their citizens. As a result, irregular migration routes often represent the most (if not the only) feasible option for potential (e)migrants from these countries. Afghanistan ranks at the bottom of the list, along with Syria, Iraq, Pakistan, and Yemen. Many people from these countries simply have no realistic opportunity to cross borders through regular channels.

Why are accurate statistics important for understanding migration? Because opinion polls show a worrying fact that the vast majority of people in European countries overestimate the share of the migrant population in their country. The discrepancies can be very large (European Commission, 2022). Close to seven in ten (68%) respondents overestimate the real share of immigrants in the population. Many governments have now adopted restrictive immigration controls and increasingly use criminal justice measures to address what they term the “immigration problem.” Border and crime-control discourses converge around protection and security, with criminal and immigration law acting as gatekeepers of social inclusion.

## CONCLUSION

This article rests on the premise that hate speech must be addressed through a sociological lens. Such an approach allows for an examination of the social contexts, power relations, and symbolic dimensions of harmful speech acts. My definition of hate speech emphasizes its embeddedness in social hierarchies: it is speech directed against marginalized groups, with the intent or effect of reinforcing their subordination. Understanding hate speech in this way requires attention not only to the content of the message but also to its purpose and its situational context. Crucially, it is necessary to assess whether the perpetrator of hate speech occupies a position of social power and public influence, and whether the targeted group possesses the capacity to defend itself or to respond effectively in public discourse. In other words, hate speech cannot be fully understood in isolation from the asymmetries of power that structure social relations.

I have attempted to demonstrate that hate speech is not a matter of individual expression or interpersonal hostility, but a deeply embedded social phenomenon that reflects, reinforces, and legitimizes systemic inequalities. While legal definitions of hate speech remain necessary for delineating what is prosecutable within the rule of law, sociology provides the analytical tools to examine the broader range of derogatory discourse that exists outside legal confines, yet still produces tangible harm. Hate speech functions as both a mirror and a mechanism of structural power, shaping and maintaining hierarchies along the lines of nationality, ethnicity, gender norms, and migration status. By situating hate speech within the intersecting contexts of nationalism, racism, gender inequality, and migration politics, this analysis underscores its role as a conduit for prejudice and discrimination. It is not a random or isolated act, but an instrument for sustaining

existing social order. Historical and contemporary patterns show that hate speech contributes to the social construction of the Other as inherently inferior, dangerous, or undeserving. The targets of hate speech are rarely arbitrary: they are most often groups positioned as the Other, whose perceived difference is leveraged to justify exclusion, marginalization, or violence. Media representations, political rhetoric, and everyday discourse operate together to normalize such narratives, thereby influencing public attitudes, policymaking, and the lived experiences of marginalized communities.

Understanding hate speech therefore requires an intersectional sociological approach – one that connects the macro-level forces of political and legal systems with the micro-level realities of individual prejudice and everyday communication. Only by recognizing hate speech as both a product and producer of structural inequality can effective interventions be designed. This means not only addressing hate speech itself but also transforming

the social conditions that allow it to flourish. The challenge for contemporary societies lies not only in prohibiting the most egregious forms of discriminatory derogatory expression, but in dismantling the underlying social and institutional conditions that allow such discourse to thrive. By anchoring the analysis in this specific context while engaging broader theoretical debates, this paper contributes to a more grounded, interdisciplinary understanding of hate speech as a social phenomenon. In doing so, it also calls for renewed sociological engagement with a topic too often left either to the domains of law or quantitative computer science, despite its clear relevance for social dynamics, power, and inequality. As sociologists, scholars, and citizens, we are compelled to critically analyse how identities are constructed, weaponized, and policed. Only then can we work toward building inclusive societies that reflect Europe's actual heritage, not as a fortress of purity, but as a crossroads of humanity.

## SOCIOLOGIJA SOVRAŽNEGA GOVORA

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### POVZETEK

Članek obravnava sovražni govor kot kompleksen družbeni pojav, ki presega pravne definicije in zahteva poglobljeno sociološko analizo. Cilj je pokazati, da sovražni govor ne predstavlja zgolj individualnega izražanja predsodkov in diskriminacije ali medosebne sovražnosti, temveč deluje kot mehanizem, ki odraža in utrjuje obstoječe družbene hierarhije ter sistemske neenakosti. Tekst osvetli povezave med sovražnim govorom in konceptualizacijami nacionalizma, rasizma, spola ter migracij. Na ta način preučuje, kako sovražni govor deluje kot mehanizem utrjevanja družbenih hierarhij. Analiza vključuje sociološko interpretacijo javnega diskurza, medijskih reprezentacij in politične retorike, pri čemer se osredotoča na strukturne posledice sovražnega govora – predvsem za marginalizirane skupine. Na ta način razkriva, da sovražni govor pogosto cilja prav na marginalizirane skupine, ki so že tudi zgodovinsko v podrejenem položaju, ter da ima konkretnne posledice: od psihološke škode in družbene izključenosti do normalizacije diskriminatornih politik in nasilja. Poseben poudarek je namenjen vprašanju moči: kdo ima dostop do javnega govora in kdo je tarča brez možnosti odgovora. Članek zagovarja potrebo po interseksionalnem pristopu, ki povezuje makrostrukture z mikrorealnostmi vsakdanjih predsodkov. V zaključku poziva k širšemu sociološkemu angažmaju pri obravnavi sovražnega govora kot družbenega pojava, ki oblikuje identitete, utrjuje neenakosti in vpliva na prihodnost vključujočih družb.

**Ključne besede:** sovražni govor, nacionalizem, migracija, meja, čistost

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## HATE SPEECH AND HATE BY DESIGN: ANTI-MIGRANT DISCOURSE IN SERBIA

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### ABSTRACT

*This article explores hate speech as a governing logic embedded in Serbia's migration management, extending beyond explicit verbal hostility to encompass institutionalized silence, public spectacles, and policy design. Drawing on speech act theory, critical discourse analysis, and scholarship on racialized governance, it conceptualizes hate speech as a performative act with perlocutionary force. Through ethnographic and discursive analysis, the article shows how people on the move are rendered both hyper-visible and absent – criminalized, pitied, or erased – depending on political need. It argues that hate speech, framed through calculated ambivalence and absent presence, sustains exclusionary practices and legitimizes state and societal violence against migrants.*

**Keywords:** hate speech, performativity, migration, exclusion, violence, Serbia

## DISCORSO D'ODIO E ODIO PER PROGETTAZIONE: LA RETORICA ANTIMIGRATORIA IN SERBIA

### SINTESI

*Questo articolo esplora il discorso d'odio come logica di governo incorporata nella gestione delle migrazioni in Serbia, andando oltre l'ostilità verbale esplicita per includere il silenzio istituzionale, le rappresentazioni pubbliche e la progettazione delle politiche. Facendo riferimento alla teoria degli atti linguistici, all'analisi critica del discorso e agli studi sulla governance razzializzata, esso concettualizza il discorso d'odio come un atto performativo con forza perlocutiva. Attraverso un'analisi etnografica e discorsiva, l'articolo mostra come le persone in movimento vengano rese al tempo stesso iper-visibili e assenti – criminalizzate, compatite o cancellate – a seconda delle necessità politiche. Si sostiene che il discorso d'odio, inquadrato attraverso l'ambivalenza calcolata e la presenza assente, alimenti pratiche di esclusione e legittimi la violenza statale e sociale contro i migranti.*

**Parole chiave:** discorso d'odio, performatività, migrazione, esclusione, violenza, Serbia

INTRODUCTION<sup>1</sup>

In Serbian legislation, hate speech is a form of discrimination, "which include direct and indirect discrimination, violation of the principle of equal rights and obligations, incitement to discrimination, association for the purpose of discrimination, hate speech, harassment, degrading treatment, and sexual and gender-based harassment and inducement to discrimination" (Sl. glasnik RS 22/2009 & 52/2021, 2009, Art. No. 5). In particular, it represents "the expression of ideas, information, and opinions that incite discrimination, hatred, or violence against an individual or group of individuals based on their personal characteristics, in public media and other publications, at gatherings and places accessible to the public, through the writing and display of messages or symbols, and in other ways" (Sl. glasnik RS 22/2009 & 52/2021, 2009, Art. No. 11).

Legally and pragmatically, hate speech is not just expressive – it is performative. It is a speech act (Mey, 2021), with tangible effects, or perlocutionary force (Austin, 1990), shaping how its targets are viewed, treated, and situated within society. These effects range from generating fear, hostility, or moral panic, to legitimizing exclusion and normalizing violence:

*Creating contempt toward a particular individual or group, generating negative stereotypes about a particular individual or group, encouraging discrimination and hostility, prompting societal condemnation of a particular individual or group, causing feelings of insecurity and fear among a particular individual or group members, inflicting physical or psychological pain on a particular individual or group members, issuing threats against a particular individual or group, inciting and provoking violence against a particular individual or group, instilling a sense among a large segment of citizens that such behavior toward a particular individual or group is socially desirable and justified, creating a belief among a wide circle of citizens that such behavior will be tolerated and will not lead to accountability.* (YUCOM, 2007, 2)

As the Lawyers' Committee for Human Rights (YUCOM, 2007) observes, hate speech in Serbia often operates invisibly through normalization, saturation, and its reinterpretation as patriotism – conditions which render legal redress both politically fraught and institutionally elusive. Following Austin,

the success of hate speech depends not only on the speaker's intention but also on its uptake by an audience ready to affirm and enact its logics. This uptake can be emotional, behavioral, or administrative. Hate speech thus often exceeds the moment of utterance and permeates institutional action, media representation, and policy design. In other words, hate speech operates on multiple levels: it can be explicit and verbal, but also diffuse, implicit, or even absent. Its perlocutionary force does not rely on loud expression – it can function through repetition, visuality, or silence.

Hate speech targeting people on the move (Rijken & Pijnenburg, 2021) is a well-documented phenomenon, extensively studied in the context of migration and human rights violations (Arcila Calderón & Veglis, 2023). Critical discourse analysis has shown that hate speech is not merely a matter of explicit slurs or criminal incitement, but often functions as part of normalized, everyday language that upholds structural exclusion. Teun van Dijk (1993; 2018) argues that racist discourse operates through subtle rhetorical strategies, topoi, and ideological framings embedded in media and political talk. Ruth Wodak (2021) further demonstrates how right-wing populist narratives use fear, victim-perpetrator reversals, and "calculated ambivalence" to frame exclusion as common sense. This normalization blurs the line between legality and harm, enabling hate speech to circulate through policy discourse, administrative routines, and public sentiment.

Building on the concept of absent presence (Parmar, 2021; M'charek et al., 2014), this article analyses hate speech not only as a series of isolated utterances with specific perlocutionary effect (Austin, 1990), but also as a conceptual and operational axis that shapes public perception, legitimizes asymmetrical power relations, and sustains privilege through normalized and institutionalized forms of discrimination, including, at times, overt violence. As Parmar (2021) suggests, forms of racialized governance often work through what is *not* said – through omission, bureaucratic neutrality, or the strategic withdrawal of speech – which can carry powerful political effects. Hate speech may be excluded from concrete narrations, yet continue to function powerfully beneath the surface, structuring responses to mobility and inflicting harm. By examining both explicit and implicit discursive patterns that dehumanize people on the move, normalize violence, and frame mobility as deviance, the article contributes to a growing body of research on the discursive infrastructure of racialized governance (Garneau, 2024; Parmar, 2021).

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This framework is particularly relevant in the Serbian context, where verbal attacks have increasingly been replaced by institutionalized silence, vague bureaucratic terms, and visual performances of control – such as encampments, police raids, and deportations – circulated without accompanying justification. The article considers hate speech as embedded within migration policies, institutional routines, and everyday administrative practices – domains often obscured by processes of normalization, formalization, or regulatory silence, yet central to the ongoing production of exclusion. In this sense, hate speech does not simply flare up in moments of crisis; rather, it is sustained through routinized discursive, visual, and bureaucratic mechanisms that govern mobility in subtle yet enduring ways.

Over the past fifteen years, Serbia's migration discourse has shifted in step with its increasing alignment with EU migration policy and its role in the externalization of European borders – driven both by its geographical position and the political imperatives of the EU accession process. Public and official narratives, understood here as thematically and ideologically coherent accounts disseminated through various media platforms, have oscillated between portraying people on the move as "victims" deserving humanitarian concern and as "threats" to national and regional security. In 2015, migrants were described as "refugees" and "those who did not come to make incidents" (Politika, 2015); by 2016, they were characterized as "those whom no one in the EU wants to see, let alone accept" (RTS, 2016). With the closure of the formalized Balkan corridor, openly dehumanizing expressions—such as "Asian bandits and scum" (MUP RS, 2022) – entered public discourse prompted by state officials. These discursive shifts signal not merely a rhetorical change, but the consolidation of a governing logic in which exclusion, containment, and racialized suspicion become normalized. Hate speech settles into routine, shaping who is considered governable, expendable, or beyond the bounds of political and social belonging. Through the externalization of borders and accompanying legal and institutional transformations, the EU has exported its migration control rationale – which has been localized and rearticulated through specific discursive and political idioms in the Serbian context.

This logic remains even when no verbal speech is present: by 2024, migration had largely faded from Serbian public discourse, despite the ongoing presence of people on the move. Sporadic reports on smuggling arrests and "security threats" (Jovanović, 2024) replaced earlier narratives, revealing a shift from active hostility to passive erasure. Silence itself can result in the same consequences as hate

speech – "not talking" becomes a mode of legitimizing dehumanization, exclusion and sustaining systemic violence.

Beyond verbalized narratives and strategic silences, this article also considers public spectacles as a crucial dimension of the discursive infrastructure of border governance. Events such as apprehensions, encampments, and the physical restraint of people on the move – deliberately staged and broadcast by state actors – are not exceptional performances but integral to the routine logic that underpins the governance of mobility. These spectacles serve to dramatize state control, rendering migrant bodies hyper-visible while simultaneously dehumanizing and criminalizing them. They operate as performative acts of power, reinforcing narratives of threat, illegality, and state sovereignty without relying on explicit verbal justification. In this way, border spectacles become a mode of communication that legitimizes exclusion not through argument, but through repetition, visibility, and affect. They complement hate speech and "hate silence" by visually enacting the very hierarchies that verbal discourse and institutional policy seek to maintain. Framed within this broader system, spectacle becomes not an anomaly but a routinized feature of migration governance – an embodied discourse that transforms state violence into normalized public display.

This article adopts a qualitative, interpretive research design grounded in critical discourse analysis, with a focus on how language and silence function as instruments of governance. It draws on speech act theory (Austin, 1990) to conceptualize hate speech as a performative act with perlocutionary force – capable of producing social realities, legitimizing exclusion, and authorizing violence. Building on critical border regime studies (Mezzadra & Neilson, 2013) and scholarship on racialized governmentality (Garneau, 2024; Parmar, 2021; M'charek et al, 2014), the analysis situates hate speech within broader logics of border control, securitization, and institutionalized inequality. The empirical material includes media reports, political statements, social media content, protest materials, and institutional communications produced in Serbia between 2008 and 2024. These sources were selected for their discursive impact – particularly in shaping public affect, normalizing discriminatory practices, and mobilizing state and non-state responses toward people on the move. Priority was given to texts and events that generated public reaction or emerged in moments of political tension, allowing for an analysis of how hate speech operates not only through explicit language, but also through spectacle, bureaucratic silence, and calculated ambivalence.

While individual cases of hate speech are often cloaked in political rhetoric, this analysis takes into account collective expressions of hate, particularly institutionalized and therefore less visible forms, such as migration policies and official practices. These forms, like individual acts of hate speech, carry a powerful perlocutionary force. However, their effects are not incidental but rather necessary and often systematic outcomes of the conceptual frameworks and assumptions underlying their design. By institutionalizing discrimination, these policies embed the structural mechanisms of exclusion and hostility within governance systems, extending the impact of hate speech beyond individual acts to state-level practices.

### MIGRATION GOVERNANCE AND THE INSTITUTIONALIZATION OF HATE IN SERBIA

Building on the preceding discussion of hate speech as a performative and institutionalized act with far-reaching perlocutionary effects (Austin, 1990), this section examines how such dynamics unfold in the specific socio-political context of Serbia. Rather than focusing solely on isolated instances of verbal hostility, it considers how hate becomes embedded in state practices, institutional frameworks, and bureaucratic routines. In Serbia, the governance of mobility operates through discursive and material strategies that normalize exclusion, racialize belonging, and render certain groups – particularly people on the move – hyper-visible as threats or invisible as subjects of rights. These dynamics are not peripheral but central to a logic of racialized governance (Garneau, 2024), where discrimination is not only enacted through explicit speech but reinforced through euphemism, silence, and spectacle.

Migration emerged as a pivotal domain in Serbia's EU accession process, operating as both a policy issue and a symbolic site for the country's reputational rehabilitation after the wars of the 1990s. Following years of international isolation, economic sanctions, and its perceived role in the violent breakup of Yugoslavia, Serbia sought to reposition itself as a "responsible" European partner. This effort coincided with the protracted presence of refugees and internally displaced persons from Croatia, Bosnia and Herzegovina, and Kosovo, producing a complex domestic terrain of displacement and containment (Stojić Mitrović, 2020). Migration governance thus became a political tool for reconciling national anxieties with supranational expectations, simultaneously projecting compliance with EU norms while managing internal tensions rooted in unresolved histories of violence and exclusion.

The legislative reforms of the late 2000s – particularly the adoption of the Law on Asylum (Sl. glasnik RS 109/07, 2007) and the Law on Foreigners (Sl. glasnik

RS 97/08, 2008) – marked formal alignment with EU standards. However, these reforms did more than transpose technical norms: they introduced an interpretive regime that fused humanitarian language with securitarian logics and racialized assumptions. As Wodak (2021) theorizes through the concept of "calculated ambivalence", people on the move were constructed as both vulnerable figures deserving aid and dangerous intruders threatening social cohesion. The salience of each framing shifted in response to evolving EU discourse and specific local contexts.

Within this regime, public discourse initially centered not on non-citizens but on so-called "fake asylum seekers" – Serbian nationals returned from Western Europe under the Readmission Agreement. These individuals were depicted as "internal others", a source of shame and a hindrance to Serbia's EU aspirations (Stojić Mitrović, 2020). Meanwhile, non-citizen migrants remained largely absent from mainstream political narratives. Their presence was largely relegated to technocratic documents, humanitarian programs, or sporadic references by local residents in towns hosting asylum centers.

This absence, however, was far from neutral. As Parmar (2021) argues, governance often functions through "absent presence" – through omission, bureaucratic neutrality, and the silencing of politically inconvenient subjects. The marginal visibility of non-citizens in Serbia's early migration discourse allowed for the quiet buildup of exclusionary infrastructures, where hate speech operated not through incendiary rhetoric but through legislative calibration, institutional design, and regulatory silence. These forms of hate – implicit, procedural, and dispersed – carried significant perlocutionary force: they established thresholds of belonging, defined conditions of tolerability, and prepared the ground for more explicit forms of exclusion that would follow in the subsequent years.

This institutional sedimentation of racialized governance (M'charek et al., 2014; Garneau, 2024) allowed the Serbian state to maintain its image as a compliant EU candidate while simultaneously reinforcing domestic hierarchies of exclusion. It rendered people on the move both politically useful and socially disposable – figures to be governed but not heard, tolerated but not integrated. In this way, the early phases of Serbian migration policy demonstrate how hate speech, when understood as a routine logic of governance, exceeds the realm of verbal animosity and becomes embedded in the very architecture of statecraft.

### Local articulations of hate speech: Banja Koviljača as discursive precedent

The routinization of hate speech as a governing logic becomes particularly visible at the intersection of institutional, legislative, and symbolic practices with lived

social dynamics, as exemplified in the emergence of anti-migrant discourse in Serbia in 2011. While Serbia had already adopted EU-aligned migration legislation – most notably the Law on Asylum (Sl. glasnik RS 109/07, 2007) and the Law on Foreigners (Sl. glasnik RS 97/08, 2008) – public discourse and societal attention to people on the move remained peripheral until a moment of localized disruption catalyzed broader ideological shifts. This moment emerged not from state-level policy, but from a protest in the spa town of Banja Koviljača, near the Bosnian border, where Serbia's then only asylum center was located.

Due to the center's limited capacity, many people on the move resorted to informal shelter – abandoned buildings, parks, and other public spaces. Their everyday visibility in these spaces ignited local discontent, culminating in a petition and public protests aimed squarely at state authorities. As stated:

*We, the undersigned citizens of Banja Koviljača, wish to alert all structures within the Municipality of Loznica to problems arising from the large number of refugees (both illegal and legal asylum seekers) in our town! Their numbers, uncontrolled movement, and occasional behavior on the verge of incidents are causing fear, especially among children and younger women. Resolving this issue is urgent; if not addressed, greater inconveniences may arise! (Stojanović, 2012, 8)*

These mobilizations exemplify the felicity conditions of hate speech as a speech act, in Austin's (1990) terms: the speech produced effects because the institutional and social context was primed to accept, echo, and act on it. The protests' perlocutionary force – intended to provoke institutional response – was fulfilled when the state relocated people on the move and expanded accommodation infrastructure. This movement from local expression to national policy underscores how hate speech operates not only through intent, but through uptake and effect, and how it transitions from speech to governance.

The narratives voiced during the protests did not meet the legal definition of hate speech, yet they powerfully conveyed exclusionary messages through insinuation, bodily visibility, and emotional cues. Remarks such as: "they go to the grocery shop and touch the bread"; "they stand in groups on the sidewalk" and "they laugh" (Stojić Mitrović, 2016, 215) recast ordinary behaviours as threatening. These statements relied on the audience's assumptions and the broader context to generate meaning – inviting listeners to interpret mundane actions as signs of danger, impropriety, or cultural incompatibility. In doing so, they mobilized fear without stating it directly. Moreover, these rhetorical strategies functioned

through topoi (van Dijk, 1993; 2018) that constructed people on the move as "too male," "too Muslim," overly youthful, and hypersexualized – dangerous not through what they did, but through what they were assumed to be.

In this frame, the vagueness allowed for inferring the intended meaning. It did not come from state elites but from grassroots actors who portrayed local women and children as vulnerable figures in need of protection thus reinforcing patriarchal order, while migrants, the ultimate male outsiders, were cast as aggressors despite lacking power or voice. As such, hate speech emerged not through overt racial slurs but through appeals to public safety and community cohesion, cloaked in a language of reasonableness and urgency. This aligns closely with Parmar's (2021) notion of absent presence, wherein racialized subjects – here, non-citizen migrants – are hyper-visible in physical space but excluded from political and discursive participation. Their presence prompted speech, but they themselves were not interlocutors. They were objects of fear, not subjects of dialogue. Protestors did not engage migrants in debate; they petitioned the state to act on them.

As protests intensified, symbolic gestures quickly escalated into overt hostility: parents withdrew children from schools, roads were blockaded, migrant housing was attacked, and human rights activists faced public threats (Stojić Mitrović, 2016, 216–268). In response, the state opened a new asylum center and relocated most people on the move out of Banja Koviljača. These developments illustrate how hate speech, when up-taken by institutions, can translate into concrete policy decisions. The state's compliance with protest demands did not represent a collapse of authority, but rather its exercise – a performative enactment of a hierarchized social order. This response reaffirmed distinctions between populations deemed worthy of protection and those rendered expendable, aligning with what Garneau (2024) identifies as the discursive infrastructure of racialized governance.

Crucially, this was not a deviation from governance norms but their enactment. Hate speech here was not just tolerated – it was felicitous and functional. It shaped spatial policy, mobilized institutional mechanisms, and redefined the terms under which people on the move could be seen, treated, and contained. These protest-driven interventions set the precedent for later forms of state-led exclusion: first by legitimizing state inaction, and then by demanding state overreaction.

Thus, the events in Banja Koviljača illustrate how hate speech operates across multiple registers – as local affect, institutional policy, and performative governance. It shows how governing through speech is not limited to officials or parliaments but unfolds through complex circuits of utterance, uptake, and consequence that render certain lives governable only through separation, suspicion, and silence.

## FROM AUDIENCE TO AUTHOR: THE STATE'S UPTAKE AND PRODUCTION OF DISCURSIVE EXCLUSION

Until 2015, the Serbian state largely functioned as a receptive audience in the domain of migration discourse, responding reactively to local actors – residents, municipal authorities, and civil society organizations – who voiced concerns about the perceived threat of people on the move. These articulations, often couched in racialized, gendered, and securitarian terms, were taken up by the state and translated into administrative decisions, spatial interventions, and symbolic policy moves. In Austin's (1990) terms, these utterances were felicitous: they produced real-world effects through their uptake. However, the status of the state began to shift with the growing political and economic salience of migration-related topics, particularly in the context of Serbia's EU accession process. As migration governance became more tightly entangled with access to EU funds and border externalization agendas (Beznec et al., 2016), the Serbian state repositioned itself from a passive respondent to an active speaker, narrating its own role in the regional migration regime.

At this juncture, Serbia's self-presentation as a "humane" country toward migrants during the height of 2015 "refugee crisis" was not merely rhetorical – it was a performance of statehood directed at the EU. The formal opening of the first EU accession negotiation chapters followed shortly after such portrayals (Beznec et al., 2016). Yet the figure of the migrant remained speechless – evoked as an object in need of management, but stripped of voice and agency. It was made visible only through discursive framings which excluded socio-political belonging and recognition.

The securitarian turn in EU migration policy – particularly after the 2016 attempted coup in Turkey and questions surrounding the EU-Turkey deal (Brandt, 2016) – further shaped Serbian discourse. In a nationally televised address in July 2016, Serbian Prime Minister Aleksandar Vučić crystallized this shift. His speech, broadcast across all major networks, explicitly aligned Serbia's migration policy with EU's security imperatives. Using calculated ambivalence (Wodak, 2021), the speech oscillated between humanitarian self-congratulation and explicit othering: "Serbia cannot be a parking lot for Afghans and Pakistanis whom no one else in Europe wants to see, let alone accept" (RTS, 2016). The metaphor cast Serbia as both a victim of European disinterest and a vigilant defender of national sovereignty. The speech framed the EU as the cause of Serbia's burden while simultaneously reinforcing Serbia's geopolitical alignment with it – exposing the neocolonial mimicry (cf. Bhabha, 1984).

This address exemplified the perlocutionary force of hate speech – not in the form of vulgar invective but as a legitimizing act that constructed exclusion as rational, necessary, and inevitable (Austin, 1990; Gagliardone et

al., 2015): "the asylum procedure takes about 30 days, with minimal chances of being granted asylum"; "there will be no movement without documents"; "it is clear where the designated places for migrants are"; "we will maintain a good relationship, provide help and support, feed them, give them water, and we will not resemble those who have treated them poorly from the beginning"; "protect against illegal and criminal behaviour by Serbian and foreign human traffickers" (RTS, 2016). While seemingly policy-oriented, the speech performed exclusionary work by criminalizing facilitators of movement, vilifying entire national groups, and announcing pushbacks and deportations as defensive necessities. It not only narrated a new migration regime but catalyzed it, laying the groundwork for future practices of detention, surveillance, and mobility restriction.

Moreover, the Prime Minister introduced a new discursive formation: the *tolerated presence*. This formation redefined the provision of basic services – food, water, shelter – not as rights but as acts of state benevolence. Similar dynamics have been observed elsewhere, where humanitarian gestures are embedded in governance frameworks that sustain inequality and defer accountability (Fassin, 2011; Ticktin, 2011). Within this framing, the state retains the power to retract care at any moment, further subordinating people on the move and emptying rights of substantive meaning. The parking lot metaphor amplified this logic: it emphasized temporariness, stagnation, and burden, casting migrants as unwanted and unintegrable excess (De Genova, 2013; Tazzioli & Garelli, 2018).

In speech act terms, this address performed multiple audiences: it reassured the Serbian public, affirmed state control to the EU, and preemptively justified future human rights violations. It established discursive and institutional boundaries between Serbian citizens – legible and mobile – and people on the move – silent, stalled, and illegible. Through this mechanism, hate speech transcended individual utterance, becoming a governing logic embedded in law, security, and everyday policy.

### Performing: spectacles and silences in anti-migrant governance

This section analyzes how hostile narratives and practices targeting people on the move in Serbia have been shaped by two primary forces: anti-migrant political and vigilante initiatives, and the state itself, through its institutions, laws, and symbolic performances. Central to these dynamics are two discursive modalities – spectacularization and invisibilization – which, although seemingly oppositional, work in tandem to produce a governance logic rooted in fear, dehumanization, and exclusion.

Spectacles, as elaborated by Stojčić Mitrović (2024), function through visual amplification, abstraction, and emotional condensation. They distill complex political

realities into emotionally charged representations, often delivered through media, performative state action, and public performances of enforcement (De Genova, 2013). Spectacles are not merely expressive but performative acts with perlocutionary force (Austin, 1990): they generate knowledge, mobilize fear, and justify institutional responses. In the Serbian context, border raids, mass arrests, detentions, and staged media coverage of migrant “crackdowns” serve as such spectacles, presenting people on the move as hyper-visible threats requiring exceptional measures. As scholars have shown, such displays are integral to the symbolic enactment of sovereignty at the border (Andersson, 2014; Besteman, 2020).

Invisibilization, by contrast, operates through strategic silences, administrative euphemism, and bureaucratic filtering of visibility. It is not passive but represents a mode of governance: it governs by omission, suppressing the political subjectivity of people on the move. People on the move may be present in the landscape but absent from the public sphere, reduced to figures in surveillance data or passive objects of humanitarian discourse (Ticktin, 2011; Mezzadra & Neilson, 2013). These silences are particularly effective in stabilizing dominant narratives by foreclosing alternative interpretations or resistance.

Together, spectacularization and invisibilization function as complementary technologies of racialized governance (Garneau, 2024; Fassin, 2011; M'charek et al., 2014). They work through selective visibility and affective manipulation, shaping who is seen, how, and under what terms. Anti-migrant narratives in Serbia consistently frame people on the move as existential threats to an imagined “Serbian way of life”—a protean notion encompassing fears about economic precarity, religious difference, demographic change, cultural loss, and national sovereignty (Wimmer, 2002). These anxieties are not unique to Serbia, but part of a wider pattern of racial bordering in contemporary Europe (Yuval-Davis et al., 2019).

These narratives also operate through conspiracy tropes, attributing the presence of people on the move to hostile global forces—from the EU and “foreign financiers” like George Soros, to faceless international institutions. People on the move are framed either as naïve pawns or intentional disruptors. Such depictions construct them as a homogenized, mobile threat, denying them individuality and flattening their motivations into a single, suspicious presence (Wodak, 2021; van Dijk, 1993).

Crucially, anti-migrant discourse relies heavily on speculative futurity (Amoore, 2006; Aradau & Van Munster, 2007): it does not claim that people on the move are causing harm now, but that they will. The emphasis is on potentiality – what migrants could do. This preemptive logic justifies repression, exclusion, and securitization in the name of protection and risk management. Even isolated incidents are deployed as proof of imminent collapse, fueling moral panic and normalizing the expansion of state power.

Whether articulated through policy, media, protest, or legal frameworks, these narratives generate material effects. They shape institutional practices, public sentiment, and policy priorities. They determine who is protected and who is punishable; who is granted presence and who is rendered absent. In doing so, they perform a world-making function, delineating boundaries of political membership and humanity itself (Butler, 2009). People on the move are marked as non-citizens, non-subjects – figures of contamination to be managed, contained, or erased.

### “We won’t let them stay”: hate speech, vigilantism, and the great replacement narrative

From the outset, Serbia’s EU accession negotiations involved the management of returnees: both Serbian citizens without legal status in the EU and so-called third-country nationals who had entered the EU via Serbian territory. Public discourse initially focused on the former, framed as essential for visa liberalization (Stojić Mitrović, 2020). In contrast, the issue of third-country nationals remained largely invisible until 2015, when it emerged as a latent source of anxiety – especially in the wake of the “migrant crisis” and under the influence of securitarian and racializing discourses from the EU (Mudde, 2019).

The stereotype of Serbia as a site of migrant settlement – unwanted, imposed, and externally orchestrated – became a recurring theme in anti-migrant narratives. This imaginary was revitalized in 2019 during the European Parliament elections, when Austrian right-wing Interior Minister Herbert Kickl proposed returning denied asylum seekers to Serbia. Serbian far-right parties reacted by warning of the imminent return of “a million migrants” (Dosta je bilo, 2020). These claims reactivated a core trope: Serbia as Europe’s dumping ground, forced into demographic and cultural transformation against its will.

This discourse not only invoked geopolitical victimhood but also cast migrants as agents of demographic sabotage. In the 2020 election campaigns, right-wing parties such as *Dosta je bilo* and *Dveri* mobilized migration as a central issue, displacing traditional topics like Kosovo or LGBTQ+ rights (Petrović & Ignjatijević, 2022). *Dosta je bilo* linked migration to “banking-corporate globalism”, alleging that Serbia was becoming a peripheral colony exploited for cheap labor (*Dosta je bilo*, 2019). *Dveri* took a more bio-nationalist approach, accusing the government of planning to “solve” Serbia’s demographic crisis by settling migrants in depopulated villages. Their leader claimed this policy was a covert attempt to replace the Serbian population and culture – an interpretation that strongly echoed the racialized “great replacement” theory (Ekman, 2022).

These narratives enacted a form of calculated ambivalence (Wodak, 2021): people on the move were simultaneously positioned as helpless pawns (used by

global actors) and as dangerous colonizers, culturally and biologically incompatible with the Serbian nation. Their projected “settlement” was portrayed not as humanitarian integration but as strategic demographic invasion – threatening Serbian identity, faith, and reproductive future.

The affective resonance of this framing was intensified by physical protests and acts of aggression in early 2020. In cities like Sombor and Subotica, protests demanded physical containment and exclusion of people on the move, relying on fabricated threats and racialized stereotypes (Kovačev, 2019).

In Subotica, the group United Citizens of Subotica used edited video propaganda – featuring armed figures cast as terrorists – to invite the residents to attend the “Big Protest Against the Settlement of Migrants in Subotica and Serbia” while inciting fear and moral panic (Jakovljević, 2020):

*The world as we know it is disappearing; there is an obvious invasion of Islamists into Europe and Serbia. Are we leaving our children and grandchildren with jihad warriors disguised as ‘refugees’? A corrupt government turns a blind eye and pretends that all of this is normal. The police are powerless; Islamists are above us, above our laws and Constitution. They will settle jihad fighters in our Serbia. Stop! We won’t allow it.*

People on the move were framed as “Islamist invaders”: the threat attributed to them was outsized relative to their public visibility or actual actions, and it mobilized institutional responses without requiring their direct involvement.

In Pirot, narratives of “cursed Serbian mothers,” ruined orchards, and vulgar insults reactivated gendered and nationalist scripts in which Serbian women needed protection from racialized outsiders.

*They came from who knows where and here they curse our Serbian mother. This is how they thank us for our hospitality. Let the officials see what they will do with them; they should just move them out of here. Since they’ve been here, no vineyard in the area can be harvested properly because they are plundering both the vineyards and orchards, and now they’ve even started attacking people. (Ćirić, 2019)*

*I am here to support the taxi drivers and citizens due to the violence and safety concerns. I fear for my safety. The other day, I was walking with my son in the city centre. Two drunk migrants were sitting on a bench and insulting the Serbian people, swearing. They were talking about how they would rape Serbian women. They move around in groups of 10 to 15. They cause incidents in*

*markets and stores, insulting the female workers. Our children have to leave the country, while someone has allowed them everything here. Where do they get the money to buy things? (Panić, 2019)*

These stories, while often unverifiable, had clear perlocutionary force: they incited protest, justified police action, and enabled public and institutional complicity (Austin, 1990).

This symbolic order was further reinforced by groups like “No Surrender of Kosovo and Metohija”, later renamed into “People’s Patrol” (Bogdanović, 2020), who distributed vigilante leaflets in Belgrade and beyond.

*We know that you are in Serbia passing through on your way to the EU and that you do not wish to stay longer in our country. While you are here, do not harm our women, our children, or our citizens, and no one will harm you. If you attack anyone, we will respond. We are not the state, nor the police; we are the people. And our response will be severe. From now on, our patrols will occasionally monitor Belgrade, where you will be, and they will respond if there is violence on your part. Do not harm anyone, and you can continue your journey in peace. Just as we must respect the laws and customs in your country, respect ours, or you will face a response similar to what you would give us in your country if we were to mistreat you. Spread this message to your compatriots. We wish you all the best and a safe journey. (Srbin Info, 2020)*

They approached individuals, distributed leaflets and claimed: “The movement of migrants outside migrant centers is prohibited from 10 PM to 6 AM and in groups of more than three people”, while warning them of potential repercussions if they harmed Serbian people (Srbin Info, 2020).

Their pseudo-legal warnings, invoking curfews and group restrictions for people on the move, mimicked state authority and framed their presence as both unlawful and temporary. These groups capitalized on the migrant settlement stereotype by asserting that Serbia had become a “migrant parking lot”, a holding space in which the undesired were to be tolerated only under threat of violence.

Meanwhile, the state’s securitarian response reinforced this logic. Following border tensions between Turkey and Greece in March 2020, Serbia sealed its southern border and began forcibly relocating people on the move into camps (Tomčić, 2020). Protests staged by People’s Patrol followed, blending anti-migrant, anti-EU, and anti-Kosovo slogans with religious symbolism, further entrenching the idea that people on the move were vectors of territorial and cultural loss and ethno-national

suffering in general. Protesters held Serbian and Greek flags and banners saying: “terrorists not welcome” and “you will not replace us”. They shouted slogans such as “we don’t want migrants”; “Serbia for Serbs”; “fences for migrants, freedom for citizens”; as well as “no division of Kosovo. Kosovo is the heart of Serbia” and “we won’t give up our holy sites” (Mondo, 2020). After protesting in front of the Serbian Government, protesters stoned the premises of the Commissariat for Refugees and Migrations of the Republic of Serbia, a special organization within the state administration system responsible for migration issues.

The COVID-19 lockdown, which commenced only a week after this stoning, became a fertile ground for conspiracy theories. The Facebook group “STOP settlement of migrants” grew to over 300,000 members, functioning as a digital platform for hate speech, disinformation, and fantasies of armed revolt against both people on the move and the state (Vučić, 2021). Users frequently accused the government of secretly importing migrants while citizens were confined to their homes – a claim central to localized adaptations of the great replacement narrative. The state was framed not only as ineffective but as treacherous – complicit in erasing the Serbian people and the Serbian Orthodox faith. People on the move were portrayed as violent terrorists, Muslim extremists who hate Serbs/Christians, rapists of women and children, sodomites, and part of a global, regional, or national plot to replace Orthodox Serbian Christians with migrants.

These posts, filled with xenophobic, Islamophobic, and eliminationist rhetoric, exemplify hate speech as a diffuse and performative infrastructure. It operated not just through formal discourse but through rumor, visual propaganda, and bureaucratic silence – precisely the mechanisms of racialized governance that Garneau (2024) identifies as structuring exclusion beyond legality or individual intent.

*Hello people, we are the ones who decide, not the government or the president. According to the constitution, we have the absolute legal right to do so. This means no migrants will live in Serbia under any circumstances. Serbia is not a sanctuary for Islamic terrorists or their jihadis, and no mosque will ever be built in Serbia again, because their blood will flow to their knees. We will show them who the Serbs are and what we are ready to do to defend our land and orthodoxy. If the government won’t protect us, we will protect ourselves, as we know how and will use any means necessary. (STOP MIGRANTIMA!!!, 2020)*

In these discourses, the imagined “settlement” of migrants became shorthand for national decline. Their alleged presence in Serbian villages, institutions, and cities was projected as a slow, inevitable process of



**Figure 1:** Screenshot of a Facebook group created in March 2020 as a backup for the main group *STOP naseljavanju migranata*, which hosted 300,000 members at its peak. The group shown here was part of a network of numerous groups formed when administrators feared the main page could be shut down for hate-speech violations.

erasure – of culture, population, and sovereignty. Hate speech thus did not only target individual migrants; it redefined the symbolic terrain of national belonging (Butler, 2009). It presented people on the move as inherently incompatible with Serbian life – not because of what they did, but because of who they were presumed to be. This is the performative work of hate speech in

action: structuring the world through speech, silencing through spectacle, and governing through fear.

### Hate made visible: the performative logic of migrant policing

During the COVID-19 state of emergency in Serbia, hate speech did not remain confined to online platforms. Instead, it materialized in public space through highly visible and symbolic acts of containment, policing, and militarization directed at people on the move. These practices – ranging from everyday harassment to large-scale raids – constituted what can be described as border spectacles: performative displays of state sovereignty and punitive power that reaffirm the logic of exclusion and racialized suspicion (De Genova, 2013; Stojić Mitrović, 2024).

Even prior to the imposition of emergency measures in March 2020, people on the move were subjected to forcible removal from public spaces – streets, parks, squats – and relocated to remote, state-run accommodation centers. Once the state of emergency was declared, these spaces were transformed into fortified sites. Encampments were fenced off, guarded by armed soldiers and armored vehicles, and subjected to enhanced surveillance. The Ministry of Defense issued regular photo-reports showcasing its enforcement activities, reinforcing a visual narrative of order, control, and national protection. When Aleksandar Vulin, then Minister of Defense, became Minister of the Interior, these performances intensified: raids on border squats and urban apprehensions were broadcast through official YouTube channels, solidifying the spectacle of containment as a state communication strategy.

These practices inflicted profound material and symbolic harm. Healthcare access for people on the move was minimal; those infected with COVID-19 were typically isolated rather than treated (Marinković, 2020). Attempts to leave the camps were met with punitive violence. Media documented individuals lying bound in the mud, surrounded by armed officers (Republika, 2020). While certain violent practices – beatings, relocations, and firearm use – remained unreported by official institutions, solidarity groups (Transbalkanska solidarnost, 2020) documented widespread abuse. These policing actions, though framed as neutral or humanitarian, reproduced the governing logic of hate speech: the rendering of people on the move as inherently dangerous and undeserving of rights.

Spectacle reached an unprecedented intensity in May 2020 when a man rammed his car through the fence of the Obrenovac camp, livestreaming his actions and declaring his refusal to tolerate migrants, Islam, or the army guarding “them”: “I don’t want migrants attacking my girlfriend, I don’t want an Islamic state, I don’t want my army guarding them in my city. I don’t want to see people fleeing in my city, I don’t want to endure this, the punishment will be severe” (Lokalne novine, 2020). His

rhetoric echoed the broader ecosystem of hate speech: invoking moral panic, racialized fear, and masculine protectionism. He was soon supported by a rally led by the far-right group Levijatan, known for combining anti-migrant and anti-Roma violence with animal rights discourse. “Gathered in front of the migrant camp, they sang ‘Hriste Bože’, a hymn dedicated to Kosovo, vowing to liberate it from Albanians” (Dukić, 2020).

Vigilante group People’s Patrol also staged policing performances. They operated under the guise of protecting citizens, simulating law enforcement by harassing people on the move – demanding documents, verbally abusing them, and attempting to forcibly place them into camps. In one incident, they kidnapped people from a squat at the Sombor train station, only to be denied entry at the state-run migrant accommodation camp gates (Balać, 2021). These acts were intended not only to intimidate but to provoke a reaction that would justify the narrative of migrant criminality. The group also targeted local residents who provided shelter to people on the move, publicly shaming them through posters with names, photos, and addresses. “Sombor residents, these are your neighbours who illegally rent accommodation to migrants. For their own profit, they contribute to the accumulation of these migrants in your city,” instilled fear in those targeted (Komarčević, 2021). These acts, while framed as civilian initiative, mirror the performative force of state violence and amplify its logic.

Following the lifting of the state of emergency, closed borders and mobility restrictions drove many people on the move to rely on smuggling networks. Competition over routes and clients escalated into violent confrontations, particularly in northern Serbia. Shootouts that had previously occurred in forests and peripheral zones began spilling into villages and towns (Subotica.com, 2022). In response, the state orchestrated highly mediated crackdowns: police operations involving the arrest of hundreds were captured on camera, showing detainees kneeling with raised hands, surrounded by special forces (BBC na srpskom, 2022). These images – circulated widely – functioned as state-sanctioned spectacles of discipline, portraying people on the move as dangerous subjects requiring exceptional force.

These events did not produce sustainable solutions to either smuggling or insecurity. Rather, they reinforced a visual and discursive economy of racialized governance: one that fuses spectacle, silence, and punishment in managing unwanted mobility. The performative choreography of raids, arrests, and public shaming – whether by the state or its proxies – reproduces and legitimizes exclusion as a routine logic of rule.

### Hate by absence: silence, bureaucracy, and the invisibilization of violence

The institutionalization of hate speech in Serbia’s migration governance has not only taken the form of



**Figure 2: Belgrade city center, 11 May 2022.** The building pictured—once a squat used by people on the move and later a location where police gathered individuals apprehended in raids—was extensively marked with anti-migrant graffiti and Nazi symbols. Visible here is the inscription *СТОП МИГРАНТИМА* (“Stop migrants”) in Cyrillic, beneath the redacted Latin-script fragment *MIGRA*. It is readable from the inside of the building (Photo: Marta Stojić Mitrović).

public spectacle or explicit hostility. It also operates through silence, technocratic language, and the strategic withdrawal of visibility – what Parmar (2021) calls absent presence. These are not signs of resolution or depoliticization, but rhetorical strategies that render structural violence invisible while continuing to produce its effects.

A major turning point occurred in 2022, when the EU and its “Western Balkan partners” launched the Joint Coordination Platform’s Ministerial Return Conference – a policy initiative seeking to transform the region into a buffer-deportation zone for returning people on the move from the EU to their countries of origin (State-watch, 2023). This marked the shift from spectacular control to silent logistics, aligning Serbian governance with the EU’s Action Plan for the Western Balkans – a precursor to the Pact on Migration and Asylum.

Accompanying this shift was a significant change in Serbia’s institutional tone. After a long period of continuity, the Commissariat for Refugees and Migration underwent its first major leadership change in decades. Open statements and media presence gave way to minimalist announcements, restricted access for journalists and researchers (Martinović, 2023), and a heavily sanitized public discourse. Bureaucratic euphemisms replaced politically charged language.

Expressions such as “automated regional return mechanism”, “comprehensive, people-centered approach”, “360-degree management strategy” and “humanitarian border governance” (Skopje Declaration, 2022; IOM, 2022) obscured the coercive nature of detention, deportation, and forced returns.

This technocratic vocabulary functioned as a mode of invisibilization, defusing the emotional and political charge of migration by shifting attention from human suffering to abstract “coordination” and “efficiency.” As Wodak (2021) notes, this calculated ambivalence allows exclusionary measures to appear both rational and humanitarian, veiling harm beneath a veneer of administrative neutrality.

Yet on the ground, violence continued – and escalated. Shootings between smuggling networks near Serbia’s northern borders became more frequent and deadly, prompting intensified police operations. Following a fatal clash in October 2023, a large-scale raid removed hundreds of people on the move from border areas, effectively pushing migration routes further south and deeper underground (Jovanović, 2024). These operations coincided with increased silence: while armed actions were sometimes reported, the broader social implications and human consequences of such enforcement remained absent from national discourse.

The criminalization of people on the move – often framed through the trope of “illegal migrants” disrupting national security – reinforced social distance and public apathy. In 2024, aside from brief mentions of smuggling or isolated crimes, migration largely disappeared from Serbian public debate. The dominant narrative suggested the problem had been “solved,” requiring only technical maintenance.

But this silence was broken briefly in February 2024, when North Macedonian authorities reported a group of 70 pushbacked individuals, some beaten and stripped of clothing in freezing weather. Serbian officials deflected responsibility, noting that Austrian and Hungarian officers, jointly patrolling the Serbian border, had reported “no irregularities” (Fallon & Tondo, 2024; Radoja & Andelković, 2024). The matter was quickly closed. The physical suffering and exposure to extreme cold endured by these individuals was effectively erased – folded into institutional silence, with no political, legal or public consequence.

Meanwhile, in a telling move, the Commissariat announced the closure of over half of Serbia’s asylum camps, citing “lack of demand” (Jovanović, 2024). In reality, the increasing restrictions on aid, mobility, and visibility, alongside economic dependency on smugglers, had created a context in which camp life became unsustainable – not unnecessary. As migrants disappeared from public space, they also vanished from concern.

This disappearing act extended to digital spaces as well. Even People’s Patrol, once among the most active purveyors of street-level hate, shifted its focus to Kosovo, lithium mining, and state betrayal. Migrants, once vilified as existential threats, had become too invisible to hate – a clear indication of successful routinization of violence. The perlocutionary force of earlier hate speech – its ability to incite fear, restructure discourse, and justify exclusion – had now migrated into silence, bureaucracy, and institutional inertia.

The legal adoption of the Pact on Migration and Asylum may have further reduced the discursive centrality of migration, but its infrastructural effects persist. Camps remain closed, deportations occur without documentation, and border patrols are carried out by foreign forces operating without public oversight. Whether by spectacle or by silence, racialized governance continues to organize violence, producing what Garneau (2024) calls infrastructures of exclusion: routinized systems that are no longer seen, precisely because they work.

## CONCLUSION

This article has demonstrated that hate speech in Serbia is not an aberration, nor is it reducible to isolated verbal attacks or criminalized incitement. Rather, it constitutes a central mechanism of governance – dispersed, routinized, and often invisible – that

undergirds migration management and sustains structural inequalities. Through an analysis of political narratives, public spectacles, vigilante action, and bureaucratic silences, we have seen how hate is not merely expressed but designed: embedded in policies, enacted through institutions, and circulated via media, administrative vocabulary, and public affect.

Framed by Austin’s (1990) concept of the perlocutionary force of speech acts, hate speech in the Serbian context has produced tangible effects: it has legitimized violence, normalized exclusion, and restructured the political landscape in ways that deny people on the move visibility, rights, and subjecthood. The move from overt verbal hostility to bureaucratic silence and technocratic abstraction does not signify progress or depoliticization – it signals the institutionalization of discrimination. Hate, in this framework, operates not only through what is said, but through what is rendered unsayable, unseeable, and ungovernable.

Drawing on Wodak’s (2021) “calculated ambivalence”, we observed how narratives toggle between humanitarianism and securitization, between benevolence and threat, enabling states to oscillate between inclusionary rhetoric and exclusionary practices. Parmar’s (2021) concept of “absent presence” further illuminated how racialized governance often works through silence – through omitted subjects, inaccessible camps, and concealed violence – rendering people on the move hyper-visible as problems, but invisible as political actors and as human beings. These dynamics are not accidental, but central to a broader regime of racialized governance (Garneau, 2024) that relies on ambiguity, spectacle, and apathy to maintain the boundaries of (national) belonging.

As Serbia consolidates its role within the externalized European border regime, the governance of migration becomes increasingly technocratic, militarized, and opaque. The adoption of the EU’s Pact on Migration and Asylum may promise “humane border management”, but on the ground, it deepens the infrastructural and epistemic violence that defines mobility control today. Public silence, bureaucratic euphemism, and visual performances of control do not replace hate speech – they extend it.

In conclusion, hate speech in Serbia functions not as a deviation from democratic norms, but as a discursive and institutional logic through which the state governs unwanted mobility. Its effects are durable, its forms are adaptive, and its consequences are grave. Understanding hate speech as a policy design – as a performative and systemic force – requires us to attend not only to what is said, but to the infrastructures that make violence possible, the silences that conceal it, and the publics desensitized to its presence. Without this recognition, efforts to counter hate risk addressing symptoms while leaving the system that produces them intact.

## SOVRAŽNI GOVOR IN NAČRTOVANO SOVRAŠTVO: PROTIMIGRANTSKI DISKURZ V SRBIJI

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### POVZETEK

*To besedilo preučuje sovražni govor v Srbiji kot konceptualno orodje, ki presega izolirana dejanja sovražnosti in vpliva na politike, legitimizira neenakopravne strukture moči ter ohranja izključevalne prakse in sistemsko nasilje. Diskurzivna analiza protimigrantskih narativov razkriva, kako sovražni govor deluje znotraj širšega okvira upravljanja migracij, javnih narativov in institucionalnih praks. Te oblike sovražnega govora niso naključne, temveč so sistematični rezultati, ki temeljijo na konceptualnih okvirov, ki oblikujejo srbsko migracijsko politiko. Prehod Srbije iz tranzitne države v aktivno udeleženko v evropskem mejnem režimu je institucionaliziral sovražni govor in normaliziral sistemsko izključevanje ljudi na poti. Javni spektakli, kot so aretacije, zapiranja in omejen dostop do namestitvenih kampov, služijo kot performativna dejanja, ki zakrivajo struktorno diskriminacijo, ki je podlaga migracijskim politikam. Medtem birokratska tišina in nevidne institucionalne prakse še dodatno krepijo izključevanje in dehumanizacijo. Protimigrantski narativi so se širili prek družbenih medijev in javnih protestov, kar je okrepilo teorije zarote, sovražni govor in spodbujanje k nasilju. Družbene platforme so ljudi na poti prikazovale kot eksistencialno grožnjo srbski identiteti in kulturi, medtem ko so lokalne skupine zabrisale meje med državnim policijskim nadzorom in vigilantizmom. Srbija se je uskladila z migracijsko politiko EU in sprejela varnostni pristop, ki je zasnovan kot zaščita nacionalnih interesov. Ta strategija marginalizira ljudi na poti in preusmerja pozornost na nadzor meja, s čimer legitimizira diskriminatorne prakse. Prepletanje sovražnega govora, izključujočih politik, protimigrantskih narativov in javnega molka, ki ga spodbuja javna brezbržnost, ohranja sistemske neenakosti in ljudi na poti zreducira na predmete političnih agend.*

**Ključne besede:** sovražni govor, performativnost, migracije, izključenost, nasilje, Srbija

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## CULTURAL RACISM, GENDERED OTHERING, AND HATE SPEECH: DISCOURSES, IMAGINARIES, AND EVERYDAY BORDERS IN SLOVENIA

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### ABSTRACT

*This paper examines the role of cultural racism, gendered othering, and hate speech in Slovenia through the lens of postcolonial theory, psychoanalysis, and intersectional feminism. It incorporates the concept of the imaginary as a sociosymbolic structure shaping perceptions of identity and exclusion. Using qualitative data from interviews and focus groups, this study reveals how hate speech functions as a disciplinary mechanism rooted in historical and affective imaginaries. These imaginaries normalize discrimination and project societal anxieties onto marginalized groups. The research highlights the need to address systemic imaginaries to effectively combat hate speech and promote inclusive social transformation.*

**Keywords:** hate speech, othering, racism, imaginary, gender, marginalized groups

## RAZZISMO CULTURALE, ALTERITÀ DI GENERE E INCITAMENTO ALL'ODIO: DISCORSI, IMMAGINARI E CONFINI QUOTIDIANI IN SLOVENIA

### SINTESI

*Questo articolo analizza il ruolo del razzismo culturale, dell'alterità di genere e del discorso d'odio in Slovenia attraverso le prospettive della teoria postcoloniale, della psicoanalisi e del femminismo intersezionale. Incorpora il concetto di immaginario come struttura sociosimbolica che orienta le percezioni dell'identità e dell'esclusione. Utilizzando dati qualitativi provenienti da interviste e gruppi di discussione, la ricerca mostra come il discorso d'odio funzioni come un meccanismo disciplinare radicato in immaginari storici e affettivi. Questi immaginari normalizzano la discriminazione e proiettano ansie sociali sui gruppi marginalizzati. La ricerca evidenzia la necessità di affrontare gli immaginari sistematici per contrastare efficacemente il discorso d'odio e promuovere una trasformazione sociale inclusiva.*

**Parole chiave:** discorso d'odio, alterizzazione, razzismo, immaginario, genere, gruppi marginalizzati

INTRODUCTION<sup>1</sup>

In recent decades, Europe has experienced a pronounced intensification of exclusionary practices and hate speech targeting migrants, Muslims, Roma communities, and racialized and gender minorities (cf. Lilleker & Pérez-Escolar, 2023). The continent has witnessed a significant transformation in the expressions of racism, marked by a shift from overt, biological forms of racial exclusion to more insidious, covert expressions of racism anchored in cultural, symbolic, and civilizational differences that have emerged as a dominant way of exclusion (Wodak, 2015). This racism is often justified through the symbolic terrains of lifestyle, belief systems, values, and (perceived) civilizational incompatibility; it functions to naturalize inequality based on a reconfiguration of racial hierarchies without (a need for) reference to biology, as overt racism does. This shift has given rise to what scholars have identified as "modern racism," "neo-racism," "differentialist" or "cultural racism" – a form of exclusion that relies not on explicit references to race as biological category, but instead on a problematized difference and incompatibility of cultural values, practices, and social norms, often in relation to *imagined* national or European identities (Balibar, 1991; Goldberg, 2006; Taguieff, 1990; Lentin & Titley, 2011). This form of racism posits that cultural mixing is inherently harmful, promoting the maintenance of cultural purity while stigmatizing the Other through difference (Balibar, 1991, 17–28). Racism thus no longer requires the concept of race to function; covert racism operates through symbolic and institutional mechanisms of inclusion and exclusion, and operates through the naturalization of cultural difference and the pathologization of others' ways of life. Importantly, cultural racism is not grounded in empirical facts, but in hegemonic narratives propagated through media, politics, and everyday discourse (van Dijk, 1991). These narratives invoke cultural incompatibility, security threats, and value gaps to rationalize exclusion and legitimize hate speech. The resurgence of far-right populist movements and nationalist discourses across European nation-states has intensified this trend – political actors instrumentalize anxieties about security, identity, and economic precarity to construct the figure of the "unwanted Other" as point of convergence, threatening the integrity and homogeneity of the imagined national community (Farris, 2017). The discursive production of the dangerous Other is anchored in longstanding

colonial imaginaries. As Wekker and Lutz (2001) noted, these categories are embedded in a pre-constructed knowledge, relying on sexist and racist prejudices that developed into a descriptive logic through continuous repetition. The historical sedimentation of orientalist and colonialist discourses continues to animate contemporary political rhetoric, necessitating critical examination. The study of racism and hate speech in contemporary Europe requires a critical engagement with the discursive, affective, phantasmatic, and symbolic dimensions of exclusion in everyday encounters and experiences, as well as a theoretical orientation that captures the complexity of culturalized and covert racial formations. The aim of this article is to analyse how hate speech specifically relates to the subjugation of minorities who are constructed as the Other and to situate hate speech within constructions of reality (imaginaries) within the contemporary phenomena of racism, sexism, hate speech, and intersectional discrimination that accompany discourses and imaginaries on the Other. This study investigates how hate speech operates through the lens of cultural difference, and how it is embedded in the imaginary constructions of societies and subjects. It expands the understanding of hate speech beyond simply a speech act stemming from prejudices, but shows how hate speech is deeply ingrained and embedded in sociopolitical structures, institutions, practices, habits, bodies and affective behaviours reflected in the everyday life of every person, even those who might not seem to be discriminating against the Other. The purpose is twofold: to introduce a theoretical approach that understands the imaginary as a socio-personal phenomenon, and to explore manifestations of imaginaries through hate speech using empirical evidence. Focusing on Slovenia as a case study, the research combines interdisciplinary theoretical analysis with narrative interviews and focus groups to explore how individuals from migrant, Muslim, and other racialized and gendered minority communities, as well as activists and experts, experience, interpret, and respond to hate speech and symbolic exclusion. The Slovenian context is especially revealing due to its geopolitical positioning at the crossroads of East and West, its historical transformation since the creation and fall of Yugoslavia, its subsequent path to the European Union, and its recent encounters with increased migration and populist discourse. The paper contributes to theoretical debates on modern racism, and expands empirical knowledge about racialization in Central and Eastern Europe, i.e., Slovenia.

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## A THEORETICAL APPROACH TO THE IMAGINARY

Recent academic research has focused on the interplay between concepts of the imaginary, discourse, and otherness in the context of hate speech. Kinnvall (2017) examined the rise of covert cultural racism in Europe by exploring the emotional and political construction of the *imaginary Other* in right-wing European populism. She suggested that the fear of existential threats is central to the exclusionary logic of hate speech, particularly when targeted at immigrants and Muslims. Baider (2020) argued for understanding online hate speech as a contextualized speech act embedded in social processes of alienation and power dynamics. Vasvári (2013) analysed the use of gendered hate speech to reinforce patriarchal norms. Her study underscores the role of political narratives in shaping societal imaginaries that marginalize women. Mohiuddin (2019) explored how Islamophobic discourse in Europe constructs Muslims as threats to European values, invoking a racialized social imaginary. Richardson-Self (2021) delved into the prevailing social and historical imaginaries to develop a theoretical approach to the encompassing nature of hate speech, exploring the interplay between racially oriented and gendered forms of hate speech.

Hate speech constructs discourses of the other as dangerous, contaminant, and threatening, by articulating and activating the affective and historically sedimented (colonial, Orientalist) imaginary boundaries between "us" and "them" (Ahmed, 2005; Hall, 1997). These borders are articulated discursively (through power), but are mobilized

through the imaginary, which provides the affective and symbolic structure upon which discourses of othering rest. In this context, hate speech becomes a key mechanism of symbolic violence as a discursive practice<sup>2</sup> that is deeply embedded in broader regimes of othering (Wodak, 2015; van Dijk, 1993), i.e., the creation of imaginaries of Others.

The concept of imaginary has different theoretical backgrounds and emphases, mainly in sociological<sup>3</sup> and psychoanalytic theory. In both frameworks, social imaginaries are narratives that construct and determine social meanings about the world and define *belonging* and *identity* for the members of a specific community. Through these terms, imaginaries have a structuring function: they encourage normative behaviours, constrain and guide actions, and establish social norms and practices that become institutionalized and normalized over time in the material world (Richardson-Self, 2021, 5, 13, 28).

Individuals are born engaged with(in) a social imaginary and share dominant spatio-temporal imaginaries. They then take on these pre-existing, sedimented collective imaginaries; these imaginaries settle in us as if they were natural, organic and self-originating (Richardson-Self, 2021, 15). We absorb these norms, narratives, and meanings, often without any real experience or awareness. Imaginary is thus not only systematic and rational but also emotional, affective and an issue of attachment, since it works below the level of conscious awareness and is taken to be "normal" or the norm (Richardson-Self, 2021, 14, 16).

2 The concepts of *discourse* and *imaginary* both address the symbolic organization of meaning and identity within society, i.e., the construction of "the social" and the constitution of "the subject." However, they diverge in their theoretical lineage and focus. While not possible to delve into detailed analysis, an explanation of ontological differences suffices. In critical theory, discourse, particularly in Foucault's (1972; 1998) work, refers to the systems of language, representation, and practices through which meaning, knowledge and reality are constituted. Discourse explains power relations: it defines what can be said, who can speak, and under what conditions statements become socially valid; it thus regulates intelligibility, defines regimes of truth, and delineates social norms – what is seen as normal, deviant, dangerous, or legitimate. Discourse theory emphasizes relational structures of meaning and power, often privileging language and text as sites of analysis. The *imaginary*, in contrast, refers to the affective-symbolic domain through which subjects envision and naturalize social orders, identities, and relationships – often without conscious reflection. It focuses more on the affective-symbolic dimension of subjectivity, fantasy, and desire – elements that are not always fully articulable within discourse. Discourse analysis privileges observable language and practices, while imaginary analysis concerns latent, affective structures that shape perception and identity. They are deeply interconnected. Laclau and Mouffe (1985), for instance, integrated both discourse and the imaginary in their theory of political hegemony, arguing that political identities and antagonisms are structured and sustained through discursive formations, but are also supported by affective attachments and fantasies – i.e., imaginaries. As Glynnos and Stavrakakis (2008) argued, discourses often function through affectively charged fantasies that promise wholeness or warn of a collapse of identity. Žižek (1989) bridged Lacanian psychoanalysis and ideology critique by showing how ideological discourse operates at the level of fantasy, enjoyment (*jouissance*), and the imaginary construction of fullness or threat. According to Žižek, the imaginary plays a crucial role in sustaining ideological structures – ideology operates through fantasy, making the imaginary an essential mechanism of political power. In the context of hate speech and cultural racism, the convergence of discourse and the imaginary is particularly salient. Discourse provides the narrative and institutional form through which imaginaries are communicated, reinforced, and contested. The merging of the two concepts allows for a more comprehensive understanding of how power, exclusion, and identity operate in the cultural field. However, it is the imaginary I focus on here.

3 In sociology, the imaginary was theoreticized by scholars such as Anderson (2006), and Taylor (2004), interdisciplinarily by Castoriadis (1987; 1991).

Social imaginaries function to fix borders of acceptable interpretations of reality and delineate who can belong (Richardson-Self, 2021, 11, 15, 21), i.e., who is possible and what is possible. Social imaginaries thus set the parameters of what kind of control is exerted, by whom, and towards who. Therefore, social inequality is performed through the imaginary, as a material practice, which is repetitive and constantly created, including through words and images (Richardson-Self, 2021, 81–83). The attributes of a particular subject/group as well as the rights attributed to them and the type of imaginary that will dominate, pertain to power relations (discourses) that subsequently define which imaginary will dominate. In a specific context and under a dominant imaginary, some groups will be subject to collective systemic discrimination (Gelber, 2019, 15). This is the context in which language oppression – hate speech – occurs.<sup>4</sup> Language, written words and speech, are part of the social imaginary equipment, absorbed into lived experience, and incorporated in our lived body and everyday experiences (Richardson-Self, 2021, 16–17). The relation of context to speech is important, since it is the context that determines the targets of hate speech. The power dynamics in that context determine who is the deprived group, what constitutes hate speech, and who is its target. In this context, hate speech has a specific normative aim: hate expressions result from and contribute to a group's oppression, based upon an imagined pattern of treatment of that group (Richardson-Self, 2021, 65). In other words, hate speech tracks a group based on identities that have a particular place in the dominant social imaginary, while verbal expressions are intended for and directed to a type of imagined subject possessing traits that are imagined to belong to the collective that subject is part of (Richardson-Self, 2021, 57). The meanings of words are understood and conveyed from a historical and contextual usage, and members of a specific community know what meaning a word conveys; therefore, who says what in what context makes a difference related to the power relations pertaining to that expression, including the harm it does. Speech, therefore, not only says; it is a

conduct, a practice (Butler, 1997; Richardson-Self, 2021, 63) in the sense that something is uttered under circumstances of power (those who have power define the borders of speech) but also in terms of silence (those who are silenced have no power) (cf. Spivak, 1988).<sup>5</sup>

Social representations and cultural inscriptions also *constitute bodies* (cf. Grosz, 1994 – *volatile bodies*; Gatens, 1996 – *imaginary bodies*). Bottici explained that “imagination has a bodily grounding... [since] we constantly meet and recognise or misrecognise ourselves in certain body images, which include images that we have of our bodies and of other bodies” (Bottici, 2019, 7). Therefore, as Kinnavall (2017, 3) put it, “the other is the cultural and religious ‘other’, who is not only blamed for the imagined ills of European society, but who is also the body that European society needs protection from”. Awareness of the perceiving body and the perceived body is a form of collective imagining: “It is through imagination that mind has body as its object in the most immediate way. Here minds are constituted as awareness of bodily modifications – modifications through which we are aware of other bodies as well as our own” (Gatens & Lloyd, 1999, 12). According to this view, the dominant imaginary thus defines subjects as “kinds of people that do and don't belong” according to recognizable (bodily) features: dress, skin, behaviour, abilities, capacities: “social imaginaries assign differential meaning and value to particular bodies and help to legitimise social practices” (Richardson-Self, 2021, 24). These imagined subjects and their bodies are products of everyday habits and normative practices that condition the type and extent of rights, entitlements, and respect, as well as the mistrust, contempt, or (mal)treatment these subjects receive and are entitled to (Richardson-Self, 2021, 25, 175).

Anchored in bodily practices, subjects act and speak by reiterating implicit norms, habits, and symbols that subordinate a particular group in a specific context. Therefore, hate speech can be performed implicitly, as social (nonverbal) practice, or as habit (Gelber, 2019, 16; Richardson-Self, 2021, 65, 69). In this sense, hate speech is

4 This also means that speech against a socially privileged group cannot be hate speech since this group cannot be harmed by hate speech, because they are at a social advantage vis-à-vis the others who are at a social disadvantage. The socially privileged can be offended or insulted, but not oppressed by hate speech against them (Richardson-Self, 2021).

5 Indeed, also *not* saying something is related to power. For example, not referring to the *genocide* in Gaza as such is also *violence* exerted from the position of power. Not saying something silences other subjects and the norms of human rights – which therefore become not applicable. Refusing to define these atrocities as such (*genocide*) and therefore to utter the term *genocide* in speech or in writing means not recognizing the act as such. This non-speaking – non-acting – has real material consequences (in terms of obligations to act against genocide, which does not happen if the phenomenon is not uttered). As Butler (1997, 133) noted: “censorship seeks to produce subjects according to explicit and implicit norms, and [...] the production of the subject has everything to do with the regulation of speech.” Foucault (1998, 101) pointed out that “silence and secrecy are a shelter for power.” Thus discourse includes also what is censored, what is silenced.

not necessarily intended or consciously motivated, it can also be implicit and benevolent (often even seemingly complimentary). This unconscious behaviour, speech, and bodily performance stems from habits. *Habits* reside within the body schema and are therefore unconscious, but are imaginarily and culturally shared. Habits are acquired in a collective environment, and represent a tacit knowledge about acceptable norms, actions, and meanings (Richardson-Self, 2021, 72–74, 117).

However, various alternative meaning-generating narratives (e.g. feminism, decolonization movements, etc.) challenge the dominant imaginaries. Castoriadis (1987) viewed the imaginary as radically productive, enabling new historical and institutional formations. Imaginaries are indeed never fixed, but instead are constantly reproduced, changing, and fluid systems. And when dominant imaginaries are challenged, they react with affective resistance, denial, and refusal (Richardson-Self, 2021, 173). Events that challenge a dominant imaginary are subject to exclusions: “Dreams, illnesses, transgressions, and deviance are also explained away. Alien societies and people are posited as strange, savage, impious” (Castoriadis, 1991, 153). In short, these “alien societies and people” become others and are resisted against (e.g., with hate speech) according to the threat they represent. Hate speech is a corrective mechanism, deemed appropriate during a disruption of the status quo, projected toward or against those who challenge the world-organizing narratives and norms.

Thus, by being settled in imaginaries, hate speech operates not only on a linguistic level, but beyond, in material, practical, and institutional, as well as emotional, affective, and unconscious ways. To grasp these levels, I employ an understanding of the imaginary developed from a psychoanalytical perspective by Lacan (2006 [1949]) and modified by Miller’s (1988; 2017) concept of *extimacy*. This allows a dialog between social context and personal emotions.

### A psychoanalytic approach to the imaginary and relations to the Other

Lacan’s theory (2006 [1949]) described three registers of subjectivity. For him, the *Imaginary* is fundamental to subject formation; it operates through identification and differentiation, where the ego forms through a projection of the self, always relationally constituted through the figure of the Other. The imaginary operates through affect and fantasy and is a structural dimension of subjectivity; the self-image is inseparable from the image of the Other. This leads to projection mechanisms

that produce “us” versus “them” through divisions, visible in different markers (such as skin colour). The *Symbolic* register encompasses language, law, institutional practices, and social norms. Language in particular functions as a means of differentiation – not only phonetic but also symbolic, visual, and embodied – playing a crucial role in constructing boundaries between “us” and “them.” It therefore also may stigmatize and exclude Others. The *Real* remains outside the *Imaginary* and *Symbolic* orders, and represents the realm that eludes symbolization and the imaginary. Encounters with the *Real* – moments of encounters with the Other as traumatic experiences, perceived as intruding into symbolic and imaginary spaces – disrupt symbolic and imaginary coherence and provoke anxiety.

Hate speech can be interpreted as an attempt to manage these anxieties between the real and the imaginary, by expelling the disruptive Other through the violence of language. As we will see, the interplay between the real and the imaginary manifests itself powerfully – people ostensibly reject reality when encountering the Other in a highly materialistic, physical (embodied) way. Indeed, “it is the imaginary significations themselves that determine what count as ‘real’ and ‘unreal’ in every society” (Bottici, 2019, 3–4) and “whether a threat is ‘real’ or not seems to be less important than whether something is discursively constructed as a threat” (Kinnvall, 2017, 3). In the European imaginary, the historical racial understanding of the Other “is manifest in European societies to the extent that the perception of racial features of the ‘other’ precedes seeing: the cultural (or postcolonial) order determines what we see” (Kinnvall, 2017, 4).

To describe these encounters with the real world, Lacan coined the term “extimité” (sometimes translated as “extimacy”) to designate the sharing of intimacy with the outside world, and to investigate the complex relationship between privacy and public identity. *Extimité* blends “exteriority” and “intimacy,” challenging the traditional separation between the inner psychological life and the external social world (Pavón-Cuéllar, 2014), highlighting the fundamental tension between internal desires and external social forces. *Extimité* posits that the individual is inseparably linked to the social, and that the innermost dimensions of the self are shaped by external symbolic structures.

Jacques-Alain Miller (1988) revisited Lacan’s concept of imaginary, real, and symbolic within the concept of *extimité* to explore racism, xenophobia, sexism, and hate. He expanded the internal-external notion of *extimité*, showing how core aspects of identity – intimate fears, anxieties, and undesirable aspects of the self – are shaped by and projected

onto racialized external Others – “extimate enemies” (Miller, 2017). For Miller, *racism* reinforces identity by projecting undesirable aspects onto the Other. This projection establishes and reinforces identity by constructing rigid boundaries between the self and the Other. Miller contended that racism rooted itself in the Imaginary register, where the subject defined identity through exclusion: the Other serves as a phantasmatic screen onto which threats and anxieties are projected. According to Miller (2017) *sexism* is also structurally rooted in psychoanalytic dynamics. The imaginary and symbolic orders inherently privilege masculinity as the norm, relegating women and femininity to a position of deficiency or Otherness (cf. de Beauvoir, 1953 [1949]). Women’s personal experiences and bodies are controlled and marginalized by masculine social norms; their bodies, agency, and autonomy are pathologized when they do not fit the dominant social (biologically essentialist, patriarchal, national) imaginary.

Othering has a specific function: displacing internal anxieties onto Others. This process has been well researched in postcolonial as well as critical race theory (Said, 1978; Spivak, 1988; McClintock, 1995; Mohanty, 2003), which revealed the dominant discourses and imaginaries of the Oriental Other based on fear and threat; European colonial domination was justified through the construction of the Other as dangerous, threatening, and inferior. Discursively constructed geographies, such as those of the “Orient” (Said, 1978), have served as imaginary spaces laden with exoticism and violence, reinforcing the “need” for Western superiority and domination in correcting these imaginary spaces. Gender theory extended the understanding of the Other in gendered terms, showing the performative construction of gendered bodies under power relations (Butler, 1990; 1993), and how intersections of gender and other personal traits reinforced discrimination of Other women (and men) (Crenshaw, 1991). Yeğenoğlu (1998) combined the two, analysing gendered representations in colonial-orientalist discourse, especially how colonial fantasies project Western anxieties onto Oriental women, constructing the Oriental woman in sexualized terms – as a hypersexual and submissive exotic sexual object. Moreover, Western women participated in racist benevolent missions, seeking to “liberate” colonized women by unveiling them; in the orientalist imaginary the veil has been represented as the ultimate symbol of submission (Scott, 2007; cf. Frank, 2014). Colonized men are depicted as hypermasculine and violent; this depiction serves to construct Western masculinity as rational and controlled, in contrast

to the supposedly uncontrollable sexuality of the colonized Other (Yeğenoğlu, 1998). Indeed, the prevalent European imaginary of the Other, including in Slovenia, is a sexual one – women are sexualized, eroticized subordinate objects; while (white) men are agents who dominate and protect (Richardson-Self, 2021, 45–46); in colonial imaginary, Other men represent a threat to “our” (European) women. This colonial Othering imaginary persists in contemporary representations of Muslim, Roma, Bosnian, Ukrainian, Albanian, etc. women and men. At the same time, other gender minorities are represented as threats to the patriarchal, binary, essentialist sexual status quo of acceptable femininity and masculinity bodies in dominant European imaginaries. The construction of the imaginary of the Other is thus profoundly racialized, ethnicized, and gendered.

In this context, hate speech (verbalizing hate) exemplifies the process of projection of internal conflicts (fears and undesired aspects of the self) onto Others, providing a rapid, instantaneous outlet, especially in online environments. The collision of dominant imaginary with different subjects of a marginal imaginary reflects deep anxieties about preserving an uncontaminated and unified self. Differences such as skin colour, religious practices, language, bodies, and sexual practices are perceived as intrusions, threatening the dominant orders of the imaginary on a social and personal level. Subjects attempt to resolve these internal conflicts and insecurities by displacing negative attributes onto vilified targets, to defend a coherent self-image and identity in opposition to the threatening Other.

However, feelings of threat or fear do not emanate from a personal or individual level – at least not the fear of the Other. Fear is predominantly social and socially learned (Olsson & Phelps, 2007). It is precisely through the transposition of imaginary fear from social imaginaries to the personal level – through constant reproduction and reinforcement in everyday narratives and power discourses (politics, media, education, family environment) – that social fear becomes personal. This is observable in the fact that, although there are no Real experiences or encounters with the Other (e.g., the Roma or the Turk), people often express a socially imposed fear of the imaginary Other. The empirical section below reveals how fear, as part of the dominant imaginary, often guides the practice and conduct of ordinary people, especially in gendered terms. “The ‘other’ becomes the source of anxiety and fear, but also of anger, revulsion and hate.... This longing for pure identities cannot be divorced from Europe’s imperial past” (Kinnvall, 2017, 3).

The three registers of subjectivity (the imaginary, the symbolic, and the real) and *extimité* are useful concepts for understanding how colonial and postcolonial, as well as essentialist and patriarchal social structures and imaginaries intertwine with individual psychologies to produce racist attitudes and hate manifestations. This framework provides a powerful socio-psychoanalytic framework for understanding how racism, sexism, and hate are not merely social phenomena but are deeply ingrained in the psychological life of individuals, continually reinforced by collective imaginaries and symbolic structures. Viewed this way, hate speech is a symptomatic response to these larger social dynamics, reflecting psychosocial tensions and anxieties.

### METHODOLOGY

This study adopts a qualitative interpretive approach, focusing on the discursive construction of the Other in relation to hate speech targeting migrants, ethnic and religious, as well as racialized and gendered minorities. Methodologically, the study employs narrative interviews and focus group discussions to comprehend the lived experiences of discrimination, hate speech, and social exclusion. These methods enable an exploration of identity, subjectivity, and resistance as situated within dominant imaginaries and contested discourses. The narrative interviews were designed to elicit personal accounts of symbolic and institutional violence, with open-ended prompts allowing participants to narrate experiences of verbal hostility, cultural exclusion, and systemic marginalization. Complementing this, focus groups generated collective dialogues, enabling participants to negotiate meanings and challenge dominant representations. These discussions illuminated how imaginaries of belonging, security, and threat are performatively produced and resisted. The affective dynamics of fantasy and *jouissance* – particularly the pleasures and anxieties associated with identity and exclusion – were central to understanding how hate speech functions as more than rational discourse. Both methods were conducted with strict adherence to ethical principles of informed consent, anonymity and confidentiality, and participant safety, especially considering the potential vulnerability of the target populations. Participants thus had space to pause, redirect, or withdraw at any point. During the research project, a total of 35 participants (members of different minority groups, activists and experts) took part in individual interviews (22 participants) and four focus groups (totaling 13 participants) in 2024. Interviews lasted

approximately one hour, and focus groups two hours. Participants were selected according to their different status as a (religious, ethnic, language, gender, migrant) minority, while activist and experts were selected from civil society organizations and the academic sphere. Interviews and focus groups were conducted online or in person with semistructured introductory questions about understandings of hate speech and personal experiences for minority groups, while a more nuanced questionnaire was developed for activist and experts asking about understandings, reasons, targets, and effects of hate speech, and countermeasures against it. For this specific article, excerpts from three focus groups (FG1 and FG4 with activists and experts, FG2 with minority participants) and five interviews (anonymised as INT J, INT K, INT L, INT U5, INT U7) were used. FG1 took place at the Peace Institute's Library on 18 January 2024, FG2 took place online on 25 January 2024, and FG4 took place online on 6 February 2024. Interviews were conducted either online or in person at various locations and dates in 2024. All the materials (signed informed consents, audio recordings and transcripts) are stored in the Peace Institute's internal archive. The analysis of interviews was done with manual coding, where six main dominant imaginary themes and functions were identified: the rejection of reality, perceptions of truth and normalization of hate speech, historical continuity and fear, gendered fear, imaginary borders, and performative aspects of hate speech in context. These are presented in the following section.

### THE IMAGINARY OF THE OTHER IN SLOVENIAN SOCIAL AND POLITICAL HISTORICAL CONTEXTS

The (historical) imaginary of the Other, pertaining to Slovenia, has been extensively presented in literature, e.g., the imaginary of the Muslim/Turk (Jezernik, 2010) and the imaginary of the Balkans (Todorova, 1997). This imaginary of the Other produces the core cultural basis for Othering, with hate speech emerging as one of its effects. National imaginaries and the invention of "Slovene-ness" also manifest themselves in more recent events in Slovenia: migrants transiting the Balkan route revived the Slovenian imaginary of historically constructed external "Others" (Velikonja, 2017). In Slovenian public space, media, and politics, the recurring image of the "dangerous migrant" (cf. Pajnik, 2018) as patriarchal and violent not only constructs gendered and racialized Others, but also reaffirms a fantasy of liberal, progressive, and gender-equal Slovenian identity. The symbolic construction of "Slovene-ness" relies on

cultural imaginaries of linguistic purity, Christian-European heritage, and territorial continuity. These imaginaries are affectively potent: they mobilize an idealized community under threat of dilution or contamination by foreign cultures – especially Islam, Roma traditions, migrant/refugee movements, and gender minorities. Hate speech directed at these groups can thus be understood as the discursive eruption of anxieties embedded in the national imaginary, often taking the form of “defensive nationalism”, which defines who does not belong (Bajt, 2016). The imaginary here operates as an affective-symbolic framework; the Other’s bodies are not merely different, but existentially threatening and fear-producing.

### **Empirical findings: The functions and mechanisms of the imaginary in hate speech**

In this section, I present key findings from interviews and focus groups with different minority communities, activists and experts; I will present six dominant imaginary themes and functions revealing the interaction of imaginaries with realities.

#### ***The rejection of reality***

One of the main mechanisms and functions of the imaginary is to prevent people from seeing reality, i.e., denying reality and rejecting the “real” other. Whenever new imaginaries, or realities, emerge and challenge the dominant imaginaries, hate speech functions against these disruptions as a justification and defence of the imaginary status quo in terms of denial, punishment, and disciplining. As one participant expressed:

*Because hate speech appears at the moment there is a disruption of the balance, when one group, it doesn’t matter which one, tries to step out of the shadows and demands something more, or does something that doesn’t fit into some established way of life [...]. And it doesn’t have to be just women or migrants, it can be your neighbour or citizens of the Republic of Slovenia who dare to change their environment [...] and can therefore be targets of hate speech because they dare to ignore some patriarchal patterns [...]. And this is something that will always be present in hate speech, discrimination, racism and so on, everywhere where there is oppression. (FG1)*

Hate speech comes in as a mechanism of punishment and discipline for those challenging this imaginary status quo:

*The impact of hate speech varies [...]. Broadly speaking, the basic purpose is to discipline, not only a particular group, but also more broadly – if this hate speech is directed at migrants, the LGBT community, or women – when it is uttered in public, this function is also disciplinary [...] in the sense of: “Look what happens if you speak up about this.” There is a threat that if you publicly support the human rights of these people, you will also be targeted by hate speech. (FG1)*

Participants reported the difficulties in presenting evidence, since the public is not eager to accept or even mentally process it: “Of course, you don’t say everything [...] because people are not ready for these truths” (FG4).

Reality and facts also do not matter:

*You can scream as long as you have a voice that they only get €18 in pocket money per month, and there will still be a million right-wing publications that write how much they [migrants] actually get from the state, and a certain percentage of people will always have that number in their heads instead of the one that is true and represents the fact [...]. Because they don’t even care about the truth. (FG1)*

#### ***Perceptions of truth and the normalization of hate speech***

On the other side, the imaginary is stronger than reality about the Othered community and this imaginary is perceived as The Truth; hate speech becomes normalized to the point that it represents the norm, expressed in language, practices, and bodily attributions, as one activist sarcastically commented:

*In the cradle of hate speech, when it comes to Roma, here we don’t even perceive it as hate speech anymore, but it’s normal speech, because it’s normal to say everything we know about Roma, and it’s a fact. This is not hate speech. These are facts. The fact is that they stink, the fact is that they steal, the fact is that there are only problems with them [...]. Here it’s really obvious, because people really don’t choose their words. Here they feel really, really relaxed, as far as terminology goes. They are also very cruel and everything is allowed [...]. When you talk about Roma, you calmly say things that you wouldn’t say about anyone else, because this same terminology, certain*

*designations, attributions, references comes from all levels. (FG4)*

The social imaginary and fear become personal “reality”, “the truth,” and substitutes the experience of the real, as one activist expressed: “When you try to respond to this, you always have in mind that you have people in front of you who can’t really think differently, because they don’t have different experiences. They actually don’t have any experiences, and it often turns out that very few people speak from their own experiences” (FG4).

People thus speak from an imaginary position, not from real experience. However, it would not make any difference anyway, since when the imaginary encounters reality, it presents itself as a false reality, as an unintelligible collision. The reaction is a categorical rejection of the REAL Other to prevent the dismantling of the imaginary, as the case of a trans person illustrates:

*So, when I get sick as a trans person. [...] For example, I had appendicitis [...] and they sent me for an ultrasound scan. [...] Before they operated on my appendix and I got to the surgeon who looked at my stomach [...]. Like, he looked at me, well, it was a long time [...]. And at the end he says “Okay, this is inflamed, this needs to be operated on, otherwise your uterus is okay, it’s a little hidden behind the gases, but everything is okay.” That was like, what? What kind of uterus, right? I don’t have one. I didn’t say anything, but at that moment I felt so unsafe, because the guy, despite having an objective device that tells him exactly what’s inside, it’s just based on the assumption that a person who comes with a skirt must have a uterus, if not, [then the person] doesn’t wear a skirt. (INT L)*

Here the projection of the imaginary is stronger than the encounter with the reality, even for a physician who was unable to look at real empirical bodily experience and evidence (ultrasound) but employed his imaginary regarding essentialist women’s bodies. The way the imaginary interferes in practical, even medical practices and perceptions of bodies, is very well expressed in this experience:

*People don’t see us because they’re blinded by their own [ideas] [...] and that puts me in danger because I must be careful, so they don’t screw up. I once went to the emergency room because I was urinating blood. They didn’t even examine me and the doctors wanted to [...] “Okay we’ll give you something [...]*

*we’ll do a smear” blah, blah, blah and then I say, “Doctor, but you know I’m trans” and he “Yeah, it doesn’t matter” blah, blah, blah, and in ten minutes he comes back... and says that “Being trans means it’s possible that you have a penis?” and then I’m like “Yeah penis yeah.” “Aah, because then there are other tests” and I said “Yeah, I thought so.” And it’s terrible when you see that people who should know [...] the different bodies that nature creates are completely unaware of this. Which then means that I don’t have normal access to services. (INT L)*

Reality represents also a shock, revealing the denial of historical reality (facts) versus the historical construction of the imaginary, in this case of Muslims in Slovenia: “This “Islamophobia” [...] started to spread on our soil. I will never forget from 2014, 2015 onwards, when the first refugees started to arrive. It was always fascinating to me how you think [...] as if you had just seen a Muslim for the first time [...]. As if Muslims came for the first time” (FG2).

*It’s actually interesting to watch people and groups [...] we also give this historical context and of course we start with the mosque in Log pod Mangartom, when their eyes first pop out. I’m actually surprised how few people know about it. They come with the belief that this is actually the first mosque in Slovenia, and when you mention Log pod Mangartom to them they’re all like: “What, really?” But when we start explaining to them about the continuous presence of the Muslim community from 1917 onwards, to the present day [...]. They can’t believe it at all. (FG2)*

Related to Islamophobia, the imaginary of “the Turk” in Slovenia is very strong. The Turks, actually Ottomans at the time, are still imagined as cruel invaders:

*This very deeply woven primal fear of the Turk, of the Turkish invasions. Why? Because the entire perception of the Turkish invasions begins and ends with the revised identity of this Turk. And this is a peculiarity in the Slovenian cultural space, which very much reflects all these reactions, contexts, thoughts, in my case [...] that I am an ideal target [of hate speech]. And I think this primal fear is almost impossible to eradicate. [...] Children encounter this [...]. These representations that are served to them during schooling. (FG2)*

**Historical continuity and fear**

The historical imaginary of the Turk reveals also the selectivity and dominance of some imaginaries over others, especially the persistence of historical, colonial-oriental imaginary, since the Turkish imaginary has this: ““Oriental breath” [...] if we place the Turkish attacks in a historical timeline, for example, the Turkish invasions happened 500 years ago. The invasions of some other groups, such as the Italian fascists, the burning of the Slovenian cultural center in Trieste happened less than 100 years ago. And Nazism [...] some 70 years ago” (FG2).

The continuation of colonial imaginaries has consequences also for hate speech:

*Sometimes you have the feeling that this is a “neverending story” [...]. It’s just a continuation of this postcolonial and also Orientalist discourse, which is constantly dragging on [...]. But the saddest thing is that [these] kinds of discourses... are a very fertile and good basis for the establishment and development of hate speech. Such a paradigm has been present and woven into the Slovenian primary education system for years. (FG2)*

This historical continuity and fear in the imaginary thus functions as to construct a unified historical social community and the constant fear of its extinction at a personal-societal level, as local people reportedly complained to some activists: “We have been here, my family has been here for 500, 600 years. What about us?” (FG4).

One of the main reasons for this type of imaginaries that fuel hate speech is, as expressed by participants in focus groups, fear (FG1, FG2, FG4). People are constantly fed with an imaginary of fear to which they must respond:

*[When] hate speech is expressed, which reflects some extreme comments, I always have the feeling that these kinds of people, who belong to a majority culture, a majority population, have some fear in the background that stems from this awareness of a numerically small nation, of some smallness [...]. That this small country, culture, nation, geographical space needs to be protected. I have the feeling that there is always this reason in the background, which then “pushes” all other forms of behaviour, which of course also leads to hate speech. (FG2)*

**Gendered fear**

This fear within the imaginary materializes in practice as discrimination and hate speech. As described previously, the colonial imaginary is based on gendered bodies of the Other, forming the context of hate speech. Hate speech directed against men from marginalized and especially immigrant communities frequently employs a colonial imaginary of hypermasculinity and violence: immigrant men are represented as sexually predatory and a threat to national security. This induces a need to defend the Slovenian nation, women, and children, echoing colonial fears and justifications for control of Other men. Against this backdrop, hate speech is seen as a normal reaction:

*The promotion of the Styrian Varda. When these people were asked why they were doing this, they said: “We are walking along this border, we will protect our wives and children from these migrants, so that they will not rape them.” [...] No one talked about the 2800 cases against sexual inviolability in Slovenia, everyone said: “Look at what migrants are like, they will do this to us.” [...] Do crimes by migrants not happen? [...] They do happen, just like by all of us [...]. But this hate speech just further cements it [crimes done by migrants]. (FG2)*

Gendered imaginaries through excessive sexualization and objectification affect also women. Albanian, Kosovar, and Roma women are stereotyped as lazy, submissive, and hypersexualized staying at home and living off welfare. As one activist explained: “70% of the participants actually got a job after the project was completed, and our spokesperson [...] put that in the media. But [...] the mantra is that Albanian immigrant women don’t even integrate into society, let alone work. They’re just on social assistance. Well, here we contradict you – 70% of them actually got a job” (FG4).

Ukrainian women reported that they were often approached with sexual offers, since they are perceived as hypersexualized, sexually available objects:

*When I graduated from college, some managers suggested that I sleep with them first, and then I’d get a job [...] But I also found out in one of these conversations with [my] manager that many employees of this company thought that I slept my way into this job [...]. There were also incidents like this in my student days, saying, “come on, you’re Ukrainian anyway, sleep with me.” (INT U5)*

The sexual imaginary of Ukrainian women is very strong and permeates every aspect of society; even children are not spared: "You know, mom, my classmate said that his mom said you were a whore because we came from Ukraine" (INT U7).

### **Imaginary borders**

Hate speech comments also express imaginaries that define fixed borders (national, European, bodily) and acceptable lifestyles and all those subjects and groups who do not fit into these lifestyle borders are hate speech targets:

*Many comments [...] were such that, "People can come, but they have to accept our way of life".... I doubt that anyone would be able to define this "our way of life" and show me how a group of Slovenians falls into this way of life of ours, because it focuses on everything that deviates from a certain norm in any way. The norm, however, is whatever is in the head of the person who says it or, more broadly, a group through which a person forms some of their expectations. It could be, for example, a political party or even a religious community. [...] All those who are not Slovenians/Slovenian citizens or are not from the Western world are targeted groups. Here we include all those from the so-called Global South. By religion, e.g., Muslims, Jews. In short, all those who are not, as far as Slovenia is concerned, Catholics. And the Roma community and also women, who are often a targeted group. (FG1)*

Bodily and symbolic visibility represents a threat to the dominant imaginary and therefore are grounds for hate speech against visibly different subjects. The colonial fantasy of the veil, particularly the Muslim veil, is probably the strongest imaginary about Muslim women. Here, the intersectionality is strongly expressed, since Muslim women face more hate speech (and discrimination in general) than Muslim men; since these women are also attacked (physically and verbally) by other women. In this imaginary, the veil is perceived as a threat to Western women: the veil corresponds to an imaginary of a submissive, inactive object of secluded (Oriental) woman in the harem. Therefore, she should be "saved" and "emancipated". These attitudes also reflect the intersectional discrimination that Muslim women face, not only as women but also as members of different ethnic, religious and social communities. Different visuality and

visibility represent a threat to the dominant imaginary, as one Muslim interviewee explained: "I am an ideal subject to whom some kind of hate speech can be directed. [...] Because I very visibly express my affiliation, which is immediately visible as markedly different from a majority pattern in the environment in which I live. [...] That is, some patterns that, I would say, do not fit into my dress code at all, or at least I do not fit into them" (FG2).

However, there is a parallel imaginary of the veil – besides the one unacceptable, i.e., the one pertaining to Islam – and the acceptable one:

*Then the scarves. It was so funny [...] The grandmothers all have scarves and walk around. [...] these grandmothers of mine are not from the Balkans. My grandmother Marija was from Bela Krajina and also wore a scarf until her death, just like my grandmother Zagorka. In other words, they both had a scarf. Today, when we walk around the market, we see "indigenous" Slovenian women called "branjevke" [female market vendors], and they all wear a scarf. [...] A great colleague of mine, a journalist, has cancer and lost her hair, and also wears a scarf. [...] That's why I don't understand in what context this scarf is wrong now. [...] That is, visually, when one sees a scarf, they immediately categorize it. (FG2)*

So, the veil is a floating or empty signifier (cf. Laclau & Mouffe, 1985), each time filled with new meaning – acceptable when worn by local old ladies, Christians, or cancer patients, but absolutely rejected when worn by Muslims.

### **Performative aspects of hate speech in context**

Many interviewees recognized hate speech not only as verbal conduct, but noted how it performs in implicit ways, as nonverbal attitudes accompanying speech (FG1, FG2, FG4, INT L, INT K). Hate speech is one of the many means that perform Othering. One Muslim interviewee expressed that: "I understand hate speech as the first, easiest way someone discriminates against you, how someone, simply put, "puts you in a box," in the way they see it [...] they Other you [te podrugači]. So, I would say, it is easiest to do this with language first, and then with all other means, because speech as such is almost for everyone the first and easiest means how we do this" (FG2).

Hate speech is not only done on a verbal level, but it has influence in terms of power relations, attitudes, or treatment of Others, which all can

express hate. Hate in practice also includes habitual bodily gestures, attitudes, and the gaze (the hateful, dismissive gaze), all nonverbal attitudes that form the context of hate speech. This reveals the importance of the relationship between hate speech and the context in which it happens: hate speech is not strictly verbal but performative,<sup>6</sup> with physical-bodily effects:

*We also talked about the actual effects. That is, not only at the level of these certain statements about this group, but the physical consequences [...] this becoming flesh [...] the saleswomen immediately follow them to see what they are going to steal, they address them with 'you' their whole life, because we [as a society] do not feel respect for the Roma. (FG4)*

*That's why I say [...] that I'm ideal at first glance. So sometimes, if we define hate speech as something we say that has a discriminatory intent, in my case it's often just the gaze itself. (FG2)*

*Yes, they may be polite, they may be cultured, but silent ignorance hurts too. It's not necessary – sometimes a look says more than words. [...] No one will say "dirty migrant". But I read what she thinks. And I feel what she feels towards me. [...] This silent institutional hatred is more important. [...] Hate speech exists and there is more this kind of hateful behaviour that is nonverbal. (INT K)*

Speech itself is therefore a conduct that "does", that performs the discrimination with material consequences: "Isn't it hate speech that says 'refugee' in big, block letters on a refugee's card, that everyone can see, every security guard, right?" (INT K).

Implicit hate speech is also part of the "benign speech", comprising structural hate and discrimination, as one expert and minority participant expressed: "Often, those who make sexist statements are not even aware that they are sexist and even think that they are doing it out of a positive motive, such as complimenting colleagues on how nicely dressed and groomed they are today" (INT J).

Structural hate is present also in the scientific academic milieu, expressing epistemological power – the tacit presence of hate and discrimination is

manifested in scientific bias: indeed, the dominant imaginary of a researcher is that of a European/Slovenian, white, straight, and male; inclusive practices are dismissed as something limited to the private sphere:

*Often in the field of science, resistance to some inclusive practices is wrapped in the argument of meritocracy – "Why should we support women in science now, it is enough to make fair criteria, it is an open competition." And now we all know that in essence it is neither an open competition nor are the criteria objective but are male-centric, they come from a certain culture [...] While it is clear that open hostility is not allowed, the fact that they happen to be mostly white men, who are ethnic Slovenians, are "straight" and have families is irrelevant because it is their "private matter". [...] And this is now the problem, because hatred or non-acceptance is packaged in the fact that this is something private, something that is outside the field of science. (INT J)*

This statement clearly demonstrates how the problem of hate and hate speech dominates at a systemic level, including politics, culture, society, history, and knowledge production/science. The imaginary is in all pores of society; to reveal it and cope with it, we have to address its manifestations on a larger structural-systemic, i.e., imaginary level, including the societal-personal axis of the imaginary.

## CONCLUSION

Postcolonial and critical race theory, feminist poststructuralism, gender theory and psychoanalysis all offer valuable insights into the enduring impacts of hegemonic imaginaries of colonialism and the ways in which racism, sexism, and expressions of hate function as a tool of social and political domination. We must acknowledge that science, epistemology, belief systems, and sociopolitical structures reproduce Othering on a systemic level. Jacques-Alain Miller's interpretation provides a comprehensive socio-psychoanalytic perspective on these phenomena elucidating the deep psychological and social mechanisms of hate speech. It shows the interplay between individual identity and the external (social) structures underpinning racism, sexism, and hate, thus offering critical insights into the

<sup>6</sup> Slovenian law and judicial practice also stress the importance of the context in which hate speech occurs (Criminal Code, 2012, Art. 297).

persistent issues of racism and xenophobia in contemporary society. His exploration of *extimité* underscores the importance of understanding the external roots of intimate, everyday experiences, but also how projecting hate onto Others (hate speech) serves to manage intimate fears and anxieties (individual emotions) and to discipline society. It reveals how hate speech is connected with deeper racist, nationalistic, xenophobic, and gendered constructions. These constructions

are an integral part of the lived experiences of people who do not fit the dominant Slovenian imaginary: many aspects make them the Other, different from what is usually accepted as the norm (skin and appearance, clothing, lifestyle, as well as family, sex/gender, and ethnic relations). Without addressing these larger systems of oppression of the Other and the imaginaries that sustain it, hate speech cannot be properly challenged.

## KULTURNI RASIZEM, USPOLJENO DRUGAČENJE IN SOVRAŽNI GOVOR: DISKURZI, IMAGINARIJI IN VSAKDANJE MEJE V SLOVENIJI

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### POVZETEK

Članek raziskuje, kako kulturni rasizem in zgodovinsko zakoreninjeni imaginariji strukturirajo sovražni govor v Sloveniji. Z uporabo analitičnih pristopov postkolonialne teorije, psihoanalize ter kritičnih študij rase in spola prispevek trdi, da sovražni govor ni zgolj verbalno dejanje, temveč globoko institucionalizirana družbena praksa, ki reproducira in utrjuje sistemski neenakosti. Koncepti drugačenja, imaginarnega in »extimacy« so osrednjega pomena in se nanašajo na simbolne in afektivne okvire, skozi katere družbe konstruirajo identitete, opredeljujejo meje pripadnosti, ter določajo proti komu se usmerjajo izključujoče in sovražne prakse. Imaginarne predstave o Drugem so zgodovinsko sedimentirane, prepletene s kolonialnimi in orientalističnimi diskurzi, ter se nenehno obnavljajo skozi medijske reprezentacije, politične diskurze in vsakdanje interakcije. Ti imaginariji normalizirajo diskriminacijo in projicirajo družbene tesnobe na marginalizirane skupine. Empirična analiza se osredotoča na slovenski kontekst z uporabo metode narativnih intervjujev in fokusnih skupin z migrantmi in različnimi etničnimi, verskimi in spolnimi manjšinami ter z aktivisti in strokovnjaki. Ugotovitve kažejo, da v vsakdanjih interakcijah sovražni govor pogosto nastane, ko so dominantni imaginariji izzvani in izpodbijani, in deluje kot disciplinski mehanizem za ohranjanje družbenih norm in meja med družbenimi skupinami. Sovražni govor je pogosto tudi implicitnega značaja, umeščen v neverbalne prakse ter normaliziran, saj deluje skozi institucionalne procese in strukture, telesne prakse in ponotranjene navade, ki povezujejo socialno in psihološko dimenzijo delovanja človeka. Prispevek dodatno razkriva povezavo med sovražnim govorom in družbeno proizvedenim strahom, ponotranjenim skozi dominantne imaginarije. Članek sklene, da je za učinkovito preprečevanje sovražnega govora nujno nasloviti širše imaginarne predstave in razmerja moči v družbi, ter uveljaviti sistemski in vključujoče pristope k družbeni pravičnosti.

**Ključne besede:** sovražni govor, drugačenje, rasizem, imaginarij, spol, marginalizirane skupine

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## "READY FOR THE HOMELAND": THE SEMIOTICS OF HATE SPEECH AND MEMORY IN POST-CONFLICT CROATIA

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### ABSTRACT

*This paper examines the role of cultural texts in post-conflict societies, focusing on hate speech and identity formation through the lens of cultural semiotics. It analyzes the Ustaša salute "Ready for the Homeland" (Za dom spremni, ZDS) in Croatia, exploring its symbolic function and normalization within institutional frameworks. The study shows how declarations such as the Croatian Homeland War Declaration act as institutionalized cultural texts that legitimize exclusionary symbols like ZDS. These texts embed such symbols into the dominant post-war memory regime, reinforcing polarization and shaping collective identity.*

**Keywords:** Texts, memory, hate speech, symbols, cultural explosion, Za dom spremni, Croatia

## "PRONTI PER LA PATRIA": LA SEMIOTICA DEL DISCORSO D'ODIO E DELLA MEMORIA NELLA CROAZIA POSTBELLICA

### SINTESI

*Questo articolo esamina il ruolo dei testi culturali nelle società post-bellistiche, concentrandosi sul discorso d'odio e sulla formazione dell'identità attraverso la lente della semiotica culturale. Analizza il saluto ustaša "Pronti per la Patria" (Za dom spremni, ZDS) in Croazia, esplorandone la funzione simbolica e la normalizzazione all'interno dei quadri istituzionali. Lo studio mostra come dichiarazioni quali la Dichiarazione sulla Guerra Patriottica Croata agiscano come testi culturali istituzionalizzati che legittimano simboli escludenti come ZDS. Tali testi incorporano questi simboli nel regime dominante della memoria post-bellica, rafforzando la polarizzazione e plasmando l'identità collettiva.*

**Parole chiave:** Testi, memoria, discorso d'odio, simboli, esplosione culturale, Za dom spremni, Croazia

## INTRODUCTION

This paper examines the symbolic convergence of the fascist-era salute "Ready for the Homeland" (Za dom spremni, ZDS) and the institutionalized narrative of the Homeland War in contemporary Croatia. While ZDS was the official salute of the Ustaša regime during the genocidal Independent State of Croatia (Nezavisna Država Hrvatska, NDH), its reappearance in post-1990s public discourse has been both normalized and contested. I argue that the ongoing circulation and legitimization of ZDS in state-affiliated events and nationalist performances are enabled by the broader discursive framework set forth in the Croatian Homeland War Declaration (Deklaracija o Domovinskom ratu, 2024). This text is part of a broader discursive landscape that includes other documents, such as the 2018 Dialogue Document (Dokument Dijaloga) which attempts to mediate and modify the meaning of contested historical symbols like ZDS.

Adopting a cultural semiotic approach, I treat both the ZDS salute and the Declaration as interlinked semiotic resources that shape cultural memory and national identity. This raises the central research question: *How does the Homeland War Declaration, as a mythologized institutional text, contribute to the symbolic legitimization and normalization of the ZDS salute in post-conflict Croatia?* By employing the lens of cultural semiotics, I highlight how these contemporary expressions of hate speech are not isolated, but embedded within a broader semiotic and political framework that continues to legitimize exclusionary narratives rooted in the legacy of the genocidal NDH.

To ground the stated argument, I focus on the examples of Marko Perković Thompson's concerts that took place in the summer of 2024 and 2025 in Croatia, which were both implicitly and explicitly endorsed by high-ranking political figures. The cases illustrate how institutional discourse and symbolic practice converge to produce and maintain a normalized, state-adjacent form of historical revisionism.

## CONTEXTUAL BACKGROUND

In November 2023, an exhibition entitled *Some Were Neighbors* (Neki su bili susjedi) that was scheduled to take place in Zagreb was cancelled due to the refusal of Croatian partners to acknowledge the genocide committed against Serbs during World War II by the NDH.<sup>1</sup> This exhibition was

intended to coincide with Croatia's presidency of the International Holocaust Remembrance Alliance (IHRA) and aimed to illustrate the history of the Holocaust through a traveling format. Despite months of preparation, the Croatian institutions involved ultimately refused to acknowledge the genocide committed against Serbs between 1941 and 1945, alongside Roma and Jews. As a result, the American partners, notably the Washington-based United States Holocaust Memorial Museum, opted not to move forward with an exhibition that bore the marks of revisionism as dictated by Croatian government officials (Šimičević, 2024; Damčević, 2024). This international scandal was facilitated by the government of Prime Minister Andrej Plenković and the Ministry of Culture and Media led by Nina Obuljen Koržinek, as well as Matea Brstilo Rešetar, the director of the Croatian History Museum and president of the Management Council of the Jasenovac Memorial Site.

Historical revisionism and hate speech directed against Serbs have seen a noticeable increase since Croatia joined the European Union (EU) in July 2013 (cf. for instance Ombudsman, 2024). A contributing factor to this is the lack of oversight regarding minority and human rights issues following Croatia's accession to the EU. This absence of scrutiny has, in turn, diminished the incentive to prohibit or penalize hate speech and symbols associated with the NDH, leading to a lack of consequences for their use. Political scientist Dejan Jović elaborates on these circumstances, explaining that the authoritarian ethno-nationalists consider they have more liberty because of Croatia's EU membership and see it as a crucial step toward the realization of a concrete, factual sovereign state, and not solely a nominal one (Jović, 2017, 29). According to Vjeran Pavlaković (2019, 119), another significant factor is that political elites have sought to mobilize voters by perpetuating fragmented and conflicting narratives of twentieth-century traumas, particularly after the objective of Euro-Atlantic integration had been achieved.

The rise of historical revisionism and nationalist hate speech is prominently reflected in the use of the NDH official salute "Ready for the Homeland" (cf. Brentin, 2016; Damčević, 2023a). ZDS functions as a proxy: its invocation encapsulates and signals broader ideological narratives—namely, the legitimization of WWII-era fascist symbolism and its reintegration into post-1990s Croatian national identity. This salute, which had been banned during socialist Yugoslavia, reemerged during the Croatian War of Independence in the 1990s. Namely, after

<sup>1</sup> The fascist Ustaša movement was a terrorist organization prior to WWII. The Ustaše established the Independent State of Croatia (NDH), a Nazi-aligned fascist state, after being brought to power by the Axis Powers in April 1941. The Ustaša regime was responsible for massive atrocities and the implementation of genocidal policies against Serbs, Jews, Roma, and Croatian antifascists.

WWII, the Yugoslav leader Josip Broz Tito launched a campaign of "repressive erasure" aimed at banishing any remnants of the Ustaša regime. As Lovro Kralj (2019, 172) writes, this involved "a general ban of political rights and public service for the Ustashe and their collaborators". Furthermore, the widespread imposition of the communist revolution included occasional appeals to Brotherhood and Unity (*bratstvo i jedinstvo*), one of the cornerstones of the Yugoslav ideology. However, this was less a reconciliatory policy directed toward "dealing with the past", but more an attempt to establish and reinforce the belief that all peoples (*narodi*) contributed to the National Liberation Struggle to ensure that society would move forward (cf. Radelić, 2011).

During the 1990s war, the Ustaša salute was championed by right-wing politicians and groups and became intertwined with the legacy of the NDH by evoking it through its use (cf. Veselinović, 2019). The lack of legal regulation of the salute during the 1990s war, along with its trivialization by various political actors (Đurašković, 2016) facilitated its appropriation by right-wing factions as a symbol purportedly representing the 1990s conflict—an idea that has been perpetuated to the present day. The status of the salute grew increasingly contentious after it was officially approved in the early 2000s—during a coalition government led by Social Democrats and Liberals—as part of the emblem of the Croatian Defense Forces (Hrvatske obrambene snage, HOS), a 1990s paramilitary unit. This institutional endorsement blurred the line between historical condemnation and symbolic rehabilitation, complicating public and legal perceptions of the salute. ZDS is now regarded by many in Croatia and neighboring countries as an emblem of hate speech that advocates for radical right positions, often stirring tensions in Croatian society and politics (cf. Blanuša & Kulenović, 2018).

The Serb National Council regularly documents the presence and spread of hate speech—particularly the use of NDH-era symbols targeting Serbs—in its annual reports (cf. SNV, 2025). The Council functions as a democratically elected political, consulting, and coordinating body focusing on the issues of Serbs' human, civil, and national rights, as well as on issues such as historical revisionism, hate speech, and violence toward Serbs in Croatia.

#### THEORETICAL FRAMEWORK: CULTURAL SEMIOTICS AND THE INSTITUTIONALIZED NARRATIVE

Cultural semiotics conceptualizes identity as dynamic and relational, opposing the notion of a fixed identity (Madisson, 2016; Lorusso, 2015; Makarychev & Yatsyk, 2017). This perspective

acknowledges that processes of identity creation and manifestation are continuously redefined and renegotiated through varying interpretations by a diversity of social actors. Additionally, cultural semiotics aids in recognizing the broader socio-communicative functions of hate speech and historically charged symbols, shedding light on how they evoke and reshape cultural memory, forming associations with cultural texts and interpretations. As such, I approach the ZDS salute as a performative symbol, the meaning of which is discursively mediated. Similarly, I treat the Declaration not merely as a parliamentary document but as a regulatory cultural text—one that structures the semiotic environment in which nationalist symbols gain or lose legitimacy.

By analyzing the mutual reinforcement between symbols (ZDS) and institutional cultural texts (the Declaration), I argue that the semiotic legitimacy for hate speech is produced not only through popular repetition but also through its discursive embedding in state-sanctioned texts. This contextual pairing allows us to see how exclusionary practices are maintained and normalized through the convergence of embodied ritual and institutionalized narratives.

As outlined in the introduction, the ZDS salute exemplifies how hate speech and historically charged symbols are embedded in post-conflict memory politics and supported by institutional narratives. Accordingly, the discussion begins by situating the salute within its historical and political context, linking it to broader issues of cultural memory, nationalist discourse, and the normalization of exclusionary symbols in Croatia. This is followed by an analysis of institutionalized cultural texts, namely, the Declaration enacted in the year 2000, and the Dialogue Document's recommendations on contested historical symbols, published in 2018, to illustrate their interactions with cultural memory. The paper further evaluates the socio-political implications of these semiotic interactions. Accordingly, and having outlined the broader challenges of historical revisionism and hate speech in Croatia, the next section delves into the emblematic role of the ZDS salute. This symbol serves as a focal point for understanding the intersections of memory politics, nationalism, and post-conflict identity formation in Croatia.

#### ZA DOM SPREMNI IN PUBLIC DISCOURSE AND POPULAR CULTURE

The symbolic politics surrounding the ZDS salute in contemporary Croatia are deeply rooted in two significant historical references: World War II and the 1990s Croatian War of Independence. Yet, Croatia is not alone in grappling with memory politics

and the contentious legacies of its past; various nations face similar challenges (cf. Uhl, 2006; Tamm, 2013). The persistent "obsession with the past" in Croatia has been extensively examined by scholars (cf. Kolstø, 2014; Pavlaković & Pauković, 2019).

Vjeran Pavlaković highlights that while the ideological and ethnic divisions that culminated in widespread violence during the twentieth century are undeniable, they are not unique to that era (Pavlaković, 2019, 121–122). Political and social actors in Croatia have played a significant role in fostering political polarization (cf. Blanuša, 2023). This tendency is echoed in neighboring countries, where "memory entrepreneurs" in Serbia and Bosnia and Herzegovina further incentivize Croatian elites to uphold the status quo, advocating for policies that reflect their interpretations of past conflicts (Pavlaković, 2019, 122). Namely, instead of aiming for unity or formulating policies that would benefit future generations, many leaders rely on symbolic politics to maintain their power and mobilize voters (Pavlaković & Pauković, 2019).

In this context, the ZDS salute has become a prominent symbol, employed in various communicative settings. Examples include its use during football matches (Brentin, 2016), on social media platforms (Damčević & Rodik, 2018), at annual commemorations such as the Bleiburg event (Pavlaković et al., 2018), and even in inscriptions on memorial plaques (Damčević, 2021). A particularly troubling incident occurred in June 2020, when a group of Dinamo Zagreb football fans, part of the Bad Blue Boys ultras,<sup>2</sup> gathered in the Croatian capital. They lit flares and displayed a banner reading: "We'll fuck Serbian women and children", alongside flags bearing the salute and insignia of the wartime paramilitary unit, the Croatian Defense Forces. Chants of "Kill, kill" accompanied this display, as documented by photographer Nikola Šolić and subsequently reported by Anja Vladislavljević (Vladislavljević, 2020). This provocative incident stirred significant outrage among scholars, minority rights organizations, and the public; however, it did not catalyze any substantial efforts to address hate speech or the public use of Ustaša symbols.

One prominent figure associated with the ZDS salute is the musician Marko Perković, widely known by his stage name "Thompson"—a nickname derived from the American submachine gun he posed with early in his career. He gained fame during the 1990s war with his song "Čavoglave Battalion" (Bojna Čavoglave), which opens with the ZDS salute and features lyrics declaring that Serb enemies will not enter his village as long as Croats remain alive.

In August 2024, Thompson performed two concerts that drew large audiences. These events showcased an array of Ustaša insignia, both by the performer and the audience (cf. Jovanović, 2024).

This trajectory of symbolic convergence escalated further the following year, when the normalization of the ZDS salute reached a new height during Marko Perković Thompson's concert on 5 July 2025 at Zagreb's Hippodrome, the capital's largest open-air venue. The largest such event in Croatia's history, the concert was attended by approximately half a million people and supported by high-ranking government officials, including Prime Minister Andrej Plenković. It openly featured Ustaša symbols and iconography with no legal consequences. While the salute was chanted by the crowd and displayed on clothing and flags, state authorities offered no intervention, signaling not mere tolerance but symbolic endorsement. The event demonstrated how nationalist performance, backed by institutional presence, functions as a form of autocommunication (cf. Damčević, 2021; Madisson & Ventsel, 2016): reinforcing in-group identity through repetition and affect, while shielding exclusionary symbols like ZDS from external critique. More than entertainment, the concert marked the culmination of a long-standing pattern in which historical revisionism is reframed as patriotic memory (cf. Damčević, 2025).

The symbols on Thompson's concert also included T-shirts, hats, and scarves emblazoned with symbols of the paramilitary units from the 1990s war, namely the Croatian Defense Forces. During the war, members of the HOS paramilitary unit were under the control of the radical right-wing Croatian Party of Rights. The soldiers actively used Ustaša symbols to evoke the memory and legacy of the Ustaša regime and the NDH; they used ZDS as their official salute, often accompanying it with the physical Nazi salute, they paraded in black uniforms, sang Ustaša songs, and celebrated the founding of the NDH, which is something they continue to do to this day (cf. Veselinović, 2019; Koren, 2011).

The legitimization of the salute did not end with the concert. In the weeks following the July 2025 event, several high-ranking government officials continued to relativize ZDS in both public and institutional contexts. In addition to Prime Minister Andrej Plenković, the Speaker of Parliament, Goran Jandroković, invoked the "double connotation" argument and emphasized the need to "defend the honor of Croatian defenders" (*branitelji*). MP Igor Peternel declared that "they remain Za dom spremni", while MP Ivan Penava argued that questioning the song "Čavoglave Battalion" calls into

<sup>2</sup> The term "ultras" refers to a portion of a football club's fanbase that usually consists of extreme supporters, while often containing a violent element. Cf. Dario Brentin's work (2013; 2016) on the intertwinement of football and Croatian national identity.

question "the motives, values, and everything else that the Homeland War meant for the Republic of Croatia." These statements, alongside the selective enforcement of symbolic regulations, point to a continued institutional strategy of symbolic appeasement—one that enables the salute's public use under the guise of honoring wartime sacrifice. As reported by *Novosti*, this pattern reflects a broader tendency toward selective legality, in which legal standards are inconsistently applied to protect politically advantageous narratives and actors (cf. Opačić, 2025).

Among those actors, the 1990s war veterans occupy a particularly privileged position in Croatian society. Their elevated status stems largely from their alignment with the dominant war narrative, which many view as the core of their post-war identity (cf. Sokolić, 2019; Jović, 2017). Scholar Ivor Sokolić emphasizes how war veterans construct the world around them within the frames of the war narrative and their importance when it comes to "their potential to cause public disruption, their role in the transmission of norms, and their political closeness to the Croatian Democratic Union (HDZ – *Hrvatska demokratska zajednica*)" (Sokolić, 2019, 143). As for the rights of veterans, which were legislated from 1994 onward, scholar Danijela Dolenc writes that significant changes to the legislation were made in 1996, 2001, and 2004. Specifically, "by 2004, the law accorded 37 different material entitlements to this population, most importantly including pensions, disability compensation, paid health and care services, priority in securing housing, child allowance, unemployment benefits, financial help in securing employment, tax cuts, scholarships, guaranteed university entry, and many more" (Dolenc, 2017, 63).

Despite the above incidents,<sup>3</sup> neither the ZDS salute nor other symbols associated with the WWII Ustaša regime are formally banned in Croatia. As such, the salute remains a relevant part of post-war memory politics and the rise of historical revisionism. Furthermore, the fact that its presence is consistently downplayed and relativized by politicians and public officials consequently contributes to the lack of long-term measures countering hate speech and related exclusionary tendencies. Under Article 325 of the Croatian Criminal Code (Criminal Code, 2024) individuals can face charges for inciting hatred or offending individuals based on their national or ethnic identity by using such symbols. In Croatia's "Law on Misdemeanors Against Public Order and Peace" (Zakon o prekršajima protiv javnog reda i mira, 2023), neither the Ustaša salute nor the other Ustaša insignia are explicitly listed or

banned. Repeated calls from minority representatives to amend the Law to specifically regulate the use of the salute have gone unanswered. Instead, in April 2023, a proposal was introduced to amend it, seeking to significantly raise fines (up to 4,000 euros) "for the performance, reproduction of songs, music and texts, or carrying or emphasizing symbols, texts, pictures, drawings", as stated under Article 5 (Zakon o prekršajima protiv javnog reda i mira, 2023). While the Constitution of the Republic of Croatia emphasizes the condemnation of fascism and the positive legacy of antifascism, enshrining the values of the antifascist struggle, the reality is that Ustaša symbols continue to surface in public life. Government officials downplay or normalize these symbols, all the while complicating efforts to counter their presence in society.

The symbolic politics surrounding the ZDS salute exemplifies its dual role as a relic of the past and a tool of contemporary nationalist rhetoric. The following section unpacks this complexity by exploring the interplay between hate speech and the semiotic functions of historically charged symbols in shaping public discourse.

## BETWEEN HATE SPEECH AND CONTESTED SYMBOL

Defining hate speech is inherently challenging due to the interplay of social norms, historical legacies, and political contexts. Legal interpretations vary significantly, with the US emphasizing freedom of speech through the First Amendment, while European states—particularly those within the EU and the Council of Europe—often employ stricter legal frameworks to regulate such expressions (cf. Greenawalt, 1995; Hare & Weinstein, 2009; Herz & Molnar, 2012; Waldron, 2012; Belavusau, 2013; Brown, 2015). Regardless of jurisdiction, scholars agree on its insidious impact, which lies in targeting individuals or groups based on race, ethnicity, gender, or nationality to degrade or marginalize them (cf. Butler, 1997; Gelber, 2019; Langton, 2012; Waldron, 2012; Leader Maynard & Benesch, 2016; Tirrell, 2018).

In post-conflict societies like Croatia, hate speech exacerbates existing divisions, particularly when tied to historically charged symbols such as the ZDS salute. While legal and sociological approaches often focus on intent, harm, or regulation, a semiotic approach offers additional insights by focusing on the communicative function of hate speech—namely, how it operates within broader systems of meaning. Specifically, it reveals how hate speech works to construct group identities, designate outsiders, and reinforce polarizing narratives through

<sup>3</sup> For a more detailed overview of other cases cf. Damčević (2023).

symbolic repetition (Damčević, 2023a; Madisson, 2016). This is relevant to better understanding how symbols like ZDS consolidate memories of conflict, reshaping national identity and intensifying societal rifts, particularly in contexts where such symbols historically contributed to division and violence (cf. Thompson, 1999; Kurspahić, 2003; Kolstø, 2009).

Adding complexity is the fact that the ZDS salute not only embodies hate speech through its targeting of minority groups in Croatia but also serves as a historically laden symbol. As such, it is utilized by various political and social actors—such as politicians and war veterans—who attach their preferred meanings to it, thereby reinforcing specific narratives related to the legacies of World War II and the 1990s war. Consequently, the ideological continuum between the Ustaša regime and the veterans of the 1990s war functions as a tool of historical revisionism. Such multifaceted use reflects the intricate relationships between hate speech and symbolic representation in societal contexts.

Understanding hate speech requires not only legal and societal analyses but also an exploration of its cultural and symbolic dimensions. By examining conflict as a generator of meaning, the next section highlights how wars and upheavals catalyze the reinterpretation and proliferation of symbols like ZDS.

### CONFLICT AS A GENERATOR OF MEANING

From the perspective of cultural semiotics, conflict emerges as a compelling example of an event where the process of meaning-making becomes particularly intense. This can manifest in various forms—such as misunderstandings between individuals, differing interpretations of the significance of monuments, or even the upheaval of warfare. In each case, conflict serves as a semiotic event characterized by a re-evaluation of existing meanings and the emergence of new ones.

One of the pivotal questions that surfaces in the wake of large-scale conflicts concerns how these events should be remembered, followed by what meanings societies attach to their legacies. Historical examples illustrate how such meanings become solidified and often institutionalized, taking shape in declarations, manifestos, laws, and educational curricula. These artifacts collectively contribute to a society's self-image, functioning as catalysts for vigorous debates and dialogues. However, they can also reinforce symbolic divisions among groups and communities grappling with trauma. During and after conflicts, the roles of hate speech and historically charged symbols become particularly significant. Both can mobilize or divide people, trigger cultural memories, and strengthen boundaries and exclusionary narratives.

Scholars Moeschberger and DeZalia delve into the potentially divisive nature of symbols, asserting that they serve to link to previous generations, evoke intense emotions, preserve cultural narratives that shape societal representations, and offer individuals a framework for understanding their roles within society (Moeschberger & DeZalia, 2014, 2). Symbols can evoke varied recollections and interpretations of the past, influence political discourse, and play a crucial role in how societies confront their traumatic histories (cf. Kolstø, 2016).

Moreover, symbols do not exist in isolation; rather, they are embedded within broader cultural narratives shaped and reinforced by specific social contexts. Their performative function underscores that their use is inherently intertwined with interpretive attempts (Lotman, 1990). As noted by Tamm and Torop (2022, 383), "symbols in discourse function as framing mechanisms through language and can impose a certain order on an experience." Thus, the significance of symbols in the realm of national memory is profound. Any act of remembrance or memory work involves the use of symbols in ways that either solidify, challenge, or redefine their meanings. Just as memory narratives can be reshaped to align with contemporary political needs and agendas (Tamm & Torop, 2022), so too can symbols be reinterpreted in accordance with the evolving dynamics of society.

In post-conflict societies such as Croatia, symbols like the ZDS salute function not only as cultural artefacts but also as mechanisms of inclusion and exclusion. They condense historical narratives, as exemplified by ZDS, where it connects to both WWII and the 1990s war. This dual role amplifies its potency as hate speech, embedding it within societal attitudes and behaviors. The salute does not merely signify past associations; it actively shapes and reinforces contemporary nationalist ideologies. By operating as a mnemonic device and a rallying point for nationalist rhetoric, ZDS reaffirms exclusionary narratives through marginalizing minority perspectives and embedding the dominant war narrative within public and political discourse. To better understand how such symbols gain renewed meaning and social force in post-conflict settings, it is helpful to turn to the concept of cultural explosions and their role in shaping dominant war narratives.

### CULTURAL EXPLOSIONS AND THE MYTHOLOGIZATION OF WAR

In his work, Juri Lotman examines the center-periphery dynamic to illustrate how individuals and communities structure their relationships with what is perceived as alien or the Other. This center-periphery model is a fundamental aspect of what Lotman terms the semiosphere—a global cultural

sphere essential for the existence of thought. The semiosphere facilitates meaning-making processes as it encompasses memory and information (Lotman, 2005; 1990, 123–214; cf. Lorusso, 2015, 88–98).

At the heart of this discussion is the idea that the center of a culture represents what is familiar and "ours", aligning with the self. In contrast, elements that do not resonate with this self-image find their place on the periphery, effectively excluded from the cultural center. Examples of this exclusion manifest in various forms, such as linguistic purism, efforts to distance a community from perceived Others (cf. Kordić, 2010), renaming streets and public spaces, the destruction of monuments, and the development of educational curricula that promote a preferred and idealized interpretation of historical events (cf. Pavasović-Trošt & Mihajlović-Trbovc, 2020).

Events like wars disrupt the established center-periphery dynamic, intensifying the processes of meaning-making. Lotman describes this destabilization as a cultural explosion—a sudden, unforeseen shift that compels a reorganization of culture and society (Lotman, 2009). This reorganization can unfold gradually or abruptly, with different cultural layers—such as politics, language, education, and law—evolving at varying paces. In times of war, all layers are typically affected, leading to a re-hierarchization of cultural codes, narratives, customs, and rituals. During such upheaval, we may witness the erection or removal of monuments, the establishment of new myths, and the revival of symbols and slogans from past eras amid an ongoing crisis of meaning (Abrams & Gardner, 2023). Accordingly, the 1990s war in Croatia can be viewed as a cultural explosion, with the ZDS salute emerging as one of the key symbols during this period.

When we observe war as a cultural explosion, we see it as an event that fundamentally disrupts the normal functioning of a society and its established center of dominant meanings. As a result, the normative center ceases to serve as the starting point for interpreting and creating texts. The influx of information—through media, propaganda, and collective narratives—significantly increases the information load, creating a pressing need for society to reorganize this information to restore equilibrium. However, this rise in information also brings heightened unpredictability, which Lotman emphasizes to illustrate his anti-deterministic perspective on history (Lotman, 2009). By adopting the concept of "bifurcation" from Ilya Prigogine and Isabelle Stengers (1984), Lotman describes a critical juncture where a particular system—here, society and culture—reaches a point of "choice" between two possible scenarios, each akin to the toss of a

coin. At this bifurcation point, the new direction the system may take remains unpredictable, with chance emerging as a decisive factor (Lotman, 1990, 231).

This interplay of increased information and unpredictability is intricately linked to the creation of new meanings during wartime. As societies receive a flood of information, they find themselves in a landscape rife with uncertainty and ambiguity, where established frameworks of understanding may no longer hold. Consequently, similar circumstances can yield vastly different interpretations of the conflict, shaped by which information—and thus which meanings—is prioritized within the newly formed center, while other perspectives are relegated to the periphery as unacceptable. As a result, the narratives societies construct can shift rapidly during war, creating new myths and collective memories in response. This dynamic can reinforce existing meanings while also paving the way for new insights, sometimes rejecting anything perceived as a threat to this newly established order.

Lotman identifies three stages of the cultural explosion (Lotman, 1990, 143–150; cf. Lotman, 2009; 2013), which I apply here to the context of war: the moment of the explosion itself, the realization of the explosion in societal consciousness, and the retrospective (re)assessment of the explosion in our memories. He articulates three core elements that characterize this process: inertness, saturation, and generation. Inertness, which has a two-fold significance, refers both to the temporal lag in the center's ability to respond to disruptive texts and to the semantic incompatibility between those texts and the center's existing system of codes. In other words, new symbolic forms—emerging from the periphery during periods of upheaval—are initially unintelligible to the cultural core, which lacks the interpretive frameworks to process them. This reflects a moment of confusion or disorientation: the center is flooded with unfamiliar meanings but remains structurally unequipped to decode them. In the context of war, where symbolic systems are destabilized, this inertness underscores the urgency to develop new cultural codes to navigate uncertainty and restore intelligibility. Lotman describes the subsequent phase as saturation, followed by generation, the stage where societies begin to adapt to the diverse influx of texts (Lotman, 1990, 143–150). As these texts are integrated and a degree of stability returns to the center, society embarks on producing new texts. These can encompass all manner of meaningful units, including laws, regulations, guidelines, customs, myths, narratives, declarations, and dictionaries, among others.

The stabilization process becomes particularly noticeable in the post-conflict phase, where the primary focus shifts to maintaining identity coherence while mitigating heterogeneity and disruptions (Lotman, 1990, 128; cf. Lorusso, 2015, 67–75). Societies, groups, and individuals often articulate their identities and pivotal events through national laws, declarations, personal narratives, and biographies. The formation of victory and victimhood narratives, specifically, illustrates how these narratives construct and uphold distinct national identities. To solidify the preferred memory and interpretation of the conflict, unpredictability is supplanted by a sense of destiny. This new order absorbs all meanings into a singular narrative, effectively sidelining alternative scenarios from the realm of meaning-making. Ultimately, all texts deemed irrelevant to the newly established center are cast to the periphery, reinforcing the prevailing order.

Understanding how cultural texts emerge, adapt, or resist transformation in the aftermath of conflict is relevant for grasping the symbolic power of documents like the Croatian Homeland War Declaration. As argued above, moments of cultural explosion generate a need for stabilization through meaning-making practices. In this context, institutional texts do more than record historical facts—they function as mechanisms for restoring order, filtering peripheral symbols, and redefining cultural memory. The next section examines how the Declaration operates as such an institutionalized cultural text: it codifies specific interpretations of Croatia's war history, regulates which symbols are legitimized, and contributes to the consolidation of cultural memory.

#### INSTITUTIONAL MEMORY AND THE REFRAMING OF SYMBOLISM

Lotman considers a "text" as being both the aggregate of cultural expressions and as a text in itself (Lotman, 1990, 11–81; cf. Semenenko, 2012; Lorusso, 2015; Tamm & Torop, 2022). In this context, "text" is defined in the broadest sense as any meaningful unit that provides accessible expression and correlates meaning, guided by an intention of meaning (Lorusso, 2015, 14). Thus, virtually anything that conveys meaning to an individual, group, or society—be it an advertisement, an object, a performance, a ritual, a movement, or even a slogan—can be considered a text. Consequently, attention is drawn to the ways these texts are utilized in societies, including their production, purposes, the memories they evoke, and their reception among different social groups. Texts such as laws, regulations, guidelines, declarations, and curricula serve as models of meaning that significantly influence individual actions and choices (cf. Schönle & Shine, 2006).

A prime example of such a text is the parliamentary Croatian Homeland War Declaration, which stands as the most significant institutionalized statement regarding Croatia's national identity in the post-war period. Enacted in 2000, the Declaration was a compromise between the newly elected center-left coalition government and hard-line nationalists who had lost power following the death of Croatia's first president, Franjo Tuđman, in 1999. At that time, the coalition government prioritized Euro-Atlantic integration, including EU and NATO membership, which necessitated full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY). This requirement complicated matters and incited strong domestic political opposition, particularly from war veterans' organizations that accused the government of criminalizing the Homeland War, a term predominantly used in Croatia to refer to the 1990s conflict (cf. Koren, 2011; Ljubojević, 2019).

While one objective of the Declaration was to reconcile cooperation with the ICTY with the prevailing narrative of the war as clean, just, and defensive, this endeavor ultimately backfired. Rather than reducing social polarization and fostering open dialogue about the war legacy, the Declaration aimed to impose a singular interpretation of the war and its meanings, articulating a conclusion without resorting to concrete research (Koren, 2011). A particularly striking excerpt from the Declaration exemplifies this, asserting a uniform and unambiguous interpretation of the war and imposing it on the Croatian people: "[...] considering that the fundamental values of the Homeland War are unambiguously accepted from the side of the Croatian people as a whole and from the side of every Croatian citizen [...]" (Deklaracija o Domovinskom ratu, 2000). The fact that the Declaration represents an institutionalized parliamentary interpretation of the Croatian War of Independence presents significant challenges in establishing a constructive approach to the war's legacy. Specifically, this sanctioned interpretation necessitates its tacit acceptance by all citizens, thereby defining state identity and hindering alternative perspectives. As Schönle and Shine write (2006), such texts encode messages for insiders while excluding others, focusing on preserving existing information rather than generating new insights. This dynamic fosters a collective identity, constructing a cohesive "We" for the national community.

Lotmanian semiotics perceives texts as carriers of collective memory, positing that culture itself is a shared memory of a community (Lotman & Uspensky, 1978, 213). Thus, the mnemonic function becomes a crucial aspect of any text, enabling it to connect with other texts and associations, fostering



**Figure 1: The Ustaša salute on a memorial plaque erected in Jasenovac in November 2016, commemorating 11 HOS soldiers killed in combat in 1991 and 1995. The plaque was subsequently relocated to a Homeland War memorial park outside the nearby town of Novska (Photo: Vjeran Pavlaković).**

the creation of new meanings or reinforcing existing ones. Lotman elucidates this intertextual capacity by explaining that:

*The sum of the contexts in which a given text acquires interpretation and which are in a way incorporated in it may be termed the text's memory. This meaning-space created by the text around itself enters into relationship with the cultural memory (tradition) already formed in the consciousness of the audience. As a result, the text acquires semiotic life. [...] Nowadays, Hamlet is not just a play by Shakespeare, but it is also the memory of all its interpretations, and what is more, it is also the memory of all those historical events which occurred outside the text but with which Shakespeare's text can evoke associations. (Lotman, 1990, 18–19)*

In contrast, institutionalized texts like the Declaration tend to reinforce existing meanings rather than generate new ones. These texts can become mythological, aiming to preserve specific cultural identities and interpretations. On an individual level, myths help organize the recipient's understanding of the world; as Lotman (1990, 153) notes, "Myths always say something about me." Collectively, myths uphold worldviews, ideologies, and meanings that hold significance for society. However, this can also be problematic, as mythological texts may solidify into fixed narratives—much like the Declaration has—that obstruct open dialogue about difficult legacies. In the case of the ZDS salute, the Declaration's framing of the 1990s war as a righteous, defensive struggle contributes to the relativization of the salute by embedding it within the "patriotic" narrative of that conflict. This framing allows controversial symbols to be reinterpreted not through their historical legacy, but through their wartime use in the 1990s, effectively downplaying their fascist meaning. The institutional myth, then, enables the symbol to persist in public space, while shielding it from critique. The implications of such institutionalized texts for a national community are profound, often requiring tacit acceptance from citizens without permitting space for questioning or challenging the established narrative.

Another institutional text that contributes to the discursive management and normalization of the ZDS salute is the Dialogue Document (Dокумент Dijaloga), issued in 2018 by the Council for Dealing with Consequences of the Rule of Non-Democratic Regimes (cf. Dialogue Document, 2018). Although less frequently referred to than the Declaration, the Dialogue Document plays an important role in extending and operationalizing

the state's semiotic regulation of contested symbols. It emerged in response to the public outcry over the installation of a memorial plaque near the WWII Jasenovac concentration camp that bore the ZDS salute—an act that sparked domestic and international condemnation and briefly destabilized the Croatian government (Cvijanović, 2018; Koren, 2019; Damčević, 2021).

In the Dialogue Document, the Council addressed the ZDS salute directly, describing it as a "prima facie disputed insignia of hate", acknowledging its origins from the NDH regime. Yet, it simultaneously introduced a conditional exception for its use during commemorations of the 1990s war, effectively creating a state-sanctioned loophole based on a faulty "double connotation" argument (cf. Kostanić, 2025). Although the use of the salute during the 1990s war evoked the legacy of the Ustaša regime, the exception—justified on vague historical and emotional grounds—was supported by reference to the Declaration, which was used to legitimize its use by war veterans during the conflict (Dialogue Document, 2018, 25–26). While framed and presented to the public as a compromise, this stance risked further misuse and reinforced the symbolic overlap between WWII-era fascism and post-Yugoslav nationalism.

Much like the Declaration, the Dialogue Document has not fostered public dialogue, nor has it resulted in coherent legal guidelines. Instead, it functions as an ideological text that preserves the dominant wartime narrative while avoiding substantive engagement with Croatia's fascist past (Cvijanović, 2018). Though never formally enacted, its rhetorical alignment with the Declaration illustrates how multiple institutional texts work in tandem to legitimize exclusionary memory frameworks and symbols. These intersecting texts reveal how institutional narratives not only regulate official memory but also condition the symbolic status of charged expressions like the ZDS salute.

Rather than treating the salute as an isolated provocation, the next section examines how its continued public use is embedded—and partially legitimized by—dominant cultural texts. In this sense, the salute is not simply a relic of the past, but a semiotic product shaped by the very narratives that publicly disavow its historical associations.

#### ZA DOM SPREMNI AND THE NARRATIVE AUTHORITY OF THE STATE

The meanings of hate speech and historically significant symbols are profoundly shaped by the specific communication contexts in which they are invoked. A pertinent example of this is the ZDS salute, which was primarily utilized to evoke

the legacy of the NDH during the conflict of the 1990s. In the absence of legal regulation, the salute became intricately linked with the war and the victorious narratives that emerged in its aftermath. As previously discussed, both the conflict and its repercussions are characterized by an increase in meaning-making; war influences various aspects of society, prompting communities to reflect on their experiences and their implications for identity and self-image.

The potency of the ZDS salute lies in its simplicity and its role as a semiotic condenser (Lotman, 1990, 111). It can permeate multiple cultural layers and serve as a unifying cultural code across diverse historical and social contexts. Furthermore, it possesses the capacity to adapt to new contexts—such as the wartime environment of the 1990s—while generating fresh layers of meaning that remain consistent with its "inner form" (Lotman, 2019, 163; Tamm & Torop, 2022). For instance, during the 1990s, ZDS was appropriated by certain Croatian military units as an alleged rallying cry for national defense (Veselinović, 2019). Croatia's first president Franjo Tuđman's relativization of the Ustaša legacy further strengthened its relativization (cf. Đurašković, 2016). This reframing allowed the salute to retain its ideological charge—simultaneously mobilizing affective unity and exclusion—while shedding its overt association with WWII fascism. More recently, performances by Marko Perković Thompson and state-endorsed commemorative events have further layered its meaning: the salute is invoked as a symbol of wartime sacrifice and national pride, yet its historical roots continue to evoke division and reinforce the consistently increasing rise of historical revisionism in Croatia. This adaptability has been integral to the intertwining of the salute with the 1990s war and, subsequently, the Declaration.

While symbols can indeed acquire new meanings, it is crucial to understand that existing meanings do not simply vanish. Symbols do not gain legitimacy on their own; they must be actively legitimized (cf. Cvijanović, 2018). In the case of the ZDS salute and the associated hate speech, it is essential to recognize that its use has predominantly sought to evoke the legacy of the NDH and target minority groups, often downplayed and relativized by government officials. This normalization process has reinforced the salute's association with the NDH over time. Consequently, criticism of the salute becomes perceived as an attack on the dominant interpretation of the war (cf. Damčević, 2023b), creating a vicious cycle that can only be broken through the engagement of political actors willing to constructively address Croatia's war legacy, rather than exploiting it for voter mobilization.

The implications of this dynamic for a post-conflict society are significant, as they can foster an environment conducive to nationalist hate speech. Nationalist rhetoric thrives on an "in-group" versus "out-group" mentality, which socio-political circumstances can exacerbate, encouraging division and hostility. When societal narratives are infused with fear or resentment toward perceived enemies, groups and individuals may feel justified in expressing or endorsing extremist views. This highlights the danger of institutionalized cultural texts, such as the Declaration; when enacted and endorsed by the state, it establishes a singular and only acceptable narrative of the past.

The ZDS salute serves as an example of how symbols can resonate deeply within the socio-political fabric of a post-conflict society. The interplay of memory and national identity, combined with the absence of comprehensive legal frameworks, facilitates the emergence of nationalist narratives. When government officials fail to constructively address these issues and, in some instances, endorse them, it significantly hampers the development and implementation of proactive measures in education and policymaking. In the educational sphere, for example, Croatian history curricula have been criticized for presenting sanitized accounts of the NDH legacy or omitting systematic discussions of fascist collaboration (cf. Mihajlović-Trbovc & Pavasović-Trošt, 2017), which limits critical engagement with contested symbols like ZDS. On the policy level, the government's decision to permit the memorial plaque bearing ZDS near Jasenovac—and the absence of a legal ban on the salute's public use—illustrates the reluctance to confront the symbol's legacy through legislative means. Such omissions hinder efforts to mitigate the spread of hate speech and promote inclusivity by challenging dominant narratives.

## CONCLUDING REFLECTIONS

This paper explores the implications of exclusionary historical narratives, particularly through the lens of the "Ready for the Homeland" salute—a symbol that has resurfaced in contemporary Croatian politics and public discourse. By situating the analysis within the framework of cultural semiotics, I demonstrate how the ZDS salute operates not only as a symbol of national identity but also as a tool for hate speech against minority groups, perpetuating historical traumas and reinforcing divisions within society.

Cultural semiotics emphasizes the fluid and dynamic nature of identity, illustrating how symbols and historical narratives are constantly renegotiated by various social actors. The salute, which evokes the NDH's legacy, signifies a broader struggle over how national identity is constructed and maintained

in post-war Croatia. The normalization of this salute in public domains—from sports events to political speech—illustrates how hate speech can be enshrined in cultural practices and narratives without significant legal repercussions. Moreover, the rise of nationalist rhetoric and hate speech reflects a fragmented dialogue over historical memory. Political elites often exploit these narratives to mobilize voter support, sidelining minority voices and hindering efforts to confront and address past injustices. The state-sanctioned narratives surrounding the 1990s war, exemplified by the Declaration, further complicate the landscape by imposing a singular, glorified interpretation of the conflict that marginalizes alternative perspectives.

The analysis reveals the complexities of meaning-making in post-conflict societies, where symbols like the ZDS salute serve as focal points for broader societal tensions. The interplay of memory, identity, and historical interpretation not only shapes the political landscape but also impacts community cohesion and the prospects for dialogue around sensitive historical issues. Combating hate speech and the manipulation of historical narratives in Croatia requires multifaceted approaches that engage with the complexities of national identity,

memory, and representation. Acknowledging the interconnectedness of hate speech, symbols, and the prevailing narratives of the past can pave the way toward more constructive engagements with history, fostering a climate that encourages inclusivity and mutual understanding rather than division and hostility. Only through such efforts can societies come to terms with their past and cultivate a more equitable and just future for all citizens.

Future research could explore the comparative dynamics of similar cultural symbols in other post-conflict societies, examining how they evolve across different socio-political contexts. In the Croatian context, more attention should be dedicated to the reception and perception of the ZDS salute and associated hate speech among minority communities, including the exploration of meanings they attached to the Declaration. Finally, longitudinal studies could assess the effectiveness of educational and legal interventions aimed at mitigating hate speech and the use of symbols such as ZDS. Such studies would provide valuable insights into how enduring national symbols are either recontextualized or supplanted within evolving societal frameworks, contributing to more inclusive memory practices in post-conflict settings.

## »ZA DOM PRIPRAVLJENI«: SEMIOTIKA SOVRAŽNEGA GOVORA IN SPOMINA V POSTKONFLIKTNI HRVAŠKI

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### *POVZETEK*

*Prispevek raziskuje semiotične dimenzijs sovražnega govora in spomina v postkonfliktni Hrvaški, s posebnim poudarkom na spornem pozdravu »Za dom pripravljeni« (Za dom spremni, ZDS). Namen je preučiti, kako kulturni teksti delujejo v procesu pogajanj o kolektivnem spominu in identiteti, zlasti kadar se simboli iz fašističnih zapuščin rekonstekstualizirajo v sodobnem diskurzu. Metodološko se raziskava opira na kulturno semiotiko za analizo ZDS kot simbolnega označevalca v institucionalnih in popularnih okvirov. Preučuje, kako uradni teksti, zlasti Deklaracija o domovinski vojni, delujejo kot legitimizacijski mehanizmi, ki vgrajujejo izključevalne simbole v prevladujoči povojni spominski režim. Analiza poudarja, kako takšne institucionalizirane priopovedi ustvarjajo kulturni prostor, v katerem razdvajajoči simboli krožijo s spornimi, a hkrati normaliziranimi pomeni. S tem, ko ZDS umešča v širše procese oblikovanja identitet, članek pokaže, da imajo kulturni teksti odločilno vlogo pri oblikovanju politike spomina v postkonfliktnem obdobju, pri krepitvi polarizacije in utrjevanju ideooloških meja. Ugotovitve poudarjajo načine, kako se državne naracije prepletajo z nacionalističnimi praksami pri vzdrževanju simbolnega nasilja, kar dodatno otežuje demokratično delo s spominom na Hrvaškem.*

**Ključne besede:** teksti, spomin, sovražni govor, simboli, kulturna eksplozija, Za dom spremni, Hrvaška

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## ETHNIC TERMS IN TURKISH: BETWEEN NEUTRALITY AND OFFENSE

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### ABSTRACT

*This article examines the complex phenomenon of Ethnic/Social Terms used as Insults (ESTIs) in Turkish, focusing on ethnic terms such as 'Ermeni' (Armenian), 'Yunan' (Greek), 'Rum' (Greek), and 'Yahudi' (Jew/Jewish). These terms uniquely function as both neutral ethnic descriptors and pejoratives for slurring. This research investigates the linguistic characteristics and pragmatic functions of ESTIs focusing on their dual derogatory nature in being both non-referential and restricted referential in their derogation. It also explores their pragmatic characteristics focusing on derogatory autonomy, negation, and rejection, by discussing their similarities and differences with typical slurs.*

**Keywords:** ethnic slurs, insults, hate speech, neutral counterparts, Turkish language

## TERMINI ETNICI IN TURCO: TRA NEUTRALITÀ E OFFESA

### SINTESI

*Questo articolo esamina il fenomeno complesso dei termini etnici/sociali usati come insulti (Ethnic/Social Terms used as Insults, ESTI) in turco, concentrandosi su termini etnici quali 'Ermeni' (armeno), 'Yunan' (greco), 'Rum' (greco) e 'Yahudi' (ebraico). Questi termini funzionano in modo unico sia come descrittori etnici neutri sia come peggiorativi per offendere. Questa ricerca indaga le caratteristiche linguistiche e le funzioni pragmatiche degli ESTI concentrandosi sulla loro duplice natura derogatoria nell'essere sia non referenziali che limitatamente referenziali nella loro denigrazione. Esplora inoltre le loro caratteristiche pragmatiche concentrandosi sull'autonomia derogatoria, sulla negazione e sul rifiuto, discutendo le loro somiglianze e differenze rispetto agli insulti tipici.*

**Parole chiave:** insulti etnici, offese, discorso d'odio, controparti neutre, lingua turca

## INTRODUCTION

Ethnic/Social Terms used as Insults (ESTIs) in Turkish present a unique and complex linguistic phenomenon that challenges traditional understanding of pejorative language. Terms such as 'Ermeni' (Armenian), 'Yunan' (Greek), 'Rum' (another word for Greek), and 'Yahudi' (Jew/Jewish) serve a dual function in Turkish discourse: they act as standard, ostensibly neutral ethnic descriptors while simultaneously possessing derogatory potential for slurring.<sup>1</sup> There are no alternative terms which may function as descriptors in Turkish, while there are no other ethnic slur terms<sup>2</sup> typically used for these groups.

The pejorative use of these terms is deeply rooted in historical and sociopolitical contexts, with evidence of their dual nature dating back to at least the 16th century Ottoman period (Erkek, 2009).<sup>3</sup> The multi-ethnic and multi-religious structure of the Ottoman Empire already indicated a divided society along religious and ethnic lines, where Islam and later Turkish ethnic identity represented both the majority and the hegemonic group wielding political power. This hierarchical social structure created the foundational conditions for the development of group-based pejorative language that would target minority communities based on their ethnic, religious, or tribal affiliations. The situation deteriorated significantly during the transition period leading to and throughout the independence war that established the Turkish Republic, as nationalist movements intensified ethnic and religious divisions. The historical trajectory from the diverse Ottoman millet system to the more homogeneous nation-state project of the Turkish Republic created particular sociolinguistic conditions where terms that could function as neutral identifiers in certain contexts simultaneously carried the potential for derogatory and exclusionary usage. This dual functionality reflects the broader dynamics of power relations and social hierarchies that have persisted across different political formations, making these terms particularly complex examples within the hate speech literature.

Currently, a similar phenomenon has been discussed in the context of European Spanish by Castroviejo et al. (2021), focusing on the term 'gitano' (Romani). In fact, this article adopts the ESTI abbreviation from their research on polysemous terms which

are used both pejoratively and non-pejoratively (as descriptors for social categories). Similarly, Bordonaba Plou and Torices Vidal (2021) focused on the word 'menas'<sup>4</sup> discussing whether it is a slur or an ESTI. On the other hand, Zerbudis (2024) proposed that the use of these terms as insults has to be understood as metaphoric uses of the terms which ascribe a certain property usually associated with the social group denoted by the term to an individual who does not belong to that group, and thereby reinforce certain social stereotypes. Although for practical reasons and for connecting with the previous research on similar phenomena in different languages, this article adopts the abbreviation ESTI, its central argument is that ESTIs are a borderline phenomenon in pejorative language, which extends beyond the personal insults and show more similarities to slurs than insults. Terminological challenges are not limited to unique characteristics of ESTIs but also arises from the fact that Turkish language has no equivalent term for slurs, but insult (*hakaret*) is used for both insults and slurs.

In the Turkish language, ESTIs can serve as powerful vehicles for discrimination and hate speech particularly through weaponization of ethnic, religious, or national identities. In this sense, this article argues, they operate, in certain contexts, similarly to conventional slurs which are explicitly derogatory expressions that represent paradigmatic examples of hate speech. Despite their frequent derogatory use, these terms have received limited scholarly attention. This article, although clearly situated within the hate speech literature, has a specific focus on slur theories and aims to approach the issue from this perspective. The central research objective is to identify the multifaceted nature of Turkish ESTIs, focusing on their distinctive linguistic properties, their social implications, and the challenges they pose to existing theories of slurs.

Starting from Matsuda's (1989) foundational work in the late 1980s, slurs have been recognized as exemplar cases of hate speech (Brown & Sinclair, 2023, 72)—with words like 'nigger' serving as clear-cut examples that demonstrate the core characteristics of hate speech. What makes slurs paradigmatic is their group-based nature: they attack people based on their membership or perceived membership of a group. Unlike general insults or personal pejoratives

1 Warning: This paper contains slurs and offensive language used solely for academic analysis. These terms are mentioned, not endorsed, and appear only when necessary for scholarly examination. I apologize for any unintentional offense and any discomfort caused.

2 Exceptions may be *gavur* and *kafir* which means 'non-muslims' in Ottoman Turkish. But they are not commonly used anymore. Some other slur candidates are *kızılbas* (redhead) for Alevites and also *kılıcartığı* (sword remnants) for all ethnic minorities in Turkey (especially for Greeks and Armenians).

3 For example, court cases in kadi judgements in local contexts from Anatolia clearly show that calling Muslims with non-Muslim ethnic terms are judged as epithets (Erkek, 2009).

4 *Menas* is an acronym for 'Menores Extranjeros No Acompañados' (Unaccompanied Foreign Minors), that is, boys and girls under 18, non-European migrants, who are separated from their parents and are not in the care of any other adult in the host country (Bordonaba Plou & Torices Vidal, 2021).

such as 'dickhead' or 'asshole,' group-based slurs like 'nigger' inherently contain accusations that certain undesirable qualities are possessed by all or nearly all members of the target group. This research question becomes particularly relevant given that slurs create "exclusion and intimidation against people on the basis of a protected characteristic, often because these words are tied to historical discrimination, oppression, and violence" (Brown & Sinclair, 2023, 65). While it will not be possible to go into details of hate speech definitions and discussions around it due to the space limits, it is largely agreed in the literature that slurs fulfill most of the criteria for hate speech by derogating and disparaging certain individuals on the basis of their group membership (Technau, 2018). In this context, insofar as ESTIs share these characteristics with slurs, they are also candidates for being prototypical examples of hate speech together with slurs.

Within this context, this article first focuses on the dual nature of these terms, which can function both as neutral ethnic descriptors and as pejoratives for slurring. After a brief overview of ESTIs and their dual uses in Turkish, the article explores their unique pattern of in-group derogatory usage, where certain segments of the Turkish population employ these terms to target other Turkish individuals. This creates a pragmatic phenomenon characterized by both non-referential and referentially restricted uses—specifically, the individual target of an ESTI often does not belong to the ethnic group referenced by the term (non-referential use), while the derogatory force is limited to a specific subset of Turks rather than the entire Turkish population (referential restriction).

Second, the paper investigates the pragmatic aspects of ESTIs, drawing on authentic language data from social media interactions to gain insights into the real-world usage of ESTIs. The pragmatic analysis of real-world language focuses on three key dimensions typically explored in slur research: derogatory autonomy, negation, and rejection. Special attention is paid to the complexities of negation, where the dual nature of these terms—as both neutral ethnic descriptors and potential insults—creates unique linguistic challenges. Additionally, the study examines rejection strategies, particularly through the lens of metalinguistic negation, as mechanisms for contesting the derogatory deployment of ESTIs. This article contributes to newly occurring interest in derogatory use of neutral terms within the context of hate-speech and attempts to provide critical insights into existing slur theories through an examination of ESTIs in Turkish.

## ESTIS IN TURKISH: A BRIEF OVERVIEW OF THEIR DUAL USES

In the Turkish context, prominent examples of ESTIs include 'Ermeni' (Armenian), 'Yunan' (Greek), 'Rum' (another Turkish word for Greek), and 'Yahudi' (Jew/Jewish). These terms share a common characteristic in that they all refer to ethnic or religious minorities residing within Turkey. It is crucial to note the complex historical and political background associated with these terms.<sup>5</sup> Paradoxically, these words also serve as the standard, ostensibly neutral, ethnic descriptors for these minority groups, which simultaneously function as referents to nationalities (e.g., 'Yunan' for Greeks in Greece, 'Ermeni' for Armenians in Armenia, and 'Yahudi' for Jews globally). The Turkish language lacks alternative terms for these groups, creating a linguistic ambiguity between neutral reference and potential pejorative use. Despite the widespread use of these terms as pejoratives in everyday Turkish discourse, there is very limited academic research focusing on these terms as examples of pejorative language (for an exception, cf. Altun, 2009), particularly regarding their semantic or pragmatic characteristics. While civil society organizations frequently include and categorize these terms in their reports as examples of hate speech, such publications generally lack in-depth linguistic analysis (for example, the Hrant Dink Foundation Reports (Hrant Dink Foundation, 2024) or the Friedrich-Ebert-Stiftung Reports on Hate Speech in Cyprus (The Friedrich-Ebert-Stiftung, 2021)).<sup>6</sup>

This section focuses on the pragmatics of ESTI with data from authentic contexts of use in order to provide an accurate view of language-in-practice (Technau, 2018). In order to better understand the dual use of these ethnic terms, I compiled a small corpus of real-world examples from X (formerly Twitter) comprising approximately 1,800 words across 150 tweets, by using the search function of the X application and by searching for the ethnic terms in Turkish (*Yahudi, Ermeni, Rum, Yunan*), with efforts made to maintain a balanced distribution among the four search terms (approximately 35 tweets per term). All search results were included without any specific selection criteria regarding neutral or derogatory uses, ensuring a representative sample of naturally occurring usage. The collected tweets were subsequently anonymized and categorized into three types: neutral, derogatory, and ambiguous uses. Additionally, tweets that generated under-tweet discussions about the semantic meaning of the terms—where discussants debated whether the usage was insulting or constituted hate speech—were

5 A very brief but comprehensive explanation by Turkay (2022, 1221–1222) is as follows: "The anxieties inherited from the Ottoman dissolution seem to have shaped Turkish nationalism, which trusts Muslim Turks as the dominant group whose privileges could be threatened by minorities' desire to become independent under the sponsorship of foreign powers."

6 Interestingly, there are examples for the use of ethnic terms as insults both in Greek and Turkish in this report. Similarly, Baider (2017) underlines that 'Turkish seeds/sperm' is an important part of the offensive language in Greek Cypriot extreme right party supporters.

also collected and further analyzed, on the basis of pragmatic approaches to slurs (cf. section 5). From this corpus, I will start by giving examples of their uses as neutral terms (translations belong to me):

1. *İzmir'in farklı semtlerinde yaşayan Ermeni, Rum, Yahudi ve Türklerin dükkanları yanında yer alırdı.* [Shops owned by Armenians, Greeks, Jews and Turks were located side by side in the bazaar in different districts of Izmir.]
2. *CHP ile Ermeniler arasında milletvekilliği seçimlerinde olmayan işbirliği, geçmişte Şişli ve Bakırköy belediyelerinde yaşandı. Peki bunca zaman geçmişen şimdiki Adalar'ın yeni başkanı neden bir Ermeni, bir Rum veya bir Yahudi olmasın?* [While there wasn't cooperation between CHP and Armenians in parliamentary elections, it happened in the past at Sisli and Bakirkoy municipalities. So after all this time, why shouldn't the new president of Adalar be an Armenian, Greek or Jew?]

In their non-derogatory uses, ESTIs mostly collocate with origin and citizen, in examples such as: 'Ermeni kökenli vatandaşımız' (our citizen with Armenian roots) or 'Ermeni asıllı Türkiye vatandaşısı' (Turkish citizen with Armenian origin).<sup>7</sup> This type of use is more formal, more inclusive and leaves no doubt about the non-derogatory intention of the speaker, as seen in the following examples (3–4):

3. *Yunan ve Ermeni kökenli vatandaşlarımız aşağılanmıştır. Kredi kartı borcunu ödemeyene Yunan veya Ermeni demek bu vatandaşlarımıza hakaret demektir.* [Our citizens of Greek and Armenian origin have been degraded. Calling someone who doesn't pay their credit card debt 'Greek' or 'Armenian' is an insult to these citizens.]
4. *Nobel Ekonomi Ödülü Ermeni asıllı Türkiye Cumhuriyeti vatandaşısı Daron Acemoğlu'na verildi. Ermeni nefreti saçan Mustafa Destici, bu ödülü ne diyeceksin?* [The Nobel Prize in Economics was given to Daron Acemoglu, a Turkish Republic citizen with Armenian descent. Mustafa Destici, who spreads hatred against Armenians, what will you say about this prize?]

Conversely, these same terms can function as pejoratives in specific contexts. The following analysis presents ESTIs in Turkish within the broader

framework of hate speech, demonstrating how they intersect with and are often combined with other forms of verbal abuse. This approach allows for a more comprehensive understanding of how ESTIs operate within the larger ecosystem of offensive language in Turkish discourse.

5. *Kancıksın, Ermenisin.* [You, bitch. You, Armenian.]
6. *Şerefsiz bu ülkeye gelme lan sen. Aşağılık herif. Sen kesin ermenisin. Bunu paylaşandan da şüphe ederim.* [Scumbag, you, don't come to this country. You wretch. You're **definitely** Armenian. And I am also suspicious of anyone who shares [reposts] this.]

The term 'Armenian' is used alongside other pejoratives such as swear words and expressives in (5) and (6), suggesting it carries a similarly derogatory meaning. Based on its contextual usage, we can reasonably infer that the speakers intend it to be at least as offensive as the other pejoratives employed in the sentence.

However, ESTIs are not always used as stand-alone pejoratives but also combine a general-purpose insult with an ethnic label (7). As Jeshion (2021, 212) argues, "pejorative lexical items can also be formed from combining individual words. Nouns combined with certain pejorative adjectives and expressives generate complex expressions like 'dirty Jew', 'stinking Chinese', 'goddamn liberal' that derivate in many of the ways that slurs do."

For example:

7. *Sen de Nişanyan gibi yavşak bir ermenisin.* [You are, like Nisanyan, a toady Armenian.]

ESTIs function not only as stand-alone nouns but also as pejorative noun-noun compounds, forming established compound racial epithets (cf. 10–12 below). Examples include 'Rum dölli' (Greek spawn), 'Ermeni dölli' (Armenian Spawn), 'Rum kırması' (Greek half-breed), 'Ermeni tohumu' (Armenian seed), 'Yunan tohumu' (Greek seed), 'Ermeni evladı' (Armenian son), and 'Ermeni çocuğu' (Armenian child). These compound forms are unambiguously derogatory, leaving no doubt about their pejorative intent.<sup>8</sup> However, this paper focuses on the pejorative examples of ethnic terms in their stand-alone form. In the compound forms, ethnic terms are paired with words like 'dölli' (spawn/offspring), 'tohum' (seed), 'kırması' (mix-breed), or 'evladı' (son), all of which reference the racial origins of the insult's target.

7 Although this type of formulaic expression is also subject to debate in terms of its discriminatory potential, I cannot go into details in this paper.

8 It's worth noting that in Turkish, there is no specific term equivalent to the English word 'slur'; instead, these expressions are broadly categorized as insults or swear words.

‘Döl’ (spawn) and ‘tohum’ (seed) are metaphorical terms for sperm, while ‘kırmá’ typically refers to a canine half-breed. Additionally, they appear to be the modified versions of pejorative phrases and swear words such as son of a “whore” (‘orospunun cocugu’) and spawn of a “whore” (‘orospunun dölü’)—which makes their pejorative meaning even more explicit.<sup>9</sup>

8. *Kahrolsun Kemalizm diyen Fransız dölleri, Yunan tohumları, Ermeni evlatları. Ulu Önder Gazi Mustafa Kemal Atatürk’ün gencligi hala burada dimdik ayakta ananızı sıktırmeyin sayınızı bozmayın.* [French offspring, Greek seeds, Armenian sons (offspring), saying ‘Down with Kemalism’. The youth of the Great Leader Gazi Mustafa Kemal Atatürk is still standing tall here, don’t make us fuck your mother, don’t break your respect.]
9. *Yahudi sensin lan itin soyu. Yunan kırması Memleketi ne hale getirdiniz. Sen misin lan insan Senin koydugun fotoğrafa bak mağara kaçın suratlı. Maymun senden daha güzel duruyor.* [You are the one who is Jew, you son of a bitch. You, **Greek bastard** (a Greek half-breed). Look at what you’ve done to this country. Are you even human? Look at the picture you posted, you cave-dweller face. Even a monkey looks better than you.]
10. *Taraf olmayanların hepsi ya yunan ya ermeni ya yahudi yada ingilizlerin beslediği orospu döldür araştırmaya gerek bile yoktur.* [All those who are not taking sides are offspring of either Greek, Armenian, Jewish, or whores, fed by the British. There’s no need to even investigate.]
11. *30 ağustos zafer bayramı bütün TURK milletinin kutlu OLSUN. Ayrıca bütün ATATURK DUSMANI YUNAN tohumları da ya da ermeni ingiliz fransız dölleri de kudursun.* [Happy August 30 Victory Day to all the TURKISH nation. Also, may all the **GREEK seeds** who are ENEMIES OF ATATURK, or the **Armenian, English, French spawns** go rabid.]

9 These are noun-noun compounds (compound nouns) in the sense that originally Ermeni'nin dölü/tohumu (spawn/seed of Armenian) but lost the (in) suffix (Kunduraci, 2013).

One particularly common characteristic of insults in Turkish is that they often take the form of rhetorical questions (Altun, 2009).

12. *Yunan misin lan amcık* [Are you Greek, you fucking cunt?]
13. *Doğruyu söyle ismin yazmıyor zaten yahudi misin ermeni misin? Bilelim oğlum karşımızda hangi soysuz milletten bir ibne var Yoksa yunan yahudi ermeni üçü birden karışımımızın.* [Tell me the truth, your name isn’t written. Are you Jew or Armenian? Let’s know we’re dealing with a faggot from which degenerate nation. Or are you a mix of Greek, Jew and Armenian, all three?]

## ESTIS IN TURKISH AND SLURS: A COMPARATIVE ANALYSIS

### ESTIs and slurs: theoretical framework and comparative features

Before starting my comparative discussion on ESTIs, I would like to note that, for the rest of this paper, the term ESTI will only be used to refer to ESTIs in Turkish and, also only for the terms specified in the previous section (i.e. Armenian (Ermeni), Jew (Yahudi), Greek (Yunan/Rum)). Additionally, I will only focus on their stand-alone use, leaving aside noun-noun compounds which are explicitly pejorative and have no non-pejorative uses. With this limited focus, this section discusses in which dimensions ESTIs come close to and diverge from slurs as they are described in most slur theories (Cepollaro & Thommen, 2019; Hom & May, 2013; Potts, 2007; McCready, 2010; Bolinger, 2017; Nunberg, 2018; Bianchi, 2018; Popa-Wyatt & Wyatt, 2018; Camp, 2018; Jeshion, 2021).

Slurs may be defined as conventionally pejorative lexical items which refer to social groups and convey derogation and negative attitudes toward those groups and their members on the grounds of race, gender, social status, sexual orientation or religion, among other social identities (Hess, 2021). The paradigmatic examples of slurs include racist epithets such as ‘nigger’, ‘chink’, anti-Semitic ones like ‘kike’, or homophobic ones like ‘faggot’. Slurs function to derivate or dehumanize and signal that their targets are unworthy of equal standing or full respect as persons, that they are inferior as persons (Jeshion 2013). There is an extensive literature with a wide array of theories (Hess, 2021; Cepollaro & Thommen, 2019; Jeshion, 2021) concerning the nature of slurs’ meaning, the mechanisms by which

they are communicated, their various properties, as well as the boundaries of the category. One significant question that these theories attempt to answer is the source of the derogatory meaning of slurs. Scholars have analyzed and 'located' the pejorative content of slurs in various ways (Cepollaro & Thommen, 2019).<sup>10</sup>

Slur theories generally identify several key characteristics of slurs as distinct pejoratives, though scholars debate their precise definitions and importance. These commonly discussed features include group derogation, derogatory autonomy, embedding failure, and insulation (Hess, 2020; 2021; Bolinger, 2017), though no unified theoretical consensus exists regarding their exact nature and definition. Group derogation indicates that slurs derogate on a group basis. Derogatory autonomy refers to the characteristic that slurs are offensive even when the speaker does not intend the use to be derogatory. The offensiveness of slurs projects out of various forms of embedding, including indirect reports, negations, and mentions. Insulation is, in some contexts, possible, i.e. slurring terms can occasionally occur inoffensively.

Group derogation is an important common characteristic that ESTIs share with the slurs. Unlike other pejoratives, such as personal pejoratives and swearwords, which do not derogate on group basis (social categories), ESTIs derogate and offend their referents, and at the same time derogate and offend the entire target group which the term refers to. ESTIs can be extremely offensive since they derogate a whole group, defined by a factor such as (perceived) race, ethnicity, or religion. Thus, ESTIs, like slurs, "express prejudice toward the target groups which accounts for their extreme offensiveness" (Hess, 2021, 452).

However, their group derogation characteristic is peculiar. On the one hand, they both derogate their referent and a target group on an ethnic or religious basis. On the other hand, ESTI's individual referent frequently does not belong to the target group being derogated (their non-referential uses are the main use).<sup>11</sup> More clearly, Turkish ESTIs are generally used against non-members of the ethnic group that the ESTI specifically refers to. This is a characteristic shared by ESTIs in Spanish (Castroviejo et al., 2021; Bordonaba Plou & Torices Vidal, 2021). In other words, they are usually directed at people not in their neutral extension (Castroviejo et al., 2021). This brings them closer

to non-referential uses of the slurs such as uses of 'retard' and 'faggot' in reference to non-members of the group by extension (non-referential uses). In such cases, most scholars argue that speakers typically draw a connection to certain stereotypes about the group and apply them to a target that is not a group member (Technau, 2018; Croom, 2013; Orlando & Saab, 2020). In fact, Castroviejo et al. (2021) argues for the ethnic terms like *gitano* that its pejorative meaning builds upon a negative stereotypical representation of the Romani community.

Concerning derogatory autonomy, using a racial slur remains offensive regardless of the speaker's intentions or attitudes, even if meant positively or used to educate about racism. Even if the speaker does not actually hold a negative attitude toward the slur's target or perhaps intends to convey something positive about them, the slur remains equally offensive. For example, the sentence 'so I have nothing but respect for chinks' still derogates Chinese people, even if it is uttered sincerely (Hess, 2021). Or saying "Chink" is a slur for the Chinese." with the intention to raise awareness of racism can still offend a hearer who finds hearing the slur traumatizing.

On the other hand, it is hard to argue that ESTIs have derogatory autonomy due to their dual use—a missing characteristic which sets them apart from the typical slurs. ESTIs are both used to refer 'neutrally' to different ethnic groups in Turkey and within insulting speech acts pejoratively. However, when they are used in the contexts and syntax typical for pejorative utterances, i.e. conventional ways of their pejorative uses, they show typical signs of derogatory autonomy in the sense of being offensive independent from the speaker's intentions (cf. section 5).

Furthermore, they have no neutral correlates or at least, there is no other term which may be used as a 'more' neutral alternative to them. From the perspective of typical slurs, it may even be argued that they are the candidates for being the neutral correlates for the slurs which could be used for the groups they refer to. If their use for derogatory speech acts is a sign of a pejoration process of otherwise neutral terms, as Bordonaba Plou and Torices Vidal (2021) argued for the word 'menas' in Spanish, there are no other candidates in Turkish to replace them, at least for the time being. It is known that these words have been used as both insults and descriptive terms

10 Unfortunately, it is not possible to discuss these theories in detail here due to space limits. Cepollaro and Thommen (2019, 334) list some of the well-known approaches as follows: at the level of truth-conditions (Hom, 2008; Hom & May, 2013), presuppositions (Cepollaro, 2017a); conventional implicatures (Potts, 2007; McCready, 2010), contrastive choice signals (Bolinger, 2017), group affiliation (Nunberg, 2018), speech acts (Bianchi, 2018; Popa-Wyatt & Wyatt, 2018; Camp, 2018; Kukla, 2018), expressive content (Jeshion, 2013; 2021).

11 Despite its focus on non-referential uses, the discussion in this paper in no sense entails that ethnic minorities in Turkey are not subject to derogatory language. On the contrary, it is primarily the members of these groups who are mostly and widely targeted and attacked with several types of linguistic tools for derogation—in addition to the fact that they are also derogated indirectly by the non-referential uses of ESTIs.

at least since the 16th century, thanks to extensive research on the judicial registry and literature in the Ottoman period (Erkek, 2009; Karakulak, 2023; Araz, 2008).<sup>12</sup> On the other hand, extraordinarily, there are no slurs (cf. footnote 2) in Turkish used for these groups except some compound racial epithets mentioned above where no words in these combinations are semiotically pejoratives in their separate and stand-alone meanings.

Slurs' pejorative content projects out of embeddings under negation or modals, in conditionals, attitude reports, etc. (Hess, 2020; 2021). This embedding failure is manifest in the following examples: 'Sara's friend could very well be a Chink', 'She is not a Chink', 'If he is a Chink, then he won't come to the party', and 'Becky told me that she was a Chink'. Since ESTIs' offensive force is dependent on context, one would expect that they would not share, with slurs, the characteristics of the embedding failure. However, there is no straightforward answer to the question of whether they scope out of the lexical contexts they are embedded in, or in other words, if they have the characteristic of projection, as I discuss in the following sections. Similar to ESTIs in Spanish, ESTIs in Turkish show context-dependent offensiveness and mixed embedding behavior (Bordonaba Plou & Torices Vidal, 2021), in the sense that ESTI's pejorative content also projects out, but not always (see section 5).

With these preliminary comparative results, one may hastily conclude that these ESTIs are definitely not slurs. In fact, many scholars have already argued that it is possible for all kind of words, including neutral ones, to take on an ad hoc pejorative role in slurring acts or insulting acts. Some other scholars have underlined that pejorative uses are dependent on the polysemous nature of the relevant term (Stojić & Pavić Pintarić, 2014; Jeshion, 2021; Castroviejo et al., 2021). Similar uses of 'Foreigner' and 'Protestant' in German and 'Jew' in Polish have been interpreted as metaphoric uses of otherwise these neutral lexemes (Stojić & Pavić Pintarić, 2014). Bordonaba Plou and Torices Vidal (2021) argued for 'menas' that this could be a pejorative process, i.e. a slur-in-progress. However, I would like to take another path just to understand ESTIs' derogatory nature better. In order to do that, I will draw from the current discussions and approaches which are critical in the so-called neutral counterpart thesis of slurs. This current literature challenges the most commonly agreed characteristics of slurs, while providing alternative explanations for derogatory meaning and different sets of criteria to define and categorize slurs.

12 For example, Ottoman Court records from 1546 show 'Yahudi' used as severe verbal abuse across religious communities, with legal frameworks recognizing terms like 'godless,' 'Jew,' 'impure,' or 'infidel' as offenses when directed at Muslims (defining them epithets). Modern Turkish Court of Cassation decisions confirm this pattern: the 2015 case (Yargıtay 4. CD Esas: 2014/15126) upheld convictions for 'pis Ermeni' (dirty Armenian), while the 2016 ruling (Yargıtay 18. CD Esas: 2015/28988) confirmed 'Ermeni devşirmesi' (Armenian devshirme) as actionable 'insults'.

### Challenging the neutral counterpart thesis

In the growing literature on slurs, the concept of 'neutral counterparts' has become a cornerstone assumption, widely accepted across various theoretical approaches (Falbo, 2021; Hess, 2020). Neutral counterparts are group terms referring to the group targeted by a slur without any offensive power (Diaz Legaspe, 2018). The idea of the counterpart condition posits that for every slur there exists a neutral counterpart denoting the very group that is the target of the slur (Hess, 2021, 6). For instance, the neutral counterpart of the slur 'nigger' is typically considered to be 'African-American'. The neutral counterpart is understood to be a non-evaluative, co-extensional expression that picks out the same set of individuals as the slur but without the associated derogatory force. However, the counterpart condition is not without its challenges and critiques.

Most of the slur scholars actually presuppose that actual or potential neutral counterparts determine if a slur is correctly applied, or not, by a speaker. For example, calling someone who is not African-American 'nigger' is counted as failure either in linguistic (the speaker does not seem to know what 'nigger' means) or epistemic competence (she mistakenly believes that the target is African American). However, certain uses of slurs challenge these assumptions, particularly non-referential and referential-restricted uses. Non-referential uses refer to cases where a slur is applied to a target that does not belong to the group paradigmatically associated with it. Scholars such as Jeshion (2013) and Croom (2011; 2013) were among the first to draw attention to non-referential uses of slurs. Jeshion provides an example: a racist who knows his taxi driver is Arabic, not African-American, asserts, 'I don't tip Niggers.' In this example, the speaker knowingly and intentionally applies 'Nigger' in a fashion contrary to the conventional use governed by the norm to apply it exclusively to African-Americans. Some theorists (e.g., Anderson & Lepore, 2013; Jeshion, 2013) classify the non-referential cases as exceptional, by arguing that these are non-literal or metaphoric uses and therefore not proper examples for slur theories in general. Some other scholars (Croom, 2011; 2013) contend that there are meaningful and felicitous uses of racial and sexist slurs that do not necessarily target individuals belonging to the groups typically associated with those slurs.

Another challenge for slur theories comes from referential-restricted uses. These occur when slurs are used to refer only to a subset of their neutral counterpart, as in the statement 'I love black people, but I hate niggers.' This usage seems to challenge

the correct application criterion for a slur which is determined by its neutral counterpart (all African-descendants can be correctly called 'nigger'). Referential-restricted uses, similar to non-referential uses, are mostly—implicitly or explicitly—seen as deviations from typical slur uses by most scholars. On the other hand, Ashwell (2016) and Diaz Legaspe (2018) argue that there are slurs which always have a more restrictive reference than their neutral counterparts. For example, referential restriction is neither optional nor contextual for gendered slurs such as 'slut' or 'bitch' (Diaz Legaspe, 2018).<sup>13</sup>

ESTIs in Turkish provide an interesting case study both in their non-referential and referential-restricted uses. As mentioned in the previous section, Turkish ESTIs are generally used against non-members of the ethnic group that the ESTI specifically refers<sup>14</sup>—mostly against people who identify themselves as a Turk. This is a characteristic shared by ESTIs in Spanish (Castroviejo et al. 2021; Bordonaba Plou & Torices Vidal, 2021). In this sense, ESTIs may be understood as a non-referential derogatory use of a particular neutral ethnic term for a referent who is not a member of the group that the concerned ethnic term refers to. Referential derogatory uses of ESTIs (when it is applied to the members of a concerned ethnic group—correct application) are generally performed in its more explicitly derogatory forms such as noun-noun compounds, combined epithets or combined with other pejoratives.

When it comes to referential-restricted uses, ESTIs present another interesting paradox. On the surface, there is seemingly no problem since the pejorative itself (e.g., Armenian, Jewish, Greek) derogates the entire ethnic group without any exception. Yet this may be misleading, because the ESTI's referent is generally not the member of ethnic group in its extension. In other words, this is a derogatory in-group use against a sub-set of Turks by some other Turks. ESTIs share these peculiar characteristics—non-referential uses, referential-restricted uses, and non-existence of neutral counterparts—with some other pejoratives, such as ableist slurs and gendered slurs. A more apt comparison might be the uses of gendered slur by women to derogate another woman, or use of male gendered pejoratives like 'sissy' or 'faggot' and of seemingly neutral gender terms (such as 'girl' or 'woman') against men. In fact, slurs against man's masculinity show the most important similarity to

ESTIs in their double derogation for both in-group (men) and out-group (women). Like gendered slurs, ESTIs as pejorative refer to a normative dimension in the sense that derogated sub-group fail to fulfill the norms of being a 'proper' Turk and recategorized as inferiors, if not as enemies, compared to the 'real' Turks.

Yet neither gendered slurs nor ableist slurs are the only examples challenging the majority of slur theories. Recent analysis of slurs in real world contexts show that slurs are used in non-derogatory and non-referential forms as much as in their referential derogatory weapon uses (Retta, 2023; Technau, 2018). Technau (2018; 2020) identifies in German a certain group of slur terms that do not have non-pejorative counterparts and that are generally applied to non-group members, just like ESTIs in Turkish. His examples for German are *Bauer* (farmer), *Hippie*, *Jude* (Jew), *Kommunist* (communist), *Mädchen* (girl) and *Nazi*.

### Pragmatics of ESTIs in Turkish language

This section focuses on the pragmatics of ESTI (derogatory autonomy, negation and rejection) with data from authentic contexts of use in order to provide an accurate view of language-in-practice (Technau, 2018). As mentioned above, compound forms of ESTIs project out from all embedding constructions and they have derogatory autonomy.<sup>15</sup> However, ESTIs in their stand-alone form project out only in certain contexts, due to the ambiguity arising from their non-pejorative uses—a peculiar style of projection which arises from their dual type of uses (or meanings). ESTIs in Turkish also show the signs of derogatory autonomy contextually. Bolinger (2017) argues that a slur offends without needing the speaker's illocutionary intent, due to both its inappropriateness and its offensive associations. Therefore, in general, not only slurs but also rude expressions have derogatory autonomy. The terms which are closely associated with abhorrent attitudes or practices and with various forms of racism, sexism or more generally with a threatening program of discrimination, constitute a deep offense. Within the light of offensive associations, the following example from X may challenge the idea that ESTIs may not have the derogatory autonomy just because they are also used as ethnic neutral terms:

13 This leads some authors either to sever the connection between slurs and neutral counterparts altogether or to argue that if gendered pejoratives are not technically slurs. Some scholars explicitly reject categorizing them as slurs. For example, Camp (2018) argues that, in contrast to (other) 'thick' terms, like 'slut' or 'snitch', slurs' descriptive and attitudinal aspects are easily disentangled. Similarly, for Nunberg (2018), they are hybrid words, not slurs proper, in the strict sense.

14 Although it is needed to have more research on this claim, this is at least my observation from my limited corpus in this study and my experience as a native speaker who lived in Turkey for 40 years.

15 Due to space limitations, this cannot be discussed further.

A: *Bu hesabın sahibi çok yüksek ihtimal Ermeni.* [There's a high possibility that this account is Armenian.] (Targeting B.)

B: *Ermeni anandır, orospu çocuğu seni.* [Your mother is Armenian, you son of a bitch.] (B takes offense at being called Armenian, recognizes A's derogatory intent, and retaliates using the same term.)

A: *Tam size yakışan bir ahlaksızlık olmuş. Ama ben delikanlı olduğum için ananı karıştırmam.* [This kind of immorality is just like you. But because I'm a gentleman, I won't bring your mother into this.]

At this point, some other people join into this discussion:

C: *E\*meni demekle ırkçılık yapıyorsun. İrkçılık Kur'an'da yasaklanmıştır, o demek ki sen müslüman değilsin. B doğru demiş senin anan da baban da e\*menidir.<sup>16</sup>* [By saying Armenian, you're being racist. Racism is forbidden in the Quran. That means you're not Muslim. As (B) says, it's the other way around—your mother and father are probably Armenian.] (C adopts a contradictory stance by first condemning the racist usage of 'Armenian' while simultaneously employing the same term pejoratively against A.)

A: *Ben Ermeni diye hakaret mi ettim? Siz Ermeni dedim diye hakaret gibi algıladınız.* [Did I use Armenian as an insult? You perceived it as an insult when I said Armenian.] (Person A exploits the ambiguity arising from the dual use of ethnic terms to deny his intention to offend. His argument exemplifies a claim of unwarranted offense, where the speaker deflects responsibility by attributing the offensive interpretation to the hearer's perception rather than acknowledging the contextual markers that signal pejorative use.)

Five more X users get involved in discussion, by arguing that Armenian is an insult in Turkish and rightly so:

D: *Her Türk ermeni denilince bunu haklı olarak hakaret olarak algılar.* [Every Turk rightfully perceives being called Armenian as an insult.] (D explicitly frames 'Armenian' as inherently insulting and positions himself as complicit with the bigoted worldview by using the qualifier

'rightfully.' This demonstrates the clear offensive associations of ESTIs, as described by Bolinger (2017) in her analysis of terms with abhorrent attitudinal connections.)

E: *Ben sana hakaret edeyim şimdi ama sakin yanlış anlamaya mı?* [Let me insult you, and you just don't take it the wrong way, okay?] (E highlights the contradiction in A's position: even without explicit derogatory intent, taking offense at terms with established pejorative associations is rational, as Bolinger (2017) argues regarding the inherent offensiveness of slurs and similar derogatory expressions.)

F: *Gerçek Türkler için Ermeni kelimesi zaten hakaretir. Sen bizi devletsizlerle, bu coğrafyaya ait olmayanlarla bir tutamazsınız.* [The word Armenian is indeed an insult for real Turks! You can't equate us with the stateless, those who don't belong in this geography.] (F explicitly articulates the ultranationalist ideology underlying ESTI usage, revealing how ethnic terms become weaponized through exclusionary rhetoric that positions minorities as inherently foreign and inferior. This response demonstrates the specific stereotypical content and territorial claims that fuel the pejorative meaning of ESTIs for bigoted speakers.)

As Bolinger (2017) argued for slurs, ESTIs seem to warrant a deep offense independently from the speakers' intentions (although, hearers in this example do not seem to be truly convinced that the speaker's intention was not to insult). So at least in the contexts similar to the examples above, ESTIs seem to have a derogatory autonomy. As may be understood from the following comments from the hearers, ESTIs come to be associated with abhorrent attitudes or practices. This certainty about the offensive usage is also puzzling in the sense that exactly the same terms are the 'neutral counterparts'. However, it also indicates that the use context is very well established so that any proficient Turkish user would understand when it is used with an intention to offend.<sup>17</sup> However, this does not mean that the hearers who recognize its derogatory meaning are not bigots. On the contrary, as may be seen clearly in F and D response and implicitly in E, they are complicit in the use of ESTIs.

Concerning negation, slur theories relying on the identity thesis argue that when ethnic slurs are negated, only the truth-conditional content is affected, leaving the derogatory content intact. For example:

16 Note the deliberate insertion of an asterisk in 'e\*meni' by the original poster, a common social media practice that simultaneously acknowledges and perpetuates the pejorative potential of ethnic terms through performative censorship.

17 A broader research is needed with a larger corpus to lay down what are the pragmatical conditions which fix its perception pejoratively.

Speaker A: Henrik is a kraut.

Speaker B: Henrik is not a kraut.

According to some scholars, Speaker B's statement can only mean 'Henrik is not German,' while the slur's evaluative dimension remains unaffected. However, negation can operate on two distinct layers depending on the speaker's intention and meaning-creation. The first layer concerns the ethnicity of the person in question, while the second layer addresses whether the slur is applicable to that person. Thus, Speaker B's statement could alternatively mean that Henrik cannot be classified as a 'kraut' even though he is German. However, this interpretation is only viable if the theory accepts referentially restricted uses of slurs as felicitous and valid—such as 'I love Jews but I hate kikes.'

ESTIs' negation patterns are not expected to align with those of ethnic slurs, given that their primary use is already non-referential. Nevertheless, since these same terms also function as ethnic descriptors, a similar layered negation pattern does emerge in certain contexts. For example:

A. *Soyadım oğlu ile bitiyor ama ben Ermeni değilim, bana Ermeni diyemezsin, duydun mu beni?* [My surname also ends with 'oğlu' (son of) but I'm not Armenian, you can't call me Armenian, did you hear that?]

In this example, the target clearly takes offense (Bolinger, 2017) at being called 'Armenian.' However, asserting that she is not Armenian does not negate the derogatory force of the ESTI, paralleling the behavior of slurs and other offensive expressions. Consider a modified version that more closely resembles standard examples of slur negation failure:

B. *Soyadı oğlu ile bitiyor ama o Ermeni değil, ona Ermeni diyemezsin, duydun mu?* [Her surname ends with 'oğlu' [son of] but she is not Armenian, you can't call her Armenian, did you hear that?]

This represents a negation directed against someone using 'Armenian' pejoratively. As evident in this example, Speaker B simultaneously disputes the target's ethnicity (she is not Armenian) and challenges the applicability of the ESTI in its evaluatively negative sense (she cannot be called Armenian). However, like ethnic slurs, 'Armenian' projects out of negation because what is being disputed appears to be the applicability of this derogatory term to this specific person (not only because she falls outside the ESTI's extension, but because evaluatively she is not contemptible enough to warrant the ESTI). Crucially, neither the target nor the defender can use negation to reject the pejorative use of ethnic terms in general, even if such rejection might be their underlying intention.

This is also a problem of complicity (Cepollaro, 2017a; Nunberg, 2018). The hearer (B) and the person insulted (A) are taken to endorse the derogatory content of ESTIs in the absence of objections, no matter what they think or what their intentions are. "In other words, when a slur is used literally in a context, if speakers do not object it, they are responsible for letting the derogatory content in the common ground" (Cepollaro, 2017a). Slurs make non-prejudiced hearers feel complicit in the speaker's way of thinking (Camp, 2013, Cepollaro, 2017b). Cepollaro argues that this is beyond a feeling but brings upon a responsibility of objection to hearers. ESTIs have a similar pattern of complicity. Because negation may refer to either denial about the ethnicity of the target or about whether the ESTI's derogatory content is applicable to this specific person (evaluative), or both. However, in none of these cases can negation solve the problem of complicity.

In fact, just like the slurs, rejecting the pejorative content necessitates an extra cognitive effort. For a successful rejection, either "one can explicitly articulate the derogatory presupposition and reject it or simply refuse the use of the term metalinguistically" (Cepollaro, 2017b). Her examples are as follows:

A - Peter's boss is a chink, isn't she?

B - Peter's boss is Asian and there is nothing bad in that.

C - I don't allow you to use racist words in my presence.

Similarly, for a successful rejection of ESTI, metalinguistic denial is needed, where the dispute is about if the employment of the term with pejorative meaning is appropriate or whether there is something like being bad on the basis of being Armenian. A real-world example for successful metalinguistic denial from the target as follows:

The target: *Ben Ermeni değilim ama sen kesin ırkçısın. Konu Ermeni, Rus veya Türk olmak değil: önce, düzgün bir insan olmak lazım.* [I am not Armenian, but you are definitely a racist. It's not about being Armenian, Russian, or Turkish; first, one needs to be a decent human being.]

or

The target: *Bana Ermeni diyerek, bana hakaret ettiğini sanıyorsun. Ermeni değilim ama olabilirdim de. Önemli olan etnik köken değil. Ermeni olmak utanılacak bir şey mi?* [By calling me Armenian, you wrongly think you're insulting me. I'm not Armenian, but I well could have been. What matters is not ethnicity. Is being Armenian something shameful?]

ESTIs in Turkish differ from the slurs regarding who is expected to feel complicity and to take responsibility for rejection as well. Nunberg (2018) claims that the hearer who feels a sense of complicity in the speaker's attitude is not going to be a person that the word targets, who is more likely to feel a victim of the act than a party to it. Yet, for ESTIs in Turkish, the responsibility does not only belong to the participants of conversation or just hearers but also to the targeted person. So, primarily the insulted person should object to the ESTI and while doing that she should assert to metalinguistic devices. ESTI has arguably a more complex semiotic mechanism compared to slurs: in the sense that a non-bigot would not only reject its use for a slurring act but also would reject becoming offended even if a bigot uses it with the intention to offend. This arises from the fact that these are terms which are also used to refer to an ethnic group. To get offended by being called an ethnic group member xyz would suggest that the referent also accepts that being part of this ethnic group is a reason to be contemptible and s/he shares the negative stereotypes with the bigot or ultra-nationalist. Expected denials of ESTIs are always metalinguistic and only then is it possible to reject complicity with the bigot. As Cepollaro (2017b) states, metalinguistic negation is not a device that operates at the propositional level, but it would operate at the level of discourse representations.

## CONCLUSION

This article has explored the complex linguistic phenomenon of Ethnic/Social Terms used as Insults (ESTIs) in Turkish, focusing on terms such as 'Ermeni' (Armenian), 'Yunan' (Greek), 'Rum' (Greek), and 'Yahudi' (Jew/Jewish). Through detailed analysis of their usage patterns and pragmatic features, this article findings may be summed up as follows. First, the study has revealed the unique dual nature of ESTIs in Turkish, functioning both as standard ethnic descriptors and potential pejoratives for slurring. The analysis has also uncovered distinctive characteristics in how ESTIs function compared to traditional slurs. While they share the feature of group derogation with slurs, their usage patterns differ significantly. ESTIs are frequently employed in non-referential contexts, meaning they are often used to demean individuals who do not belong to the referenced ethnic group. This distinguishes them from typical slurs and brings them closer to non-referential uses of slurs like 'retard' or 'faggot' when applied to non-group members. Furthermore, this pattern most closely parallels masculine slurs, where men use feminine-connote terms like 'sissy' or seemingly neutral gender terms like 'girl' or 'woman' to derivate other men. In both cases,

the mechanism involves in-group members (ethnic Turks for ESTIs, men for masculine slurs) using terms associated with an out-group (ethnic minorities for ESTIs, women for masculine slurs) to insult members of their own group. This creates a unique form of derogation that simultaneously demeans both the immediate target and the referenced out-group.

Another finding concerns the pragmatic behavior of ESTIs, particularly regarding derogatory autonomy and projection. Unlike typical slurs, ESTIs exhibit context-dependent derogatory autonomy, meaning their offensive nature is not inherent but depends on the context of use. Similar to slurs, this creates challenges in negation contexts, where the denial of an ESTI can refer either to the target's ethnicity or to the applicability of the term's derogatory content to the target. The study has also highlighted important implications regarding complicity and rejection. Successfully rejecting an ESTI requires metalinguistic denial, where the dispute centers not on ethnic identity, nor the use of this term in general but on the appropriateness of using ethnic terms pejoratively. This creates a more complex responsibility structure compared to typical slurs, as both hearers and targets must actively reject complicity in the bigoted worldview that makes such terms offensive.

These findings contribute to broader theoretical discussions about pejorative language, challenging traditional assumptions about slurs and their neutral counterparts. This study shows that ethnic terms in Turkish are far from being purely descriptive terms of social categories. Even if this paper does not argue that ESTIs are slurs, their conventional and almost formulaic use for slurring sheds doubt on the claims that ethnic slurs have purely descriptive counterparts. The analysis of ESTIs in Turkish hate speech also reveals their function as "double-edged swords" in discriminatory discourse. These terms not only derivate ethnic and religious minorities through their conventional pejorative use but also serve as weapons against ethnic Turks who express democratic values or oppose ultranationalist ideologies. In online spaces and political discourse, terms like 'Ermeni' or 'Yahudi' are frequently deployed to simultaneously question someone's "Turkishness" while reinforcing negative stereotypes about minority groups. This dual targeting mechanism makes ESTIs particularly potent tools in hate speech, as they effectively marginalize both minority communities and those advocating for their rights or expressing liberal democratic values. Further research could explore how similar phenomena manifest in other languages and cultural contexts, particularly in societies with complex historical relationships between majority and minority ethnic groups.

## ETNIČNI IZRAZI V TURŠČINI: MED NEVTRALNOSTJO IN ŽALITVIJO

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### POVZETEK

Namen prispevka je izboljšati naše razumevanje semantike in pragmatike ESTI (etničnih/socialnih izrazov, uporabljenih kot žalitve), in sicer tako, da jih preučujemo v njihovem edinstvenem turškem družbeno-kulturnem okolju. Ti izrazi, ki lahko v določenih kontekstih nosijo žaljiv pomen, povezan z narodnostjo, etnično pripadnostjo in religijo, delujejo podobno kot konvencionalne žaljivke – eksplisitno žaljivi izrazi, ki predstavljajo paradigmatične primere sovražnega govora. Kljub njihovi pogosti prisotnosti v kontekstih sovražnega govora in njihovim pragmatičnim podobnostim s konvencionalnimi žaljivkami so ti izrazi deležni omejene znanstvene pozornosti. Članek raziskuje zapleteno naravo ESTI v turščini, preučuje njihove jezikovne značilnosti, njihove družbene implikacije in izzive, ki jih predstavljajo obstoječim teorijam o žaljivkah. Po kratkem pregledu ESTI in njihove dvojne uporabe kot nevtralnih etničnih izrazov in pejorativov v turščini članek raziskuje še eno pomembno značilnost ESTI v turščini: njihovo žaljivo uporabo znotraj skupine (tj. podskupino Turkov, na katero ciljajo nekateri drugi Turki). To ustvarja še eno dualnost v pragmatični naravi ESTI, ki se kaže v njihovi tako nereferenčni kot referenčno omejeni uporabi. Nadalje članek raziskuje pragmatične vidike ESTI, pri čemer se opira na avtentične jezikovne podatke iz interakcij na družbenih omrežjih, da pridobi vpogled v resnično uporabo ESTI. Analiza se osredotoča na tri ključne dimenzijs: žaljivo avtonomijo, negacijo in zavrnitev. Raziskana je kompleksna problematika negacije, ki prikazuje, kako dvojna narava ESTI kot nevtralnih etničnih izrazov in pejorativov ustvarja edinstvene izzive v kontekstih negacije. Prav tako se poglobi v proces zavrnitve, zlasti skozi prizmo metajezikovne negacije, kot strategije za izpodbijanje žaljive uporabe ESTI.

**Ključne besede:** etnične žaljivke, žalitve, sovražni govor, nevtralni ekvivalenti, turški jezik

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## DIGITAL DISCOURSE DILEMMAS: MODERATING SLOVENIAN DIGITAL LANDSCAPES

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### ABSTRACT

*This paper examines content moderation practices in Slovenian digital media organizations, based on interviews with representatives from RTV Slovenija, Mladina, Metropolitan, and Starševski čvek, as well as comment guidelines of the 14 most visited online media and a large forum. Comment standards address socially unacceptable speech beyond illegal content. Larger digital media organizations have developed elaborate in-house systems, while the rest rely on social media platform tools. Sustaining moderation requires significant resources and exacts an emotional toll on moderators. Effective approaches enable flexible moderator responses, utilizing technologies with a range of complexity.*

**Keywords:** content moderation, Digital Services Act, hate speech, media regulation, social media platforms, digital media organizations

## I DILEMMI DEL DISCORSO DIGITALE: MODERARE I PAESAGGI DIGITALI SLOVENI

### SINTESI

*Questo articolo esamina le pratiche di moderazione dei contenuti nelle organizzazioni slovene dei media digitali, sulla base di interviste con i rappresentanti di RTV Slovenija, Mladina, Metropolitan e Starševski čvek, nonché delle linee guida per i commenti dei 14 media online più visitati e di un ampio forum. Gli standard per i commenti affrontano discorsi socialmente inaccettabili, oltre i contenuti illegali. Le organizzazioni di media digitali più grandi hanno sviluppato sistemi interni elaborati, mentre le altre si affidano agli strumenti delle piattaforme di social media. Mantenere la moderazione richiede un significativo impegno di risorse e un contributo emotivo ai moderatori. Approcci efficaci consentono risposte flessibili da parte dei moderatori, utilizzando tecnologie con un livello di complessità variabile.*

**Parole chiave:** moderazione dei contenuti, Legge sui servizi digitali, discorso d'odio, regolamentazione dei media, piattaforme di social media, organizzazioni di media digitali

INTRODUCTION<sup>1</sup>

Moderating digital spaces has gained renewed attention due to the EU's *Digital Services Act* (DSA), requiring large platforms to establish standards for addressing systemic risks like hate speech. While its full effects are yet to be determined, the DSA interacts with existing national norms, such as Slovenia's high hate speech prosecution threshold (Kogovšek Šalamon & Hrvatič, 2024; Vezjak, 2017) and concerns about "awful but lawful" hate speech unaddressed by legal frameworks (Haupt, 2024; Mattheis & Kingdon, 2023). Current large online platform regulation discussions mirror prior debates on moderating website comments and online forums. Before social media regulation debates, news media organizations were recognized as agents against online hate speech (cf. Spletno oko, 2010) and experimented with content moderation approaches (Motl, 2009; Vobič & Poler Kovačič, 2014). The functioning of content moderation in the new regulatory environment is less clear. This study follows up on prior research by examining how selected Slovenian news organizations manage the technical, legal, and labor challenges of moderating online discussions across digital platforms, including social media channels, where legal obligations to respond to user-generated content are often unclear (Korpisaari, 2022).

The next three sections contextualize the study by summarizing the concurrent rise of social media platforms and decline of traditional journalism, the general motivation of digital media organizations to mitigate hate speech, and the existing research and regulatory framework for hate speech in Slovenia. The results section characterizes Slovenian content moderation: its scope, mechanics across platforms, and demands on moderators and their organizations. Finally, the conclusion summarizes the key contributions and reflects on the broader implications for media organizations and digital governance.

**Disruptive innovations, eruptive conversations**

Advertising has historically been a key revenue source for news production (Picard, 2011). The news industry was significantly disrupted in the late 2000s by a financial crisis and a transformation of distribution strategies due to the rise of social media and digital advertising (Barrera, 2018;

Díaz-Noci, 2020). The former resulted in drastic declines in advertising revenue and readership, mass layoffs of media staff, as well as diminished public trust in traditional media. Print journalism was particularly affected (Barrera, 2018), with US newspaper advertising revenue dropping 47% from 2005 to 2009 (Athey et al., 2013). This was compounded by outlets' challenges with audience monetization in a technologically transformed landscape (Napoli, 2011; Díaz-Noci, 2020). Given direct audience access through platform-based channels, advertisers may choose to bypass journalistic content entirely (Harper, 2017; Sridhar & Sriram, 2015). Subscription-based paywalls proved largely ineffective (Myllylahti, 2014) and the sector commonly responded with outsourcing, cost reductions tied to the precarization of journalists, or pursuing affluent audiences (De Mateo et al., 2010).

Traditional media and digital platforms are thus in a highly asymmetrical relationship in favor of the latter, characterized by competition, conflicting interests, and structural dependency (Kaluža & Slaček Brlek, 2021) as well as contradictory professional values of journalism and technology companies (Russell, 2019). Social media platforms offer limited web traffic and advertising revenue to traditional media (Ju et al., 2014), yet remain a practical necessity (Myllylahti, 2018; Kleis Nielsen & Ganter, 2018). Social media's rise coincided with a drop in labor-intensive content (Shen, 2019), and outlets shifting from hard news to business news and infotainment (Chakravarthy & Schiller, 2010), a pattern historically seen during periods of declining advertising and subscription revenues (Angelucci & Cage, 2017). Platform newsfeed algorithms constrained news media's editorial control (Wallace, 2018) with journalists forming "algorithmic folk theories" about content preferred by opaque newsfeed systems (Peterson-Salahuddin & Diakopoulos, 2020) and popular social media content often spills into traditional media (Cage et al., 2020).

Advertising is increasingly commanded by a few large digital platforms with Alphabet and Meta Platforms alone capturing over 60% of global ad revenue (Fuchs, 2018; Graham, 2017).<sup>2</sup> Their core operation has been described as surveillance capitalism: the molding of user data collected beyond service requirements into predictive products (Zuboff, 2019). Google's monetization of user queries set it apart from the many

1 This research was supported by the Slovenian Research Agency (ARIS) through the research programme P5-0413: *Equality and Human Rights in the Times of Global Governance*, as well as research projects J5-3102: *Hate Speech in Contemporary Conceptualizations of Nationalism, Racism, Gender and Migration* and V5-2330: *Analysis of Online Hate Speech and Disinformation in Slovenia and Development of a Proposal for Action*.

2 Alphabet, Inc. and Meta Platforms, Inc. are the parent companies of Google and Facebook, respectively.

companies wiped out by the dot-com bubble, following a decade of speculative tech investment in the 1990s (Jayasurya, 2009). Google and Facebook can further be characterized as instances of platform capitalism, marked by strong network effects (exponential utility scaling with more users), the ability to serve as intermediaries (e.g., between brands and audiences on social media), and cross-subsidization of non-profitable services which nevertheless aid data extraction (Srnicek, 2016).

Content moderation on social media thus parallels the tug-of-war between regulators and extractive platforms on topics like online privacy (Srinivasan, 2019), featuring predictable agenda-setting approaches such as lobbying, campaign contributions, regulatory capture, and self-regulation (O'Callaghan & Vivoda, 2013). Concerns over harmful content, such as disinformation, hate speech, and harassment, catalyzed a “techlash” against large platforms and helped consolidate a consensus for increased regulation (Flew et al., 2019). Europe responded by mandating digital platform self-regulation, first in 2017 with the German NetzDG, legitimized by prior waves of anti-refugee hate speech, and more recently with the current EU DSA. While extending online hate speech regulation, these laws heavily rely on user reporting, often by victims lacking support, and leave platform technologies and governance structures intact (Griffin, 2021). NetzDG reportedly reduced overall Twitter/X post toxicity and slightly decreased hate crimes, without altering public opinion on refugees as common hate speech targets (Jiménez Durán et al., 2024). NetzDG's implementation coincided with a shift from report-based to proactive platform removal, accounting for over 90% of Meta's removed hate speech by 2024 (Meta Platforms, 2024b). Digital media organizations, especially comparatively smaller ones in a global view, thus navigate hate speech governance shaped by large platforms and regulators. These are subject to change, as demonstrated by Meta's early 2025 move to defund its fact-checker network and loosen moderation standards (Meta Platforms, 2025).

### Media-managed toxicity

Digital media's interactivity redefined the journalist-audience relationship; media reacted by engaging in comment threads, (rarely) ignoring comments entirely, or implementing moderation systems (Chen & Pain, 2017). Most users hesitate to engage in comment threads with many uncivil comments, especially if such comments start the thread (Lu et al., 2023). The scope of moderation is

best captured by broad frameworks such as online toxicity (Wulczyn et al., 2017) and socially unacceptable discourse (Vehovar et al., 2020), encompassing user behaviors from incivility and insults to slurs and threats. Nonetheless, hate speech, generally understood as harmful language directed towards minorities (Papcunová et al., 2023), remains a key concern due to its effects of increased bias towards minority groups (Soral et al., 2018), links to political radicalization (Bilewicz & Soral, 2020), psychological harm to its victims (Wypych & Bilewicz, 2024), and the facilitation of future hate posts (Goel et al., 2023). The scope of hate speech remains contested: “legal” accounts, common in Slovenian practice, limit it to direct incitement to violence (Kogovšek Šalamon & Hrvatič, 2024; Vezjak, 2017), while broader “sociological” interpretations focus on the communicative effects of such speech (Bajt, 2017). The latter further situate hate speech within idiosyncratic socio-cultural norms (Baider, 2020) and performative contexts (Udupa & Pohjonen, 2019), rejecting a pro forma delineation of “regular” and hate speech detached from their wider social settings. Hate speech may promulgate precisely through discursive norm transgression through “fringe” content (Mattheis & Kingdon, 2023). Hate speech is often equated with hostile communication and juxtaposed with civil and polite speech (cf. Ksiazek et al., 2015). While this distinction may be useful for large comment corpora where hostile and discriminatory content overlap, it becomes less useful for complex communicative acts, such as disinformation, that imitate “neutral” news, but can nevertheless promulgate hate speech as an audience response (Hameleers et al., 2022).

The range of these communicative acts is generally covered by norms on content moderation, defined as the monitoring and managing of user-generated content on digital platforms to ensure community standard compliance, prevent harm, and maintain a constructive engagement environment (Gillespie, 2018). It is ubiquitous in online spaces and used by media organizations to preserve their reputation, maintain editorial control, and foster audience engagement (Chen & Pain, 2017). Content moderation operates as a set of interlinked practices and norms in online spaces that extend beyond content removal. For instance, user verification procedures grant distinct levels of user anonymity, which has been linked with a higher prevalence of socially unacceptable speech, potentially through depersonalization and reduced accountability (Bargh, 2002; Cho & Kwon, 2015). Hate speech in a broad sense is often “awful but lawful” (Haupt, 2024; Mattheis & Kingdon, 2023) and can be approached with

softer methods like comment section norm-making or rewarding quality engagement (Antoci et al., 2016; Friess et al., 2021; Heinbach et al., 2022; Wolfgang et al., 2020). Digital interfaces directly shape the possible responses of moderators (Jhaver et al., 2023), yet tools provided by major commercial platforms remain limited (Kuo et al., 2023). Facebook, for example, allows automatic comment hiding based on pre-defined comment or author characteristics, such as the presence of images, links, or pre-defined keywords (Meta Platforms, n.d.). However, fine-grained control is currently limited to group administrators and not page administrators, who typically manage the social media presence of media organizations. Group administrators can issue temporary bans, close comment threads, and receive “conflict alerts” which flag escalating exchanges (Meta Platforms, 2024a). Automated methods for harmful content identification have been developed to address large volumes of user-generated content (Piot et al., 2024), but they achieve mixed success beyond formulaic, repetitive texts, require expansive high-quality training datasets, and are often context-specific due to the absence of widely adopted standards or ontologies. Details on models used by social media platforms remain scarce (Gorwa et al., 2020), even under the transparency requirements of the DSA (Meta Platforms, 2024c). Moderators generally experience adverse psychological outcomes which further differ based on their employment status and the specific content moderated (Steiger et al., 2021; Spence et al., 2023).

### Hate speech and media regulation in Slovenia

Slovenian media trends follow global ones but show slower digital marketing uptake, reliance on “catch-all” ad strategies, and sustained focus on TV advertising (Slaček Brlek & Kaluža, 2022). Newspapers responded to falling revenues by cutting labor costs and flexibilizing journalist roles (Bembič & Vobič, 2021; Slaček Brlek & Kaluža, 2022; Vobič, 2013), integrating audience metrics into editorial decisions, increasing advertiser collaboration, or branching into sectors such as event management (Slaček Brlek & Kaluža, 2022). The limited technological investment focused on labor intensification and service diversification (Slaček Brlek & Kaluža, 2022; Slaček Brlek & Tomanić Trivundža, 2019). Facebook is the leading social media platform in Slovenia, used

by approximately 72% of individuals aged 15 or above (European Parliament, 2023). Social media platforms are an important distribution channel for Slovenian digital media organizations, which exert negligible influence on platform policies (Kaluža & Slaček Brlek, 2021).

Article 297 of the Slovenian Criminal Law criminalizes hate speech, prohibiting public incitement to hatred, violence or intolerance based on nationality, race, religion, gender or other personal characteristics (KZ-1, 2008). Charges are rare and limited to cases meeting the criterion of “likely disturbance of public order” in spite of available broader legal interpretations (Čufar, 2021; Kogovšek Šalamon & Hrvatič, 2024). Article 8 of the Slovenian Mass Media Act (ZMed, 2006)<sup>3</sup> holds chief media editors liable for the dissemination of content inciting inequality, violence, or hatred. News media are required to establish moderation rules, prohibit hate speech, and respond to it promptly under Articles 16 and 21 of the Code of Slovenian Journalists (Društvo novinarjev Slovenije, 2010). The 2010 Code for Regulating Hate Speech in Slovenian Web Portals, a self-regulatory document accepted by eight major Slovenian online digital media organizations, obliges signatories to implement user verification, content moderation, community reporting, and a warning label on the legal consequences of posting hate speech (Spletno oko, 2010). The Code’s initiator, Spletno oko, operated a hate speech reporting center, which was discontinued in 2022 (Vehovar, 2022). The DSA has been in effect since April 2024; yet by September 2024, Slovenian authorities had not issued any takedown orders for illegal content on Facebook (Meta Platforms, 2024c).

Two prior studies examined content moderation practices in Slovenia. Motl (2009) focused on editorial responses to hate speech in Slovenian news outlets, showing most faced daily occurrences and responded by deleting comments, blocking users, disabling comments on sensitive topics,<sup>4</sup> and notifying sanctioned users. Resource constraints were the main reason for avoiding extensive practices, such as default pre-moderation.<sup>5</sup> Moderation presented a double bind of potential legal consequences for insufficient action and negative user responses to moderation (cf. Motl, 2009, 50). The second major study (Vobič & Poler Kovačič, 2014) reviewed media compliance with the Code for Regulating Hate Speech, finding a range of moderation strategies,

3 A new media law (ZMed-1, 2025) was adopted in 2025.

4 Primarily črna kronika (Sl.), the section of newspapers or media that reports on crime, accidents, and other tragic or sensational events.

5 Pre-moderation is the practice of requiring moderators to confirm comments before they are posted. The practice of deleting comments after they are posted is called post-moderation.

including locking comment threads, applying keyword filters, removing or editing comments, periodically erasing entire comment threads, selective pre-moderation, user outreach, supervising repeat offenders, and blocking users. Later studies analyzed hate speech on social media by manual comment annotation, finding about half of Facebook comments on refugee or LGBTIQ+ news contained socially unacceptable speech (Vehovar et al., 2020). Recurring surveys also show the Slovenian public overwhelmingly opposes hate speech (Vehovar, 2023).

## METHODOLOGY

We analyzed documents and conducted interviews with representatives from digital media organizations to describe their content moderation. The document analysis included community guidelines, commenting rules, and other relevant documents from the 14 most visited Slovenian news sites (Semrush, 2024) and a large online forum. Using web traffic ranking, we contacted digital media organizations and conducted four interviews with representatives recognized for their expertise in content moderation by their organizations. Interviews followed a topic list of organizational practices, the role of hate speech in removed content, and implementation challenges. Each interview focused on one setting (website, social media, forum), with questions about others. We also included two news articles (Šuštaršič, 2023; Mekina, 2024) on content moderation at Siol.net and 24ur.com. Interviews were conducted with representatives from:

- **RTV Slovenija**, a high-traffic national public broadcaster, with a focus on their extensive website-based comment sections;
- **Metropolitan**, a multi-brand news website with medium traffic, oriented towards lifestyle and celebrity news, with a focus on content moderation on their social media channels;
- **Mladina**, a weekly news magazine with comparably lower traffic, which disabled website-based comments;
- **Starševski ček**, a large forum in the Over.net network, owned by Styria Media's Slovenian division. Some forums in the network, such as MedOver.net, are specialized, but Starševski ček receives a broad range of discussions, including socio-political issues.

A major challenge was the low response rate. Only four of 14 contacted organizations agreed to an interview. Reasons for non-participation are

unclear, though one declining representative cited compliance with existing regulation, resource constraints, and the view that social media moderation is the platforms' responsibility. The participating entities still allow limited comparison across key dimensions: organizational scale (large national to specialized media), primary platform focus (website, social media, forum-based moderation), and different operational resources. The results preclude sector-wide generalization, particularly for larger private-sector media like 24ur.com. Based on interviewee reports of past moderator harassment, the author opted to refer to interviewees by organizational affiliation as a precaution.

A further limitation stems from using Semrush's domain-aggregated traffic data for selecting media organizations. The locally established metric repository MOSS provides clearer subdomain traffic metrics for Slovenian websites. Either source would include major websites, but subdomains may represent entirely separate media brands, as exemplified by Svet24.si with subdomains for Radio Celje, Radio Ptuj, Dolenjski list, Primorske novice and Vestnik, among others. Conversely, MOSS is opt-in, excluding some organizations listed on Semrush, such as Nova24TV. However, even with detailed subdomain traffic data, affiliated brands may share staff and resources, as in the case of content moderation at Metropolitan.

## RESULTS

Three key themes emerge from our study. Firstly, while hate speech regulation is a prominent policy concern, digital media organizations' moderation extends beyond strictly illegal content. Secondly, the technological affordances available to moderators vary significantly between in-house systems and social media platforms, influencing both the scope and effectiveness of content moderation efforts. Thirdly, content moderation imposes substantial resource demands on digital media organizations, as large, irregular, and often affectively charged comment volumes create logistical and psychological challenges for moderators and organizations.

### Language that is offensive or off-limits?

Interview and document data show content moderation aims to mitigate legal and reputational risks while enforcing broader norms like comment civility. Nearly all examined digital media organizations prohibit hate speech in their comment guidelines. 24ur.com explicitly prohibits hate speech, moderating comments deemed

“racist, sexist, homophobic” (Pro Plus, 2022). MMC RTV Slovenija bans hate speech, incitement to violence, and intolerance, warning users of criminal responsibility (MMC RTV Slovenija, 2014). N1 rejects comments with hate speech based on national, racial, religious, or other intolerance (N1, 2018). Žurnal24, Slovenske novice, and Delo also ban discriminatory comments (Žurnal24, n.d.; Delo, 2021; Slovenske novice, 2022). Nova24TV, a far-right outlet, prohibits calls to violence (Nova24TV, 2019) and while its guidelines omit hate speech, it is explicitly prohibited by Disqus, the site’s third-party comment service (Disqus, n.d.). Forwarding comments to law enforcement is rare: 24ur.com reported fewer than five incidents in seven years (Mekina, 2024) and RTV Slovenija annually forwards one or two illegal hate speech instances. Views on hate speech differ among the digital media organizations studied. RTV Slovenija and Mladina focus on its harm to minorities, while Starševski čvezk distinguishes between negative opinions towards minorities and background-motivated verbal abuse, banning the latter. Metropolitan defines hate speech as incitement to violence but also moderates comments targeting individuals (public figures or other commentators).

Comment guidelines often prohibit hate speech within a broader civility norm encompassing inappropriate (though not necessarily illegal) content like offensive or vulgar material, harassment, provocation, “shouting” (e.g., fully capitalized comments), and disruptive behaviors like spamming or off-topic posts. RTV Slovenija, for instance, moderates relatively innocuous comments like grammatical corrections, technical support requests, or story leads, as dedicated email channels exist for these (MMC RTV Slovenija, 2014). Another banned content category concerns commercial content, such as advertising and copyrighted materials. Additionally, non-Slovenian language comments are moderated to comply with the Public Use of the Slovene Language Act, which mandates Slovenian in public communication, including news comments (ZJRS, 2004). Digital media organizations cite various content moderation motivations. Interviews show that Metropolitan emphasizes maintaining brand identity. General negative comments are more acceptable in celebrity news, but inappropriate for brands focusing on health and spirituality. The RTV interviewee explained that moderation aims to foster high-quality public discourse and deliberative practices in line with its public service mission. Similarly, Mladina and Siol.net cited adhering to professional journalistic standards for closing unmoderated comment sections (Šuštaršič, 2023).

In contrast to policy debates that weigh free speech against hate speech, we find content moderation enforces a wide set of norms connecting to civility, relevance, commercial interest, and linguistic identity, which together shape the practical regulation of “awful but lawful” content well beyond simple removal.

### Content moderation mechanics

The materials analyzed show that online spaces differ in regulatory standards and technological affordances. Content moderation practices are bifurcated by setting. While major digital media organizations use extensive in-house moderation, less-visited ones often delegate comments to social media and some support website comments with the Facebook Comment plug-in, which receives a negligible number of comments. Comment guidelines and regulations primarily focus on website comments, rarely detailing their applicability to social media channels. Shifting comments to social media is an attractive solution for smaller digital media organizations, as it reduces legal liability and in-house costs while engaging existing users on social media platforms. Yet, compared to in-house systems, social media moderation is significantly constrained, lacking simple moderation features such as the ability to disable comments on individual posts (e.g. on Facebook), issue temporary bans, and archive removed comments for legal and appeal purposes. Table 1 summarizes key content moderation characteristics of Slovenian digital media, using data from interviews and document analysis.

RTV Slovenija employs a complex moderation framework. Moderators work two shifts, alternating between pre-moderation, post-moderation, and disabling comments on individual news items as required. Post-moderation is the default and topics like crime news are categorically closed to comments. Commenting is disabled overnight due to the discontinuation of night shifts. Pre-moderation applies to contested topics (e.g., armed conflicts, LGBTQ+ issues) with high potential for editorial breaches. Exceptional cases (e.g., the COVID-19 pandemic) warrant extra in-house staff for moderation. Commenting rules and a community reporting option are linked above the comment box. Users breaching comment standards face gradual sanctions: comment removal, warnings, temporary bans, or permanent account blocks. Moderation decisions may be appealed to the RTV Slovenija Ombudsman. A specialized machine learning model complements human review. A social media editor enforces comparable

**Table 1: Overview of content moderation practices at examined Slovenian digital media organizations.**

Media organization	Web comment support	Key moderation approaches	Commenter verification	Appeal to moderation decisions
rtvslo.si	Own system	Default post-moderation Topical pre-moderation Comments off overnight AI flagging Comment deletions Community flagging User warnings Temporary, permanent ban	Registration	RTV Slovenia ombudsman
24ur.com	Own system	Post-moderation AI flagging Comments off overnight Keyword filters Community flagging Temporary, permanent ban	Registration	Appeals email
siol.net	Disabled	—	—	—
zurnal24.si	Own system	Post-moderation Permanent user ban Community flagging	Registration	Not stated
n1info.si	Own system	Full pre-moderation	None	Not stated
slovenskenovice.si	Disabled	Post-moderation Comment edits or deletion Community reporting Permanent user bans	—	Not stated
svet24.si	Disabled	—	—	—
metropolitan.si	FB Comments plugin (website)	For social media: Post-moderation Comment deletion & user ban (simultaneous)	FB account (website)	Not stated
delo.si	Own system	Post-moderation Comment edits or deletion, Permanent user bans	Registration and subscription	Not stated
nova24tv.si	Disqus	Comment deletion Community flagging User bans	Disqus Registration	Not stated
dnevnik.si	Disabled	—	—	—
necenzurirano.si	FB Comments plugin	Not specified	FB account	Not stated
reporter.si	FB Comments plugin	Post-moderation Comment edits or deletion Temporary & permanent user bans	FB account	Not stated
vecer.com	Web comments mentioned in ToS, not visible on website	Post-moderation Comment deletion User bans	Unknown	Not stated
Starševski čvek	Forum	Post-moderation Edit, lock, or delete comments Community flagging User bans	Possible, not required	Appeals email

standards on social platforms and produces additional social media content.

Metropolitan's social media managers handle moderation, with a daily focus on Facebook, which is their largest channel with the highest comment volume. It is conducted in Meta Business Suite with comment deletion and user blocks. The platform does not provide archiving of removed content. Moderation effectiveness is attributed to good internal brand awareness and coordination. Brand editors will notify social media managers of inappropriate content and provide moderation support if needed, but comment surges are comparatively rare. While a dedicated community manager would admittedly be ideal, they found a collaborative approach to be an effective practical solution.

Starševski čvek edits or deletes posts and locks threads with an option to appeal moderation decisions via a provided email (Starševski čvek, 2018). Manual review of active forum topics is the primary approach, and community reports and keyword alerts are available. One full-time and two part-time moderators conduct this work. Deleted comments are archived for potential legal and law enforcement inquiries. Users have high anonymity with changeable usernames, but moderators can identify them with internal tools. Common sanctions include comment deletions and blocks. Direct outreach to users was discontinued as the forum grew. Spam remains a noticeable problem. Context is considered key for moderation decisions, and AI-supported moderation is viewed with both interest and skepticism.

Mladina and Siol.net disabled website comments around 2015 and 2023, respectively (Šuštaršič, 2023). Both lacked resources and staff for effective moderation of comments, which rarely contained valuable insights or meaningful discussions. Siol.net attempted moderation by deleting comments and banning users, but with subpar results (Šuštaršič, 2023). Ultimately, both outlets concluded that inadequately moderated comments constitute harm and go against journalistic ethics. After disabling comments, Mladina noted a slight decrease in web traffic while Siol.net observed no significant change (Šuštaršič, 2023).

### Operational and psychological demands of moderation

The RTV interviewee characterized content moderation as a "dirty job," citing challenges from fluctuating comment volumes and the emotional toll of moderation. RTV Slovenija receives three to five thousand comments daily, particularly on emotionally charged topics such as armed

conflicts, natural disasters, and contested social issues. A 24ur.com editor estimates the website annually receives two million comments (Mekina, 2024). On Starševski čvek, inactive forum threads often resurface through organic search.

Moderation is often emotionally taxing due to the potentially disturbing content as well as negative reactions from users facing moderation. RTV Slovenija opted to anonymize moderators after threats and reported difficulties with recruiting for the role. Starševski čvek's moderators often face personal attacks and discontent over their decisions, noting the work requires "strong nerves". Before closing web comments, Siol.net's editor faced ongoing censorship accusations and threats of legal action for moderation (Šuštaršič, 2023).

### CONCLUSION

Content moderation extends beyond illegal content removal to a range of socially unacceptable discourse from incivility, defamatory content, and commercial content to hate speech. The work of moderators is ultimately determined by the total set of standards. The locus and frequency of contentious speech depend on the topic, with overt hate speech against social groups concentrated in news that references them, and interpersonal hostility more prevalent in celebrity or lifestyle coverage.

Moderation capabilities are shaped by their operational context and bifurcated in Slovenia. Larger organizations like RTV Slovenija have developed sophisticated in-house systems with nuanced controls, such as comment thread off-switches and custom AI models. Smaller ones tend to shift user comments to social media platforms where the tooling is limited.

This practical aspect of moderation is outside the scope of the DSA as a flagship social media regulatory framework that establishes a range of reporting and risk assessment obligations. The implementation of these obligations is, furthermore, marked by a near-complete lack of action against illegal content in Slovenia according to the first DSA reports. This occurs even as local media entities are subjected to comparatively higher legal scrutiny, creating an incentive for moving user comments to social media platforms.

Flexibility is key in moderation strategies, as comment volumes can fluctuate heavily. Flexible responses can be achieved by modulating the degree of user interaction with comment sections or managing moderation demands within an organization when required. Content moderation can be psychologically taxing due to repeated exposure to disturbing content, negative user reactions and

variable comment volumes, which can lead to difficulties with recruiting personnel. Long-term maintenance of moderation processes is a significant organizational challenge and entangled with the broader financial and operational capacities of digital media organizations.

Our sample included organizations of various sizes, but the findings may not generalize sector-wide due to a low interview response rate and the absence of larger private and smaller local media. The self-reported nature of interviews and guideline

documents may omit informative aspects of moderation in practice. Future research would benefit from a larger interview sample, using multiple web traffic sources like Semrush or MOSS to identify relevant entities, and from employing mixed methods, such as combining interviews with direct observation of moderation or computational analysis. Finally, while we describe common barriers across moderation settings, future research could examine the setting-specific user expectations, communication norms, regulative requirements, and moderation practices.

## DILEME DIGITALNEGA DISKURZA: MODERIRANJE SLOVENSKIH DIGITALNIH KRAJIN

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### POVZETEK

*Članek analizira spletno moderiranje v Sloveniji v luči novih regulacij, kot je Akt o digitalnih storitvah, upoštevaje asimetrično soodvisnost med družbenimi platformami in slovenskimi medijskimi organizacijami. Temelji na analizi dokumentov, kot so medijska pravila, pogoji uporabe, relevantnih novic in poročil družbenih platform, in štirih intervjujih s predstavnicami\_ki RTV Slovenije, Metropolitana, Mladine in Starševskega čveka. Obiskanost spletnih prostorov močno kroji način moderiranja: večji mediji ali forumi moderirajo z lastno tehnološko infrastrukturo, manjše organizacije pa se z uporabniškimi vsebinami srečujejo pretežno na družbenih omrežjih, povečini na Facebooku, in moderirajo z omejenimi orodji, ki jih ta ponujajo. Moderiranje uporabniških vsebin na družbenih omrežjih ostaja izbirno, hkrati pa še ni znakov efektivne regulacije digitalnih platform preko novega evropskega Akta o digitalnih storitvah. Rešitve večjih organizacij za moderiranje lastnih strani v primerjavi z orodji družbenih platform ponujajo večjo fleksibilnost z možnostmi večstopenjskega sankcioniranja, nadzora na ravni posamezne novice in arhiviranja za primere pritožbenih ali pravnih postopkov. Pravila komentiranja in izkušnje moderatorjev pokažejo, da moteče, vendar nekaznive vsebine predstavljajo znaten del moderiranja, cilj katerega je ne le izpolnitve regulativnih zahtev, temveč tudi ohranjanje konstruktivnega diskurza in zaščita ugleda organizacij. Moderiranje za analizirane organizacije predstavlja znatno porabo omejenih virov. Narava moderiranih vsebin in pogosti negativni odzivi uporabnikov, ki v omejenih primerih preidejo v verbalno nasilje, lahko predstavljajo čustveno obremenitev za moderatorke\_je. V kontekstu razprav o regulirjanju uporabniških vsebin na družbenih platformah dodatno pokažemo, da so medijske hiše in forumi za namene moderiranja na lastnih spletnih že razvila odgovore na mnoge izzive moderiranja uporabniških vsebin.*

**Ključne besede:** moderiranje uporabniških vsebin, Akt o digitalnih storitvah, sovražni govor, družbena omrežja, regulacija medijev, digitalne medijske organizacije

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## PROSECUTORIAL PRACTICE ON HATE SPEECH IN SLOVENIA: CONTEXT, TRENDS, AND ISSUES

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### *ABSTRACT*

This article aims to determine how public prosecution deals with criminal reports concerning Article 297 of the Slovenian Penal Code on hate speech and explores the influence of the 2019 Slovenian Supreme Court judgment on this practice. The analysis is based on 98 closed case files of the prosecution from 2019 to 2023. The main findings indicate that the number of indictments and convictions remains low; criminal prosecution of cases is inconsistent; there are regional differences in prosecutorial practice; the impact of the 2019 decision is low; and the quality of documents produced by the prosecutor's offices is deficient.

**Keywords:** Hate speech, incitement to hatred, criminal prosecution, protected groups, Penal Code, criminal law, Slovenia

## AZIONI PENALI RELATIVE AI DISCORSI D'ODIO IN SLOVENIA: CONTESTI, TENDENZE E PROBLEMATICHE

### *SINTESI*

*Questo articolo mira a determinare come la pubblica accusa gestisce le denunce penali relative all'articolo 297 del Codice penale sloveno sull'incitamento all'odio e analizza l'influenza della sentenza della Corte suprema slovena del 2019 su questa pratica. L'analisi si basa su 98 fascicoli della Procura chiusi dal 2019 al 2023. I principali risultati indicano che il numero di incriminazioni e condanne rimane basso; l'azione penale nei vari casi è incoerente; vi sono differenze regionali nella prassi dell'azione penale; l'impatto della sentenza del 2019 è basso; e la qualità dei documenti prodotti dalle procure è carente.*

**Parole chiave:** discorso d'odio, incitamento all'odio, azione penale, gruppi protetti, Codice penale, diritto penale, Slovenia

BACKGROUND TO THE TOPIC: LEGAL REGULATION OF HATE SPEECH IN SLOVENIA<sup>1</sup>

Hate speech<sup>2</sup> and issues pertaining to its criminal prosecution remain a notable socio-legal challenge in Slovenia. Several authors have already analyzed various legislative and judicial aspects of Article 297 of the Slovenian Penal Code, which criminalizes public incitement to hatred, violence, and intolerance (Zavrnik & Zrimšek, 2017; Zavrnik, 2017; Kogovšek Šalamon, 2015; 2018; Mitev, 2019; Varuh človekovih pravic, 2021). However, the aim of this article is to take a closer look at a specific stage of the criminal proceedings concerning hate speech, which has not often been analyzed, namely prosecutorial practice, i.e., the manner in which the public prosecutor's office deals with criminal reports concerning hate speech. Hence, this article does not try to define what should be prosecuted as legally impermissible hate speech (George, 2014), but to examine how the already adopted and legally valid criminal law provision is enforced in Slovenia in practice.

Since the paper is intended for a wider audience that might not be familiar with the specific features of the legal regulation of hate speech in Slovenia, we will briefly present its main characteristics. In the Slovenian criminal justice system, hate speech is criminalized under Article 297 of the Penal Code (Official Gazette of the Republic of Slovenia No. 50/12 – official consolidated text, as amended), which prohibits public incitement to hatred, violence, or intolerance. Therefore, only those forms of hate speech that contain all the necessary elements of a crime – the public nature of the statement, intent, motivational potential of the statement to influence others, and orientation against a certain social group defined by a specific personal circumstance – are criminalized. The incrimination from Article 297 of the Penal Code is, notably, one of the few cases in the Penal Code where the perpetrator could be convicted solely because of his or her written or spoken words. In this sense, this incrimination is an exception to freedom of expression as a constitutional category (Bleich, 2011). According to the current wording of the provision, speech must explicitly be accompanied by the threat to public order and peace to be prosecutable, or the act must be committed using threats, verbal abuse, or insults. The current wording of Article 297 is a result of the transposition of the *European Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of*

criminal law. As Zavrnik and Zrimšek (2017, 62) and Peršak (2022) point out, in addition to Slovenia, only Cyprus out of all the EU member states transposed the Framework Conclusion in such a narrow manner.<sup>3</sup>

In the context of hate speech prohibition, Slovenian legislation also prohibits denial of the Holocaust and genocide. Concerning this incrimination, there is an issue of inadequate criminalization that is not widely known. For the denial of the Holocaust and genocide, the same two conditions are required for these crimes to be prosecutable, namely, a) if they pose a threat to public order, or b) they are committed by use of threat, verbal abuse, or insult. It is questionable whether such narrowing down is in line with the International Convention on the Elimination of All Forms of Racial Discrimination.<sup>4</sup> As the prosecution usually does not find a statement denying the Holocaust to be threatening public order, criminal reports against deniers of the Holocaust are usually dismissed (as evident from the case file Kt/10154/2021/MA). Such an approach to the denial of the Holocaust or genocide seems to be in direct contradiction with the approaches taken in other EU member states that criminalize such acts *per se* (Pech, 2009). The European Court of Human Rights upholds sanctions issued by states for denial of the Holocaust and genocide. For example, in *Walendy v. Germany*, the ECHR stated that Holocaust denial is a “continuation of the former discrimination of the Jewish people” and “a serious threat to public order” and could not be considered as covered by freedom of expression under Article 10 of the ECHR (ECHR, 1995).

## PRACTICAL IMPLEMENTATION OF THE LEGISLATIVE FRAMEWORK

Despite the changes in the legal definitions limiting the scope of prosecutable speech, the state prosecutor's office still deemed the definition too broad. To further narrow the definition, in 2013 the Supreme Prosecutor's Office adopted *A Legal Position on the Prosecution of the Crime of Public Incitement of Hatred, Violence or Intolerance under Article 297 of the Penal Code-1*. In the *Legal Position* it is stated that a crime under Article 297 is not committed if the perpetrator's actions did not result in a concrete threat or actual disruption (violation) of public order and peace. Since the *Legal Position* does not have the power of the law but was used by the State Prosecutor's Office as a guideline to implement the law, it could be considered as an example of infra

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2 Hate speech does not necessarily have to be speech. It can take, for example, any form of verbal or written expression, graffiti or a meme, or even a gesture.

3 For further analysis of the European Council Framework Decision 2008/913/JHA cf. Garman (2008).

4 For example, CERD states in Article 2(d): “Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any person, group or organization.”

**Table 1: Number of criminal reports filed to the prosecutor's offices, number of indictments, and the number of different outcomes of the criminal procedures (Advocate of the Principle of Equality, 2023–2024, 101).**

Year	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Criminal reports received	21	8	21	63	83	34	13	20	37	13	32	26	38	73	37	33
Conclusion on prosecutor's dismissal of criminal report	22	5	6	29	37	36	13	30	19	19	15	24	32	68	41	24
Indictments filed by the prosecution	1	3	5	5	26	15	1	2	1	2	6	2	7	3	3	2
Court convictions	/	/	4	4	3	9	4	2	/	1	/	/	3	0	4	0
Penalty order convictions	/	/	1	3	13	/	2	/	1	/	1	2	3	2	1	1
Acquittals	2	/	/	1	/	/	/	/	1	/	1	/	1	1	0	0
Rejections	/	/	3	/	/	2	/	/	/	/	/	3	/	0	0	0

law. Infra law is defined as a bylaw that forces those state officials implementing the law to adopt certain decisions in a manner inconsistent with the legal act that they otherwise should follow (Žgur, 2025). It is clear from the prosecution's *Legal Position* that it significantly changes the meaning of Article 297 of the Penal Code and thus enables the unlawful application of the provision. The wording of the article, as written in the law, does not require an actual threat or disturbance of public order and peace, but rather that the act must be done in such a way that it *may* threaten or disturb public order and peace. This wording does not in any way require that public order and peace are already threatened or disturbed; on the contrary, it is sufficient to state that, given the objective circumstances of the case (e.g., the role of the perpetrator in society, method of execution, ability to mobilize others, the social context of the act, etc.) it could potentially be disturbed or endangered. An abstract threat to public order and peace suffices (Čeferin et al., 2019). Furthermore, the Penal Code also criminalizes acts of inciting hatred, violence, and intolerance which are committed using threats, verbal abuse, or insults, and not only those that could threaten or disturb public order and peace. The legal provision hence consists of two alternative manners of committing this criminal act, whereby in the case of the second manner – using threats, verbal abuse, or insults – there is no requirement for the act to be prosecutable such that there must also be a disturbance of public order and peace at the same

time. With the legal position of the prosecution, therefore, an additional condition, which is not written in the Penal Code, was impermissibly added by the prosecution itself (Čeferin et al., 2019).

These developments led to a decrease in the number of prosecutorial and court cases of hate speech. The number of cases and their outcomes per year can be seen in Table 1.<sup>5</sup> The table shows that the number of reports, indictments, and convictions had been increasing until 2013. However, the *Legal Position* of the Supreme Prosecutor's Office had a significant impact on the number of indictments and consequently, also convictions.

The adoption and the application of the 2013 *Legal Position* of the Supreme Prosecutor's Office and the consequently low number of indictments and convictions sparked academic criticism concerning the criminal prosecution of hate speech in Slovenia (Zavrišnik & Zrimšek, 2017; Zavrišnik, 2017; Kogovšek Šalamon, 2015; 2018; Mitev, 2019; Varuh človekovih pravic, 2021) as well as criticism from international monitoring bodies (ECRI, 2019, 12). The matter was addressed by the Supreme Court of the Republic of Slovenia, which in 2019 issued a landmark decision on this issue (Supreme Court of the Republic of Slovenia, 2019). It clarified two aspects of the interpretation of the law: i) the question of whether the two conditions for prosecution of hate speech (a. threat to public order and b. existence of threat, verbal abuse or insult) are cumulative or alternative, and ii) the question of whether the threat to public order must be concrete or if it can remain abstract for the act to be prosecutable. In its judgment, the Supreme

<sup>5</sup> The data is presented in the table as provided for in the source. Note that / and 0 have the same meaning, i.e., that there were no such cases in that year. The data is presented from 2008 on, as in 2008 the currently valid Penal Code (Penal Code, 2008) was adopted.

Court clarified, first, that the two conditions are alternative and not cumulative (Peršak, 2022). This means that when the prosecution establishes that hate speech was exercised by threat, verbal abuse, or insult, it should be prosecuted even if it did not endanger public order and peace. The position of the Supreme Court hence directly contradicted the 2013 *Legal Position* of the Supreme Prosecutor's Office, which raises several serious legal questions of the constitutionality of case dismissals of the prosecutor's office that have been adopted based on the interpretation of the law taken by the 2013 *Legal Position*, as well as questions of responsibility and accountability for the unlawful application of the statutory provisions between 2013 and 2019.

The second aspect that the Supreme Court clarified was that in cases when hate speech is not exercised using threats, verbal abuse or insults, it must be examined whether the statements posed a threat to public order; however, that threat does not have to be *concrete*, but *abstract* with the *potential* to endanger public order. This means that the speech does not need to have concrete consequences yet to be prosecutable, but must contain the potential for the threat to emerge. Thus, it can be assessed that the Slovenian legal framework aims to enact laws that limit expressions of racism and other types of intolerance without being overly inimical to freedom of expression and opinion, which is what hate speech legislation generally strives for (Bleich, 2011). In fact, it could be argued that until the 2019 Supreme Court decision, the Slovenian approach to hate speech very much followed the approach of the United States, where only instances of hate speech that cause a *clear and present danger* were prosecuted (Cohen, 2014, 245; Rosenfeld, 2003). The 2019 Slovenian Supreme Court judgment is an attempt to depart from such an approach, which is also in line with the other European jurisdictions' approach (Cohen, 2014, 238).

#### METHODOLOGY: STATE PROSECUTORS' CASE FILES ANALYSIS

The main purpose of this article is first, to analyze the prosecutorial practice concerning hate speech, and second, to explore whether the 2019 Supreme Court judgment no. VSRS I Ips 65803/2012 impacted

the prosecutorial practice in this field.<sup>6</sup> Related to the latter we hypothesized that the number of indictments and convictions increased because of the Supreme Court decision. We tested this hypothesis by asking the Supreme State Prosecutor's Office for access to all prosecution case files concerning Article 297 of the Penal Code from 2019 to 2023.<sup>7</sup> We gained access to 157 prosecution case files, out of which 98 files were closed, while in 59 cases the prosecution was ongoing.<sup>8</sup> Hence, further in-depth analysis was done based on 98 closed files, focusing on both the quantitative as well as qualitative aspects. For qualitative analysis, we prepared a manual coding system<sup>9</sup> that enabled us to focus on issues defined in advance, such as:

- whether the suspect was a public figure;
- the personal grounds of the group targeted by hate speech;
- who filed a criminal report to the prosecutor's office or the police;
- where the alleged crime was committed;
- the outcome of the case at the prosecutorial stage;
- how relevant the content of the criminal report was for hate speech;
- the length and the content of the prosecution's argumentation on the elements of the crime;
- if the criminal report was dismissed by the prosecution what reasons were given for the decision;
- specifics concerning online hate speech;
- how the prosecution determined the intent of the suspect;
- the impact of the 2019 Supreme Court judgment on the prosecutor's argumentation;
- the outcome of the case in the judicial stage, if an indictment was filed; and
- possible sanctions.

The analysis was partially inspired by an analysis done by the Human Rights Ombudsman of the Republic of Slovenia for the period up until 2018 (Varuh človekovih pravic, 2021). Based on its analysis, the Human Rights Ombudsman found that only a quarter of all complaints under Article 297 of the Penal Code from 2008 to 2018 resulted in sanctions (Varuh človekovih pravic, 2021). This data will be compared to the data gathered in our analysis.

6 We requested access to all closed prosecutorial files between 2019 and 2023, which was granted by the Supreme State Prosecutor's Office of the Republic of Slovenia. It provided the research team with a list of all closed cases, not only a sample. The research was conducted in person at local state prosecutors' offices, carried out by one researcher based on prior arrangement, and included a physical examination of the case files. This access allowed for viewing, taking notes of relevant documents, and photocopying them, all under the obligation to protect personal data and the restriction of using the acquired information only for the purpose of the research conducted.

7 This research and article were prepared within the research project "Hate speech in contemporary conceptualizations of nationalism, racism, gender and migration" (J5-3102), coordinated by Dr. Veronika Bajt, and the research program "Equality and human rights in times of global governance" (P5-0413), coordinated by Dr. Mojca Pajnik, both funded by the Slovenian Research and Innovation Agency (ARIS).

8 We have analyzed only closed files of final cases, i.e., a total of 98 cases, that were closed between 2019 and 2023.

9 An analytical coding tool in Word and Excel was provided for the field researcher who had to fill in the data for each case, including the data on the main issues that we wanted to record. The issues were the same as those presented in this article.

## RESEARCH FINDINGS

## Quantitative analysis

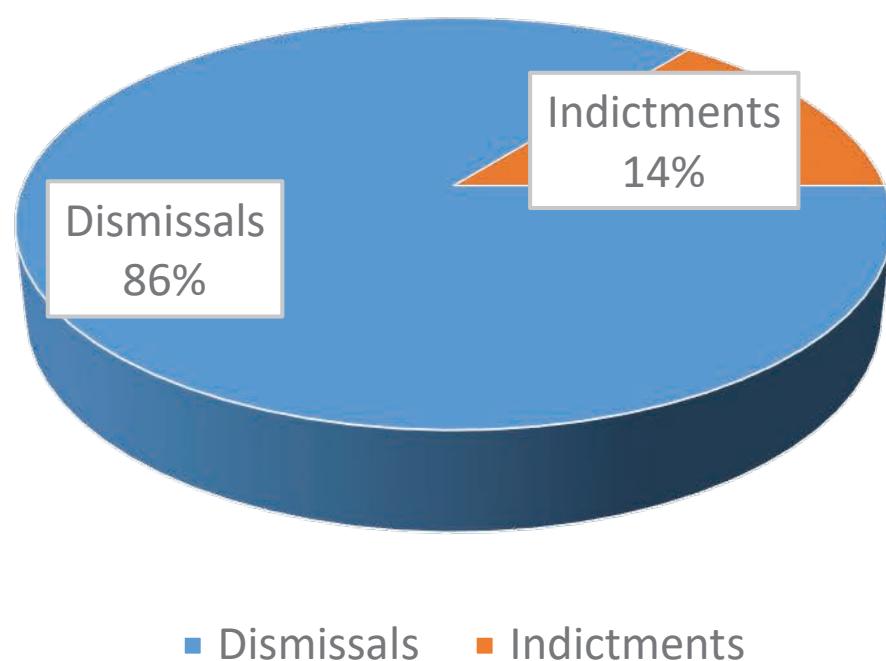
The results of the quantitative analysis provide an interesting insight into the content of the cases. In 70 cases out of 98 the suspect was not a public figure, while in 28 cases the suspect was a public figure, for example a member of parliament, a prime minister, a state secretary, a mayor, mayoral candidates, a municipal or city council member, a director of a public agency, TV show anchor, several journalists, columnists, media editors, entertainers, activists, and protest organizers.

Out of 98 cases dealt with by the prosecution, 57 hate speech incidents were committed online (in the form of a statement or commentary on a social media platform, as a commentary under a news article, as a commentary in an online forum, or as a post on a video-sharing platform). Most of these posts were published on Facebook (22), followed by Twitter, now X (16 posts). Out of 98 cases, 30 refer to in-person events (not online), while 11 cases are related to publications in traditional media (TV, radio, magazines, or internet news portals). The data shows that most of the problematic speech that is reported is from online content, mostly from social media.

Concerning the outcomes, we found that in 14 cases out of 98 (14 percent) an indictment was filed in the court by the prosecutor's office, while in 84 cases out of 98 (86 percent) the criminal report was dismissed by the prosecutor's office (cf. Chart 1). Four of the dismissed cases related to so-called deferred prosecution, which means that the indictment was not filed under the condition that the accused does something in the public interest, e.g., pay a certain financial allowance to a charitable organization.

In the 14 cases in which the prosecutor's office filed an indictment to the court, the courts convicted the accused in five cases (Kt/23361/2020/AJ, Kt/17734/2020/IŠ, Kt/21186/2019/BB, Kt/3723/2020/IŠ and Kt/24009/2016/AB), while in four cases a penalty order was issued (Kt/4036/2019/NČ, Kt/10302/2020/NVI, Kt/24599/2019/LM and Kt/3603/2022/LM).<sup>10</sup> In three cases the accused was acquitted (Kt/18841/2016/EE, Kt/4231/2018/KP and Kt/21877/2019/NČ/dč) while in one case the indictment was rejected by the court (Kt/9197/2016/AN).<sup>11</sup> This set of data is presented in Chart 2.

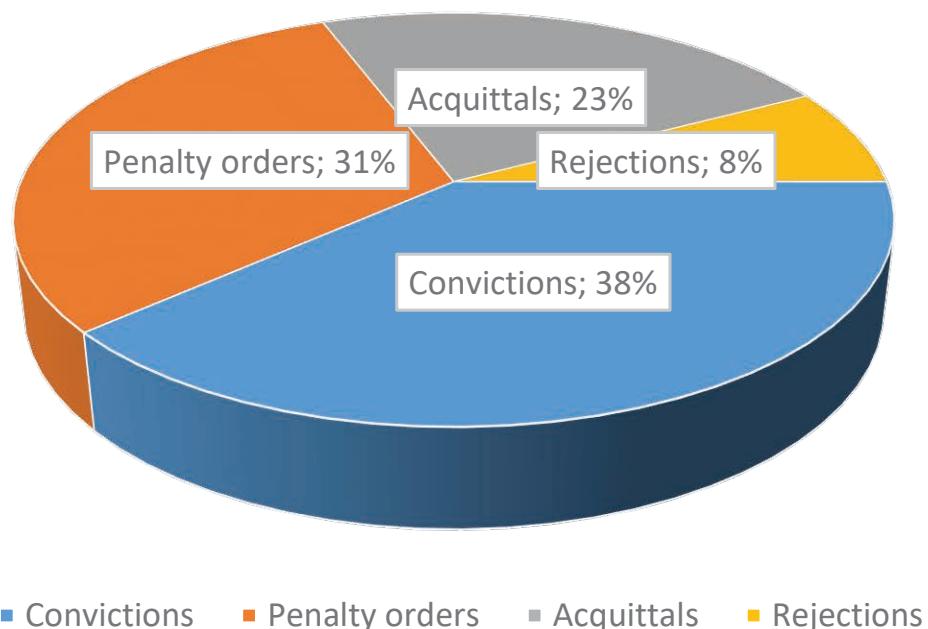
As far as sanctions are concerned, in only one case was a financial penalty imposed upon the convicted person, while in all other cases a sanction of a suspended prison sentence was imposed by the court, ranging from



**Chart 1: Outcomes of 98 cases in the prosecutorial stage (N = 98).**

<sup>10</sup> Under Article 445.a in relation to Article 25 of the Criminal Proceedings Act, a prosecutor may propose to the court to issue a penalty order without conducting a public hearing for crimes that are in the competence of the county courts, i.e., crimes for which the law prescribes a financial sanction or a sanction of imprisonment for up to three years.

<sup>11</sup> In one case the outcome of the case in the judicial stage was not yet known.



**Chart 2: Outcomes of cases in the judicial stage (N = 14).**

one month to seven months imprisonment.<sup>12</sup> This means that a negligible number of people were sanctioned for hate speech in Slovenia in the analyzed period. As evident from the quantitative analysis, the number of indictments (14) and convictions (nine if we consider both convictions and penalty orders) over a period of five years remains very low, indicating that the prosecution practice remains benevolent towards the reported hate speech incidents. In the qualitative analysis that follows, we will explore the reasons why this is the case.

If we compare this to the findings of the Human Rights Ombudsman for the period from 2008 to 2018, which found that a quarter of all complaints under Article 297 of the Penal Code from 2008 to 2018 resulted in sanctions, we find that in the period from 2019 to 2023, 13 cases (nine convictions and penalty orders and four deferred prosecutions) out of 98 resulted in sanctions, which is a bit over 13 percent and proportionally half of what was found by the Ombudsman.

### Qualitative analysis

#### *Proving the crime*

In this part, we present the outcomes of different issues concerning the content of the case files. The starting point of any assessment of a case at the prosecutorial stage is verifying whether there is evidence

available to prove the crime. There can be obstacles to proving online comments: for example, in one of the cases, a criminal report was submitted by an NGO that attached a print screen to its criminal report and a summary of the user's comment on the online news article. When the prosecution tried to obtain further proof of the existence of the comment from the media company, it turned out that the comment had been deleted, and thus, the media outlet could not provide it. Consequently, the criminal report was dismissed (Kt/23429/2019/IŠ).

In general, one of the primary challenges in identifying the IP address and subsequently identifying the perpetrator is embedded within the legislative and regulatory framework governing the processing of personal data. Specifically, telecommunication service providers and media outlets are permitted to retain user data for a limited duration, which frequently falls short of the time frame required for prosecutors to procure an IP address from the relevant servers.<sup>13</sup> In another case where the criminal report against an online comment was filed by an NGO based on a complaint lodged by an anonymous applicant, the latter provided the name of the author of the comment, date and time of the publication of the comment, and the content of the comment. However, since the comment could no longer be found online by the prosecution, even though the police established the IP number of the perpetrator

<sup>12</sup> In the case of a suspended sentence, the court determines the punishment for the offender, which is not imposed if the offender does not commit a new offense during the probation period set by the court (paragraph 1 of Article 57 of the Penal Code).

<sup>13</sup> This discussion is not related to the statutes of limitation for the prosecution of crimes.

and identified him, he denied publishing the comment and the criminal report was dismissed (Kt/3713/2021/MK/AZ). It needs to be noted, however, that such issues reflect the challenges of the prosecution of online hate speech that are present globally due to the anonymity and mobility afforded by the internet (Banks, 2010).

### ***Elements of a crime: Public nature of the act***

Hate speech must be public to be prosecutable. This element is more easily established in classic cases of hate speech that take place offline. For example, in one case, the criminal report was dismissed as the incitement to hatred was not committed publicly, but in a work environment in private correspondence among individuals (Kt/17605/2020/ME/tj). Analysis of the public nature is different in the case of online incidents involving posts on social media accounts. In one case, the criminal report was dismissed since the post was published on a personal Twitter (now X) account of a user and was only visible to the user's "accepted" followers, but not publicly (Kt/1925/2020/ME/kh).

### ***Elements of a crime: Incitement to and spreading of hatred***

When assessing whether the act amounts to criminally prosecutable hate speech, the prosecution determines whether the statement expressed by the perpetrator contained an element of fueling and fanning of hate among other people, or whether the statement was an expression of one's belief without any potential to influence others. In this sense, the prosecution determines whether the perpetrator spreads a situation which is already dangerous or if he or she exacerbates such a situation. This assessment can be quite subjective and dependent on the individual prosecutor, and not everyone may agree with the result of such an assessment.

For instance, in a case of an extremely offensive social media post against a transgender person the prosecutor's office assessed that the perpetrators were only expressing their opinion and outrage concerning the expectations of transgender people to be accepted and for their rights to be recognized, and believed that the element of incitement was missing (Kt/5189/2023/ME/nn). In another case when the perpetrator called migrants Neanderthals who still live in tribal communities and doubted whether they should have minority rights and the right to work, the prosecution concluded that the perpetrator expressed his opinion and provided arguments for it and that the statement was not directed to the general public to incite hatred, violence, or intolerance. Hence, the prosecution dismissed the criminal report (Kt/8082/2018/PVZ/LK). In another case, the perpetrator opposed the autopsy of a deceased migrant, called for throwing the deceased into a cave, and called for the provision of weapons to the local

population. Despite the severity of the case, the prosecution dismissed the criminal report with the reasoning that the statement falls within the scope of the freedom of expression and does not pose a threat to public order (Kt/3382/2020/MA). These three cases showcase the high tolerance that the prosecution exercises towards instances of highly problematic online discourse.

Furthermore, we observed that there are regional differences among various prosecutors' offices in how strictly they assess the elements of the crime. The research has shown that, for example, the prosecutor's office in the city of Slovenj Gradec was much stricter towards the perpetrators compared to, for example, the prosecutor's office in the city of Koper. The latter was looking for clear indications that the aim of the perpetrator was to potentiate an existing dangerous situation, while for the former, it sufficed that the statements were hateful.

It can be observed that in these assessments the prosecution was looking for explicit words that would express incitement, but it neglected the fact that the comments overall had a dehumanizing effect (cf. Posselt, 2017, 19) as well as that public outrage against a protected group very often has a motivating effect on others to commit more serious crimes, as numerous examples from the past have shown (e.g., studies show how hate speech has incited the most egregious crimes, including genocide; cf. Kellow & Steeves, 2006; Schabas, 2007; Mafeza, 2016; Messanga, 2021).

### ***Severity threshold***

The case files show that the prosecution assesses whether the threat to public order is real and serious, so there is usually a threshold that needs to be met. For example, in the case of a prosecution of a threatening statement the threat needs to be serious and must, for example, make reference to weapons (which however, does not mean that the sole mentioning of weapons suffices for criminal conviction), shooting, or extermination (Kt/24599/2019/LM/LM/nm; Court judgment No. II K 16255/2020. Cf. also case number Kt/14299/2018 and Kt/702/2021/NVI). The threats, verbal abuse, or insults should also be in the plural to be prosecutable, as the linguistic analysis of the criminal law provision, in the opinion of the prosecution, requires more than one threat or insult (Kt/14374/2023/ME/nn). Metaphors that someone should be removed or annihilated do not suffice for prosecution; it seems that the manner in which this would be done needs to be described more concretely in the statements to be considered prosecutable (Kt/10913/2021/NVI). The criminal report was also dismissed when filed against an individual who used TikTok to exhibit her swastika tattoos and proclaimed herself a racist. In the opinion of the prosecution, the severity threshold had not been met in this case (Kt 21366/2020/5/KP-sš).

These assessments are quite subjective and depend on the region where the prosecution is based. In the case files, there were several hate speech incidents that were highly abusive but did not have any effect on public order, so there was no prosecution (Kt/5259/2021/NČ and Kt/21366/2020/KP). However, there were also cases when perpetrators were prosecuted in comparable incidents by other prosecution offices and were also convicted by the court (Kt/21186/2019/BB). Such cases raise issues of consistency of criminal prosecution for comparable crimes within the state jurisdiction, and hence raise issues of equality before the law as enshrined in Article 14 of the Constitution, depending on the perpetrator's place of residence.

### ***The prohibition of the supremacy of one race over another***

As explained in the theoretical part of this paper, paragraph 2 of Article 297 of the Penal Code prohibits public spreading of ideas about the superiority of one race over another or providing any assistance in racist activity, or denying, diminishing the importance of, approving, justifying, ridiculing or defending genocide, holocaust, crimes against humanity, war crimes, aggression or other crimes against humanity. Based on this provision, one indictment was filed by the prosecution in the court, and the court found the perpetrator guilty of this crime. The case concerned the author of a column in a conservative alt-right weekly called *Demokracija*. The column argued that it was no coincidence that Jesus was white, and that God would create a virus that would attack only migrants but would protect the white race from extinction. The prosecution assessed that all the elements of the crime from paragraph 2 of Article 297 of the Penal Code were present. The prosecution also assessed the impact of the column by examining the scope of the reaction to the column as well as the number of sold copies of the magazine (Kt/23361/2020/AJ).

### ***Assessing intent***

One of the key elements that needs to be proven in criminal prosecution is intent to commit a crime. In the context of this incrimination, the main question discussed by the prosecution in its assessment was: should there be intent to say the words or the intent to cause hatred? In those reasons of the prosecution that dealt with this issue, the position has been taken that there has to be intent to cause hatred. We interpret that the prosecution took a position that there has to be a direct intent or perhaps even a specific intent to spread hatred and intolerance or even provoke violence (*dolus coloratus*), as opposed to eventual intent, which does not seem to be sufficient for the prosecution. However, this is not the language used in

the indictments and case dismissals, as intent is generally modestly analyzed, so it is difficult to assess what kind of intent the prosecution is looking for to file an indictment. At times, the indictments discuss whether the perpetrator really wanted to say such words and knew what they meant and what their effect might be, but do not qualify the type of intent they are looking for. Often there is relativization in the reasoning when the prosecution is discussing intent, in the sense that the perpetrator was only expressing his/her opinion but was not serious about the threats and did not mean to incite hatred (Kt/137/2023/ME and Kt/14299/2018). However, it is not clear whether this might mean that eventual intent is not sufficient for the prosecution. In this context, we find useful guidance in a judgment issued by the County Court in Črnomelj (a town in Slovenia) in relation to a hate speech case:

*A criminal offense according to the indictment [for the crime under Article 297 of the Penal Code] can only be committed with direct intent, which means that the perpetrator must have the intention of spreading or inciting hatred, violence or intolerance against a certain protected group of people, as well as [the perpetrator must have] the awareness of the possibility that his actions may cause danger or disruption of public order and peace. (Court judgment No. I K 18267/2020)*

### ***Protected group***

The indictments and the prosecution's conclusions on dismissal of criminal reports unanimously state that the purpose of Article 297 of the Penal Code is to shield protected vulnerable groups that are marked by one of the personal grounds – gender, race, ethnicity, religion, sexual orientation, and others. The first consequence of this position is that when hateful words, even if they are based on personal grounds, are directed towards individuals, this cannot be a crime of incitement to hatred, as the legal provision is protecting groups, not individuals. This excluded prosecution against a prime minister (Kt/10966/2020/NVI) and a mayor (Kt/7726/2021/LM/LM/ss), but also against a trans person (Kt/5189/2023/ME).

Further, if the statement is directed towards a group, the prosecution then usually checks whether this is a protected group as defined by Article 297 of the Penal Code. Groups that were not considered protected groups were participants in a public event (Kt/14299/2018/NVI); doctors (Kt/14374/2023/ME and Kt/14374/2023/ME/nn); and political activists (Kt/17958/2022/ME/sž). However, not all case files are consistent on this issue, as in another case concerning the same group of political activists, the latter was recognized by the prosecution as a protected group;

the prosecution lodged an indictment against the perpetrator who exercised hate speech against them (Kt/3603/2022/LM). In this case, the court even issued a penalty order against the perpetrator; however, the element of personal grounds that supposedly defines this group of activists was not explained either by the prosecutor or by the court.

The next group of cases are related to the specifics of Slovenia's socio-political environment concerning the attempts of a historical revisionism aimed at rehabilitating those Slovenians who collaborated with Nazi Germany as an occupying power during the Second World War. Quite often, this issue stirs debates as to who was on the right side of history, the resistance (Partisans) or the Home Guard (domobranci). Consequently, these debates also stir massive amounts of hate speech towards both groups. So far, the prosecution has always stated that these are not protected groups, as perhaps they existed in the past, but that is no longer the case (Kt/18208/2021/MI-tp and Kt 702/2021/NVI). It seems that hate speech indictments are never filed concerning this issue. There were also no convictions for war crimes denial concerning the deeds of one group or the other, as in these cases, the prosecution always concludes that the threats to public order were not sufficiently grave.<sup>14</sup>

### ***The context of the hateful statement***

In certain cases, it is notable that the prosecution considers the socio-political context in which the problematic statement was published. For example, in one of the cases, the perpetrator published a comment under a news article on lockdown and other protective measures aimed at preventing the spread of infection. The perpetrator opposed the measures and mentioned threats and weapons in his comment. The prosecution considered that the comment was written in an undoubtedly conflicting societal atmosphere, in a time of economic and consequent social uncertainty following the lockdowns. The prosecution considered that the perpetrator's sharp reaction to the news piece was completely understandable (Kt/10913/2021/NVI). In another case related to the annual performance by an artist known for consistently using the red star as a symbol, the prosecution dismissed a criminal report against an author who made a hateful commentary. The prosecution argued that, given the political polarization in Slovenian society, it is understandable that the red

star polarizes and raises outrage among certain people. It also noted that the statement did not cause prohibited consequences among readers (Kt/14299/2018).

### ***The impact of the author's statement on others***

The prosecution usually also assesses whether the statement had an impact on others. For example, in one case concerning a hateful comment, the prosecution noted that no one else ever commented on that comment, hence the comment itself could not have had any impact on other people (Kt/10913/2021/NVI). In another case, the prosecution in another region considered that the fact that two other Facebook users hatefully commented on the original hateful post concerning migrants shows that the post had a mobilizing effect on other people (Kt/21186/2019/BB). However, the assessment of the prosecution concerning this issue is again relatively subjective and dependent on the prosecutor's office from different regions, as is visible from other cases. For instance, in another case, a hateful post against migrants received 33 likes, which, however, did not convince the prosecution to issue an indictment (Kt/3382/2020/MA). In any event, in cases concerning social media posts and reactions to them, the prosecution also examines the nature of these reactions. If the reactions do not express agreement with any kind of incitement to hatred, but rather express opinions, an indictment is not filed (Kt/18208/2021/MI-tp and Kt 18208/2021/MI-tp).

### ***Political speech and freedom of expression***

The prosecution dealt with several instances of political speech, but noted that such speech enjoys high protection of the freedom of expression under Article 10 of the European Convention on Human Rights and Fundamental Freedoms.<sup>15</sup> For instance, in a case concerning political party posters hung during the election campaign, which explicitly called for the protection of children from the threat of LGBT adoptions, the prosecution dismissed the criminal report against the party. It bizarrely stated that the aim of the posters was not to incite others to form an opinion, but to inform the public about the opinion of the party. As stated in the reasoning of the prosecution's decision, the opinion of the prosecution was based on the protection of the freedom of expression as a constitutional category. It stated that this constitutional provision:

14 The prosecution often notes that in case of discriminatory and hateful threats targeting individuals, when Article 297, which protects groups, cannot be applied, the deed could be prosecuted on the basis of other provisions, for instance the crime of threat defined in Article 135 of the Penal Code (Kt/702/2021/NVI) or the crime of insult defined in Article 158 of the Penal Code (Kt/16788/2021/NČ/ar, Kt/10966/2020/NVI, Kt/17958/2022/ME/sž, Kt/18069/2020/ME/kh, Kt/18277/2020/AJ).

15 It would be interesting to assess in which Slovenian cases dealt with by the prosecution, if there was a conviction, the European Court of Human Rights would, based on its case law, likely confirm that the interference by the state (in the form of a criminal conviction for hate speech) was in line with paragraph 2 of Article 10 of the European Convention on Human Rights and Fundamental Freedoms. However, such analysis exceeds the scope of this article.

guarantees freedom of expression of thought, speech, public speaking, press, and other forms of public information and expression. Everyone can freely collect, accept, and spread news and opinions, regardless of their correctness or reality, and the Constitution also protects those messages and statements that are not accepted with approval or that may be disturbing to individuals or groups.<sup>16</sup> What has just been said means that in Slovenia, political speech and political discussion are fully legally permissible and protected, even if they are harsh, provocative or even obviously unjustified opinion or criticism of either the current or past authorities, whereby the individual has the right to express such an opinion in a way and in the form that promises the strongest effect and widest reach (publicity). (Kt/17440/2020/UL; cf. Kt/5168/2020/ME/sm)

The instances of provocative political speech are not the only ones in which the prosecution gives weight to freedom of expression. This is, in fact, the starting point for all assessments of the criminal reports within the realm of Article 297 of the Penal Code. For example, when the prosecution recognizes that a statement represents a harsh criticism of the authorities or a certain political ideology in aggravated social conditions it takes this fact into account as a mitigating circumstance and dismisses the criminal report (Kt/10966/2020/NVI). Harsh political criticism enjoys wide protection of the freedom of expression; the prosecution noted that any kind of restriction is justified only in exceptional cases (Kt 702/2021/NVI). This brings us back to the beginning of this paper, where it is explained that the prevailing approach to prosecuting speech in Slovenia is more similar to the one in the United States than to those in other European countries (Cohen, 2014, 245; Rosenfeld, 2003).

#### THE EFFECT OF THE 2019 SUPREME COURT JUDGMENT

As noted above, the 2019 Supreme Court judgment quashed the wrongful interpretation of Article 297 that had been prevalent for years due to the 2013 *Legal Position* adopted by the Supreme State Prosecution. In our analysis, we encountered one case in which the influence of this *Legal Position* was clearly traceable:

*The objects of criminal law protection are public order and peace, as the conduct of the perpetrator threatens public order and peace*

*and prepares a quality transition from words to actions. A specific threat must be given [for criminal prosecution], which must manifest itself in immediate danger, interference with the physical or mental integrity of individuals, obstruction of the exercise of rights or duties of people, state bodies, bodies of self-governing local communities, and holders of public authority in a public place. Acts of incitement and spread of hatred must be of such a nature that, in the environment and conditions in which they are committed, they do not lead to a breach of public order and peace only because the competent authorities or individual participants intervened in time, [...] or because of the timely cessation of hate speech. The increased danger of such expression should be visible from the wording in which it was given [to be prosecutable], in circumstances due to which the perpetrator does not want or cannot control the further course of events by himself, because it is no longer dependent on his will. When assessing the nature of the illegal speech, it is necessary to consider the degree of probability, [type of] danger and scope [of danger], as well as the consequences of specific actions that may follow hate speech. The use of threats, verbal abuse or insults must also be more serious, or these actions must threaten and harm peace, tolerance, and coexistence between people more widely.* (Kt/25452/2017/AJ)

The case concerned a billboard hung on the outer house wall of a member of parliament, which stated "Migrants should get out of the country".<sup>17</sup> As is visible from the reasoning of the prosecution, the indictment against the perpetrator was not filed as the prosecution did not find a concrete threat to public order, which, according to them, was not caused by the billboard statement *per se*. This kind of reasoning has been expressly rejected by the 2019 Supreme Court judgment.

In this context, it is relevant to assess to what extent the State Prosecutor's Office is bound by the Supreme Court's decision in the Slovenian legal system. According to the first paragraph of Article 3 of the State Prosecutor's Office Act (Official Gazette of the Republic of Slovenia No. 58/11, as amended), the State Prosecutor is independent in the performance of his duties and is bound by the Constitution and the law. Per the Constitution, they are also bound by the general principles of international law and ratified and published international treaties. The second paragraph of the same article adds that

16 In this wording we can trace the position of the European Court of Human Rights case law (ECHR, 1976).

17 In Slovenian the original statement read: "Migrante ven iz države". For further reading on the consequences of hate speech prosecution against the politicians cf. Askola (2015) and Jacobs and van Spanje (2006).

it is not permitted to interfere with the decisions of the State Prosecutor in individual cases, except by giving general instructions and taking over the case in the manner established by this law. However, according to the hierarchy of legal norms in the Republic of Slovenia, general instructions cannot take precedence over the law. The Supreme Court is the authoritative interpreter of Slovenian legislation, as it is the highest instance of regular Slovenian legal proceedings. Through its decisions, the Supreme Court ensures uniform interpretation and application of laws, which contributes to legal certainty and the predictability of judicial decisions. In continental legal systems, the courts' decisions are not a formal legal source. Although case law is not formally binding in the Slovenian legal system, in practice, the decisions of the Supreme Court are often taken into account, especially general legal opinions that are important for the uniform application of laws.<sup>18</sup> A constitutional right to equality before the law demands that like cases should be decided alike; hence, a case law becomes an important legal source also in modern continental legal systems, similarly to a precedent in a *stare decisis* doctrine (Galč, 2003; Stajnpihler, 2010; Kerševan, 2012).

Based on these theoretical premises, it is reasonable to expect that the prosecutor's office would follow the 2019 Supreme Court judgment in each case where the issues clarified by the court were central to the assessment. This would exclude cases where the evidence for the crime was not secured or where intent was not confirmed, but it should be relevant in the rest of the cases. However, in our analysis, we found only three cases where the prosecution explicitly or implicitly relied upon the 2019 Supreme Court judgment. For example, in the already mentioned case concerning a magazine column with supremacist statements the indictment lodged by the prosecution states that the 2019 Supreme Court judgment demands that it be verified if there is an abstract-concrete endangerment of the public order, hence that it needs to be examined whether the deeds of the perpetrator could threaten the public order. The prosecutor assessed that it could, as the magazine column provoked wide reactions in the public sphere, the public was concerned and worried, and called upon the state authorities to act. Considering the negative societal atmosphere towards migrants, the prosecution concluded that the magazine column could endanger public order. Specifically, the perpetrator was already calling for violent actions against members of other races, and could no longer prevent the actions of others, as this would no longer depend on the perpetrator's will (Kt/23361/2020/AJ).

In another case, there is no explicit reference to the 2019 Supreme Court decision; however, the reasoning used by the prosecution indicates that the office of the prosecutor did consult the Supreme Court judgment when assessing the case. Specifically, the reasoning states:

*It follows from the legal definition of the alleged crime that there must be a potential possibility of endangering or disturbing public order and peace. This means that the act, by its content, nature, place, and the circumstances in which it was committed, is capable of causing concrete danger, which manifests itself in endangering or disturbing public order and peace.* (Kt/16687/2020/NM/vc)

This wording directly reflects the position taken by the Supreme Court, where it clarified the scope in which public order must already be (or not) endangered by public incitement to hatred.

In another case that concerned four social media posts against the LGBT community, the prosecution discussed that the act was committed by using threats, verbal abuse, and insults, but it did not refer to the condition of endangering public order (Kt/12680/2023/BH/KG). It is likely that it omitted the discussion of the second condition based on the clarified position of the Supreme Court.

Compared to the findings of the Human Rights Ombudsman, according to which 10 out of 39 case dismissals were based on the narrow approach dictated by the 2013 *Legal Position*, we can confirm that relying explicitly or implicitly on the 2013 *Legal Position* is no longer a common practice in criminal prosecution of hate crime. On the other hand, our research did not show that the 2019 Supreme Court decision had a traceable and widespread impact, at least not in such a way that the judgment was cited and referred to by the prosecutors in individual case assessments. In conclusion, our analysis could not confirm that the 2019 Supreme Court judgment had a significant impact on prosecutorial practice, as it was not even cited in cases where this would be relevant (e.g., the three cases prosecuted in Slovenj Gradec). The reasons for this remain unknown. One possible explanation could be that the prosecutors are not aware of the judgment, which is unlikely due to the hierarchical structure of the prosecution, or are not paying attention to it. Another possible explanation could be related to the question of the (possible lack of) motivation to ensure high quality of the indictments and case dismissals. For definitive responses to

18 A more detailed discussion of the binding nature of court decisions for state bodies exceeds the scope of this article, which aims only to examine whether the Supreme Court's ruling on hate speech has influenced prosecution by the State Prosecution's Office, rather than to make value judgments about whether and how this affects the Slovenian legal order.

these questions further socio-legal research involving several different methods, including anonymized interviews, is needed.

### PROBLEMS OF QUALITY OF INDICTMENTS AND CASE DISMISSELS

The analysis has shown that the quality of the indictments and case dismissals produced by the prosecutor's offices is poor. We cannot help but observe that the quality of indictments often needs improvement. There are examples of "promising" cases in the case files where the prosecution failed before courts because the indictment was so poorly reasoned. The most notable deficiency was a lack of assessment of all the legal elements of a crime, most often intent. Instead, a mere reference to the content of Article 297 of the Penal Code is given in the assessment without applying it to the facts of the case.

In one particular case, the prosecution provided better reasoning in the appeal against the first instance judgment (Court judgment No. I K 18267/2020) after unsuccessful prosecution before the first instance court, but it was too late. The case concerned vigilantes who were inciting other residents close to the state border to join them and protect the border with weapons from migrants, thus preventing their entry. Only in the complaint against the first instance decision did the prosecution refer more specifically to the 2019 Supreme Court judgment, noting that it explicitly requires only potential danger to public order, and emphasized that such danger does not have to be concrete yet. Only in the appeal did the prosecution state factual circumstances of the case based on which it drew conclusions on such potential danger or perhaps even concrete danger. The higher court that adjudicated upon the prosecution's appeal stated that such reasoning ought to have been stated in the description of the facts in the indictment filed before the first instance court. When examining the indictment (Kt/21877/2019/NČ/dč), we observed that it is poorly reasoned, with double-spaced text of only two and a half pages, with ample empty space at the beginning and the end of the document. Furthermore, not all the elements of the crimes were assessed in the indictment, meaning that the court had no other option but to acquit the accused. The court hence penalized the sloppy work of the prosecution by finding that not all the elements of the crime were substantiated, as the indictment contained only:

*an abstract statement that the defendant's acts were such that they could cause reactions with her sympathizers and threaten the public order. Such conclusion, without concretely stating the circumstances that would lead to a justified conclusion that the acts could cause danger to public order is so deficient that the court, in the framework of the evidentiary procedure, cannot*

*successfully try and assess, while on the other hand the defendant cannot present a successful defense, and cannot be even required to do so.*  
(Court judgment No. I K 18267/2020)

It should be stressed that occasionally poorly reasoned indictments do not necessarily lead to a dismissal of the court. At times the criminal procedures end with convictions even if the indictment is modest in terms of its quality, e.g., if it is inappropriately short (1-2 pages of light text), poorly reasoned, and lacking arguments that would justify the existence of all the elements of the crime (cf., for example, cases from Slovenj Gradec, i.e. cases number Kt/17734/2020/IŠ, Kt/21186/2019/BB, Kt/3723/2020/IŠ). Similarly, to the outcomes of the Ombudsman's research, our research showed that the justification of the prosecution's acts was also poor. In contrast to the Ombudsman's research, our analysis has shown regional differences between various State Prosecutor's Offices regarding the prosecution of hate speech, which the Ombudsman did not point out.

### CONCLUSIONS

The main findings of our research on hate speech prosecution in Slovenia indicate that the number of indictments and convictions remains low. Out of 98 cases, 14 indictments were filed in courts, resulting in nine convictions between 2018 and 2023. In only one case was a financial penalty imposed on the convicted person, while in all other cases, a sanction of a suspended prison sentence was imposed by the court. In four dismissed cases, the prosecution was deferred as the accused paid financial allowances to charity organizations. In 13 cases the criminal report resulted in some kind of sanction for the accused. This shows a lower share of cases resulting in sanctions compared to the 25 percent share noted by a similar prior Human Rights Ombudsman's study done for the period 2008–2018.

Another important outcome of our research is related to the consistency and quality of the prosecutorial assessment of cases. We observed that the criminal prosecution of cases is inconsistent and somewhat prone to subjective assessment, dependent on the individual prosecutor's office or even an individual prosecutor. Another observation is related to the level of quality of the indictments and case dismissals, as they are often poorly reasoned and at times do not contain an assessment of all the elements of the crime. This is particularly notable concerning the element of intent to commit a crime, as it is often not discussed, it is discussed incorrectly (whether the perpetrator had the intent to say the word or to cause hatred and spread intolerance), while none of the cases contained a discussion on the type of the intent that would be needed for criminal prosecution – direct, eventual or specific (*dolus coloratus*). We also found that there are regional differences in prosecutorial practice, meaning that some

types of hate speech will result in criminal prosecution in one region (and potentially also a conviction) but not in another, which raises concerns from the perspective of constitutional guarantees on equality before the law and legal certainty. In one case, the deficiencies of the indictment very clearly resulted in an acquittal, and when the prosecution tried to amend the mistake in the procedure with an appeal that was substantially better reasoned than the indictment, it was too late, as clearly noted also by the court of appeals. While the prior research conducted by the Ombudsman's office did not highlight regional differences, it did find similar problems with insufficient reasoning and assessment of elements of the crime of hate speech in the indictments and case dismissals.

Specific conclusions can be drawn considering the impact of the 2019 Supreme Court judgment. Findings show that the impact of the judgment seems to be low or at least not visible, apart from rare exceptions, from the indictments and case dismissals. In only one case file can an explicit reference be found to the judgment, while based on the content of two other cases, it can be assumed that the judgment was considered based on the reasoning that followed the logic of the Supreme Court judgment. The reasons for such limited impact should be further explored in the future by using a different empirical research methodology (e.g. anonymized semi-structured interviews with prosecutors); however, academic discussions provided by other authors suggest that the reasons for the limited impact of apex court decisions might be related to prosecutorial independence, internal policy inertia, and selective implementation of apex court decisions. While prosecutorial independence is an indispensable element of the rule of law (Council of Europe, 2016; Gutmann & Voigt, 2019; Voigt & Wulf, 2019), in combination with the other two factors it might also be a hurdle blocking or delaying the implementation of apex court decisions if the latter are applied selectively. Indeed, it is not possible to accurately assess whether more cases would lead to a conviction by a court of law if the 2019 Supreme Court decision were more often relied on and referred to, since the result of the judicial procedure depends on several factors, as we have shown. However, it is necessary to improve the quality of both the indictments and case dismissals solely for reasons of the rule of law requirements.

Several steps could be taken to address the identified problems. There seems to be a need to strengthen case-building support, perhaps by nominating additional specialized prosecutors to focus on specific needs required for the prosecution of hate speech, particularly online hate speech, which requires information technology-related knowledge. Steps should be taken to ensure that evidence of online hate speech can be preserved and used for prosecution. There is also a need to im-

prove inter-agency cooperation between the police, the prosecutors, and other stakeholders to ensure timely and well-documented prosecution of cases. It would also be useful to introduce performance monitoring aimed at tracking and evaluating case outcomes systematically, using clear benchmarks for indictments and convictions to identify bottlenecks or weak points. Regional differences in prosecution approaches also need to be dealt with, for example, by developing prosecutorial manuals to standardize legal thresholds, discretion use, and decision-making. The poor quality of several indictments and case dismissals indicates that there is a need for strengthening supervisory mechanisms to ensure objectivity and consistency. Since this is a complex topic not frequently encountered during normal legal education, specialized advanced legal training on legal standards and recent jurisprudence, including Supreme Court decisions in the field, should be provided.

As one of the problems identified was that some elements of the crime were not discussed in several of the indictments and case dismissals, one of the measures that could be taken is the preparation of standardized templates for indictments or case dismissals, to ensure all legal elements of crimes are addressed. Peer review and mentorship could further increase the quality and comprehensiveness of the indictments and case dismissals, and could be particularly helpful for newer prosecutors to improve their legal reasoning and documents produced. Activities that could be undertaken to address the problem of regional differences are, for example, better national coordination that would ensure harmonization of practices, secondments or short-term exchanges of prosecutors between regions to foster consistency and share best practices, as well as regular case law database updates.

To facilitate faster and more notable implementation of the 2019 Supreme Court judgment, nationally focused case-based training and guidance on how to apply the judgment in practice should be provided. The information about the decision should be included in internal circulars, which, however, should not contradict the law. A tracking system could also be set up to monitor how often and how well the ruling is cited or used in indictments and dismissals, with feedback loops to the relevant offices.

Most of the identified challenges do not require significant resources in order to be addressed, as, for example, with some attention to these matters, provision of in-house training and coordination, and preparation of checklists it could be ensured that all elements of the crime are addressed in each case,<sup>19</sup> that the definition of protected groups is consistently applied, and that the 2019 Supreme Court decision is consulted in each relevant case.

<sup>19</sup> Consistent examination of all elements of the crime could be ensured by the use of checklists or even with the assistance of machine learning mechanisms, the design of which could be inspired by the work of linguists in computer sciences (Zufall et al., 2022).

## TOŽILSKA PRAKSA NA PODROČJU SOVRAŽNEGA GOVORA V SLOVENIJI: KONTEKST, TRENDI IN PROBLEMI

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### *POVZETEK*

Članek si prizadeva ugotoviti, kako državno tožilstvo obravnava kazenske ovadbe v zvezi s 297. členom Kazenskega zakonika Republike Slovenije, ki inkriminira sovražni govor oziroma javno spodbujanje k sovraštvu, nasilju in nestrnosti, ter raziskati vpliv sodbe Vrhovnega sodišča RS št. VSRS I Ips 65803/2012 iz leta 2019 na tožilsko prakso na tem področju. Analiza, ki je podlaga za članek, je zajela 98 zaključenih spisov državnega tožilstva iz obdobja 2019–2023. Članek obravnava nastanek inkriminacije sovražnega govora v Sloveniji ter predstavlja statistične podatke o rezultatih kazenskega pregona na tem področju od leta 2008 dalje. Nadalje so predstavljeni rezultati kvantitativne in kvalitativne analize in razprava o različnih vidikih presoje zakonskih znakov kaznivega dejanja, kot so: prag resnosti; presoja naklepa za storitev kaznivega dejanja; pomen opredelitve zaščitene skupine; vpliv, ki ga lahko ima izjava storilca na druge; vloga političnega govora v okviru svobode izražanja; ter učinki sodbe Vrhovnega sodišča iz leta 2019 na tožilsko prakso. Glavne ugotovitve raziskave kažejo, da število vloženih obtožnic in obsodilnih sodb ostaja nizko; kazenski pregon primerov je nedosleden; obstajajo regionalne razlike v tožilski praksi; vpliv sodbe iz leta 2019 je majhen; kakovost dokumentov, ki jih pripravljajo državna tožilstva, pa je pomanjkljiva.

**Ključne besede:** sovražni govor, spodbujanje sovraštva, kazenski pregon, zaščitene skupine, kazenski zakonik, kazensko pravo, Slovenija

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Kt/10154/2021/MA	Kt/23429/2019/IŠ
Kt/10302/2020/NVI	Kt/24009/2016/AB
Kt/10913/2021/NVI	Kt/24599/2019/LM
Kt/10966/2020/NVI	Kt/25452/2017/AJ
Kt/12680/2023/BH/KG	Kt/3382/2020/MA
Kt/137/2023/ME	Kt/3713/2021/MK/AZ
Kt/14299/2018	Kt/3723/2020/IŠ
Kt/14374/2023/ME/nn	Kt/4036/2019/NČ
Kt/16687/2020/NM/vc	Kt/4231/2018/KP
Kt/16788/2021/NČ/ar	Kt/5168/2020/ME/sm
Kt/17440/2020/UL	Kt/5189/2023/ME/nn
Kt/17605/2020/ME/tj	Kt/702/2021/NVI
Kt/17734/2020/IŠ	Kt/7726/2021/LM/LM/ss
Kt/17958/2022/ME/sž	Kt/8082/2018/PVZ/LK
Kt/18069/2020/ME/kh	Kt/9197/2016/AN
Kt/18208/2021/MI-tp	Kt/14299/2018/NVI
Kt/18277/2020/AJ	Kt/14374/2023/ME
Kt/18841/2016/EE	Kt/3603/2022/LM
Kt/1925/2020/ME/kh	Kt/5189/2023/ME
Kt/21186/2019/BB	

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## PRISPEVEK K POZNAVANJU IDEJ O IZVEDBI LJUDSKEGA GLASOVANJA ZA VEČJO SUVERENOST/SAMOSTOJNOST SLOVENIJE (1945–1985)

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### *IZVLEČEK*

*Članek na podlagi analize objavljenih virov in relevantne znanstvene literature obravnava ideje o izvedbi ljudskega glasovanja (plebiscita), ki so se v obdobju od konca druge svetovne vojne do druge polovice 80. let porajale v okviru razmišljaj o slovenski narodni politiki zlasti v slovenski emigraciji; razmišljaj o večji suverenosti oziroma samostojnosti Slovenije. Članek tako išče izvore premišljevanj, ki so naposled rezultirala v izvedbi plebiscita 23. decembra 1990, ki je legitimiral slovensko pot v samostojnost.*

**Ključne besede:** plebiscit, slovenska narodna politika, emigracija, 1945–1985, Slovenija

## CONTRIBUTO ALLA COMPRENSIONE DELLE IDEE SULL'ATTUAZIONE DEL VOTO POPOLARE PER UNA PIÙ AMPIA SOVRANITÀ/INDIPENDENZA DELLA SLOVENIA (1945–1985)

### *SINTESI*

*Sulla base dell'analisi delle fonti pubblicate e dei lavori rilevanti di storiografia, l'articolo esamina le idee relative all'attuazione di un voto popolare (plebiscito), che emersero nel periodo compreso tra la fine della Seconda guerra mondiale e la seconda metà degli anni Ottanta nel contesto delle riflessioni sulla politica nazionale slovena, in particolare nella diaspora slovena; si trattava di considerazioni riguardanti una maggiore sovranità oppure l'indipendenza della Slovenia. L'articolo cerca quindi le origini delle riflessioni che portarono il 23 dicembre 1990 alla realizzazione del plebiscito, che legittimò il percorso sloveno verso l'indipendenza.*

**Parole chiave:** plebiscito, politica nazionale slovena, emigrazione, 1945–1985, Slovenia

UVOD<sup>1</sup>

Slovenska narodna politika je od programa Zedinjene Slovenije doživljala razvoj v smer večje suverenosti slovenskega naroda, pri čemer vrhunec predstavlja nastanek samostojne Republike Slovenije – dejanje, ki je imelo jasno izkazano podporo njenega prebivalstva z rezultati plebiscita, izvedenega 23. decembra 1990. Kar nekaj raziskovalcev se je ukvarjalo s splošnim pregledom razvoja slovenske narodne ideje (cf. Prunk, 1992; 2023; Granda, 2022). Precej je del, ki obravnavajo posamezne vidike slovenske narodne ideje ali so kronološko zamejena (cf. Pleterski, 1967; 1968; Rozman, 1982; Prunk, 1986; Repe, 1992a; Grafenauer et al., 1995; Novak, 1995; Granda & Šatej, 1998; Nared, 2001; Mlakar, 2005; Rahten, 2005; Godeša, 2006a; 2006b; 2011; Stiplovšek, 2007; Perovšek, 2012; Friš et al., 2021) ali pa se osredotočajo na delovanje posameznikov (cf. Žebot, 1988; Godeša, 1999; 2002; Arnež, 2006; Ramšak, 2010; Friš & Hazemali, 2017). Ne obstaja pa nobenega dela, ki bi v ozir vzelo vprašanje, ali so slovenski politiki oziroma drugi, ki so razmišljali o slovenski narodni politiki oziroma jo oblikovali, imeli v mislih tudi izvedbo ljudskega glasovanja, s katerim bi legitimirali željene spremembe, bodisi v smer večje suverenosti slovenskega naroda bodisi oblikovanje samostojne slovenske države. V pričujočem članku bomo poskušali zapolniti to vrzel na podlagi analize objavljenih virov in relevantne znanstvene in strokovne literature. Osredotočili se bomo na vprašanje, v kolikšni meri se pojavlja ideja o izvedbi ljudskega glasovanja o večji slovenski suverenosti oziroma samostojnosti in kako so jo razumeli tisti, ki so jo upoštevali v svojem razmišljanju v preteklosti. Osredotočili se bomo na čas od konca druge svetovne vojne do začetka druge polovice 80. let, ko se pojavi kar nekaj takšnih razmišljanj. Pred tem idej o izvedbi tovrstnih glasovanj praktično ni zaznati, v zadnjih letih obstoja »druge« Jugoslavije pa je teh zamisli že precej.

**POMEN IZVEDBE LJUDSKEGA GLASOVANJA PRI SKLICEVANJU NA PRAVICO DO SAMOODOLOČBE NARODA**

V prizadevanjih po večji suverenosti slovenskega naroda se večkrat pojavi sklicevanje na pravico do samoodločbe naroda, ki je pridobila na popularnosti proti koncu prve svetovne vojne s takratnim ameriškim predsednikom Thomasom Woodrowom Wilsonom, pomembno jo je sooblikoval tudi sovjetski komunist Vladimir Iljič Lenin. Začetki koncepta sicer segajo

v začetek druge polovice 19. stoletja (Fisch, 2015, 117–121, 129–137, 145, 158). Vsebina in obseg pravice do samoodločbe naroda nista povsem natančno definirana, kar ponuja možnost različnim interpretacijam (cf. Guibernau, 2015, 540; Higgins, 2018, 122, 126–128). Je pa njen ideal, kot je zapisal zgodovinar Jörg Fisch, da ima vsak človek pravico do odločitve, v kateri (in tudi kakšni) državi oziroma politično organizirani skupnosti želi živeti (Fisch, 2015, 8). To ne pomeni nujno, da ob uveljavitvi pravice do samoodločbe nastane nova država, torej da določen narod oziroma skupina ljudi, ki živi na nekem ozemlju, izvede eksterno (zunanjo) samoodločbo. Obstaja tudi interna (notranja) samoodločba, katere rezultat je, da narod oziroma prebivalstvo nekega območja znotraj obstoječe večnacionalne državne tvorbe pridobi večjo suverenost, kar se lahko kaže npr. v nastanku avtonomne enote (cf. Knop, 2002, 100–101; Kristan, 2013, 284–285; Guibernau, 2015, 540; Remond, 2017, 17; Bossacoma Busquets, 2020, 4, 148–149).

Pri realizaciji tako eksterne kot interne samoodločbe lahko pomembno vlogo igrajo ljudska glasovanja. Ta imajo največji pomen v zagotovitvi legitimnosti spremembe, kar je bistveno za politične akterje, da zahtevajo večjo stopnjo suverenosti ozemlja, ki ga je glasovanje prizadelo. Politologinja Alexandra Remond meni, da imajo ljudska glasovanja, ki so povezana s spremembami oziroma prenosom suverenosti, dvojno funkcijo: po eni strani so »subjektivno zavezajoča sila« za oblast, po drugi pa »javna simbolična deklarativna moč«, ki služi kot dokaz legitimnosti pred mednarodno skupnostjo (Remond, 2017, 11–13; cf. Sanjaume-Calvet, 2021, 593–594, 598–599). Za zagotovitev legitimnosti mora biti tistem, ki imajo pravico do glasovanja, omogočeno izkazovanje svobodne volje, kar omogoča prisotnost demokratičnih elementov pri njegovi izvedbi (Satalak, 2018, 76, 145–149, 159).

**KRATKA PREDSTAVITEV RAZVOJA SLOVENSKEGA NARODNEGA PROGRAMA DO KONCA DRUGE SVETOVNE VOJNE IN NAKAZOVANJE NA IZVEDBO PLEBISCITA**

Kot je zapisal zgodovinar Bojan Godeša, je bil od svojega nastanka leta 1848 program Zedinjene Slovenije tisti, ki je predstavlja ideal slovenske narodne politike »ne glede kateremu nazoru ali političnemu taboru so posamezniki pripadali še stoletje potem, ko se je rodil« (Godeša, 2006b). Ne glede na to se je ta politika – včasih bolj, včasih manj – prilagajala drugim sočasnim političnim razmeram in okoliščinam. Prav

<sup>1</sup> Članek je nastal v okviru raziskovalnih projektov AID HCH – Presežek pri razvoju humanistike in kulturne dediščine z umetno inteligenco (ARIS J7-60128) in Razdeljeni spomin in kolektivizacija individualnih spominov na Slovenskem med leti 1941 in 1996 (ARIS J6-60100), raziskovalnega programa Slovenska identiteta in kulturna zavest v jezikovno in etnično stičnih prostorih v preteklosti in sedanosti (ARIS P6-0372) in programskega jedra Dediščinska znanost in podnebne spremembe: nove raziskave z interdisciplinarnim pristopom in uporabo umetne inteligence (RSF UM – Programska jedra), ki jih financira Javna agencija za znanstvenoraziskovalno in inovacijsko dejavnost Republike Slovenije (ARIS).

tako je, če se osredotočimo na obdobje 20. stoletja, med slovenskimi politiki in drugimi, ki so razmišljali o državopravnem statusu (večine) slovenskega etničnega ozemlja, obstajala neka osrednja ideja, pojavljale pa so se tudi alternative tej. Pred prvo svetovno vojno je večina prihodnost tega ozemlja videla v okviru Avstro-Ogrske, ki bi se preoblikovala na trialistični osnovi. Pri tem sta katoliški in liberalni tabor iskala stike s podobno mislečimi hrvaškimi politiki, naslanjala sta se tudi na hrvaško državno pravo (Pleterški, 1968; Prunk, 1992, 122–123, 140–156; Rahten, 1999; 2005; Ivašković, 2012). Maloštevilni posamezniki, zbrani okoli revije *Preporod*, so prihodnost slovenskega naroda videli izven okvira Avstro-Ogrske. Po njenem razpadu bi jugoslovanski narodi živeli v samostojni državi (Prunk, 1992, 156–158; 2023, 107–108).

Vodilni slovenski politiki so večino časa trajanja prve svetovne vojne še vedno zagovarjali nastanek avtonomne jugoslovanske enote znotraj Avstro-Ogrske, kar se je najbolj izrazito pokazalo v nastanku *Majniške deklaracije*. Ko se je bližal konec vojne, je bilo vedno bolj jasno, da bo Avstro-Ogrska razpadla. Slovenska politika se je novim razmeram prilagodila. Z drugimi jugoslovanskimi narodi v Avstro-Ogrski je razglasila Državo Slovencev, Hrvatov in Srbov. Dober mesec kasneje se je ta država združila s Kraljevino Srbijo (tej sta se nekaj dni prej priključili Kraljevina Črna gora in Vojvodina) v Kraljevino Srbov, Hrvatov in Slovencev (Kraljevina SHS). V njej je slovenska politika pristajala na jugoslovanski okvir. Politiki in ostali, ki so razmišljali o različnih vidikih slovenskega narodnega programa, so se v glavnem razlikovali v tem, ali zagovarjati unitaristično in centralistično politično tendenco vrha države ali se v nasprotju s tem zavzemati za avtonomen položaj slovenskega ozemlja v okviru kraljevine (Sperans, 1939, 37–38, 238–239, 241, 250–251; Prunk, 1992, 226–234, 241–252, 276–277, 292–294; 2023,

159–160, 169–170 Rahten, 2021a, 343; 2021b; 2022, 340–342; Granda, 2022, 550; Perovšek, 2023, 328). Iz tega obdobja velja izpostaviti razmišljanje mladega publicista Lojzeta Uleta, ki je zagovarjal avtonomistični pristop, pri čemer je dodal, da ima slovenski narod pravico do povsem samostojne države – dodatek, ki je pri drugih zagovornikih slovenske avtonomije izostal (Ude, 1927/1928, 18, 21; Prunk, 1992, 253–255; 2023, 182–183). Omeniti velja, da nekatere ideje prihodnosti slovenskega naroda niso videle v okviru jugoslovanske države, kot npr. razmišljanje komunistov Dragotina Gustinčiča in Vladimirja Martelanca poleti 1923, ki sta zagovarjala nastanek donavsko-balkanske federacije (obsegala bi vsaj ozemlje Češkoslovaške, Madžarske, Avstrije in Kraljevine SHS). Njen del bi bilo tudi slovensko ozemlje, in sicer kot samostojna enota (Perovšek, 2012, 183). Drugi primer, ki ga je vredno izpostaviti, je ideja univerzitetnega profesorja in duhovnika Lambertja Ehrlicha, ki je leta 1933 v pridigi na Svetih Višarjah izrazil potrebo po nastanku samostojne in združene slovenske države, kar je zgodovinar Jure Ramšak označil kot začetek »konsistentne ideje o neodvisni slovenski državi« (Ramšak, 2010, 962–963).<sup>2</sup>

Čeprav je bil po prvi svetovni vojni plebiscit orodje, ki je pomagal pri legitimaciji sprememb nekaterih državnih meja oziroma določanju novih (cf. Wambaugh, 1933; Qvortrup, 2014, 148–149; Osojnik & Maver, 2021; Bober, 2024) – to funkcijo je imel sicer že pred vojno, kot npr. pri ločitvi Norveške od Združene kraljevine Švedske in Norveške leta 1905, se ideja o izvedbi ljudskega glasovanja, s katero bi prebivalstvo pritrdirlo avtonomističnim, centralističnim ali alternativnim zamislim, ki smo jih že predstavili, v razmišljanju slovenskih politikov in drugih posameznikov v času med obema vojnoma praviloma ni pojavljala. Velja poudariti, da je imelo slovensko etnično ozemlje do takrat že izkušnje z dvema plebiscitoma, tistim v Beneški Sloveniji (Benečiji)

**Borba za samostojno združeno Slovenijo je revolucionarna borba in sicer ne samo kot borba za čisto samostojno, od Jugoslavije odcepljeno slovensko državo, na katero Slovenci zaenkrat tako še ne mislimo (pravico do nje seveda imamo in je prav, da jo poudarjamo), temveč kot borba za vsako obliko slovenske samostojnosti, ki se propagira v slovenski javnosti: za širokosamoupravno združeno, za avtonomno Slovenijo, za južnoslovansko (odnosno balkansko) federacijo, katere en člen naj bi bili Slovenci.**

*Slika 1: Izsek Udetovega razmišljanja o pravici do samostojne slovenske države (Ude, 1927/1928, 18).*

<sup>2</sup> Nekatere druge ideje o slovenski neodvisnosti v času med prvo in drugo svetovno vojno, ki datirajo v drugo polovico 30. let 20. stoletja, omenja Granda (2022, 271). Da je pred drugo svetovno vojno v Argentini obstajal maloštevilni krog slovenskih priseljencev v tej državi, ki je bil naklonjen slovenski samostojnosti oziroma temu, da Dravska banovina ne bi bila del Kraljevine Jugoslavije, je ugotovljala Mislej (1995).

leta 1866 in v južnem delu Koroške leta 1920. Obstajata pa vsaj dve izjemi, ki nakazujeta na izvedbo plebiscita. Prvega predstavlja predlog Ivana Šusteršiča, ki za razliko od drugih slovenskih politikov po koncu prve svetovne vojne ni favoriziral približevanja Kraljevini Srbiji, temveč se je obrnil na Italijo. Italijanskim sogovornikom je predlagal ustanovitev neodvisne hrvaško-slovenske države, ki bi bila »italijanska predstraža proti [drugim] Slovanom«. Pariška mirovna konferenca bi Italiji podela začasno upravo novonastale t vorbe. Po mnenju Šusteršiča bi moral nastanek hrvaško-slovenske države dokončno potrditi prebivalstvo na ljudskem glasovanju (Pleterski, 1998a, 449–451).

Drugo izjemo predstavlja program komunistov iz decembra 1933, objavljen v brošuri *Boj za osvoboditev in združitev slovenskega naroda: program in zahteve Slovenskega Nacionalnega Revolucionarnega Gibanja (SNR)*. Na Dunaju ga je napisal Lovro Kuhar po navodilih vodstva Komunistične partije Jugoslavije. V brošuri je zapisana zahteva po uresničitvi pravice slovenskega naroda do samoodločbe in odcepitve ter združitve ozemlja, kjer je bilo slovensko prebivalstvo v večini, v skupno enoto. Glede mej slovenske t vorbe je Kuhar zapisal sledeče: »O vprašanju razmejitve naj odločuje ljudstvo samo s prosto voljo, brez obzira na sedanje državne, ali prejšnje zgodovinske meje« (Prunk, 1992, 263–264). Ta zapis bi lahko nakazoval na izvedbo plebiscita. Ne definira namreč točne vloge prebivalstva pri določanju razmejitve. Dodati je treba, da med cilji, ki so zapisani v brošuri, ni jasno poudarjeno, ali bi bila slovenska t vorba popolnoma samostojna ali v okviru nadnacionalne t vorbe. Možen odgovor na to je Kuhar podal, ko je obravnaval boj proti »narodnem in fašističnem zatiranju«. Zapisal je namreč, da se je treba boriti »v Jugoslaviji proti [...] srbiziranju slovenskega naroda« (Druškovič, 1983, 32–34), kar nakazuje na vključenost slovenskega naroda v jugoslovanski državni okvir.

V času druge svetovne vojne sta se na Slovenskem oblikovala partizanski in protipartizanski tabor, a med njima, kot ugotavlja npr. Godeša, ni bilo razlik glede slovenskega nacionalnega vprašanja. Oba sta se zavzemala za federalno urejeno jugoslovansko državo, pri čemer bi slovensko ozemlje predstavljalo eno izmed njenih federalnih enot. Razlika med njima je bila v tem, kakšen politični sistem bi država imela (Godeša, 2006a, 307).<sup>3</sup> Na protipartizanski strani v emigraciji so se sicer pojavljale tudi alternativne ideje temu (npr. nastanek slovensko-hrvaške države (Godeša, 2006a, 217), nastanek samostojne slovenske države s Trstom pod britanskim protektoratom (Biber, 1995, 261–265; Godeša, 2006a, 309, 327–332)), a realnih možnosti za njihovo uresničitev ni bilo, kot tudi tistih, ki so predvidevale

samostojnost slovenskega etničnega ozemlja (Žebot, 1988, 109, 219–223; Novak, 1995, 296; Godeša, 1999; 2002; 2006a, 245–305; Jeza, 2012, 107–108, 150, 173; Griesser-Pečar, 2018, 284; Bajc et al., 2024, 568–569).

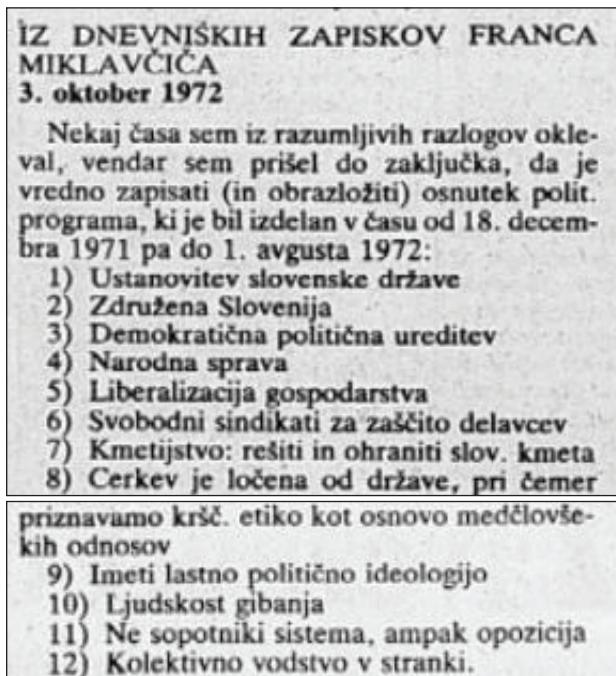
V okviru razmišljjanj o prihodnji ureditvi in pripadnosti (vsaj večine) slovenskega etničnega ozemlja bodisi jugoslovanskem bodisi kakšnem drugem okviru, kot tudi njegovi samostojnosti, ni zaznati zamisli o tem, da bi prebivalstvo potrdilo te spremembe, torej ideje o izvedbi plebiscita. Izjemo bi morda lahko predstavljal sklep izvršnega odbora Osvobodilne fronte (OF) iz 12. decembra 1942. V njem je bilo zapisano, da je slovenski narod pristopal k Antifašističnem svetu narodne osvoboditve Jugoslavije, »ne da bi s tem prejudiciral državno-pravno voljo slovenskega naroda, ki se bo glede narodne suverenosti izrazil na prvih volitvah« (Prunk, 1992, 341). Ta sklep nakazuje na izvedbo glasovanja o življenju v jugoslovanski državi, čeprav je treba dodati, da se je že predhodno OF jasno opredelila za jugoslovanski okvir (Prunk, 1992, 339–341). Možno je tudi, da je z besedo »volitve« mišljena izbira novega vodstva republike, njihovo stališče do jugoslovanske države pa bi imelo plebiscitaren značaj.

#### OD KONCA DRUGE SVETOVNE VOJNE DO SREDINE 80. LET

Po drugi svetovni vojni je bila večina slovenskega etničnega ozemlja vključena v »drugo« Jugoslavijo kot ena od šestih federalnih enot. Zgodovinar Aleš Gabrič ocenjuje, da so Slovenci v federalni jugoslovanski državi »na poti svoje nacionalne emancipacije dosegli dotele formalno najvišjo stopničko«, obenem pa »so začeli nacionalno vprašanje zavestno zanemarjati« (Gabrič, 2005, 833–834). Večino obstoja te jugoslovanske države so slovenski politični akterji, pa tudi slovenska javnost, prihodnost slovenskega naroda videli v njenem okviru, so si pa v najsevernejši jugoslovanski republiki postopoma prizadevali, da bi republike imele večjo stopnjo suverenosti, kar se je v večji meri začelo kazati v 60. letih,<sup>4</sup> ko so se začele vedno bolj kazati razlike med slovenskim in srbskim razumevanjem delovanja federalne države – slovensko prizadevanje po večji suverenosti republik napram srbskemu po večji pristojnosti državnih oblasti (Repe, 1992a, 286; 1992b; Pirjevec, 1995, 281–310; Čepič, 2005, 1057; Režek, 2005, 994–996). Izven jugoslovanskega okvira je slovensko prihodnost videla peterica bivših krščanskih socialistov (Stanko Osterc, Alfonz Koren, Janko Pučnik, Fedor Bevc in Franc Miklavčič), ki je med 18. decembrom 1971 in 1. avgustom 1972 snovala politični program. V prvi točki programa je bila predvidena »ustanovitev slovenske države« (Miklavčič, 1993a; 1993b; 1993c; 1993č; Ramšak, 2019, 185–188). Ta politični program jasno

3 O federalni usmeritvi partizanskega in protipartizanskega tabora cf. Prunk (1992, 296–370; 2023, 227–277); Grafenauer et al. (1995); Godeša (2011).

4 V tem času, natančneje med letoma 1966 in 1988, so se v SR Sloveniji širili letaki, ki so zahtevali spremembe v Jugoslaviji. V enem izmed njih, z naslovom Čas je dozorel, naj bi bila »prvič javno postavljena zahteva po konfederativni preuredivitvi Jugoslavije in po Neodvisni Sloveniji« (Goličnik, 1995, 19). Vsebina letaka je bila objavljena v *Delu* 22. junija 1990 (Goličnik, 1990).



*Slika 2a in 2b: Izrezek iz Miklavčičevega dnevnika, ki ga je objavilo Delo (Miklavčič, 1993c, 4).*

izkazuje željo po nastanku samostojne slovenske države, ki ne bi bila povezana z Jugoslavijo. Njegovi avtorji so dopuščali možnost konfederalne povezave slovenske države z drugimi državami.

Omeniti velja še program z naslovom *Slovenski nacionalni program med graditvijo socializma*, ki ga je napisal eden vodilnih slovenskih komunistov pred prvo svetovno vojno, France Klopčič. Program je nastal konec leta 1983, objavljen pa je bil štiri leta kasneje. Istega leta je bila izdana 57. številke *Nove revije*, kar je vplivalo na to, da Klopčičev program ni doživel večje pozornosti slovenske javnosti. Klopčič je zapisal, da se je slovenski narod ob vstopu v federalno Jugoslavijo odrekel nekaterim prvinam državnosti v korist države in drugih jugoslovenskih narodov. Po njegovem mnenju je nastopil čas za večjo suverenost republik oziroma narodov. Po uspehu reformirane Jugoslavije bi se jugoslovanski narodi znova sporazumeli o vsebinu in obliku medsebojnih odnosov, pri čemer Klopčič ni izključeval konfederalne ureditve »niti drugih rešitev v duhu svobodne samoodločbe narodov«. Zgodovinar Božo Repe upravičeno meni, da Klopčič v zadnjem delu ni izključeval odcepitve, čeprav v tedanjih razmerah ni videl Socialistične republike (SR) Slovenije izven okvira jugoslovenskega okvira (Repe, 1992a, 294–295). Tako Klopčičev program kot že omenjeno razmišljanje peterice bivših krščanskih socialistov niso vsebovali idej o izvedbi plebiscita.

Po drugi svetovni vojni se je nemajhen del Slovencev nahajal v emigraciji. Geograf Janez Nared jo je glede na politične in narodne programe razdelil v dve skupini: tisto, ki se je zavzemala za vključenost slovenskega ozemlja v okvir jugoslovenske države, in tisto, ki si je prizadevala za suvereno in neodvisno slovensko državo, ki bi se lahko povezovala v naddržavne zveze (Nared, 2001, 134). Kljub tej raznolikosti so se emigranti strinjali v odpravi komunističnega režima v domovini.

V emigraciji so vodilne predvojne politične stranke ustanovile Narodni odbor za Slovenijo (dalje: Narodni odbor), ki se je opredelil za nadaljnji obstoj slovenskega ozemlja znotraj Kraljevine Jugoslavije, ki bi imela federalno in demokratično ureditev; slovensko ozemlje bi predstavljalo eno od federalnih enot (Novak, 1995, 297–298; Mlakar, 2005, 1355–1356). V 60. letih je bil viden premik v razmišljanju Narodnega odbora v smer preureditve jugoslovenske države v konfederalijo, leta 1985 pa je že prevladalo razmišljanje o nastanku samostojne slovenske države, ki bi se lahko povezovala v naddržavne zveze (Nared, 2001, 136–144; Mlakar, 2005, 1356–1357; Ramšak, 2010, 965–966).

Narodni odbor kot tudi najpomembnejša stranka v njem, to je Slovenska ljudska stranka (SLS), sta večkrat nakazala na izvedbo ljudskega glasovanja v primeru, da bi se zgodila spremembra državnopravnega okvira najsevernejše jugoslovenske republike. Tako je program SLS iz leta 1954 slovenskemu narodu izrekal pravico do samostojne države, njeno morebitno vključitev v nadnacionalne zveze držav pa bi moral potrditi slovenski narod na glasovanju. V programu je bil sicer še vedno poudarjen jugoslovanski državni okvir. Posledično lahko sklepamo, da je pod besedno zvezo nadnacionalne zveze držav mišljeno konfederalno povezovanje jugoslovenskih narodov. V božični poslanici leta 1974 se je Narodni odbor zavzel za konfederalni (najverjetneje jugoslovanski) okvir, o katerem bi moral slovenski narod svobodno odločati. Leta 1982 se je SLS v deklaraciji ob 90-letnici stranke zavzela za »zdržitev vsega slovenskega naroda v slovenski državi«. Njeni državljanji bi se nato lahko odločali o vstopu v zveze držav (Nared, 2001, 136–144; Mlakar, 2005, 1356–1357; Ramšak, 2010, 965–966). Izvedba ljudskega glasovanja je bila torej poudarjena v primerih slovenskega povezovanja v naddržavne zveze.

Med prizadevanjem tistega dela emigracije, ki si je že od konca vojne prizadeval za nastanek samostojne slovenske države, je treba najprej omeniti Akcijski odbor za zedinjeno in suvereno slovensko državo (cf. Žebot, 1988, 395; Novak, 1995, 299; Mlakar, 2005, 1356; Pirjevec, 2007, 365),<sup>5</sup> katerega osrednja figura

<sup>5</sup> Zgodovinar Janko Pleterski je delovanje Akcijskega odbora interpretiral nekoliko drugače, in sicer, da nastanek slovenske države, ki bi obsegala celotno slovensko etnično ozemlje, ni bil vedno v njegovem prvem planu (Pleterski, 1998b, 327–329).

je bil Cyril Žebot, ki je že med vojno, natančneje junija 1943, z novinarjem in pisateljem Rudo Jurčecem ter pisateljem Mirkom Javornikom sestavil *Slovensko izjavo*, ki je za politični cilj slovenskega naroda postavila samostojno slovensko državo, ki bi obsegala celotno slovensko etnično ozemlje in bi se lahko povezala v nadnacionalne povezave kot povsem enakopravna članica te le, če bi bilo to nujno in bi imel slovenski narod od tega koristi (Arnež, 2002, 384–385). V analizi dela odbora – najbolj je bilo povezano z določitvijo jugoslovansko-italijanske meje in s tem povezanega reševanja tržaškega vprašanja – ni možno razbrati idej, da bi moral nastanek slovenske države legitimirati njej pripadajoče prebivalstvo. Dodati velja, da je v okviru reševanja jugoslovansko-italijanskega mejnega vprašanja ameriški državni sekretar James Byrnes v drugi četrtini leta 1946 predlagal izvedbo plebiscita, na katerem bi se prebivalstvo odločalo, ali bi prišlo do razmejitve dela Julijanske krajine po ameriškem ali po sovjetskem predlogu, a do glasovanja naposled ni prišlo (Pirjevec, 2007, 366).

Žebot je sredi avgusta 1947 odšel v ZDA (Žebot, 1988, 397). S tem se je težišče prizadevanj za samostojno slovensko državo v slovenski emigraciji prestavilo v Severno Ameriko. Glede na pregledano objavljeno gradivo ne moremo trditi, da je Žebot kot pogoj za nastanek slovenske države postavil tudi izvedbo plebiscita, na katerem bi to državo legitimiralo njej pripadajoče prebivalstvo. Izjemo pri tem pa predstavlja pismo, ki ga je kmalu po prihodu v ZDA pisal Antonu Grdini, poslovnežu v Clevelandu. Žebot mu je želel obrazložiti svoj politični program. Med drugim je zapisal, da naj bi glasovalni upravičenci – ti niso bili točno definirani – »plebiscitarno« odločili, ali še hočejo jugoslovansko državo ali pa bi raje videli nastanek lastne države, ki bi bila del »novih svobodnih združenih evropskih držav« (Arnež, 2006, 236). Čeprav si je prizadeval za samostojnost, je Žebot očitno dopuščal slovensko vključenost v jugoslovanski okvir, kar je bilo razvidno zlasti v obdobju liberalizma v Jugoslaviji, ko se je opredelil za njeno preoblikovanje v konfederacijo (Nared, 2001, 152–153, 158). Dodati velja, da si je za nastanek slovenske države močno prizadevalo Slovensko državno gibanje, ki je nastalo leta 1954 (Nared, 2001, 149–151; Ramšak, 2010, 964–965), poleg njegove severnoameriške veje pa je bila med najaktivnejšimi še tista, ki je delovala v Argentini (Novak, 1995, 302–303; Nared, 2001, 149, 153; Ramšak, 2010, 965).<sup>6</sup>

Med tistimi, ki so že v prvih mesecih po koncu druge svetovne vojne zagovarjali nastanek samostojne slovenske države, je bil duhovnik in zgodovinar France Dolinar. Svoja prepričanja je jeseni 1945 podajal v italijanskih begunskih taboriščih, tri leta kasneje pa jih je v taborišču Špital ob Dravi pod psevdonimom

Peter Levičnik zapisal v brošuri *Slovenska državna misel* (Dolinar, 1990, 702–703; Mlakar, 2005, 1356). Dolinar ni simpatiziral z vključitvijo slovenske države v naddržavne povezave, niti s konfederacijo, kar je še posebej izpostavil (Levičnik, 1948). Pod istim psevdonimom je konec leta 1948 sestavil *Teze k slovenski politiki*, ki so bile objavljene šele leta 1990, po njegovi smrti. V prvi točki tez je Dolinar izpostavil nujnost prizadevanja slovenske politike po nastanku »samostojne in suverene narodne države« slovenskega naroda. Za razliko od prepričanj v prej omenjeni brošuri je v tezah Dolinar pristajal na možnost vključitve slovenske države v naddržavne zveze, a le v primeru, če bi imel slovenski narod od tega ugodnosti, povezovanje pa bi moral jasno potrditi (Dolinar, 1990, 703). Čeprav tega ni natančno definiral, lahko sklepamo, da je z zadnjim namigoval na izvedbo ljudskega glasovanja. Tudi v nadaljevanju svojega življenja se je Dolinar zavzemal za vzpostavitev neodvisne slovenske države (Dolinar, 1990, 259, 385–387, 395, 413, 443), pri čemer ni razvidno, da bi pri tem omenjal tudi izvedbo plebiscita.

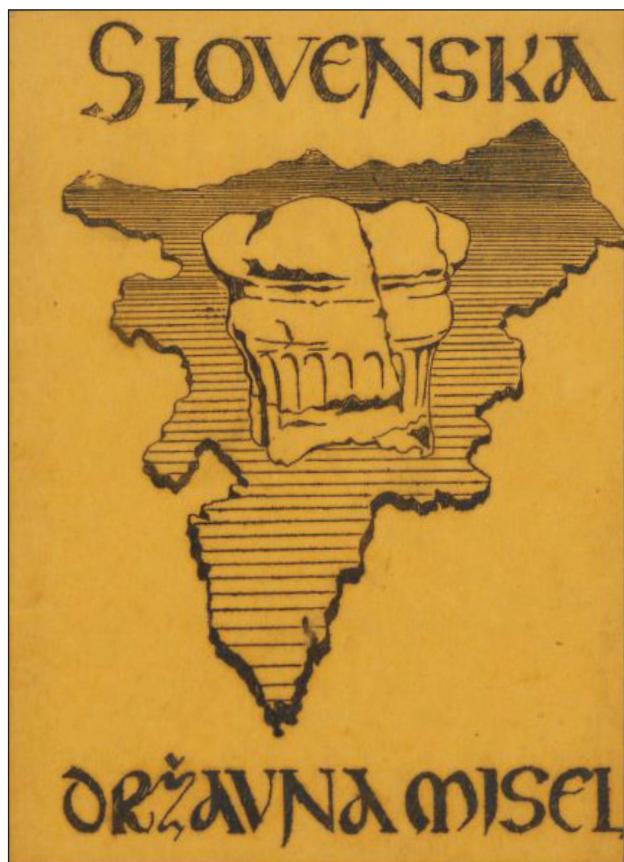
O nastanku neodvisne slovenske države je v emigraciji razmišljal tudi pisatelj, publicist in časnikar Franc Jeza, ki je živel v Italiji. Pri njemu je za razliko od večine drugih emigrantov prevladovalo protijugoslovansko stališče pred protikomunističnim. Nekatere bistvene poudarke Jezovih stališč do položaja in prihodnosti slovenskega naroda je obdelal Ramšak (2010), ki pa se je osredotočil na njegovo razmišljanje po letu 1960, ko se je pri njem jasno izoblikovala ideja o potrebi po nastanku samostojne slovenske države. Kdaj se je Jeza opredelil za to idejo, ni mogoče povsem točno opredeliti. Njegov prijatelj iz mladih let Franc Goličnik je zapisal, da sta v pogovorih z Jezo že v času študija – tik pred izbruhom druge svetovne vojne – omenjala samostojno združeno Slovenijo, kar so bile za oba takrat še nerealne sanje (Goličnik, 1995, 16). Da je imel Jeza že po prihodu v Trst v mislih samostojno slovensko državo, je razvidno iz dveh njegovih razprav, ki sta nastali leta 1952 in 1953. Iz prve je razvidno razmišljanje, da je bila glavna potreba slovenskega naroda tako v času druge svetovne vojne kot tudi po njenem koncu »ustanovitev samostojne in demokratične slovenske države«. Ta bi bila osnova za morebitno federalno ali konfederalno povezovanje z drugimi jugoslovanskimi narodi ali pa s katero od srednjeevropskih tvorb. Izpostavil je še, da po drugi svetovni vojni ni bilo ljudskega glasovanja, na katerem bi volilni upravičenci potrdili odločitev izvršnega odbora OF o vključitvi slovenskega naroda v Jugoslavijo (Jeza, 2012, 23–25, 52). Leta 1953 se je Jeza znova zavzel za ustanovitev samostojne slovenske države. Menil je, da bi lahko le na ta način slovenski narod osnoval »zavidljivo življenjsko raven in kulturo« (Jeza, 2012, 67).

<sup>6</sup> O nekaterih drugih idejah nastanke samostojne slovenske države, ki so se pojavljale v slovenski emigraciji cf. Nared (2001, 151–156); Ramšak (2010, 966); Friš & Hazemali (2017, 808–810, 814).



*Slika 3: Naslovica objavljene zbirke sejnih zapisnikov Akcijskega odbora za zedinjeno in suvereno slovensko državo (Arnež, 2002).*

Tudi v nekaterih drugih razpravah je Jeza izpostavljal, da po drugi svetovni vojni ni bilo plebiscita, na katerem bi slovenski narod pritrdil vključitvi večine slovenskega etničnega območja v Jugoslavijo (Jeza, 2012, 189, 194, 213, 219–220). Kot je pravilno ugotovljal Ramšak, Jeza zaradi tega slovenske vključenosti v jugoslovansko federacijo ni imel za legitimno. Ramšak je dodal, da Jeza legitimnosti morebitnega nastanka samostojne slovenske države ni iskal v izvedbi ljudskega glasovanja. Namesto tega je iskal njeni historično legitimitet (Ramšak, 2010, 973, 977). Ramšakove ugotovitve velja dopolniti z Jezovim razmišljanjem v članku z naslovom »Slovenski narod hoče svobodo in ne 'samoodločbo'« iz leta 1980. V njem je zapisal, da glasovalnim upravičencem ne bi bila zajamčena svoboda pri izkazovanju svoje volje v primeru, da bi bil plebiscit o samostojni slovenski državi izведен na začetku 80. let. Svobodo pri glasovanju je pogojeval s sprejemom demokratične ureditve, ki pa takrat na območju SR Slovenije še ni bila prisotna. Tudi če bi glasovanju prisostvovali mednarodni opozovalci, to še ne bi nujno zagotavljalo svobodnega glasovanja, saj bi si po Jezovem mnenju srbski hegemonizem prizadeval



*Slika 4: Naslovica brošure Slovenska državna misel (Levičnik, 1948).*

preprečiti njegovo izvedbo ali pa bi odločilno vplival na njegovo organizacijo, kar bi vplivalo na sam izid. Jeza je menil, da bi bila propaganda v prid slovenski neodvisnosti prepovedana. Obenem se je vprašal, ali bi bilo prebivalstvo SR Slovenije sploh pripravljeno na plebiscit, in si odgovoril tako: »za resnično pripravo slovenskega naroda na plebiscit o samoodločbi bi bilo potrebno prej prevzgojiti slovenski narod v duhu demokracije in narodne zavesti« (Jeza, 2012, 210–212). S tem je nekoliko podvomil, da bi Slovenci na plebiscitu z (veliko) večino glasovali za samostojno državo, če bi glasovanje potekalo v začetku 80. let. Jeza, kot je sam zapisal, ni nasprotoval instrumentu plebiscita, ga je pa motila prisotnost »lahkomiselne demagogije« ali »neznanja«, kar bi lahko škodilo slovenskemu narodu. Poudaril je še, da so se Slovenci že jasno prepoznali kot narod, zaradi česar se od tistih, ki so bili zavedni, ne bi smelo zahtevati dodatnega izrekanja v prid samostojni slovenski državi, saj je bila njihova podpora temu samoumevna (Jeza, 2012, 213–214). Leta 1983 je Jeza znova zapisal, da je plebiscit za samostojno slovensko državo nepotreben, saj da ima slovenski narod pravico do svoje države, česar mu ni potrebno izkazovati na glasovanju. Če pa

jugoslovanske oblasti niso prepričane, da si Slovenci želijo svojo državo, pa naj dopustijo plebiscit pod mednarodnim nadzorom, na katerem bi lahko izbrali »med neodvisno slovensko državo in Jugoslavijo« (Jeza, 2012, 225–226).

V zvezi z razmišljajni Jeze ostaja odprto vprašanje, kolikšen odmev so imela med Slovenci, živečimi v Italiji. Večina jih je namreč zagovarjala nadaljnji obstoj jugoslovanske države v obstoječih mejah, saj je ta zagotavljala garancijo za ohranitev slovenske identitete (Bajc, 2021, 279). Prav tako ni jasen odmev, ki so ga Jezove besede imele med drugimi Slovenci v emigraciji, ki so razmišljali o potrebi po nastanku samostojne slovenske države, kot tudi tistimi, ki so živelji v SR Sloveniji in so bili nezadovoljni z njenim položajem v Jugoslaviji.

#### SKLEPNE MISLI

Razvoj ideje o večji suverenosti slovenskega naroda – vsaj tistega dela, ki je živel v Avstro-Ogrski in kasneje v obeh Jugoslavijah – je bil postopen in ga lahko opredelimo sledeče: v času Avstro-Ogrske je prevladovala ideja o trialističnem konceptu monarhije, ki jo je v Kraljevini SHS oziroma Kraljevini Jugoslaviji nadomestila želja po slovenski federalni enoti v okviru jugoslovanske države. Takšna opredelitev je ostala v ospredju obeh nasprotujočih si taborov v času druge svetovne vojne, kot tudi po njej tako v domovini kot med večino emigrantov – razlika je bila v politični ureditvi države. Se je pa po vojni manjši del slovenske emigracije začel prizadavati za nastanek samostojne slovenske države, kar se je močno okreplilo konec 80. let, medtem ko je v domovini prihajala v ospredje ideja po preureditvi fed-

eralne jugoslovanske države v konfederacijo – slovenska enota bi bila eden njenih delov.

V idejah o krepitevi slovenske suverenosti se je v času pred in med drugo svetovno vojno le redko znašla zamisel o izvedbi ljudskega glasovanja. Z njim bi volilni upravičenci lahko pritrdirili večji suverenosti ozemlja, ki bi ga glasovanje prizadelo, kar bi povečalo legitimnost končne odločitve vladajoče politike. Po drugi svetovni vojni se je ideja o izvedbi ljudskega glasovanja večkrat pojavila v emigraciji, in sicer v zvezi z razmišljajni o nastanku samostojne slovenske države ali o njenem pridruževanju naddržavnim zvezam po tem, ko bi pridobila neodvisnost. Med posamezniki, ki se je v nekolič večji meri posvetil razmišljjanju o plebiscitu, velja omeniti Franca Jezo. Iz tistih, ki so nastala v prvi polovici 80. let, je razvidno, da se mu je zdela izvedba plebiscita o slovenski samostojnosti nepotrebna, čeprav ni nasprotoval samemu instrumentu ljudskega glasovanja. V SR Sloveniji – kot tudi njeni predhodnici Ljudski republiki Sloveniji – idej o izvedbi tovrstnih glasovanj ni zaznati do konca 80. let, ko zlasti nastajajoča opozicija poziva k izvedbi referendumov o različnih vprašanjih, kot npr. o potrditvi ustavnih amandmajev k zvezni ustavi (sprejeti so bili oktobra 1988), novi slovenski ustavi in ne nazadnje posebnemu glasovanju o slovenski samostojnosti, ki ga je predstavljal plebiscit, izveden 23. decembra 1990 (cf. Osojnik, 2022a, 14–164; 2022b). Čeprav ne moremo pritrdiriti, da so ideje o plebiscitu vplivale na okrepljeno zavedanje o tem instrumentu v SR Sloveniji konec 80. in v začetku 90. let, pa članek dokazuje, da ideja o izvedbi glasovanja o večji slovenski suverenosti ni nastala čez noč, temveč se je pojavljala že pred letom 1990.

## A CONTRIBUTION TO THE STUDY OF IDEAS ON HOLDING A POPULAR VOTE FOR GREATER SOVEREIGNTY/INDEPENDENCE OF SLOVENIA (1945–1985)

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### SUMMARY

*Drawing on an analysis of published sources and relevant scholarly literature, the article examines ideas of holding a popular vote (plebiscite) that emerged in the context of reflections on Slovenian national politics between the end of the Second World War and the second half of the 1980s. During this period, the majority of Slovenes, both in the homeland and in emigration, envisioned the future of the Slovenian nation within a federally organized Yugoslav state. Slovenian territory would have constituted one of its federal units. Within the Slovenian émigrés, however, ideas about the establishment of an independent Slovenian state also emerged. Some even envisaged holding a popular vote that would legitimize the state and as well as its accession to supranational unions after achieving independence. Among the individuals who considered such votes, Franc Jeza should be mentioned. Unlike other reflections presented in the article, Jeza's ideas indicate that he considered holding a plebiscite on Slovenian independence unnecessary, although he did not oppose the instrument of popular voting itself. These ideas by Jeza emerged in the first half of the 1980s. Although it cannot be confirmed that ideas about the plebiscite, which emerged during the period discussed in the article, influenced the heightened awareness of this instrument in the (Socialist) Republic of Slovenia in the late 1980s and in 1990, the article argues that the idea of holding a vote on greater Slovenian sovereignty did not emerge suddenly. It had already appeared prior to 1990, when the plebiscite was eventually conducted.*

**Keywords:** plebiscite, Slovenian national politics, emigration, 1945–1985, Slovenia

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## HRVAŠKA POLITIČNA EMIGRACIJA V FRANCIJI KOT IZZIV FRANCOSKO-JUGOSLOVANSKIM ODNOSOM (1980–1986)

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### *IZVLEČEK*

*Prispevek na podlagi analize gradiva, ki ga hrani diplomatska arhiva Centre des Archives diplomatiques du ministère des Affaires étrangères v La Courneuve in Centre des Archives diplomatiques de Nantes v Nantesu, ter najbolj relevantnega zgodovinopisja predstavi odzive francoskih oblasti in diplomacije na dejavnosti hrvaške politične emigracije v Franciji. Poseben poudarek je namenjen delovanju Hrvaškega narodnega vijeća in njegovega predsednika Mirka Vidovića v prvi polovici osemdesetih let. Pozornost je namenjena dvema vidikoma: odzivom francoskih organov na propagandne in politične aktivnosti omenjene organizacije ter vplivu slednje na diplomatsko dinamiko med Francijo in Jugoslavijo.*

**Ključne besede:** hrvaška politična emigracija, Jugoslavija, Francija, diplomacija, Mirko Vidović, Hrvaško narodno vijeće

## L'EMIGRAZIONE POLITICA CROATA IN FRANCIA COME SFIDA NELLE RELAZIONI FRANCO-JUGOSLAVE (1980–1986)

### *SINTESI*

*L'articolo, basandosi sull'analisi di fonti conservate negli archivi diplomatici del Centre des Archives diplomatiques du ministère des Affaires étrangères a La Courneuve e del Centre des Archives diplomatiques de Nantes a Nantes, nonché sulla storiografia più rilevante, presenta le reazioni delle autorità e della diplomazia francesi alle attività dell'emigrazione politica croata in Francia. Particolare attenzione viene dedicata all'attività del Consiglio nazionale croato e del suo presidente Mirko Vidović nella prima metà degli anni Ottanta. L'attenzione è rivolta a due aspetti: le reazioni degli organi francesi alle attività propagandistiche e politiche di tale organizzazione e l'influenza di quest'ultima sulle dinamiche diplomatiche tra Francia e Jugoslavia.*

**Parole chiave:** emigrazione politica croata, Jugoslavia, Francia, diplomazia, Mirko Vidović, Consiglio nazionale croato

UVOD<sup>1</sup>

V desetletjih po drugi svetovni vojni je politična emigracija iz socialistične Jugoslavije igrala pomembno vlogo v mednarodnem prostoru, zlasti v državah Zahodne Evrope. Francija pri tem ni bila izjema. Med različnimi izseljenskimi skupinami je bila tam posebej dejavna hrvaška politična emigracija, ki si je zlasti v osemdesetih letih z različnimi oblikami delovanja prizadevala za razpad Jugoslavije in vzpostavitev samostojne hrvaške države. Emigracija je bila izrazito heterogena: medtem ko so radikalnejše struje zagovarjale nasilnejšo destabilizacijo Jugoslavije, vključno s terorističnimi dejavnostmi, so si druge skupine svoj cilj prizadevale dosegiti po zmernejših, politično-propagandnih poteh. Eno izmed takih organizacij je predstavljalo Hrvaško narodno vijeće (HNV), ustanovljeno leta 1974 v Torontu, ki je predstavljal poskus oblikovanja enotne politične inicijative za institucionalno, mednarodno in propagandno delovanje hrvaške emigracije (Dragišić, 2020). Ne glede na notranjo raznolikost je jugoslovanska oblast emigracije obravnavala kot potencialno varnostno in zunanjepolitično grožnjo (Perušina, 2019; Friš, Jenuš & Šela, 2021; Šela, 2022). Francija je v tem kontekstu igrala specifično vlogo: kot država z dolgo tradicijo politične svobode in hkrati z interesom po ohranjanju stabilnih odnosov z Jugoslavijo je bila pogosto razpeta med dopuščanjem dejavnosti emigrantskih skupin in lastnimi diplomatskimi interesmi.

Osemdeseta leta so z vidika diplomatske zgodovine pomenila novo prelomno obdobje za Jugoslavijo. Smrt Josipa Broza-Tita leta 1980 je povzročila vse večjo notranjepolitično nestabilnost, medtem ko se je mednarodni vpliv federacije zaradi njene posebne vloge v razpetosti med vzhodnim in zahodnim blokom, postopoma zmanjševal. Zahodne države so razvoj dogodkov v Jugoslaviji spremljale zadržano, a pozorno, saj je bila njena ohranitev kot samostojne države pomembna za vzdrževanje evropskega ravnotežja moči (Bozo, 2016; Mujdrica & Bajc, 2024a).

V zadnjih letih je nastalo več znanstvenih razprav, ki so obravnavale nastanek in razvoj jugoslovanske diplomacije po drugi svetovni vojni (Petrović, 2014; Selinić, 2014), pa tudi oblikovanje »slovenske« (gospodarske) diplomacije v okviru jugoslovanskega sistema (Klabjan, 2013; Ramšak, 2014). Prav tako so posamezne študije osvetlite odnose Jugoslavije oziroma njenih republik z drugimi državami – zlasti z Nemčijo (Nećak, 2013; 2014), Italijo (Bajc, 2012; 2014), Veliko Britanijo (Ramšak, 2017), Združenimi državami Amerike (ZDA) (González Villa, 2017; Bajc et al., 2019; Papović, 2023)

in Izraelom (Režek, 2013a; 2013b; 2017). Nekateri izmed prispevkov so se obenem posvetili obdobju po razpadu Jugoslavije, ko so republike iskale mednarodno priznanje in vzpostavljale lastne diplomatske odnose (Udovič, 2017; 2022; Udovič & Jaćimović, 2019). Kljub temu pa francoski pogled na jugoslovansko krizo ostaja razmeroma neraziskan, kar odpira prostor za podrobnejšo analizo francoske diplomacije in njenega odziva na tedanje razmere.

Čeprav je nekaj avtorjev že obravnavalo hrvaško politično emigracijo in njeni delovanje na Zahodu (cf. Čizmić, 1998; Vukušić, 2002; Čizmić et al., 2005; Jareb, 2006; Cvetković, 2014; Krašić, 2018; Perušina, 2019; Dragišić, 2019; 2020; Tepeš, 2021), je francoski kontekst obravnavan le obrobno (Jones, 2015; Roudy, 2016). Pričujoči prispevek zato na podlagi sistematične analize gradiva iz francoskih diplomatskih arhivov iz La Courneuva (Centre des Archives diplomatiques du ministère des Affaires étrangères, AMAE) in Nantesa (Centre des Archives diplomatiques de Nantes, CADN) ter najbolj relevantne znanstvene literature osvetljuje, kako so francoske oblasti in diplomati med leti 1980–1986 dojemali delovanje hrvaške politične emigracije, s posebnim poudarkom na vlogi HNV in njenega predsednika Mirka Vidovića, v kolikšni meri so jih razumeli kot varnostno grožnjo ter kakšen vpliv so imele te dejavnosti na diplomatsko dinamiko med Francijo in Jugoslavijo. Čeprav HNV do leta 1982 ni imelo formalno vzpostavljene podružnice v Franciji, je bil ravno Vidović – od leta 1980 predsednik HNV – glavni kanal sporočil in ciljev organizacije v državi. Ker je bil formalno francoski državljan, si lahko predstavljamo, da je bil za francoske oblasti in diplomacijo precej zanimiv.

## HRVAŠKA POLITIČNA EMIGRACIJA (V FRANCIJI) IN FRANCOSKO-JUGOSLOVANSKI ODNOSSI

Hrvaška politična emigracija je bila del širšega vala povojnega izseljevanja, sproženega z vzpostavljivijo komunističnega režima v Jugoslaviji. Prvi val (1945) je potekal predvsem zaradi strahu pred povračilnimi ukrepi nove oblasti proti pripadnikom ustaškega režima in vojske Neodvisne države Hrvaške (NDH), drugi val (1955–1970) je bil predvsem ekonomske narave, ko so se številni Hrvati podali na začasno delo v Zahodno Evropo, tretji val pa je sledil po zatrtju t. i. »hrvaške pomlad« konec leta 1971, ko je politična represija zaradi širjenja nacionalnih idej v izseljenstvo prisilila številne mlade intelektualce (Bošković, 2006; Jandrić, 2003; Cvetković, 2009; IVEŠIĆ, 2022).

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

V tujini je hrvaška emigracija nastopala kot politična opozicija komunističnemu režimu in si prizadevala za vzpostavitev neodvisne, demokratične hrvaške države. Delovala je v različnih organizacijah z različnimi političnimi nazori. Do konca sedemdesetih let so bile posebej aktivne Hrvaško osvobodilno gibanje (HOP), Hrvaški narodni odpor (HNO), Hrvaški narodni odbor (HNO) in Hrvaško revolucionarna bratovščina (HRB). Njihove metode so segale od propagande in lobiranja pri državnih oblasteh v tujini do uporabe nasilja in terorističnih akcij (Dragišić, 2020; Perić, 2007; Jandrić, 2003), s katerimi so opozarjali na represivnost jugoslovanskega režima in s tem omejevanje političnih svoboščin (Bošković, 2006; Jandrić, 2003). Od sedemdesetih let dalje sta število in dejavnost teh organizacij naraščali (Bošković, 2006), vendar je bilo njihovo delovanje pogosto neučinkovito zaradi notranjih delitev, osebnih ambicij vodij ter infiltracije jugoslovanske Službe državne varnosti (SDV). Posledično se je vse bolj uveljavljala ideja o potrebi po enotnem političnem telesu, ki bi predstavljalo hrvaške interese v izseljenstvu. Ta ideja je bila uresničena leta 1974 z ustanovitvijo HNV v Torontu, ki je povezovalo različne politične skupine in posameznike v skupno prizadevanje za neodvisno Hrvaško (Trošelj Miočević, 2020; Dragišić, 2019; 2020). Med ustanovnimi organizacijami so bile: Hrvaška republikanska stranka, HNO (»Jelićevci«), reorganiziran HOP in HNO (»Luburićevci«) (Doder, 1989, 23). Člani HNV so bili dejavni tudi v Franciji (Roudy, 2016).

Za lažje razumevanje je treba na kratko orisati tudi jugoslovansko-francoske odnose. Po informbirojskem sporu (1948) in prekiniti odnosov s Sovjetsko zvezo se je Jugoslavija začela postopno obračati proti Zahodu (Pirjevec, 1995, 193; Čeligo, 2024), s čimer se je obenem okrepil politični dialog s Francijo. Francosko-jugoslovanski odnosi so bili v povojnem obdobju zaznamovani z napetostmi med takratnim francoskim predsednikom Charlesom de Gaullom in Josipom Brozom Titom, procesom dekolonizacije in s tem osamosvojito vojno v Alžiriji (1954–1962) ter vlogo Jugoslavije v gibanju neuvrščenih. Že v šestdesetih letih so bile politične napetosti dodatno zaostrene zaradi dejavnosti političnih beguncov, zlasti tistih, povezanih z NDH, ki so z načrtovanjem protestov in nasilnih akcij oteževali delo francosko-jugoslovanske diplomacije (Kolaković, 2020, 146; 2021, 320). Ob koncu sedemdesetih in v

začetku osemdesetih let so se francosko-jugoslovanski odnosi začeli ponovno izboljševati. K temu je prispevala zunanjopolitična usmeritev predsednika Françoisa Mitterranda (na položaju 1981–1995), ki je iskala priložnosti za okrepitev političnih, gospodarskih in kulturnih vezi z različnimi državami, vključno z Jugoslavijo. Slednja je bila zaradi svoje neuvrščenosti in specifične geopolitične lege za Francijo posebej zanimiva, saj je veljala za pomemben dejavnik evropskega ravnotežja in stabilnosti (Todić, 2015; Petrović, 2023). Razmere v Jugoslaviji so se po Titovi smrti poslabšale – nastopila je politična in gospodarska kriza, okrepila so se opozicijska gibanja, mdr. tudi na Hrvaškem (Petrović, 2023), francoski diplomati pa so s previdnostjo spremljali nadaljnja notranjopolitična dogajanja (Mujdrica & Bajc, 2024a; 2024b).

Po francoskih ocenah je v začetku osemdesetih let v Franciji živilo okoli 68.000 jugoslovanskih državljanov, od tega približno 15.000 političnih beguncev, med njimi tudi hrvaškega porekla.<sup>2</sup> Hrvaški politični emigranti so Francijo pogosto izbirali kot gostiteljsko državo zaradi ugodnih življenjskih razmer, možnosti za zaposlitev in politično delovanje (Čačić & Kumpes, 1989). Čizmić et al. (2005, 270) navajajo, da je leta 1980 v Franciji živilo približno 40.000 Hrvatov, od tega 25.000 v Parizu in okolici. Ker jih je imela večina francosko državljanstvo (bodisi pridobljeno bodisi dobljeno ob rojstvu na francoskih tleh), je natančno število Hrvatov težko določiti. Po francoskih ocenah je bila hrvaška skupnost med vso jugoslovansko emigracijo tudi najbolj politično organizirana<sup>3</sup> (Roudy, 2016).

Jugoslovanske oblasti, kot tudi Služba državne varnosti (SDV), so emigracijo – zlasti zaradi njenega nacionalističnega značaja – dojemale kot neposredno grožnjo (Šela, 2023, 773; Šela & Hazemali, 2020, 883) in prek veleposlaništva<sup>4</sup> izvajale nadzor (Perušina, 2019). Tudi francoska diplomacija je v poročilih beležila, da jugoslovanska država pri varnostnih operacijah ne okleva pri uporabi skrajnih ukrepov niti na francoskem ozemlju, vključno z ugrabitvami ali likvidacijami političnih nasprotnikov.<sup>5</sup> Konkretno je recimo leta 1981 v predmestju Pariza, v občini Cachan življenje izgubil Mate Kolić, predsednik krajevnih podružnic Hrvaškega delavskega sindikata in član HNV, ki je podlegel posledicam eksplozije avtomobila.<sup>6</sup>

2 AMAE, 1930INVA, 5712, YOU-2-14, Gardas: »Activités de l'émigration politique en France« (N° 885/EU), 18. 11. 1981; AMAE, 1930INVA, 5715, YOU-2-15.

3 AMAE, 1930INVA, 5730, YOU-13-3 »L'immigration politique yougoslave en France« (N° 1311/EU), 30. 12. 1982.

4 Leta 1976 je bilo pod okriljem jugoslovanskega veleposlaništva v Parizu ustanovljeno osrednje združenje jugoslovanskih društev in klubov v Franciji, ki naj bi služilo povezovanju jugoslovanskih državljanov v tujini, vendar je bilo z vidika francoskih oblasti zaznano tudi kot potencialno sredstvo za politični nadzor (AMAE, 1930INVA, 5712, YOU-2-14, Gardas: »Activités de l'émigration politique en France« (N° 885/EU), 18. 11. 1981).

5 AMAE, 1930INVA, 5712, YOU-2-14, Gardas: »Activités de l'émigration politique en France« (N° 885/EU), 18. 11. 1981; AMAE, 1930INVA, 5715, YOU-2-15.

6 AMAE, 1930INVA, 5712, YOU-2-14, Gardas: »Activités de l'émigration politique en France« (N° 885/EU), 18. 11. 1981; AMAE, 1930INVA, 5715, YOU-2-15; AMAE, 1930INVA, 5713, YOU-2-14, Note pour le procureur général pres la cour de cassation: »Droits de l'homme en Yougoslavie« (N° 18/EU), 3. 3. 1982.

## SPREMLJANJE DELOVANJA MIRKA VIDOVIĆA IN HNV S STRANI FRANCOSKIH DIPLOMATOV TER VPLIV NA FRANCOSKO-JUGOSLOVANSKE DIPLOMATSKE ODNOSE

V poznih sedemdesetih in zgodnjih osemdesetih letih je eno najvidnejših organizacij hrvaške politične emigracije predstavljalo HNV (Krolo, 2009, 232; Dragišić, 2020, 204–206; Trošelj Miočević, 2020, 234), ki je po mnenju zgodovinarja Christopherja D. Jonesa (2015, 60) predstavljalo glavno opozicijsko silo jugoslovanskemu režimu, ki se je sicer nahajala v tujini. Po prvih ustanovnih korakih leta 1974 je organizacija nadaljevala z institucionalnim razvojem in delovanjem v številnih emigrantskih središčih na Zahodu, tudi v Franciji. Ker je po kratkem obdobju vodstva iz kroga »hrvaške pomlad« (Bruna Bušića in Franja Mikuliča) HNV prešlo v roke Mateta Meštrovića in Mirka Vidovića, ki je živel v Lyonu (Dragišić, 2019, 43–44; 2020, 204), mu je večjo pozornost začela namenjati tudi francoska diplomacija.

Februarja 1980 je francoski veleposlanik v Beogradu Yves Pagniez poslal poročilo ministru za zunanje zadeve, Jeanu Françoisu Poncetu, v katerem je prvič izpostavil primer Mirka Vidovića,<sup>7</sup> emigranta »jugoslovanskega porekla« (bil je Bosanski Hrvat) in francoskega državljana, ki je bil leta 1972 v Jugoslaviji obsojen zaradi sovražne propagande in domnevne vpletjenosti v terorizem. Po »težkih pogajanjih« med francoskim ministrstvom za zunanje zadeve in jugoslovanskimi oblastmi je bil leta 1976, tik pred obiskom predsednika Valéryja Giscarda d'Estainga v Jugoslaviji, izpuščen. Ob njegovi izpustitvi naj bi Beograd prejel zagotovila s strani Francije, da bo Vidović prenehal s protijugoslovenskimi dejavnostmi.<sup>8</sup> Ta obljuba očitno ni naletela na plodna tla, saj je Vidović kmalu zatem začel ponovno politično delovati in leta 1977 objavil pričevanje o prestajanju zaporne kazni (Čulo, 2020; prim. Vidović, 1977), leta 1980 pa je bil na tretjem zasedanju kongresa HNV v Londonu imenovan za njegovega predsednika.<sup>9</sup> Jugoslovanske oblasti so zaradi tega nenehno pritiskale na Francijo, naj spremlja njegovo delovanje.

Francoski Oddelek za vzhodno Evropo je že aprila 1980 opozoril na možnost povečane politične nestabilnosti v Jugoslaviji, pri čemer je izpostavil morebitno Titovo smrt, zaostrene mednarodne okoliščine ter aktivnosti protijugoslovenskih skupin na Zahodu. Poudaril je potrebo po previdnem diplomatskem ravnanju ter izogibanju vsakršnim dejanjem, ki bi Beograd lahko spravila v zadrego.<sup>10</sup> Ta predvidevanja so se kmalu potrdila, saj je po Titovi smrti maja 1980 Jugoslavija vstopila v obdobje politične negotovosti. Francoski diplomati so prepoznali občutljivost jugoslovanskega političnega prostora, v katerem so oblasti skrbno spremljale odzive tujih držav na aktivnosti političnih nasprotnikov režima. Ti bi namreč lahko izkoristili nove razmere za destabilizacijo sistema ali celo za izvedbo terorističnih dejanj. Francoske diplomatske note so ob tem poudarjale, da je ameriški predsednik Jimmy Carter že izrazil pripravljenost za okrepitev nadzora nad dejavnostmi ustaškega gibanja na ozemlju ZDA.<sup>11</sup> V istem duhu je jugoslovanski veleposlanik v Parizu Duško Popovski francoske predstavnike opozoril, da vodenje »teroristično-separatistične« hrvaške organizacije s strani francoskega državljana Mirka Vidovića, usmerjeno k »uničenju Jugoslavije«, predstavlja neposredno grožnjo tradicionalno dobrim francosko-jugoslovenskim odnosom. *Quai d'Orsay*<sup>12</sup> je na tej podlagi pozval notranje ministrstvo, naj z Vidovićem vzpostavi stik in ga opomni na dolžnost lojalnosti do države gostiteljice ter na potrebo po zadržanem političnem delovanju.<sup>13</sup>

Na tem mestu velja opozoriti, da so jugoslovanske oblasti hrvaško emigracijo sistematično označevale za »ustaško« oziroma »teroristično« ne glede na dejansko ravnanje posameznikov ali njihovo ideoološko usmerjenost (Doder, 1989; Perušina, 2019; Garde, 2000). Takšno označbo so pogosto prevzeli tudi francoski uradniki, čeprav so sami priznavali, da je bila skupnost v resnici zelo heterogena.<sup>14</sup> HNV se je takrat že distanciralo od terorističnih metod in podpiralo politično in zakonito delovanje (Perušina, 2019). Prelom se je zgodil na tretjem kongresu HNV v Londonu (1980), ko je prišlo do razkola med zmernimi in radikalnimi frakcijami. Prva, pod vodstvom

7 Mirko Vidović (1940–2016) je bil hrvaški pisatelj, rojen v Bili pri Livnu v Bosni in Hercegovini. Leta 1965 je ustanovil Gibanje neodvisnih intelektualcev, a je istega leta migriral v Lyon, kjer je diplomiral iz ruskega jezika in književnosti. Leta 1971 je bil obsojen zaradi objavljanja člankov v *Hrvatski reviji*, ki je takrat delovala v emigraciji. (Hrvatska enciklopedija, 2025).

8 AMAE, 1930INVA, 5715, YOU-2-15, Yves Pagniez: »Visite du Ministre en Yougoslavie. Affaire Vidović« (N° 114/EU), 8. 2. 1980; AMAE, 1930INVA, 5715, YOU-2-15, Yves Pagniez: »Affaire Vidović« (N° 205/EU), 25. 3. 1980.

9 AMAE, 1930INVA, 5715, YOU-2-15, Yves Pagniez: »Visite du Ministre en Yougoslavie. Affaire Vidović« (N° 114/EU), 8. 2. 1980.

10 AMAE, 1930INVA, 5715, YOU-2-15, Note pour le Cabinet du Ministre: »Monsieur Vidović«, 30. 4. 1980.

11 AMAE, 1930INVA, 5715, YOU-2-15, Note pour le Cabinet du Ministre – A l'attention de M. Contenay: »M. Vidovic« (N° 280/EU), 29. 5. 1980.

12 Metaforično ime za francosko zunanje ministrstvo.

13 AMAE, 1930INVA, 5715, YOU-2-15, Note pour le Cabinet du Ministre – A l'attention de M. Contenay: »M. Vidovic« (N° 280/EU), 29. 5. 1980.

14 AMAE, 1930INVA, 5712, YOU-2-14, Gardas: »Activités de l'émigration politique en France« (N° 885/EU), 18. 11. 1981; AMAE, 1930INVA, 5715, YOU-2-15.

Vidovića, je zagovarjala demokratična sredstva, druga pa revolucionarno akcijo. Slednja je še istega leta izstopila iz HNV in ustanovila Hrvaški državotvorni pokret (HDP), ki ga je jugoslovenski zvezni sekretariat za notranje zadeve označil za »najekstremnejši del ustaške emigracije« (Dragišić, 2020, 204–206). HNV je nasprotno gradil javno podobo zmerne politične gibanja, ki deluje zakonito, spodbuja politiko detanta in zavrača teroristične metode delovanja (Doder, 1989; Vukušić, 2002).

Čeprav so francoske ocene leta 1981 navajale, da je v državi aktivnih približno 50 pristašev ustaške ideologije, in kljub temu, da pregledano arhivsko gradivo med letoma 1980 in 1985 ne beleži terorističnih incidentov, ki bi jih v Franciji izvedle hrvaške (ali druge jugoslovanske) emigrantske skupine, je francoska diplomacija ohranjala previdno držo. Naraščajoče notranje napetosti v Jugoslaviji, zlasti porast nacionalizmov, so se ji zdele zadosten razlog za stalni nadzor nad aktivnostmi emigrantskih skupnosti.<sup>15</sup>

V tem kontekstu je spomladi 1981 francoske oblasti dosegla novica, da želita hrvaška in albanska emigracija organizirati protijugoslovanske demonstracije, ki naj bi 13. junija 1981 potekale pred jugoslovanskim veleposlaništvom v Parizu. Svetovalec na jugoslovanskem veleposlaništvu Knežević je francoskim predstavnikom izročil memorandum in letak z zemljevidom »Velike Albanije« ter opozoril, da »nekatere pobude albanskega veleposlaništva v Parizu odstopajo od standardnih diplomatskih praks«.<sup>16</sup> Ker je to razumel kot širjenje protijugoslovanske propagande, je od francoske strani zahteval prepoved napovedanih demonstracij. Čeprav prošnja zaradi »pomanjkanja dokazov« ni bila sprejeta, so francoski diplomati notranjemu ministrstvu svetovali, da okrepijo policijski nadzor, zaščitijo jugoslovanske diplomatske objekte v Parizu ter preprečijo demonstracije, ki so bile po jugoslovenskih ocenah usmerjene ne le proti režimu, temveč tudi proti ozemeljski celovitosti države.<sup>17</sup>

Kljub vztrajnemu diplomatskemu pritisku se francoske oblasti – tokrat že pod novim predsednikom Françoisom Mitterrandom – niso odločile za prepoved napovedanih demonstracij. Dan pred njihovim potekom je Popovski znova iskal uradno stališče Francije, a je prejel le izmikajoč odgovor, da »zaenkrat nimajo natančnih informacij«.<sup>18</sup> Protesti so se 13. junija dejansko odvili na trgu Victorja Hugoja v Parizu. Veleposlanik Pagniez je dva dni kasneje v telegramu zunanjemu ministrstvu povzel poročanje agencije Tanjug: dogodka se je udeležilo približno 200 protestnikov iz Francije, Nemčije in drugih zahodnih držav, ki so vzlikali protijugoslovanska »sovražna« gesla, ter izobesili zastave NDH in Ljudske republike Albanije (Ristanović, 2018, 262; Dragišić, 2019, 213).<sup>19</sup> Med nastopajočimi je bil tudi Vidović, ki je nagovoril zbrano množico.<sup>20</sup>

Francoske oblasti so konec oktobra pripravile novo poročilo o njegovem delovanju, ki je bilo označeno kot »zmerno«, obenem pa niso zaznali njegovih povezav s terorističnim nasiljem.<sup>21</sup> V približno istem času so se v Parizu, na enem od letališč, pojavili grafiti z ustaškimi simboli, kar je sprožilo policijsko preiskavo.<sup>22</sup> Varnostne in diplomatske napetosti so dodatno stopnjevale priprave na obisk francoskega zunanjega ministra Clauuda Cheyssona v Jugoslaviji, 20. in 21. novembra 1981. Beograd je ob tej priložnosti ponovno zahteval, da Francija aktivno preprečuje vsakršne dejavnosti na svojem ozemlju, usmerjene proti jugoslovanskemu režimu,<sup>23</sup> pariške oblasti pa so se temu delno odzvale z opozorilom Vidoviču k zadržanosti.<sup>24</sup> Jugoslovanski pritisk se je nadaljeval tudi ob dnevu državnosti Socialistične federativne republike Jugoslavije (SFRJ), 29. novembra, ko so francoski organi zaradi nevarnosti morebitnih napadov uvedli okrepljen varnostni nadzor v Parizu.<sup>25</sup>

Vzdušje nezaupanja se je novembra 1981 dodatno zaostriло ob napovedanem zasedanju t. i. »ustavne skupščine« HNV v Torontu (26.–28.

15 AMAE, 1930INVA, 5712, YOU-2-14, Gardas: »Activités de l'émigration politique en France« (N° 885/EU), 18. 11. 1981; AMAE, 1930INVA, 5715, YOU-2-15.

16 AMAE, 1930INVA, 5715, YOU-2-15, Note pour le cabinet du ministre (à l'attention de M. Philippe Petit): »Démarche du Ministre-Conseiller yougoslave« (N° 228/EU), 9. 6. 1981.

17 AMAE, 1930INVA, 5715, YOU-2-15, Note pour le cabinet du ministre (à l'attention de M. Philippe Petit): »Démarche du Ministre-Conseiller yougoslave« (N° 228/EU), 9. 6. 1981.

18 AMAE, 1930INVA, 5715, YOU-2-15, Note pour M. Dufourcq: »Maniféstation anti-yougoslave«, 12. 6. 1981.

19 AMAE, 1930INVA, 5715, YOU-2-15, Pagniez: »Maniféstation à Paris d'opposants yougoslaves« (TD BELGRADE 221), 15. 6. 1981.

20 AMAE, 1930INVA, 5726, YOU-12-2, Note de la Sous-Direction d'Europe Orientale du 23 juillet 1981: »Entretien du Directeur d'Europe avec l'Ambassadeur de Yougoslavie (21 juillet)« (N° 66/EU), 25. 7. 1981.

21 AMAE, 1930INVA, 5715, YOU-2-15, Note à l'attention de M. Puisais: »Activités de M. Mirko Vidović« (N° 587/EU), 28. 10. 1981.

22 CADN, 79PO/B, 170, YU-3.2, »Fiche d'actualité«, 9. 9. 1981.

23 AMAE, 1930INVA, 5712, YOU-2-14, Gardas: »Activités de l'émigration politique en France« (N° 884/EU), 18. 11. 1981.

24 AMAE, 1930INVA, 5715, YOU-2-15, Note à l'attention de M. Puisais: »Activités de M. Mirko Vidović« (N° 587/EU), 28. 10. 1981.

25 AMAE, 1930INVA, 5715, YOU-2-15, Note pour le cabinet du ministre – à l'attention de M. Petit : »Activités anti-yougoslaves« (N° 636/EU), 19. 11. 1981.

november 1981), namenjene oblikovanju hrvaške vlade v izgnanstvu. Jugoslovanski diplomat Knežević je ob tej priložnosti opozoril, da naj bi se dogodka udeležili tudi Jugoslovani iz Francije, vključno z Vidovićem, ter francoske oblasti pozval, naj preprečijo njihov odhod. Ker bi takšen »politični podvig« po njegovem mnenju pomenil resno grožnjo stabilnosti SFRJ, je pričakoval ukrepanje, a so francoski organi prošnjo zavrnili z utemeljitvijo, da tujcem s pravnim statusom in lastnim državljanom ne morejo omejiti pravice do gibanja.<sup>26</sup>

Že 5. oktobra 1981 je Vidović pariški policijski prefekturni predložil prošnjo za dovoljenje, da bi se četrti kongres HNV<sup>27</sup> med 18. in 21. decembrom odvijal v enem od večjih pariških hotelov.<sup>28</sup> To bi bilo prvo uradno srečanje HNV v Franciji. Notranji minister Gaston Defferre je 20. novembra zaprosil zunanje ministrstvo za mnenje, sam pa ocenil, da kongres ne bi ogrožil javne varnosti.<sup>29</sup> Nasprotno je *Quai* v svojem odgovoru 24. novembra zavzel bolj zadržano stališče: čeprav je priznal, da se nekateri člani HNV zdijo zmerni, je opozoril, da organizacija poziva k razgradnji jugoslovanske federacije in ustanovitvi samostojne, ne-socialistične hrvaške države.<sup>30</sup> Takšna narativa je bila v nasprotju tudi s francosko zunanjim politiko, ki je vse do leta 1991 podpirala ozemeljsko celovitost Jugoslavije in zaroči strahu pred destabilizacijo Balkana nasprotovala morebitnim separatističnim težnjam (Mujdrica, 2022; Mujdrica & Bajc, 2024a; 2024b). Francoski diplomati so ob tem opozarjali še, da bi Jugoslavija dovoljenje za kongres lahko razumela kot »resno in namerno provokacijo«, s potencialnimi negativnimi posledicami za dvostranske odnose.<sup>31</sup>

Vidović teh zadržkov ni poznal ali pa jih je namenoma prezrl,<sup>32</sup> saj je kmalu zatem v intervjuju za švicarsko televizijo samozavestno zatrdil, da so francoske oblasti organizacijo kongresa že odobrile<sup>33</sup> in celo napovedal prisotnost uradnih predstavnikov Francije ter francoskih medijev.<sup>34</sup> Takšna izjava je dodatno zaostrila razmere in razburila jugoslovanske predstavnike, ki so ponovno spomnili na »fašistični« značaj HNV, v kateri naj bi delovalo kar trinajst vojnih zločincev.<sup>35</sup> Na »subverzivno in teroristično ozadje« HNV-ja je veleposlanika Pagnieza ob nju nem srečanju še enkrat opomnil namestnik zveznega sekretarja za Zahodno Evropo in Severno Ameriko Melovski, ki je posebej poudaril, da se organizacija poskuša predstaviti kot hrvaška vlada v izgnanstvu. Jugoslovanski diplomati so v zvezi s tem spomnili na zaplete, ki jih je povzročilo srečanje HNV januarja 1980 v Londonu, saj je dogodek začasno zaostril jugoslovansko-britanske odnose. Podoben scenarij v Parizu, ob morebitni udeležbi delegatov iz več držav, bi lahko po njihovem mnenju okrepil protijugoslovanske sile v Evropi in povečal ugled HNV na mednarodni sceni.<sup>36</sup> Kljub Pagniezom zagotovilom, da bo opozorila prenesel v Pariz, je vse do zadnjega ostajalo nejasno, ali bo kongres dovoljen ali prepovedan.

Odločitev je padla konec decembra: v poročilu z dne 29. decembra 1981 je francoski veleposlanik sporočil, da se naslednji kongres HNV ne bo odvijal v pariškem hotelu Arcade, temveč se seli v New York.<sup>37</sup> Uradno naj bi bili razlogi za spremembo ekonomske narave – večina delegatov je prihajala iz ZDA, Kanade, Avstralije in Argentine –, vendar so hrvaški izseljenski krogi domnevali, da je šlo predvsem za odziv na pritisk francoskih oblasti. New

26 AMAE, 1930INVA, 5715, YOU-2-15, Note pour le cabinet du ministre – à l'attention de M. Petit : »Activités anti-yougoslaves« (N° 636/EU), 19. 11. 1981.

27 Prvi (ustanovni) je potekal v Toronto (1974), drugi v Bruslju (1977) in tretji v Londonu (1980).

28 AMAE, 1930INVA, 5715, YOU-2-15, Pismo Marka Vidovića policijskemu prefektu (Sl. 33/81), 5. 10. 1981.

29 AMAE, 1930INVA, 5715, YOU-2-15, Coudet : Lettre du Ministre d'Etat, Ministre de l'Intérieur : »Projet de réunion de mouvement croate à Paris« (REG/7 N° 4829), 20. 11. 1981

30 AMAE, 1930INVA, 5715, YOU-2-15, Nardin: Note pour le Cabinet du Ministre – à l'attention de MM. Scheer et Puisais: »Projet de réunion à Paris du Conseil National Croate. (Lettre REG/7 N° 4829 du 20 novembre du Ministre d'Etat, Ministre de l'Intérieur)« (N° 646/EU), 24. 11. 1981.

31 AMAE, 1930INVA, 5715, YOU-2-15, Nardin: Note pour le Cabinet du Ministre – à l'attention de MM. Scheer et Puisais: »Projet de réunion à Paris du Conseil National Croate. (Lettre REG/7 N° 4829 du 20 novembre du Ministre d'Etat, Ministre de l'Intérieur)« (N° 646/EU), 24. 11. 1981.

32 AMAE, 1930INVA, 5712, YOU-2-14, Gardas »Pojet de réunion à Paris du Conseil National Croate« (N° 756/EU), 23. 12. 1981, tudi v:AMAE, 1930INVA, 5715, YOU-2-15.

33 AMAE, 1930INVA, 5712, YOU-2-14, Gardas »Pojet de réunion à Paris du Conseil National Croate« (N° 756/EU), 23. 12. 1981; AMAE, 1930INVA, 5715, YOU-2-15.

34 AMAE, 1930INVA, 5715, YOU-2-15, Melovski: »Pour memoire« (N° 1003/EU), 30. 12. 1981.

35 AMAE, 1930INVA, 5712, YOU-2-14, Gardas »Pojet de réunion à Paris du Conseil National Croate« (N° 756/EU), 23. 12. 1981; AMAE, 1930INVA, 5715, YOU-2-15.

36 AMAE, 1930INVA, 5730, YOU-13-3, Pagniez : »Demarche des autorités yougoslaves au sujet d'un projet de réunion en France d'organisations croates émigrées« (TD BELGRADE 564), 30. 12. 1981.

37 AMAE, 1930INVA, 5715, YOU-2-15, Yves Pagniez: »Le prochain congrès du 'Conseil National Croate' (H.N.V.) se déroulera à New-York (USA) et non à Paris comme prévu initialement« (N° 114/EU), 29. 12. 1981; AMAE, 1930INVA, 5715, YOU-2-15, Melovski: »Pour memoire« (N° 1003/EU), 30. 12. 1981.

York je bil hkrati »naravno« okolje HNV: tam je imelo svoj sedež in očitno uživalo večjo politično toleranco.<sup>38</sup>

Nekaj tednov pozneje je sledil nov preobrat. Zasedanje je bilo iz New Yorka prestavljeni v Toronto. Iz francoske diplomatske korespondence februarja 1982 izhaja, da so tudi kanadske oblasti sprva oklevale z izdajo dovoljenja za srečanje in zaprosile Francijo za mnenje. Francoski odgovor je bil previdno liberalen: podpirali naj bi svobodo izražanja, dokler ni neposredne povezave z nasiljem ali pripravo terorističnih dejanj. Kanadski diplomat Gilles Landry je v svoji oceni dodal, da HNV sicer predstavlja potencialno varnostno tveganje, a v danem trenutku še ni ogrožal stabilnosti Jugoslavije.<sup>39</sup> Kljub začetnim zadržkom in diplomatski občutljivosti je četrti kongres HNV januarja 1982 vendarle potekal v Toronto (Trošelj Miočević, 2020, 240).

Kako resno je jugoslovansko politično vodstvo jemalo vprašanje politične emigracije, je nazorno pokazal odziv na dva nasilna dogodka v Belgiji. Marca 1982 je v Bruslju napadalec albanske narodnosti streljal na skupino jugoslovenskih delavcev – umrla sta dva, trije pa so bili ranjeni. Leto pred tem naj bi pripadnik albanske manjšine ubil uslužbenca jugoslovenskega veleposlaništva v belgijski prestolnici. Beograd je ostro obsodil belgijsko vlado, saj je menil, da se ni ustrezno odzvala glede na resnost dogodkov. Jugoslovanski predstavniki so bili še posebej presenečeni nad tem, da Belgija »ni sprejela nobenih resnih ukrepov«, čeprav se je število protijugoslovenskih aktivnosti na njenem ozemlju očitno povečevalo. Posledično so se dvostranski odnosi med državama ohladili.<sup>40</sup>

Francoska diplomacija je v poročilih opozorila, da tovrstni incidenti odražajo »neusmiljen boj«, ki ga na Zahodu vodijo nacionalistične organizacije proti beograjskemu režimu.<sup>41</sup> Dne 13. marca 1982 so Pariz dosegla jugoslovanska opozorila in govorice, da naj bi napadalci iz Bruslja, »povezani

s fašistično jugoslovansko emigracijo«, bivali v Franciji in načrtovali nove napade na jugoslovanska diplomatska predstavništva in druge ustanove. Kot potencialno nevarne so bile v tem kontekstu ocenjene tudi aktivnosti HNV: Vidovićeva napovedana tiskovna konferenca v Parizu ter namera hrvaških emigrantskih skupin, da 10. aprila obeležijo 41. obletnico ustanovitve NDH.<sup>42</sup>

V Pariz sta se medtem odpravila dva vidna predstavnika hrvaške politične emigracije – Mate Meštrović,<sup>43</sup> predsednik izvršnega odbora HNV in profesor na univerzi Fairleigh Dickinson v New Jerseyju, ter Ivan Jelić, vodja Hrvatskega narodnega odbora. Skupaj z Vidovićem sta želela organizirati omenjeno tiskovno konferenco.<sup>44</sup> Kljub jugoslovenskemu pritisku in očitkom o »pretirani francoski gostoljubnosti« do hrvaške emigracije so francoske oblasti ostale pri svojem – dovolile so izvedbo dogodka, konferenca pa je 19. marca potekala v enem izmed pariških hotelov.

Po poročanju francoske agencije Agence France-Press (AFP) (19. marca) in *Le Monda* (22. marca) je Vidović na dogodku ostro kritiziral kršitve človekovih pravic v Jugoslaviji, zlasti na Hrvatkem, kjer naj bi bilo zaprtih »na tisoče« političnih nasprotnikov.<sup>45</sup> Skupaj z Meštrovićem je izpostavil primer disidenta Marka Veselice,<sup>46</sup> in v imenu HNV pozval k pravici do samoodločbe za hrvaški narod, sklicajoč se na mednarodne konvencije.<sup>47</sup> V tem kontekstu je HNV že postopoma realiziral predhodno zasnovano kampanjo za hrvaško narodno emancipacijo – s »seznanjanjem svetovne javnosti z nezadovoljivim položajem Hrvatov« ter nagovaranjem »državnikov Zahoda, Vzhoda in tretjih držav«, pri čemer je bil pritisk usmerjen tudi na zahtevo po razpravi o človekovih pravicah v Jugoslaviji (Dragišić, 2020).

Konferenca je sprožila burne odzive. Z jugoslovenske strani je bila sprožena nova demarša: diplomat Jovanović je v pogovoru z Maxom de Calbiacom,

38 AMAE, 1930INVA, 5715, YOU-2-15, Yves Pagniez: »Le prochain congrès du 'Conseil National Croate' (H.N.V.) se déroulera à New-York (USA) et non à Paris comme prévu initialement« (Nº 114/EU), 29. 12. 1981.

39 AMAE, 1930INVA, 5711, YOU-2-13, Gardas: »Conseil National Croate« (Nº 24/EU), 8. 2. 1982.

40 AMAE, 1930INVA, 5715, YOU-2-15, Pagniez: »Attentat a Bruxelles« (TD BELGRADE 063), 4. 3. 1982; AMAE, 1930INVA, 5715, YOU-2-15, Philippe Etienne: »Terrorisme anti-yougoslave« (Nº 254/EU), 19. 3. 1982.

41 AMAE, 1930INVA, 5715, YOU-2-15, Pagniez: »Attentat a Bruxelles« (TD BELGRADE 063), 4. 3. 1982; AMAE, 1930INVA, 5715, YOU-2-15, Philippe Etienne: »Terrorisme anti-yougoslave« (Nº 254/EU), 19. 3. 1982.

42 AMAE, 1930INVA, 5715, YOU-2-15, Gardas: »Démarche yougoslave sur l'activité de l'immigration en France (12 mars)« (Nº 288), 13. 3. 1982.

43 Mate Meštrović je bil rojen leta 1930 v Zagrebu in je bil sin slavnega hrvaškega kiparja, oblikovalca spomenika *Monument à la reconnaissance de France* v beograjskem parku Kalemegdan. Kot član Jugoslovenskega odbora je sodeloval pri ustanavljanju Jugoslavije leta 1919. Devet let je bil urednik revije *Times Magazin*, obenem pa je bil priznan novinar in strokovnjak za vprašanja, povezana s Srbijo, Vzhodno in Balkansko Evropo (AMAE, 1930INVA, 5730, YOU-13-3, »Le Conseil National Croate«, 1983).

44 AMAE, 1930INVA, 5715, YOU-2-15, Pagniez: »Demarche des autorites yougoslaves au sujet des activités en France d'un organisation d'emigres croates« (TD BELGRADE 078), 17. 3. 1982.

45 Le Monde, 22. 3. 1982: Yougoslavie.

46 Hrvaški disident, ki je bil leta 1981 obsojen na enajst let zapora zaradi »podžiganja nacionalističnega sovraštva«.

47 AMAE, 1930INVA, 5730, YOU-13-3, AFP, »Demarches du gouvernement yougoslave en vue de l'interdiction d'une conference de presse du Conseil National Croate a Paris«, marec 1982.

predstojnikom Oddelka za Evropo in zunanje zadeve, v »posebno odločnem tonu« izrazil ogorčenje nad poročanjem francoskih medijev (AFP, *Le Monde de Parisien*), ki naj bi »nekritično širili stališča HNV«. Beograd je obtožil francosko socialistično vlado, da s politiko »dvojnih meril« provokira Jugoslavijo in Vidoviću omogoča izvajanje protijugoslovanskih akcij.<sup>48</sup> Tudi partijska *Borba* je komentirala, da francoski mediji namenjajo »preveč pozornosti dogodkom, usmerjenim proti suverenosti in celovitosti Jugoslavije«.<sup>49</sup>

Na dan konference je dodatno pozornost pritegnil intervju v *Le Quotidien de Paris*, v katerem je Meštrović poudaril pravico Hrvatov do »neodvisne, demokratične in nevtralne države« ter zanikal povzavo z nasiljem, pri čemer je trdil, da bi nevtralna Hrvaška lahko celo prispevala k stabilnosti Evrope (Messac, 1982).

V nadaljevanju je Jovanović Francijo postavil pred politično in moralno odgovornost:

*Bojim se, da je v Franciji, zlasti na levici, kot se pogosto dogaja na Zahodu, prisotna naivna romantika, ki se v imenu človekovih pravic pusti preslepitи Vidoviću, Jeliću ali Meštroviću, ki želijo ponovitev preteklosti, proti kateri so se naše države borile. Naši voditelji so odločeni, da že v zarodku zatrejo vsak poskus v tej smeri [...] vaša dolžnost je, da nam pri tem pomagate [...] Upamo, da bo Francija zavzela enako stališče kot druge zahodne države [...].*<sup>50</sup>

Francoska stran je bila na tokratne očitke dobro pripravljena. De Calbiac je pojasnil, da francoska vladna konference zaradi veljavne zakonodaje ni mogla prepovedati, saj ni ogrožala javnega reda, in dodal, da je bila medijska pokritost dogodka v francoskem tisku minimalna.<sup>51</sup> Zanimiva reakcija je sledila le slaba dva tedna pozneje, ko je veleposlanik Pagniez v svojem telegramu jugoslovanski odziv označil kot »nezaslišan«, obtožbe na račun francoskih oblasti pa kot »žaljive« in »neskladne z realnostjo«.<sup>52</sup>

Ob tem je francoska diplomacija razjasnila še eno pogosto očitano vprašanje: trditev, da naj bi francoske oblasti ob Vidovićevem izpustu iz zapora v sedemdesetih letih obljubile, da se ta ne bo več politično udejstvoval. V resnici noben organ ni sprejel takšne zaveze. Šlo naj bi zgolj za neformalno sugestijo takratnega namestnika zunanjega ministra, naj Vidović začasno omeji svoje delovanje, ter za njegovo lastno obljubo, izrečeno v zasebnem pogovoru s konzulom, da se bo umaknil iz aktivnejše politične dejavnosti.<sup>53</sup>

Protijugoslovanske dejavnosti so se v Franciji nadaljevale tudi leta 1982. Albanska emigrantska skupnost je februarja pripravila memorandum, ki ga je s podporo francoskega poslanca Gérarda Israéla – znanega podpornika več protijugoslovanskih iniciativ – predložila Parlamentarni skupščini Sveta Evrope.<sup>54</sup> V sodelovanju s Hrvati so albanski emigranti 3. aprila 1982 na trgu Victorja Hugoja v Parizu pripravili nov protest. Dovoljenje so pridobili pri pariškem prefektu in se dogovorili o podrobnostih, a policijska prefektura o demonstracijah ni obvestila ne notranjega ne zunanjega ministrstva. Po poročanju pooblaščenca francoskega notranjega ministrstva se je tistega popoldneva zbralokoli sto albanskih protestnikov, ki so s tremi protijugoslovanski transparenti krenili proti jugoslovanskemu veleposlananstvu na Rue de la Faisanderie 54. Med potjo so se jih na Rue de Longchamp pridružili še hrvaški protestniki, ki so vihteli nacionalne zastave. Skupaj je bilo videti več kot dvajset albanskih in šest hrvaških zastav, medtem ko so jugoslovanske zastave protestniki raztrgali in poteptali, ob tem pa vzklikali gesla, kot so »Morilci!«, »Osvobodite Kosovo!« in »Jugoslovani = gestapo!«.<sup>55</sup>

Kot odziv na dogajanje sta se 8. aprila sestala predstavnik francoskega zunanjega ministrstva Harris Puisais in jugoslovanski veleposlanik Popovski. Slednji je znova opozoril na problematičnost francoske tolerance do emigrantskih aktivnosti, ter izpostavil nedavno novinarsko konferenco in aprilske demonstracije. Puisais je pojasnil, da so francoske oblasti za te »manjše« proteste izvedele šele naknadno, prek diplomatskih depeš.<sup>56</sup>

48 AMAE, 1930INVA, 5715, YOU-2-15, Pagniez: »*Demarche des autorites yougoslaves au sujet des activités en France d'une organisation d'emigres Croates*« (TD BELGRADE 096), 25. 3. 1982.

49 AMAE, 1930INVA, 5715, YOU-2-15, neoznačeno.

50 AMAE, 1930INVA, 5715, YOU-2-15, Pagniez: »*Demarche des autorites yougoslaves au sujet des activités en France d'une organisation d'emigres Croates*« (TD BELGRADE 097), 25. 3. 1982.

51 AMAE, 1930INVA, 5715, YOU-2-15, Fiche pour le Ministre du commerce extérieur: »*Activités de l'émigration politique*« (N° 120/EU), 23. 3. 1982.

52 AMAE, 1930INVA, 5715, YOU-2-15, Pagniez: »*Demarche des autorites yougoslaves au sujet des activités en France d'une organisation d'emigres Croates*« (TD BELGRADE 097), 25. 3. 1982.

53 AMAE, 1930INVA, 5730, YOU-13-3, AFP, Fuhrmann: »*Mirko Vidovic*« (N° 15/EU), 19. 3. 1982.

54 AMAE, 1930INVA, 5715, YOU-2-15, Gardas: »*Démarche yougoslave sur l'activité de l'immigration en France (12 mars)*« (N° 288), 13. 3. 1982.

55 AMAE, 1930INVA, 5715, YOU-2-15, »*Manifestation anti-Yougoslave du 3 avril 1982*« (N° 403/EU), 15. 4. 1982.

56 AMAE, 1930INVA, 5715, YOU-2-15, Gardas: »*Entretien de M. Puisais avec l'Ambassadeur de Yougoslavie (8 avril)*« (N° 389/EU), 13. 4. 1982.

Popovski je francoske sogovornike spomnil na t. i. *aide-mémoire*<sup>57</sup> iz leta 1972, v katerem naj bi Francija zagotovila, da politična emigracija ne bo izvajala dejavnosti, ki bi škodovale bilateralnim odnosom, in poudaril, da naj bi bilo delovanje hrvaških emigrantskih organizacij na francoskem ozemlju v njem izrecno prepovedano.<sup>58</sup>

Toda do leta 1982 je pravna podlaga teh zavez že izgubila veljavo. Kot je 29. aprila 1982 pojasnil Gilbert Guillaume iz Direktorata za pravne zadeve,<sup>59</sup> je sprememba zakonodaje izenačila obravnavo tujih in domačih organizacij – predhodna odobritev ni bila več potrebna, prav tako jih upravni organi niso mogli samodejno prepovedati. V veljavi so ostajale le določene omejitve, razvite skozi sodno prakso francoskega *Conseil d'Etat-a* (vrhovnega upravnega sodišča), po katerih je bilo mogoče prepovedati zborovanja ali razpustiti tuje organizacij, če so ogrožale francoske diplomatske interese ali stabilnost drugih držav<sup>60</sup> (DeLey, 1983). Ob tem je krepitvi političnega prostora emigrantskih skupnosti botrovala tudi sprememba francoske migracijske politike: po zaostritvah v času Giscarda d'Estainga v sedemdesetih letih je Mitterrandova administracija po letu 1981 prinesla bolj liberalen pristop in več svobode pri političnem delovanju migrantov (DeLey, 1983; Weil, 1991; Gastauf, 2004; Roudy, 2016).

V prizadevanju za okrepitev sodelovanja na področju varnosti je francoski notranji minister Gaston Defferre med 16. in 18. julijem 1982 obiskal Jugoslavijo, kjer se je srečal z notranjim ministrom Stanetom Dolancem in predsednico vlade Milko Planinc (Jones, 2015, 63). Kljub tem prizadevanjem je Dolanc decembra istega leta ponovno ostro kritiziral Francijo zaradi njene tolerance do delovanja »ustaških skupin« in domnevne podpore terorističnim akcijam. Izrazil je ogorčenje nad protislovjem v francoski politiki, ki je po eni strani razpustila domače ekstremistične organizacije (denimo baskovske), medtem ko je hrvaškim skupinam v Franciji dopuščala skoraj neovirano delovanje.<sup>61</sup>

HNV je v številnih izseljenskih središčih na Zahodu širilo tudi svojo organizacijsko mrežo, predvsem prek ustanavljanja podružnic, katerih namen je bil dodatna legalizacija delovanja gibanja in krepitev vezi s političnimi akterji držav gostiteljic (Dragišić, 2020, 206). Marca 1982 je veleposlanik Pagniez na podlagi informacije, posredovane prek Melovskega, poročal, da Vidović pri francoskih oblasteh išče stik in podporo za odprtje urada v Parizu.<sup>62</sup> Prvi korak v tej smeri je bil narejen 9. junija, ko je bila formalno registrirana francoska sekcija HNV. V ustanovnem aktu je bilo poudarjeno, da bo organizacija »zakonito in legalistično širila resnico o hrvaškem narodu, njegovi kulturi, zgodovini, socialnem, političnem in ekonomskem položaju ter zagovarjala njegove interese ob hkratnem spoštovanju francoskih zakonov«.<sup>63</sup> Njena vloga je bila jasno začrtana: francosko javnost obveščati o dogajanju na Hrvaškem, nuditi materijalne in pravne pomoči Hrvatom v Franciji ter podpora političnim zapornikom v Jugoslaviji. Ob ustanovitvi je združevala okoli petdeset članov, pretežno iz vrst hrvaških izseljencev in delavcev, ob tem pa načrtovala ustanovitev regionalnih podružnic še v Lyonu, Chambéryju, Nici, Strasbourg in Metzu. Predsednik je postal tehnik Mirko Kovačević, njegov namestnik pa voznik Ivan-Krešo Markić.<sup>64</sup> Čeprav so vodilne funkcije formalno zasedli člani iz delavskih vrst, je bilo iz javnega in diplomatskega diskurza jasno, da so delovanje sekcije usmerjali Mirko Vidović in njegovi sodelavci (Dragišić, 2020, 206).

Avgusta 1982 je prošnjo za avdienco v *Élyséeju* poslala tudi belgijska sekcija HNV. Čeprav je šlo za pomemben poskus pridobitve mednarodnega priznanja, je predsednikov svetovalec za zunanje zadeve Puisais opozoril, da bi takšen sprejem pomenil implicitno priznanje HNV-ja in njegovih političnih ciljev, zato prošnji očitno ni bilo ugodeno.<sup>65</sup>

Jugoslovanske oblasti so bile prepričane, da francoska politika HNV dejansko priznava in spodbuja ter mu omogoča najširše možnosti za politično delovanje. Vendar pa iz diplomatske korespondence francoskega

57 Neformalna pisna izjava, povzetek stališč vlade do nekega vprašanja, neformalni povzetek razgovora. V slovenščini izraz poznamo kot »spomenica«.

58 AMAE, 1930INVA, 5715, YOU-2-15, Note n° 389/EU du 13 avril 1982 et ses pièces jointes: »Activités des émigrés yougoslaves en France« (N° 27/EU), 16. 4. 1982.

59 In kasneje tudi v intervencijskem načrtu za pogovor z jugoslovanskim veleposlanikom Popovskim (AMAE, 1930INVA, 5715, YOU-2-15, Gardas: Note à l'attention de M. Puisais: »Activités des immigrés politiques yougoslaves en France. Schéma d'intervention« (N° 554/EU), 17. 5. 1982).

60 AMAE, 1930INVA, 5715, YOU-2-15, Gilbert Guillaume: »Activités des émigrés yougoslaves en France« (N° 875/EU), 29. 4. 1982.

61 AMAE, 1930INVA, 5715, YOU-2-15, Dupuy: »Problème du terrorisme« (TD BELGRADE 505), 9. 12. 1982.

62 AMAE, 1930INVA, 5715, YOU-2-15, Pagniez: »Demande des autorités yougoslaves au sujet des activités en France d'un organisation d'émigrés croates« (TD BELGRADE 078), 17. 3. 1982.

63 AMAE, 1930INVA, 5730, YOU-13-3, Michel Gardas: Copie des statuts de l'association dite 'Conseil National Croate-Section Française' (N° 0048583), 11. 10. 1982.

64 AMAE, 1930INVA, 5730, YOU-13-3, Michel Gardas: »Copie des statuts de l'association dite 'Conseil National Croate-Section Française'« (N° 0048583), 11. 10. 1982.

65 AMAE, 1930INVA, 5730, YOU-13-3, Gardas: »Demande d'audience pour une délégation croate. Avis demandé par le Secrétariat Général de la Présidence de la République« (N° 851/EU), 7. 9. 1982.

in kanadskega zunanjega ministrstva<sup>66</sup> razberemo, da Francija HNV nikoli ni uradno priznala, prav tako pa ga javno ni označila za »teroristično organizacijo«.<sup>67</sup> Nasprotovanje jugoslovenskih oblasti se je nadaljevalo po ustaljenem vzorcu:<sup>68</sup> v Beograd je bila poslana demarša z zahtevu po razveljavitvi delovanja francoske sekcije HNV.<sup>69</sup>

Ob napovedanem obisku jugoslovenskega zveznega sekretarja za zunanje zadeve Lazarja Mojsova v Parizu med 5. in 7. januarjem 1983 je francosko zunanje ministrstvo pripravilo »Načrt za posredovanje«, v katerem je opredelilo okvir odziva glede vprašanja hrvaške politične emigracije. Dokument je zagovarjal francosko stališče s sklicevanjem na pravico do svobode izražanja ob hkratnem spoštovanju javnega reda. Čeprav je liberalizacija zakonodaje o tujih organizacijah (1981) omogočala registracijo političnih združenj, so si francoske oblasti pridržale pravico prepovedati aktivnosti, ki bi škodile bilateralnim odnosom z Jugoslavijo. Tako so bile večje manifestacije pogosto prepovedane,<sup>70</sup> manjše pa, če niso predstavljale varnostne grožnje, dovoljene.<sup>71</sup>

Čeprav je bilo pričakovati, da bo vprašanje hrvaške emigracije tema dvostranskih pogоворov, dostopno arhivsko gradivo ne potrjuje, da bi se ga francoski in jugoslovenski vrh dejansko lotila. Praznino v uradni komunikaciji je poskušal zapolniti Vidović, ki je 19. januarja 1983, na *Quai d'Orsay* naslovil pismo z novo prošnjo za avdienco, v kateri je želel predstaviti kršitve človekovih pravic na Hrvaškem. A tudi tokrat je uradnik Puisais presodil, da je bolje, da na pismo ne odgovori in da sprejem ne bo odobren.<sup>72</sup>

Marca 1983 je zunanje ministrstvo prejelo poročilo, da je bil septembra 1982 v francoski regiji Rhône ustanovljen lokalni urad francoske sekcije HNV, kar je nakazovalo na nadaljnjo uzakonitev organizacije v Franciji. Poleg tega je emigrantska skupnost 10. aprila

obeležila 42. obletnico ustanovitve NDH,<sup>73</sup> kar je do datno povečalo občutljivost odnosov z jugoslovensko stranjo.

Čeprav je korespondenca o dejavnostih hrvaške emigracije med Francijo in Jugoslavijo do aprila 1984 nekoliko zamrla, je tedaj francoska diplomacija poročala o vzpostavitvi t. i. »polsterilnega sistema« varnostnih ukrepov kot odziva na grožnje »mednarodnega terorizma, usmerjenega proti jugoslovenski državi in njenim predstavnikom«.<sup>74</sup> Ti ukrepi so med drugim vključevali strožji nadzor potnikov in prtljage na vseh poletih jugoslovenske letalske družbe JAT proti Jugoslaviji.<sup>75</sup>

Čeprav so se aktivnosti HNV v Franciji v letih 1983 in 1984 očitno nekoliko zmanjšale, so pripadniki hrvaške emigracije v tujini še vedno izvajali posamezne provokativne akcije – zabeleženih je bilo 16 tovrstnih incidentov, med katerimi naj bi bil v enem primeru ubit sodelavec jugoslovenske tajne policije. V ZDA in Avstraliji pa naj bi se usmerile v pripravo in vodenje terorističnih akcij (Dragišić, 2020). Ob zavedanju nevarnosti »izvoza nasilja« so evropske države, med njimi tudi Francija, preventivno ohranjale visoko raven varnostne pripravljenosti.<sup>76</sup>

Augusta 1984 je francoski diplomat Jean-Michel Gausset prejel obvestilo, da HNV načrtuje odprtje informacijskih centrov v več zahodnih prestolnicah, vključno s Parizom. Jovanović je ob tej priložnosti ponovno predlagal, naj francoske oblasti – v duhu prijateljskih odnosov – prepreči odprtje tovrstnih institucij. Ker pa je Pariz vztrajal pri stališču, da francoska zakonodaja zagotavlja svobodo združevanja, je Jovanović v svojem odgovoru opozoril na jugoslovensko politiko, ki ni nikoli podpirala separatističnih dejavnosti Korzičanov, Baskov ali Bretoncev, ter pričakoval podobno ravnanje Francije glede hrvaške emigracije.<sup>77</sup> S tem

66 Tudi v Ottawi je delovala kanadska sekcija HNV in svoj urad razglašala za »veleposlaništvo«. Po podatkih sekretarja na kanadskem veleposlaništvu, Landryja, je obsegala približno 125000–140000 članov in ni »povzročala težav« kanadskim oblastem.

67 AMAE, 1930INVA, 5730, YOU-13-3, Note pour M. Dufourcq: »Activités du Conseil National Croate (CNC) au Canada« (N° 207/EU), 2. 11. 1982.

68 Utemeljevanje, da so člani HNV vojni zločinci, da delujejo protijugoslovansko, subverzivno in separatistično, ter da stremijo k odcepitvi Hrvaške, ki bi povzročila razpad SFRJ. Pripravljeni naj bi bili uporabiti vsa sredstva, tudi oboroženo silo.

69 AMAE, 1930INVA, 5730, YOU-13-3, Dupuy: »Conseil National Croate« (TD BELGRADE 515), 14. 12. 1982; AMAE, 1930INVA, 5730, YOU-13-3, »Enregistrement du Conseil National Croate (Journal officiel du 14 juillet 1982)« (N° 974/EU), 16. 12. 1982.

70 Oktobra 1980 je francosko notranje ministrstvo prepovedalo mednarodno srečanje jugoslovenskih izseljencev v Parizu, decembra 1980 pa izvedbo seminarja Hrvaške kmečke stranke v Metzu (AMAE, 1930INVA, 5712, YOU-2-14; 5713, YOU-2-14; 5715, YOU-2-15).

71 AMAE, 1930INVA, 5730, YOU-13-3, Michel Gardas: Schema d'intervention »L'immigration politique yougoslave en France (Visite de M. Mojsov à Paris – 5–7 janvier 1983)« (N° 1213/EU), 30. 12. 1982; AMAE, 1930INVA, 5730, YOU-13-3, Michel Gardas: »L'immigration politique yougoslave en France« (N° 1311/EU), 30. 12. 1982.

72 AMAE, 1930INVA, 5730, YOU-13-3, Vidovićovo pismo francoskemu zunanjemu ministru Claudiu Cheyssonu, 19. 1. 1983.

73 AMAE, 1930INVA, 5730, YOU-13-3, Gardas: »Activités de l'immigration croate en France« (N° 219/EU), 24. 3. 1983.

74 AMAE, 1930INVA, 5715, YOU-2-15, F. Gudin: Note a l'attention du Haut Fonctionnaire de Defense, »Protection offerte par la police française aux appareils de la compagnie aérienne yougoslave JAT« (N° 128/EU), 26. 4. 1984.

75 AMAE, 1930INVA, 5715, YOU-2-15, F. Gudin: Note a l'attention du Haut Fonctionnaire de Defense, »Protection offerte par la police française aux appareils de la compagnie aérienne yougoslave JAT« (N° 128/EU), 26. 4. 1984.

76 AMAE, 1930INVA, 5715, YOU-2-15, F. Gudin: Note a l'attention du Haut Fonctionnaire de Defense, »Protection offerte par la police française aux appareils de la compagnie aérienne yougoslave JAT« (N° 128/EU), 26. 4. 1984.

77 AMAE, 1930INVA, 5715, YOU-2-15, J. M. Gausset: »Activites du Conseil national croate en France« (TD BELGRADE 351), 16. 8. 1984.

se je francoska diplomacija znašla pred dilemo, kako v obravnavi separatističnih gibanj znotraj njenih meja dosledno uveljavljati načelo svobode združevanja, ne da bi pri tem selektivno dopuščala dejavnosti političnih skupin, ki bi jih v drugih kontekstih obravnavala kot problematične.

Istega meseca je jugoslovanski Zvezni sekretariat za zunanje zadeve francoskemu veleposlaništvu v Beogradu posredoval nov *aide-mémoire*, v katerem je opozoril na širitev dejavnosti HNV v Franciji. Dokument je izpostavljal ustanovitev Medobčinskega odbora HNV v Lyonu konec leta 1982 in začetek izdajanja publikacije *Matoš*, glasila HNV, ki ga je med letoma 1984–1987 v Parizu urejal Vidović. Ob tem je jugoslovanska stran spomnila tudi na teroristična dejanja pripadnikov hrvaške emigracije v Zahodni Evropi v sedemdesetih letih,<sup>78</sup> za katera so posamezni člani kazensko odgovarjali v začetku osemdesetih let.<sup>79</sup> Kljub ponavljajočim se jugoslovanskim protestom,<sup>80</sup> Francija svojega temeljnega pristopa ni spremenila.

V nadaljnji korespondenci so jugoslovanski predstavniki znova spomnili na francoske ukrepe iz leta 1974, ki so bili namenjeni regulaciji političnega delovanja priseljencev in menili, da bi morale omejitve veljati tudi za hrvaške emigrante. Predlagali so, naj se ob prihodu posameznike opozori na dolžnost politične nevtralnosti ter od njih zahteva podpis izjave o spoštovanju zakonodaje in javnega reda.<sup>81</sup> Vendar pa je v odgovoru oktobra 1984 francoska diplomacija poudarila, da tovrstna praksa v obravnavanem obdobju ni bila več v uporabi.<sup>82</sup>

V naslednjih mesecih je mogoče zaznati postopno zmanjševanje francoske diplomatske pozornosti do dejavnosti HNV. Arhivsko gradivo po letu 1984 beleži le še posamične in vsebinsko skromne zapise, kar kaže na zmanjšano zaznavanje nevarnosti za

francosko-jugoslovanske odnose. Tako je bila deklaracija s petega zasedanja HNV v Londonu (12.–14. januar 1984) evidentirana z zamikom in brez podrobnejših komentarjev,<sup>83</sup> kar nakazuje na nizko stopnjo zaznane politične relevantnosti dogodka.

Ponovno, a tokrat bolj analitično zanimanje se je pojavilo spomladi 1985 ob sodnih procesih proti hrvaškim političnim nasprotnikom, ki so potekali v Osijeku, Varaždinu in Zagrebu. Francosko veleposlaništvo je pozornost namenilo predvsem intervjuju pravnika Mila Boškovića,<sup>84</sup> predstavnika jugoslovanskega notranjega ministrstva in poznavalca vprašanja politične emigracije. V prispevku, objavljenem v beograjskem tedniku *Intervju*, je Bošković opozoril na nejasno definiran pojem politične emigracije, ki je v jugoslovanskem kontekstu zajemal vse od čistega terorizma do sovražne propagande. Francoski diplomati so ob tem zaznali nevarnost arbitarnosti takšne opredelitve, ki se je po njihovem mnenju pokazala v sodnih postopkih zoper »hrvaške teroriste«.<sup>85</sup>

Bošković je obenem signaliziral na notranjo razklanost politične emigracije ter njeno oteženo pozicioniranje v odnosu do vlad držav gostiteljic. Jugoslovanske oblasti so zato, zlasti v državah z večjo izseljensko skupnostjo – tudi v Franciji – natančno spremljale vsak signal morebitne tolerance do delovanja emigrantskih organizacij, predvsem HNV, ki je tedaj krepilo informacijsko prisotnost po zahodnih prestolnicih.<sup>86</sup> Še februarja 1985 so francoski diplomati beležili, da si HNV v Parizu še vedno prizadeva odpreti svojo informacijsko pisarno, vendar pa naj bi bile njegove ideje v francoski javnosti brez večjega odmeva.<sup>87</sup>

Po Boškovičevih navedbah so ameriški in britanski mediji ter tudi francoski predstavniki zlasti po Titovi smrti dopuščali in celo spodbujali

78 Med najbolj »subverzivne« so spadale: huda telesna poškodba konzula Mladena Djogovića leta 1975 v Lyonu; poskus atentata na vicekonzula V. Topiča v Düsseldorfu leta 1976; zaseg letala Trans World Airlines in uboj ameriškega policista v New Yorku leta 1976; napad na uslužbenca oborožene misije Stalnega predstavništva pri Združenih narodih v New Yorku in huda telesna poškodba R. Medic leta 1977; izsiljevanje in uboj jugoslovanskega emigranta A. Cikoje v New Yorku leta 1977 in K. Brkiča, ameriškega državljanega jugoslovanskega porekla, v Los Angelesu leta 1978.

79 Omenjeni so sodni procesi proti članom različnih hrvaških organizacij, ki so potekali v New Yorku (1981, 1982), Lithgowu (februarja 1981), Ednu (oktobra 1981).

80 AMAE, 1930INVA, 5715, YOU-2-15, Activités du Conseil National Croate en France, »Pour Memoire, 15. 8. 1984« (N° 452/EU), 16. 8. 1984.

81 AMAE, 1930INVA, 5715, YOU-2-15, Gilbert Guillaume: Note pour le Cabinet du Ministre – a l'attention de M. Puisais, »Activités du Conseil National Croate en France« (N° 122/EU/OR), 2. 11. 1984.

82 AMAE, 1930INVA, 5715, YOU-2-15, Gilbert Guillaume: Note pour le Cabinet du Ministre – a l'attention de M. Puisais, »Activités du Conseil National Croate en France« (N° 122/EU/OR), 2. 11. 1984.

83 AMAE, 1930INVA, 5715, YOU-2-15, Déclaration politique de la Ve Diète du Conseil National Croate, tenu à Londres du 12 au 14 janvier 1984 (N° 062/EU), 21. 1. 1985.

84 Obenem je avtor knjige Šesta kolona. Nastanak, organizacija i delovanje antijugoslovenske fašističke emigracije (1985).

85 AMAE, 1930INVA, 5715, YOU-2-15, Olivier Mauvisseau : »Les émigrés politiques yougoslaves (croates, serbes, albanais)« (N° 308/EU), 12. 6. 1985.

86 AMAE, 1930INVA, 5715, YOU-2-15, Olivier Mauvisseau : »Les émigrés politiques yougoslaves (croates, serbes, albanais)« (N° 308/EU), 12. 6. 1985.

87 AMAE, 1930INVA, 5715, YOU-2-15, Déclaration politique de la Ve Diète du Conseil National Croate, tenu à Londres du 12 au 14 janvier 1984 (TD BELGRADE 84), 15. 2. 1985.

javno izražanje emigrantskih stališč o jugoslovenski politični situaciji in »tolerirali« njihove dejavnosti, vključno s povezovanjem z radikalnimi desnimi gibanji, kot je bila stranka Jean-Marieja Le Pena. Francoski diplomat Olivier Mauvisseau je ob tem podvomil, da takšne aktivnosti dejansko ogrožajo stabilnost SFRJ. Ocenil je, da se je Beograd pogosto skliceval na zunanje grožnje, pri čemer pa je bil ključen problem povezava politične emigracije in jugoslovansko delavsko diasporo in možnost infiltracije v delavske klube ter organizacije v tujini. Čeprav je bil dejanski vpliv teh poskusov omejen, je prepoznal, da so emigrantske skupine črpale dodatne argumente tudi iz poglabljajoče se gospodarske in politične krize v domovini (Lazarević & Rendla, 2022), ki je delovala kot katalizator za širjenje opozicijskega delovanja. Mauvisseau je zaznal zanimiv paradoks, da je bila prisotnost politične emigracije v javnem prostoru prav posledica relativne odprtosti jugoslovanskega sistema, ki je omogočal ohranjanje stikov z domovino in dostopnost informacij, kar pa je paradoksalno zmanjšalo njihovo politično moč – ker informacije niso bile prikrite, jih domača javnost večinoma ni dojemala kot posebej pomembne.<sup>88</sup> Podobno ugotavlja tudi Perušina (2019), da je jugoslovanska propaganda politično emigracijo predstavljal kot grožnjo, vendar jo je hkrati ocenjevala kot nesposobno resneje ogroziti državno varnost. Opozorjanje na domnevno teroristično dejavnost hrvaške emigracije je tako pogosto služilo predvsem kot instrument pritiska na francosko administracijo in ne kot odraz dejanskega varnostnega tveganja (Roudy, 2016).

Zadnji diplomatski signal v zvezi z dejavnostmi HNV je francosko veleposlaništvo v Beogradu poslalo 12. februarja 1986. V njem je novi francoski veleposlanik Dominique Charpy v Beogradu, brez dodatne obrazložitve sporočil, da je načrtovano šesto zasedanje kongresa HNV, ki naj bi med 23. in 25. februarjem potekalo v Versaillesu, prepovedano.<sup>89</sup> Čeprav je odločitev mogoče razumeti kot delno prilagajanje jugoslovanskim varnostnim interesom, pa način, na katerega je bila posredovana – brez spremnega pojasnila – potrjuje načelno zadržanost francoske diplomacije do neposrednega poseganja

v notranjepolitično dinamiko emigrantskih organizacij – značilno držo, ki se je dosledno odsevala skozi celotno prvo polovico osemdesetih let.

### SKLEPNE MISLI

Sistematična analiza gradiva iz francoskih diplomatskih arhivov jasno kaže, da so francoske oblasti in diplomacija do hrvaške politične emigracije in dejavnosti HNV zavzemale previdno, a tudi načelno držo. Čeprav je Jugoslavija vztrajno opozarjala na teroristični in ustaški predznak emigrantskih skupin ter od francoskih oblasti zahtevala strožje ukrepe, je Francija pri svojem ravnjanju dosledno uveljavljala načelo svobode združevanja ter se izogibala neposrednemu poseganju v notranjepolitične procese. Iz diplomatskih poročil je razvidno, da se je intenzivnost francoske diplomatske pozornosti postopno zmanjševala, kar nakazuje, da nevarnost za dvostranske odnose vsaj med 1980–1986 ni bila ocenjena kot resna, posledično pa ni povzročila odkritega diplomatskega spora ali preloma v odnosih med Francijo in Jugoslavijo. Delovanje emigracije je sicer ustvarjalo vir latentnih napetosti, ki so občasno zahtevale diplomatsko »gašenje požara« in previdno komunikacijo.

Hkrati se v francoskem odnosu do delovanje hrvaške emigracije kaže pragmatičen pristop: po eni strani je Pariz dopuščal njihovo politično dejavnost, po drugi pa je občasno, predvsem kadar je presodil, da bi to lahko »koristilo« širšim diplomatskim interesom, sprejel ukrepe, ki so bili skladni z jugoslovanskimi pričakovanji. Takšen selektiven odziv kaže tudi na ravnotežje med zaščito lastnih demokratičnih norm in ohranjanjem stabilnih odnosov z Beogradom.

V širšem kontekstu lahko potrdimo ugotovitev, da hrvaška politična emigracija v Franciji v tem času ni predstavljala resne varnostne grožnje, temveč predvsem propagandni izziv. Jugoslovanska opozarjanja na domnevno teroristično dejavnost so imela zato pogosto funkcijo pritiska na francosko administracijo, ne pa odsev dejanskega tveganja. Francoska diplomacija je s svojo zadržanostjo nakazovala, da pomen hrvaške politične emigracije ni presegal simbolnega izziva in da je bil njen dejanski vpliv v francoskem prostoru omejen.

<sup>88</sup> AMAE, 1930INVA, 5715, YOU-2-15, Olivier Mauvisseau : »Les émigrés politiques yougoslaves (croates, serbes, albanais)« (N° 308/EU), 12. 6. 1985.

<sup>89</sup> AMAE, 1935INVA, 6699, YOU-2-13, Charpy: »Projet de reunion du VI eme sabor du Conseil national croate)« (TD DIPLOMATIE 3938), 12. 2. 1986.

## CROATIAN POLITICAL EMIGRATION IN FRANCE AS A CHALLENGE TO FRENCH-YUGOSLAV RELATIONS (1980–1986)

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### SUMMARY

*Based on a systematic analysis of archival materials from the French Ministry for Europe and Foreign Affairs in La Courneuve and Nantes, as well as the most relevant scholarly literature, this article examines the responses of French authorities and diplomacy to the activities of Croatian political émigrés, particularly the Croatian National Council (Hrvatsko narodno vijeće, HNV) in France, between 1980 and 1986. A key focus of the discussion is the extent to which the French authorities perceived these activities as a security threat, and the impact this had on Franco-Yugoslav diplomatic relations. The findings reveal that the Yugoslav authorities persistently warned of the dangers posed by Croatian émigré groups and repeatedly demanded their prohibition. However, French diplomacy responded to these pressures with restraint, invoking the principle of freedom of association and only restricting it when activities were deemed to endanger public order or bilateral relations with Yugoslavia. Despite occasional tensions, diplomatic dispatches suggest that French attention gradually declined after 1984. While Yugoslav representatives continued to emphasise the threat of so-called 'Ustaša terrorism', French diplomats often regarded such claims as exaggerated and tailored to the domestic political needs of the Yugoslav regime. The HNV was generally considered to be an organisation with limited influence on French public opinion and marginal political significance. This article demonstrates that French diplomacy maintained a characteristic dual approach when dealing with Croatian political émigrés: formally adhering to the principles of freedom of expression and association, while simultaneously applying selective security measures. By doing so, French diplomacy sought to balance the preservation of stable bilateral relations with Yugoslavia and upholding its own democratic principles.*

**Keywords:** Croatian emigration, Yugoslavia, France, diplomacy, Mirko Vidović, Croatian National Council

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## CLOTHING THE NOMAD: FASHION AS A REFLECTION OF POSTMODERN IDENTITY

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### *ABSTRACT*

*This study explores the intersection of fashion, gender identity, and postmodern nomadism by representing the image of the nomad in contemporary men's fashion. The aim is to examine how nomadic aesthetics shape new visual narratives of masculinity, particularly within the framework of postmodern values such as hybridity, mobility, agender style, and sustainability. The research employs a qualitative visual analysis of selected fashion collections, advertisements, and subcultural imagery, drawing from global case studies. The results demonstrate how clothing becomes a key tool for expressing fragmented, adaptive identities and how urban nomadism reshapes the concept of masculinity through modular, layered, and multifunctional fashion design.*

**Keywords:** design, image, nomadic discourse, reflection, visual narrative

## VESTIRE IL NOMADE: LA MODA COME RIFLESSO DELL'IDENTITÀ POSTMODERNA

### *SINTESI*

*Questo studio esplora l'intersezione tra moda, identità di genere e nomadismo postmoderno, rappresentando l'immagine del nomade nella moda maschile contemporanea. L'obiettivo è esaminare come l'estetica nomade plasmi nuove narrazioni visive della mascolinità, in particolare nel contesto di valori postmoderni come l'ibridazione, la mobilità, lo stile agender e la sostenibilità. La ricerca si avvale di un'analisi visiva qualitativa di collezioni di moda, pubblicità e immaginari subculturali selezionati, attingendo a casi di studio globali. I risultati dimostrano come l'abbigliamento diventi uno strumento chiave per esprimere identità frammentate e flessibili e come il nomadismo urbano rimodelli il concetto di mascolinità attraverso un design di moda modulare, stratificato e multifunzionale.*

**Parole chiave:** design, immagine, discorso nomade, riflessione, narrazione visiva

## INTRODUCTION

New forms of social behavior emerged at the turn of the 20th and 21st centuries, when two distinct eras, modernism and postmodernism, coexisted at once. Nomadism is considered one of these forms, which altered the socio-psychological dynamics of social interaction and contributed to the development of new lifestyles. Nomadism also influenced the appearance of individuals and their consumer preferences, particularly in clothing.

Modern fashion studies show there is a close relation between fashion and the postmodern fragmentation of identity, relativism of meanings, and stylistic eclecticism. Fashion design involves “shaping” the individual as the costume wearer implicitly by assigning specific visual characteristics to their image (Brajato, 2023). Through fashion communication, cultural patterns are formed and disseminated, each carrying distinct symbolic meanings. One such meaning is masculinity, which serves as a means of expressing gender identity. In turn, the costume serves as the material carrier of key characteristics and meanings, generating stereotypes of perception and associations that are influenced by a particular gender identity.

Contemporary fashion studies (Alexander, 2003; Barry et al., 2023) highlight fashion’s critical role in shaping gender identities, particularly by deconstructing traditional masculine representations. While scholars, such as Jäger (2023) and Zhao (2024), have explored the relationship between fashion and masculinity, there remains a notable gap concerning how postmodern aesthetics shapes the nomadic style as a look defined by minimalism, functionality, and agender, tailored to the lifestyle of urban travelers. This approach is especially useful for examining the image of a nomad, which is based on traditional archetypes (traveler, warrior, and shepherd) but is reinterpreted in the context of modern fashion culture (outdoor or military fashion). The transformations caused by the transition from modernism to postmodernism have been reflected in the phenomenon of new masculinity. New masculinity is a concept that destroys traditional stereotypes of masculinity, replacing them with flexibility, emotional openness, and agender. Fashion, as a sensitive sociocultural barometer, records these changes and forms new visual narratives that reflect postmodern subjectivity (Lang, 2024).

Connell’s research (2020) associates the new masculinity with emotional openness and a rejection of toxic stereotypes. This is reflected in the preferences of modern nomads, who value comfort and mobility over making a display of their status. Thus, menswear from Owens’ and Juun’s collections blurs gender boundaries as it often includes elements that are traditionally attributed to femininity (voluminous silhouettes, transparent fabrics, etc.). This shows that the fashion industry is sensitive to any changes; it promptly responds to new lifestyles and customer preferences. Consequently, postmodern or

urban monad fashion developed as to provide individuals with new ways to style their appearance and express or redefine their identity.

Subcultures also play a key role in reinterpreting masculinity. An excellent example can be Vivienne Westwood’s collections, where gender neutrality becomes the basis of fashion design. Subcultures open up possibilities for new, unstable manifestations of masculinity; they are not fixed in rigid gender codes but shift between archetypes. There is currently growing interest in the concepts of hybrid masculinity (Gilligan, 2023) and alternative masculine style (Mercer & Smith, 2025), which suggest viewing male subjectivity not as holistic or unified but as contextually dependent and aesthetically variable.

Even though the scope of research on fashion as a tool of gender identity is considerable, there remains a gap in the conceptualization of nomadism as the intersection of gender, spatiality, and mobility. This study addresses this gap by considering the nomad a stylistic and semiotic model of the contemporary male image in fashion rather than a historical or ethnographic figure. This article aims to fill these gaps through a systematic analysis of the nomadic discourse in men’s fashion. Given the above, it is necessary to determine the influence of postmodern nomadism on shaping a new social-psychological type of individual, namely the urban nomad. Informational sources on nomadism and nomads as a social-psychological type of individual should be analyzed, and the influence of nomadism on the creativity of fashion designers should be identified. Furthermore, preferences of nomads in clothes and appearance as consumers should be determined, including artistic, stylistic, functional, and technological aspects.

The research is based on a retrospective analysis of visual sources, comparative methodology, and a critical review of theoretical works on postmodernism (Siles, 2025), fashion semiotics (de Medeiros Dantas et al., 2025), and gender studies (Mida, 2024). In this study, the term “nomad” is used exclusively to describe a socio-psychological type whose image is being actualized in contemporary fashion design. Nomadism does not involve a political or philosophical concept in this study; instead, this concept focuses on its embodiment in fashion collections and its connection with trends (for example, agender and eco-design). The study navigates three distinct cultural and geographical contexts, namely Ukraine, the United States, and Mongolia. These case studies represent different but cross-relevant notions of mobility, tradition, and postmodern flexibility of identity. In Ukraine, traditional culture, artisanal practices, and the collective memory of war form the foundation for a new national design that redefines belonging, renewal, and resistance. In urban environments across the United States, the nomadic lifestyle of digital workers and the blending of subcultures are shaping a new urban aesthetic. Within this reality, fashion becomes a tool for self-expression amid unstable identities and the pressures of

global capitalism. Finally, Mongolia serves as an example of a culture with a deeply rooted nomadic lifestyle. Even though the lifestyle is transforming under the influence of modernity, it preserves an archaic material language (clothing, yurts, and survival technologies), which are a source of inspiration for designers around the world.

Navigating these contexts, the study traces how the figure of the nomad and notions of mobility serve as platforms for aesthetic production, symbolic representation, and even protest in different social environments. It also highlights how contemporary fashion design and consumption are shaped by the interaction of local experiences (trauma, memory, survival) and global discourses (postmodernism, sustainability, decoloniality). Such a juxtaposition substantiates the cultural heterogeneity of approaches to fashion; it demonstrates that mobility, whether literal or metaphorical, becomes key to understanding new models of subjectivity, corporeality, and creative adaptation.

Thus, the scientific novelty of the research involves identifying the connection between the nomadic image, eco-design, and the agender approach, which forms an alternative concept of masculinity. The article expands the boundaries of fashion research and introduces a new toolkit for analyzing how fashion interacts with sociocultural change and design in a globalized, unstable world. Future studies could explore comparisons between the nomadic style and other archetypes, or examine its influence on related areas such as accessory design and minimalist spatial concepts.

## MATERIALS AND METHODS

The study is based on qualitative visual analysis that identifies and interprets fashion representations of nomadic image as a construct of new masculinity in the postmodern cultural environment. The research materials are visual sources representing a nomadic image in the context of modern fashion, with a special focus on men's clothing. The research materials are selected from open internet platforms according to the criteria of relevance to the themes of postmodern stylistics, the reconfiguration of masculinity, and the aesthetics of mobility and adaptability. These materials helped identify the basic characteristics of nomadic clothing, such as functionality, layering, and adaptation to changing climatic conditions.

A research methodology involves the following methods: retrospective systemic analysis, abstract method, monitoring method, image-stylistic analysis, comparative analysis, reconstruction method. Retrospective systemic analysis of visual samples helped evaluate data collected from media sources over a selected period of time. The abstract method was used to identify key concepts and categories, such as nomadism and fashion. The monitoring method made it possible to collect, systematize, and analyze information about identity in the postmodern era. Methods of image-stylistic analysis involved

evaluating the appearance of a specific object through observation. This scientific method helped to form an image of a modern nomad based on knowledge of their appearance. Comparative analysis method allowed the authors to compare sedentary and nomadic lifestyles and highlight the features of the latter. Reconstruction method made it possible to embody the lifestyle of a nomad and understand the features of the urban nomad. Discursive analysis is used to interpret the results, making it possible to trace how the figure of the nomad functions as more than just a fashion image. It becomes part of broader socio-cultural narratives, reflecting the crisis of stable masculinity, evolving ideas of space and mobility, and new concepts of survival and aesthetics in a world shaped by turbulent modernity.

The main purpose for using these methods was to establish the figurative, formal-aesthetic, and symbolic characteristics of the nomad in art discourse and design practices within the fashion industry. The analysis encompassed the websites and social media platforms of technical and outdoor brands, focusing on visual stylistics, marketing messages, and compositional strategies employed in advertising campaigns. The study analyzed such brands as The North Face Urban Exploration, Patagonia, and Snow Peak. These brands rely on the aesthetics of the urban nomad in their design, where urban nomad is a man distinguished by mobility, endurance, self-sufficiency, and high aesthetic sensitivity. Some photo and video art, where the figure of the nomad serves as a metaphor for postmodern identity, were used as additional intertextual sources.

The article applies three visual examples, selected from open online sources, that provide a representative spectrum of contemporary nomadism in fashion. Thus, the image of traditional Mongolian nomads functions as an ethnographic starting point for comparison. A couple in technical clothing, photographed near a mountain, illustrates a contemporary version of mobility and adaptability, which shapes a new masculinity combined with an aesthetic of survival. Finally, a catwalk presentation of designer collections, combining technical fabrics, layered silhouettes, and deconstructed shapes, demonstrates the stylization of nomadism as a fashion concept. All three examples were analyzed using the technique of semiotic visual analysis, considering the denotative and connotative levels of the image. They were compared as manifestations of different types of visual nomadism: traditional (ethnographic), outdoor, and aestheticized (fashion runway).

The limitations of such a sample are geographical and typological; therefore, these examples are not considered universal but illustrative fragments of a wider visual field. In the future, the analysis could be strengthened by systematically expanding the data set through digital ethnography and the use of machine learning to detect recurring motifs in fashion imagery. This approach would allow for more robust validation of the conclusions presented.

The study limitations are related to the predominantly visual nature of the sources (online representations, web archives, virtual displays), which prevent tracing the audience's reception or the designers' original intentions.

## RESULTS AND DISCUSSION

### Traditional (ethnographic) nomad: functional masculinity

In contemporary scholarship, nomadism is interpreted through two primary lenses. First, it is understood as a traditional mode of subsistence linked to nomadic agriculture and pastoralism, which emerged within ancient cultures (Knyshev, 2020). A representative historical example is the Ukrainian *chumaks*, a male-dominated group whose practices were deeply embedded in the socio-economic and cultural fabric of pre-industrial Ukrainian society. Second, nomadism is conceptualized as a distinctive social strategy in the context of postmodernity, characterized by the rejection of sedentary lifestyles and conventional socio-cultural norms. This view challenges the long-standing belief that social and technological progress is inherently tied to the stability and permanence of settled life (Khellaf, 2020).

The conceptualization of nomadism unfolds along two interrelated dimensions. The first is the social one, where scholars interpret nomadism as a manifestation

of the crisis of identity (Dychkovsky, 2020; Krasnoselska, 2020). Typically, this is associated with a natural environment devoid of urban features. There is an absence of performative posing; the body is presented as functional and deeply embedded in everyday life. The male body remains concealed, emphasizing the image of a resilient, working individual who is organically integrated into the landscape. Masculinity is conveyed through spatial control and bodily confidence rather than aesthetic display. Within this framework, the subject's self-perception is a *world citizen* (Tidball, 2021). The second dimension is the ontological one, wherein nomadism is interpreted as a response to the accelerated tempo of goal attainment in postmodern societies, resulting in a redefined experience of both space and time (Khellaf, 2020).

Social identification shaped by lifestyle-based stereotypes has significantly influenced the evolution of contemporary fashion design. A proper example is the contrast between urban and rural Mongolian youth. Urban youth predominantly adopt Western styles of dress, consume Western media, and engage with Western languages and cultural products. This stands in sharp contrast to rural students, who are often depicted as custodians of traditional nomadic heritage (Gardelle & Zhao, 2019). In these rural contexts, the nomadic ethos has persisted, preserving cultural continuity amidst broader processes of globalization (Figure 1).



Figure 1: Rural men in Mongolia (Pxhere, 2017).

Figure 1 confirms the idea that the clothing of a traditional nomad reflects their environmental adaptation, utilitarian needs, and cultural symbolism. For example, a deel, a traditional long robe secured with a sash, is not only suited for horse-back riding and nomadic mobility, but also carries generational significance.

Thus, key features of traditional nomads include loose, layered silhouettes that facilitate movement and adjust to temperature fluctuations, as well as voluminous robes, wide belts, and head coverings that serve both practical and ceremonial purposes. Their clothing also incorporates embroidery, trims, and symbolic patterns that convey tribal identity, social status, and ancestral lineage. The use of bold colors and specific motifs also serves as a visual language, communicating affiliation with a particular ethnic or geographic group.

#### Technical (outdoor) nomad: aesthetic mobility

The modern era is characterized by the growth and consolidation of urban centers, the emergence of urban culture, and the establishment of residential practices tied to permanent workplaces and leisure spaces such as restaurants, clubs, stadiums, and cinemas. As a result, urban dwellers cultivated specific lifestyles; their wardrobes and footwear reflect the quality and quantity of consumer demands (Twigg, 2020). It is a markedly different paradigm of living that aligns with the postmodern individual, whose lifestyle resists classification as “settled” (Tidball, 2021). This new mode of existence is marked by frequent relocations, a pronounced desire for global mobility, and employment shifts that span not only domestic but also international contexts. The image of an individual moving through life with a suitcase has become a commonplace phenomenon, symbolizing a tangible embodiment of the modern technical nomad (Figure 2).

In society, nomads can play any role, adapting the mask of any other socio-psychological type when needed or advantageous. Accordingly, nomads can change and stylize their appearance, primarily through clothing. The key is to achieve this with a limited number of durable, versatile, and multifunctional items that the nomad always carries. Their wardrobes are minimal but compact, containing all the essentials (from underwear to outerwear). All items are combinable, interchangeable, and serve multiple purposes. The interview by Kyiv resident Viktoria given to the M Journal confirms all the above. Viktoria became a forced nomad due to the start of a full-scale Russian invasion of Ukraine. She noted, “[s]ince you live out of a suitcase, there is no opportunity to get hold of things. You limit yourself

in everything. You constantly need to control the number of things you have... As for clothing, this is great because you see what you have and what you do not wear. However, you sometimes have to give up what you desire. You need to limit yourself not only in clothing” (Vitiuk, 2023).

Betsy and Bob from the USA represent another striking example of modern nomadism. Betsy worked for an NGO where she made a modest salary. Faced with a debilitating immune disease in her 60s, she had the choice between living in a tiny apartment she couldn't afford or a home for the poor elderly. Instead, she set out, as she puts it, “in any direction I wanted.” Betsy is 72 years old, and her home is a 2013 minivan with 180,000 miles on it. She has been traveling for seven years. Her soul is at peace, and she has given up her medication. Betsy blogs and writes a memoir “Driving Through a Rainbow.” Betsy’s example can be considered partly a forced nomadism since she had an alternative but chose to be a nomad. Bob travels with Betsy; a modern nomad lifestyle has become his conscious choice. He has always loved to travel. In 2015, he even sold his house in New York. “I traveled for six months every year

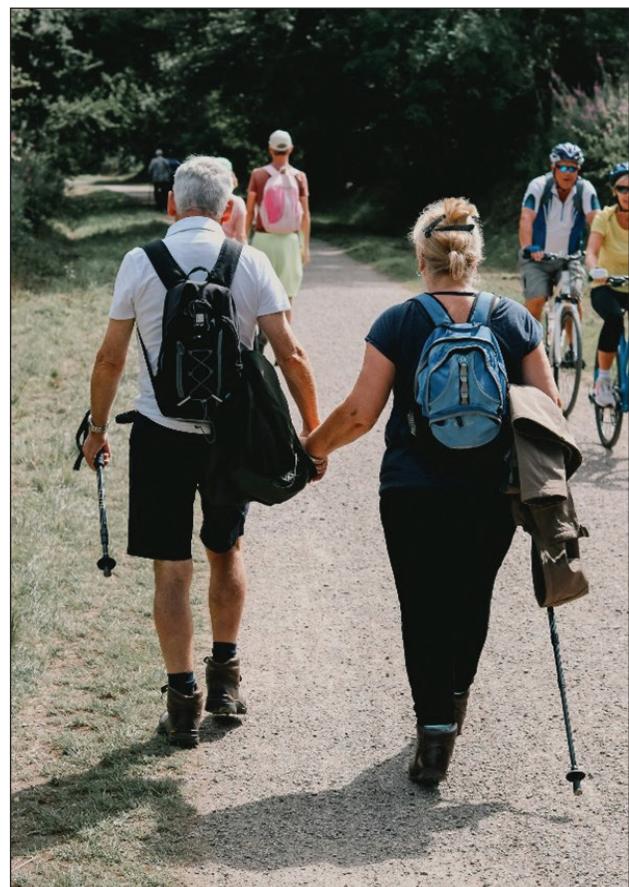


Figure 2: Modern technical nomad (Mullen-Buick, 2025).

anyway. At home, I spent most of my time renovating the house and preparing for the next adventure," he said (Weir, 2023). Based on these examples, one can distinguish the main difference between modern nomads, which lies in the territorial area of their migration. It is the territory that shapes their habits and determines the food they eat, the clothes they wear, and the attitude of society towards them.

In contrast to Mongolian nomads, technical nomads are not bound to traditions in their clothing; they determine what and how to wear and under what conditions to express themselves. Technical nomad can be called an umbrella term, encompassing real-world traveling nomads, digital nomads who travel exclusively virtually, futuristic nomads, avant-garde nomads, dreamer nomads, anthropologist nomads, and many others. However, they all share a demand for specific comfort: a minimal wardrobe, item multifunctionality, comfort, convenience, practicality, color neutrality, or conversely, expressive contrast in the combination of open colors, reliable protection (environmental friendliness, water resistance, etc.).

### Aestheticized nomads

In contemporary fashion discourse, a nomad ceases to be merely an ethnographic or historical category but transforms into a symbolic construct that embodies postmodern notions of mobility, impermanence, and autonomy (Lin & Lahoda, 2023). The image of the nomad manifests in several interconnected planes: as a stylistic motif in designer collections, as a representative figure in fashion campaigns and advertising visuals, as an aesthetic paradigm in the work of independent artists, and as a sociocultural idea in the discourse of the "nomadic subject" analyzed in poststructuralist and feminist theories (Chatoupis, 2021; Kaiser & Green, 2021).

However, there is no need for a person to leave home to be considered a nomad today, as the world has lost its boundaries. The illusion of constant readiness for change is created. Masculinity here is hybrid; it combines technocratic power and control with aesthetic balance. In fashion design, the nomadic image is materialized through multifunctional, transformable clothing designed for movement and adaptation. For example, jackets turn into tents, layers of fabric resemble traveling luggage, or asymmetrical silhouettes evoke associations with traditional nomadic clothing of different peoples (Sparke, 2013; Korpela, 2020). In advertising strategies, the nomadic image is often associated with the aesthetics of the "new wildness" (new primitivism), meaning freedom outside the city and the unity of man and nature. In subcultures (digital nomads, urban explorers, or co-activists), the nomad appears

as a criticism of excessive materialism and a metaphor for a flexible, non-standard lifestyle that does not fit into the framework of settled consumption practices (Lahoda, 2018; Kolinko, 2019).

The absence of rigid constraints in design regarding shape, silhouette, or proportion characterizes the urban nomad in fashion aesthetics. The fashion aesthetics of urban nomads involves form-fitting elastic clothing with looser, oversized elements, reflecting adaptability and functional diversity (Norman, 2020). Each piece of clothing in a nomad's wardrobe has its structural logic; it serves the specific function, as does the material it is made of. The overall compositional and structural solutions for each piece of clothing are grounded in anthropological insights and correspond to ergonomic principles, ensuring both comfort and usability (Lahoda & Lin, 2021). The choice of color palette is dependent on the socio-psychological type of the consumer, their lifestyle, and preferences. Primarily, it involves a natural color palette in the entire spectrum of its shades (ochres, olives, greens, emeralds, etc.). The richness of the color palette is enhanced by various fabric textures (Figure 3).



**Figure 3: Urban nomads in fashion aesthetics (Chouak, 2020).**

The color palette is dominated by shades of gray and black, resembling the so-called techno-ascetic aesthetic. Models pose against urban backdrops featuring concrete, glass, and infrastructural elements, which creates a visual context of industrial modernity. Models are often depicted alone, emphasizing a sense of isolation and detachment within the frame. Masculinity in this context appears as a hybrid construct, combining technocratic power and control with a refined aesthetic sensibility. Thus, the urban nomad in fashion represents a visual narrative of contemporary masculinity: one that navigates the tension between nature and technology, identity and transgression. The image of urban nomad transmits a symbolic autonomy, not rooted in traditional self-sufficiency but enhanced and mediated by technology (Krasnoselska, 2020).

Thus, the juxtaposed types of visual nomadism, namely traditional (ethnographic), outdoor, and aestheticized, demonstrate how the image of the nomad is transformed from a visual code of survival into a metaphor for the postmodern male experience: mobile, isolated, lonely, yet autonomous. Fashion here appears not as a reflection of reality, but as a language that reconstructs masculinity.

#### MOBILITY IN POST-INDUSTRIAL FASHION DESIGN: ANALYSIS OF URBAN NOMADS' WARDROBE

Many contemporary designers and fashion houses engage with the aesthetics and functionality of nomadic clothing. Notable among them are Juun J., Olivier Rousteing, Jenna Rankin, Brunello Cucinelli, Rick Owens, and Vivienne Westwood, as well as fashion brands such as Kenzo, Chanel, Balmain, Louis Vuitton, Marni, Sacai Resort, and Stella McCartney. Juun J., in particular, consistently experiments with the integration of diverse materials and distinctive agender tailoring. His collections are often characterized by monochromatic palettes (primarily black and gray) paired with bold silhouettes and intricate detailing (Smith, 2020). An example of the described approach can be seen in Figure 4.

The features of clothing shown in Figure 4 make it attractive specifically for desert or dune types. This clothing is comfortable for crossing desert terrain. The footwear is designed for walking on dunes with open parts for the skin to "breathe" in order to prevent foot abscesses and potential foot skin diseases. All other clothing elements are designed to prevent overheating and maintain body temperature at night.



**Figure 4: Aesthetics of nomadic garment (Pixabay, 2024).**



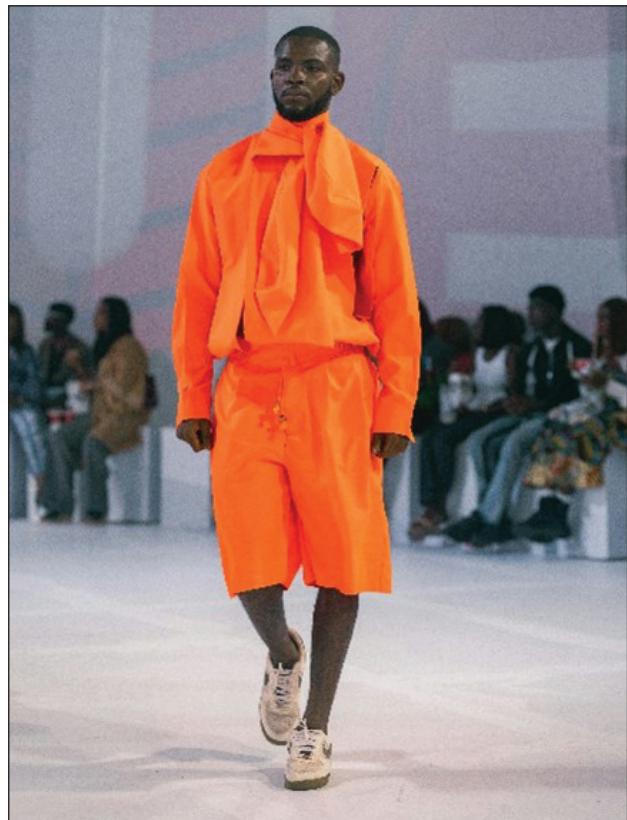
Collections from Chanel, Balmain, Louis Vuitton, and Marni typically offer casual-style clothing combined with elements of sportswear. However, the pieces are elegant, sophisticated in cut, made from expensive and high-quality materials, and distinguished by exceptional comfort. Brunello Cucinelli develops more romantic yet unconventional models characterized by an atmospheric, fresh breath of travel and imagination. For example, a luxurious backpack made of soft, supple leather is large enough to hold the essentials of the digital nomad.

The nomad fashion is closely intertwined with zero-waste principles, as both concepts are based on minimalism and functionality. For example, in the collections of Brunello Cucinelli, the multi-layered nature of clothing allows for a reduction in the number of items, and the use of natural fabrics promotes recycling. This is not just aesthetics but a response to the needs of modern nomadic consumers. The examples of zero-waste principles reflected in the nomad fashion is given in Figure 5.

Avant-garde spirit is present in the collections of Rick Owens and Vivienne Westwood, while minimalist functionalism defines the works of Stella McCartney. As a sincere advocate of sustainable fashion, McCartney meticulously considers every detail, preferring comfortable clothing in a neutral color palette made from high-quality ecological materials. Jenna Rankin's designs carry a futuristic character. On the other hand, Sacai Resort's collections are



*Figure 5: Examples of zero-waste nomad fashion (Lunde, 2018; Trento, 2021; Pixabay, 2025).*



characterized by youthful drive, individuality, and a blend of “careless sophistication” and ruggedness. The hybrid style of nomad fashion influenced the attitude towards bricolage (Figure 6).

The visual-analytical analysis of the works of the mentioned designers and brands helped identify characteristics of the nomads’ wardrobe. Practically all designer collections offer a structured wardrobe, including items from various assortment groups (Budyak, 2018). For instance, underwear is predominantly represented by concise knitted models in a sporty style. It is designed to be worn independently when necessary. Nomads’ wardrobes are dominated by trousers of various styles and materials, while jeans are virtually absent. Instead, knitted trousers are quite common, often appearing in elegant classic or casual-sporty styles. Wide, voluminous, straight pants with numerous pockets, detachable details, cargo pants, and pants made from different fabrics are also present in the nomads’ wardrobe.

Dresses or skirts are rarely found in the nomads’ wardrobe. An exception might be the currently popular shirt dresses, which are worn either untucked over pants or tucked in, securing one end with a belt. The ensemble can be complemented by a creatively designed vest, such as a leather, quilted, or padded one. A corset, as a standalone



*Figure 6: Combination of sportswear and suit elements in nomad fashion (Sümmer, 2021a; Sümmer, 2021b; Iwara, 2024).*

wardrobe item, can be paired with all its other components. Interestingly, men are the ones daring enough to wear corsets, stylized to resemble protective suit details, essentially serving as a kind of armored vest imitation.

Upper garments typically include oversized jackets of various lengths. Underneath their volume, everything listed above should comfortably fit when needed. In addition to jackets, coat-like jackets and coats are offered, made according to the latest fashion trends. As an addition to the mentioned list, there's footwear – chunky shoes on high platforms or flat soles, always made from natural materials, comfortable and oversized (sometimes more than necessary), suitable for extended periods of wear during travels. Various scarves, shawls, and hats are often the focal points of the entire ensemble. They can be brightly colored or feature an interesting print. An indispensable accessory for a nomad is backpacks of various shapes and sizes, pouches that can easily be tucked into large pockets of pants or jackets. Sunglasses, masks, or their imitation, which gained relevance during the pandemic, gloves, and belts also remain trendy.

### PHILOSOPHY, TRENDS, AND CUSTOM IN NOMAD FASHION

A photo bank analyzed millions of images on the Internet and presented a forecast of trends that will influence clothing design in the coming years. Among the top trends, attention should be drawn to several specific ones that seamlessly integrate into the nomadic discourse of modern men's fashion. First and foremost is the trend "yesterday's tomorrow," meaning that everything "old" has become "new" again. In other words, it's a retro trend that optimistically revives the era of early technologies. It involves the distinctiveness of visual forms enriched with handmaid textures and the Zero Waste concept – a popular Western eco-direction promoting conscious consumption and waste reduction (Zero Waste Lifestyle, 2022). Among the current trends, environmentally oriented ones prevail, such as the "plastic-free world" trend, which focuses on important processes like reducing consumption, recycling used items, and reusing. Giving items new life, possibly in new objects with new functions, emphasizes redesign, upcycling, and customization, embraced by an increasing number of fashion industry brands.

An alternative approach involves creating durable, high-quality items, primarily from natural materials that can be easily recycled. This has contributed to the revival of various artisanal textile techniques and technologies, reinterpreted by designers in the context of contemporary trends. For example, the

search query for Kalamkari – a type of Indian fabric painting art – has grown by 160%. This art form is characterized by natural colors and intricate patterns. Overall, the impact of art on clothing design over the past decades has been demonstrative. Various historical art styles, movements, and trends of the 20th century manifest themselves in contemporary costume design (Carter, 2019). Vintage patterns and floral ornaments, elegant color combinations, and textures are most frequently observed. Quite often, they transform into kaleidoscopic allusions, creating an immersive design. However, regardless of which trend a man who travels the world without a home and transportation, family, or friends prefers, he will inevitably seek manifestations of his own freedom, self-expression, and self-assertion. His lifestyle will undoubtedly be associated with the comfort of staying anywhere: clean, practical, maximally convenient, neat, without unnecessary details, following the principle of "carry everything with me," hence – minimalistic and functional.

The nomad will only have universal and multi-functional items. There will be only a few of them, but they will be of high quality and environmentally friendly: mostly made from natural materials, neutral colors with a few accents. The clothing should have numerous pockets of various sizes and configurations to accommodate many small but necessary items. All items should complement each other, allowing the wearer to layer them simultaneously to minimize the amount of luggage while traveling. Additionally, this versatility ensures the ability to adjust warmth, protection from cold weather, and adaptability to various climatic conditions and daily situations.

Thus, the nomads' wardrobe is structured on the principles of a rational, minimalist wardrobe that includes the following assortment: underwear, shoulder and thigh clothing, outerwear, accessories, and additions. All wardrobe items can be paired and combined in various ways, depending on the situation, purpose, and key function at a given moment. The assortment of items is designed so that nomads can layer most items onto each other, thus avoiding unnecessary baggage during moves or extended walks. This same principle of layering different clothes on top of each other allows them to easily adapt to different climatic conditions.

### CONCLUSION

Thus, the conducted research once again demonstrates that fashion is a complex social and aesthetic phenomenon, which in contemporary conditions has a branching multi-semantic structure. In the fashion industry, this structure is in constant communicative interaction between designers and consumers and is directly influenced

by external factors regarding fashion as a system of influences, especially from the perspective of social and cultural factors. The integrative nature of fashion is embodied in the design process regarding form creation, both in socio-cultural (social-demographic, moral-psychological) and aesthetic (artistic-imaginistic, style-forming) aspects, remaining a significant focus of contemporary research. Stylistic and structural changes in clothing forms within the context of nomadic discourse as a new reality of contemporary postmodern society acquire new resonances and meanings.

Emphasis on the communicative role of attire (positioning, self-presentation, etc.) becomes relevant, practically blurring the specificity of elitist and mass aspects, enhancing the playful principle of reinterpreting and transforming form, a certain marginalization based on agender and ageless characteristics. The dominant approach to form creation becomes deconstruction, as a result of the loss of valuable reference points, rooted in traditional cultures. Men's fashion at the turn of the 20th to the 21st centuries is considered

a marginal eclectic socio-cultural phenomenon in light of the aforementioned. The Urban Nomad archetype, as a contemporary archetype, requires detailed and in-depth analysis as a symbol of "new masculinity" and a design project of the 21st-century fashion industry, as it inherently preserves a key element of fashion – clothing form as a representative aspect of the socio-cultural and aesthetic dimensions of the cultural phenomenon. An interesting topic for further research could also be a comparison of the images of the nomad and the "global nomad" aka glomad in the context of symbolizing the "new masculinity", since glomads are less studied and their clothing differs from that of the nomads, although it also represents them in the socio-cultural and aesthetic aspects of the cultural phenomenon.

The nomad in contemporary fashion is expressed through specific design codes: modularity, agender, and the use of sustainable materials. Further research could explore how this image influences other aspects of the fashion industry, such as footwear or accessories, or the architecture of minimalist spaces.

## OBLAČENJE NOMADA: MODA KOT ODRAZ POSTMODERNE IDENTITETE

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### POVZETEK

*Prispevek obravnava presečišče mode, spolne identitete in postmodernega nomadizma s kritično analizo tega, kako je podoba nomada predstavljena in reinterpretirana v sodobni moški modi. Cilj je preučiti, kako nomadska estetika oblikuje nove vizualne pripovedi o moškosti, zlasti v kontekstu postmodernih vrednot, kot so hibridnost, mobilnost, nespolni slog in trajnost. Metodološko raziskava uporablja kvalitativno vizualno analizo modnih kolekcij, oglasov in izbranih subkulturnih podob, pri čemer se opira na globalne študije primerov, vključno z Ukrajino, Združenimi državami Amerike in Mongolijo. Uporabljene so primerjalne in semiotične metode za prepoznavanje simbolnih, funkcionalnih in estetskih značilnosti nomadskih oblačil v treh tipologijah: tradicionalnih (etnografskih), tehničnih (na prostem) in estetiziranih (modna revija). Ugotovitve kažejo, kako oblačila postanejo ključno orodje za izražanje razdrobljenih in prilagodljivih identitet ter kako urbani nomadski stil preoblikuje koncept moškosti z modularnim, večplastnim in večfunkcijskim modnim oblikovanjem. Študija tudi opredeljuje, kako modne znamke uporabljajo lik nomada za posredovanje med tradicijo in inovacijo, materialnostjo in simboliko. Novost raziskave je v tem, da nomada ne konceptualizira kot zgodovinsko-kulturno figuro, temveč kot sociopsihološko tipologijo, katere garderoba odraža širše premike v postmodernistični identiteti, trajnosti in fluidnosti spolov. Ugotovitve prispevajo k teoriji mode z uvedbo večdimenzionalnega okvira za interpretacijo nomadskega subjekta v oblikovanju in s predlaganjem nomada kot vizualnega in ideološkega prototipa nove moškosti.*

**Ključne besede:** oblikovanje, podoba, nomadski diskurz, refleksija, vizualna pripoved

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OCENE

*RECENSIONI*

*REVIEWS*



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Bernard Nežmah:

NEZNANI JURČIČ – MAGIČNI ŽURNALIST. ČASOPISNA, KULTURNA IN DRUŽBENA ZGODOVINA DESETLETJA 1871–1881 NA STRANEH SLOVENSKEGA NARODA.

Zbirka Razprave in eseji 83. Ljubljana, Slovenska matica, 2024, 209 strani

V zbirki Razprave in eseji druge najstarejše slovenske založbe Slovenske matice, ki od 1864 dalje kot prva izdaja tudi znanstvena dela, je z letnico 2024 izšlo delo Bernarda Nežmaha o »magičnem žurnalistu« Josipu Jurčiču (1844–1881). V slovenski kulturni zavesti je Jurčič bolj zasidran kot pri-povednik in dramatik, manj kot novinar in urednik, ki je leta dolgo rojake obveščal o družbeno-političnih in kulturnih dogodkih ter tako sooblikoval javno mnenje. Po Nežmahovi zaslugi se bo naše vedenje o novinarju in njegovih časnikarskih streljenjih temeljito spremenilo. Ni odveč izpostaviti, da marsikaj novega o »magičnem žurnalistu« Jurčiču odkriva publicist in znanstvenik, ki je Jurčičev poklicni kolega, kar je dragocena razsežnost tega dela.

Nežmah predstavi Jurčiča kot družabnega in veselega človeka, ki se urednikovanja loti na osnovi bolj ali manj izdelane predstave o nalogah in poslanstvu periodičnega tiska. *Slovenski narod* (SN) se pod njegovo taktirko razvije iz trikat tedensko izhajajočega časopisa v dnevnik, ki je v tiskani obliki prihajal na trg vsak dan razen ob ponedeljkih in dnevih po praznikih. Brez razvajane dopisniške mreže je objavljajal družbeno-politične članke, parlamentarna in kulturna poročila o dogajanju v takratnih slovenskih deželah Habsburške monarhije, pri čemer niso manjkale novice o cesarju in njegovih aktivnostih ali o gospodarstvu, npr. članki o dometu južne železnice. Jurčič je novice prejemal od dopisovalcev ali tiskovnih agencij, pri čemer je črpal tudi iz siceršnjega domačega oz. inozemskega tiska.

Da bi pritegnil bralce, ki so SN dobivali kot abonenti/naročniki, saj prodajnih mest (kioskov), kjer bi se ga dalo kupovati, takrat še ni bilo, je Jurčič moral izdelati strategijo, ki bi bila učinkovitejša od konkurenčne. Jurčičevi tekmeci pri teh prizadevanjih so bili: nemška »Lajbacherica« (*Laibacher Zeitung*) in *Laibacher Tagblatt* – tega je kot liberalni politik soustanovil v predmarčnem obdobju povedani pesnik Anton Alexander Auersperg (bolj znan kot Prešernov prijatelj Anastazij Grün) ter pri-ljubljene slovenske *Kmetijske in rokodelske novice*. Tekmece, med njimi tudi inozemske dnevnike, se je

dalo redno prebirati v ljubljanskih kavarnah. Jurčič je moral torej ustvariti časnik, ki bi ga ljudje raje brali od drugih.

Kaj je bilo po Nežmahovih ugotovitvah tisto, kar je privlačilo bralstvo? Uvodoma zapiše, da je SN »začel izhajati leta 1868 v treh izdajah na teden in je imel tristo naročnikov, Jurčič ga je leta 1873 preoblikoval v prvi slovenski dnevnik, ki je imel za časa njegovega življenja okoli tisoč naročnikov« (str. 7). Število prednaročnikov, ki so naročnino plačevali vnaprej mesečno, četrtnetno, polletno ali letno, se je v petih letih povečalo več kot trikrat, kar je naravnost senzacionalni dosežek. Škoda, da Nežmah teh podatkov ne umesti v takratne razmere, ker bi tako Jurčičeve napore laže označili za epohalne. SN je bil namreč po ne preveč trdoživih listih *Slovenija* (1848–1850), *Celjske Slovenske novine* (1848–1849) in (tržaškem) *Jadranski slavjan* (1849) prvi slovenski politični list. Izhajal je v času, ko je v Habsburški monarhiji veljala nemščina za prvi deželni jezik, slovenščina pa za drugega kljub temu, da so na območju, ki mu danes pravimo Slovenija, živeli Slovenci, ki jih je bilo zlasti na podeželju več od nemško govorečih Avstrijev. Slovenščina kot poučevalni jezik je bila v osnovne šole pripuščena šele l. 1861. Že sedem let kasneje pride na trg SN.

Tudi pismenost je bila kljub splošni šolski obveznosti, ki je veljala od časov Marije Terezije, nizka. Nepismenih je bilo 1880 med našimi prebivalci 39 % ljudi. Desetletje pozneje jih ni znalo brati in pisati še 25 %. Z odpovedjo konkordata, ko je odpadla prevlada latinskega jezika v poučevalnih ustanovah, se je povečala vloga nemščine zlasti v ljudski šoli, tako da se je bilo za slovenščino potrebno zavzemati z več naporji. Porazno je bilo stanje učbenikov v slovenščini, na kar posredno opozori tudi Nežmah, žal s sicer učinkovito, toda netočno prikazano interenco Antona Aleksandra Auersperga v Kranjskem deželnem zboru, kjer je v zvezi z rabo slovenščine počilo dvakrat. Prvič 28. 1. 1863, ko so Slovenci postavili zahtevo o enakopravnosti slovenščine z zahtevo, da se slovenske stenografske zapise govorov prevede v nemščino. Niso pa Slovenci zahtevali prevajanja zapisov nemških govorov v slovenščino. Šele to bi se Auerspergu zdelo prava enakopravnost, ki bi jo podprt. Žal Slovenci njegove sugestije niso sprejeli. Drugič je počilo 12. 2. 1866, ko se je Auersperg v Kranjskem deželnem zboru postavil proti zahtevi Slovencev po uvedbi slovenščine v osnovne ter dvojezičnosti v srednje šole z argumentom, ki je celo držal, da ni dovolj slovenskih učbenikov. Obstajata da samo dva, je izjavil, in sicer za zoologijo in botaniko, ki ju je pokazal. To stanje je komentiral po latinsko: *omnia mea mecum porto*. Bleiweisove *Novice* so iz tega izvajale, da se je Auersperg iz Slovencev

norčeval, češ da imajo v svoji culi vsega skupaj zgolj dve knjigi, česar poslanec ni nikoli rekel, saj je govoril samo o *učbenikih*. Ravno o tem poroča tudi Nežmah, ki se sklicuje na SN (str. 110). Verjetno bi bilo bolje, ko bi *Novice* takrat poudarjale, in vsi slovenski listi skupaj z njimi, da pisanja in tiskanja učbenikov, ki jih nihče ne uporablja, ne bo nihče podprt in financiral. Bo pa jih, če se bo slovenščino v šolah uporabljalo. Dejstvo je, da je A. A. Auersperg s svojim posegom takrat zaustavil prodor slovenščine v naše izobraževalne ustanove, česar mu nismo nikoli odpustili.

Nežmah v svojem delu po poglavijih obravnava različne teme: dopisnike, lažne novice, cenzuro (kot orodje za tvorbo javnega mnenja so jo Avstrijci po posredovanju kneza Metternicha uvedli, zgledujoč se pri Napoleonu I.), polemike, javne pozive, germanizacijo, slovenizacijo, naslavljanje in iskanje imenovanih bralcev SN, opravljivost, cesarja, borbo za slovenski jezik v javnosti, nabirke za spomenike, družbeno vlogo likovnih umetnikov, zagrizen obračun z novinarskim in uredniškim kolegom Jakobom Aleševcem ter slednjega »revolver žurnalistiko« (str. 95).

V poglavju o člankih o smrilih in samomorih se Nežmah loti tudi te teme, ki je bila za bralstvo gotovo zanimiva. V zvezi s smrtmi mu uspe veliko odkritje: SN je objavil *obduksijsko* poročilo o smrti dr. Henrika Etbina Coste, moža, ki je za Slovence veliko napravil, vendar je v našem spominu skrajnje sporen, na kar opozori že Jurčič. Vzrok njegove »nagle smrti je [...] vnetje osrčne kože, akoravno bi bil prej morda črez pol leta moral umreti tudi za rakom v želodci in tud zaradi bolezni v jetrah« (str. 111–112).

SN je objavljjal prispevke o razbojništvu v prid ubogim, o vojnem poročanju, gledališki kritiki ali antisemitizmu, čemur avtor nameni poglavje *Na valovih antisemitizma*. SN namreč precej poroča o liberalnem dunajskem dnevniku *Neue Freie Presse* (NFP) kot o judovskem časniku. Predstavi ga kot »nemški list, kateri zverinske azijate zagovarja, kateri na tisoče ubozih brezoroženih kristijanov kolijo, kateri gazijo kri nedožnih otrok in žen [...]« (str. 143). NFP je v Avstro-Ogrski na splošno veljal za trobilo Judov. Zanj je nekaj let pisal tudi Theodor Herzl (1860–1904), oče cionizma, ki se je zavzemal za ustanovitev judovske države v Palestini.

V poglavju o navadah časa in o oglaševanju Nežmah opozori na visok konzum alkoholnih pijač, kar razbere iz oglasov v SN. Zdi se, da je bil, sicer drugačen, vendar tudi pereč problem potreba po dolgih ženskih laseh, zlasti rumene (blond), rdeče ali sive barve. Prenekatera gospa jih je tako lahko mišljeno (pod ceno) prodala nepoštenim trgovcem, ki so jih dobavljali lasuljarjem.

SN se ni branil niti ženitovanskih oglasov in je opozarjal na pomanjkanje učiteljev. Pereč problem

je bilo zaposlovanje jetnikov iz cesarsko-kraljevih kaznilnic, ki so poceni konkurenca domačim obrtnikom, katerih delo je praviloma dražje. Takšna nelojalna konkurenca vodi v obubožanje obrtnikov.

Nenavadno prakso je, na kar opozori Nežmah, zaslediti v oglasih zdravnikov. Tako »državni poslanec in solastnik Slovenskega naroda Josip Vošnjak [...] »magister porodoslovja, praktičen zdravnik v Ljubljani [...] ozdravlja vse zunanje in notranje bolezni. [...] Ozdravlja tudi pismeno« (str. 164). To pomeni, da na daljavo, ne da bi v živo videl pacienta.

Nežmah v posebnem poglavju razišče vojno reporterstvo, saj je SN vedno znova poročal o vojnih dogodkih v Črni gori, Bosni in Hercegovini, med Nemci in Francozi. V teh člankih je, kot izpostavlja Nežmah, praviloma govor o poveljnikih, kraljih in cesarjih, o bitkah in njihovih posledicah. Ne omenja pa se navadnih vojakov. To je bila sicer takratna redna praksa, ki jo je spremenila šele prva poklicna reporterka Alice Schalek (1874–1956), ki je v živo poročala z bojišč I. svetovne vojne (tudi s soških front). Do takrat so vojna poročila oz. vojni članki nastajali v varnem zaledju v tiskovnih uradilih. Neredko so jih izgotavljali vpoklicani znani literati (Robert Musil na soških frontah, Hugo von Hofmannsthal iz Pule) in ilustrirali slike (Hinko Smrekar). Takšni so služili bolj propagandi kot

BERNARD NEŽMAH

## NEZNANI JURČIČ - MAGIČNI ŽURNALIST



pa objektivnemu poročanju o stanju na bojiščih. Tematizirali so poveljниke, cesarje, kralje, ne pa navadnih vojakov.

Duhu časa v SN je prisoditi poročila o gojenju ledu na travnikih na Gorenjskem. Vest se je razširila vse do Dunaja, kjer je zanjo izvedel tradicionalni dunajski pivovar Dreher, ki je imel izpostavo svoje pivovarne v Trstu. Dreher »se je pogodil z lastniki travnikov za [...] led in sicer bo za Schwechat vzel 700 vagonov, za Trst pa 500 vagonov ledu« (str. 163). Za razliko od slovenskih Koslerjev, ki so takrat iz Ljubljane v Trst prodajali svoje Union pivo, se je Dreher v Italiji obdržal do današnjih dni – čeprav zdaj v lasti Heinekena. Usoda, ki jo deli s pivovarno Union v Sloveniji.

Z zadnjim poglavjem svojega dela je Nežmah okronal svoje raziskovanje Jurčiča v SN. Za vedno je razčistil z *Mit[om] o borno plačanem uredniku*. S honorarjem, ki ga je Jurčič zaslužil, si je plačeval bivanje v dragem ljubljanskem hotelu Evropa ob Celovški cesti. Neporočeni gospodje so takrat, ko so bila stanovanja brez elektrike, vode in kurjave, ko je Bleiweis šele iznašel slovensko besedo *vstranišče* (vstran metati) za današnje stranišče, ko gospodje niso znali prati, likati ali kuhati (celo sopoga Prešernovega delodajalca odvetnika Blaža Crobatha je proti plačilu gostila izbrane gospode na kosi), najlaže preživeli v hotelih. Jurčič je kot delaven človek lahko živel od tistega, za kar je živel, od pisanja, ki mu je omogočilo »evropsko« bivanje na visokem nivoju.

**Mira Miladinović Zalaznik**

Polona Tratnik:

V DEŽELI PRAVLJIC. K DRUŽBENIM FUNKCIJAM  
PRAVLJIČNIH NARATIVOV.

Koper, Založba Annales, 2024, 226 strani

Monografija *V deželi pravljic* predstavlja poglobljeno in metodološko izvirno raziskavo pravljic ter sorodnih narativnih oblik, kot so ljudske pripovedi, miti in legende, kot specifičnih družbenih diskurzov. Avtorica študije, Polona Tratnik, se v zadnjih letih mednarodno uveljavlja z raziskovanjem pravljic, mitov in sorodnih narativov, pri čemer njen delo zaznamujeta izrazita interdisciplinarna odprtost ter vključevanje sodobnih metodoloških pristopov.

Osrednja teza knjige je, da pravljice niso zgolj estetsko ali literarno avtonomna besedila, temveč ideološko in družbenopolitično pogojene narative prakse, ki izhajajo iz konkretnih zgodovinskih in družbenih potreb, konstruirajo zamišljene družbene ureditve ter opravljajo raznolike normativne

funkcije. Avtorica zagovarja stališče, da pravljice delujejo kot aktivni soustvarjalci družbenopolitičnega prostora, saj ne le reprezentirajo družbeno realnost, temveč prek diskurzivnega nagovora subjektov sodelujejo pri procesih subjektivacije ter usmerjajo posameznike k določenim oblikam mišljenja in ravnjanja.

Monografija je tako osredotočena na družbene funkcije pravljic in njihovo vlogo pri vzpostavljanju ter refleksiji družbenega reda, pri čemer poseben poudarek namenja slovenskemu prostoru, zaznamovanemu z menjavanjem političnih tvorb in prizadevanji za oblikovanje narodne identitete. Skozi monografijo analizira, kako se politični, gospodarski in verski odnosi ter konkretne zgodovinske okoliščine odražajo v ljudskih pripovedih in pravljicah, zlasti v kontekstu narodnega preporoda in procesov grajenja nacije. Ob tem obravnava tako junaške kot tudi »neherojske« pravljice ter širši korpus klasičnih vseevropskih pripovedi in pokaže, kako se posamezne pravljične inačice v različnih zgodovinskih in ideoloških kontekstih prilagajajo družbenopolitičnim razmeram ter delujejo kot narativne matrice za posredovanje družbenih vrednot.

Izviren pristop k proučevanju pravljic v monografiji se kaže v odmiku od univerzalističnih perspektiv, ki pogosto spregledajo zgodovinske in družbene dejavnike. Tratnik opozarja, da so takšni pristopi, značilni zlasti za psichoanalitične interpretacije Bruna Bettelheima in nekaterih jungovskih teorij arhetipov, metodološko problematični, saj zanemarjajo zgodovinsko pogojenost pravljic ter pogoje njihove produkcije in recepcije. Po njenem mnenju univerzalistična perspektiva obravnava pravljice, kot da nimajo zgodovine, pri čemer tisto, kar se razglaša za univerzalne resnice, pogosto odraža vrednote specifičnega zgodovinskega in kulturnega prostora. Podobno opozarja tudi na omejitve teorij arhetipov, ki spregledajo dejstvo, da se pomeni simbolov in arhetipskih figur razlikujejo med kulturnimi ter se skozi čas spreminja. V tem kontekstu kritično obravnava tudi stališča Carla-Heinza Malleta, ki pravljice razume kot pripovedi, ločene od političnih, zgodovinskih in kulturnih okoliščin, ter jih vidi kot osvobojene moralnih in vedenjskih norm posameznih zgodovinskih obdobjij. Ob bok takšnim pristopom razumevanja pravljic, Tratnik zagovarja tezo, da pravljice vselej nastajajo v dočlenem času in prostoru, izhajajo iz konkretnih družbenih razmer ter so namenjene specifičnim družbenim skupnostim. Njeno raziskovalno izhodišče temelji na povezovanju ljudskih in literarnih pravljic s kulturno in politično resničnostjo, pri čemer poudarja fleksibilnost teh narativov in njihovo zmožnost prilagajanja različnim družbenim potrebam, kot so discipliniranje, izobraževanje ali utrjevanje družbenih struktur. Metodološki okvir, ki ga

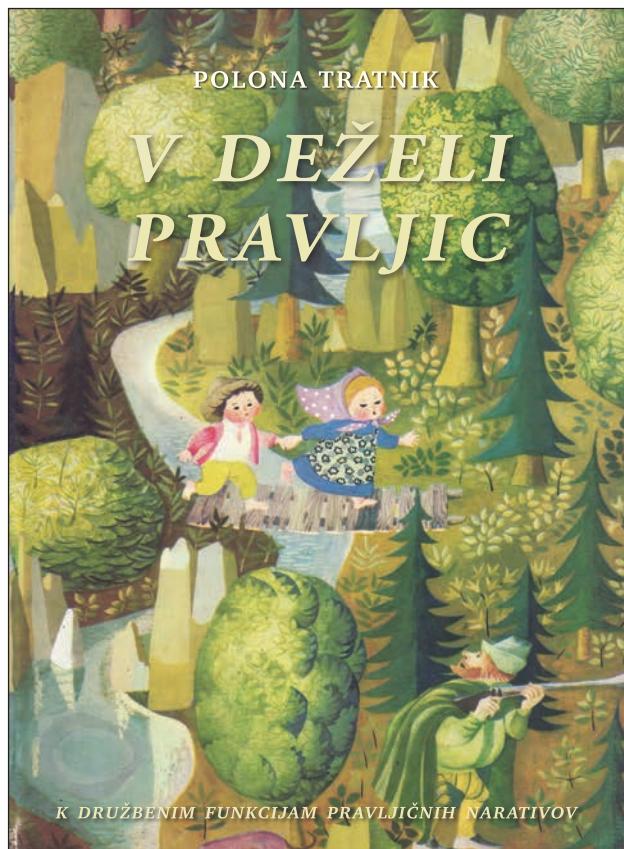
razvija, temelji na primerjalni analizi različic istega pravljičnega tipa, skozi katero razkriva strukturne podobnosti in vsebinske razlike ter pojasnjuje raznolike družbene funkcije posameznih inačic. S tem se distancira od formalističnih in strukturalističnih usmeritev, ki so se osredotočale na iskanje univerzalnih strukturnih zakonitosti, pri čemer so pogosto zanemarile diskurzivno analizo variant in s tem njihove specifične družbene in zgodovinske kontekste. Razumevanje pravljic, kot je to v monografiji jasno utemeljeno, ni mogoče brez upoštevanja vprašanja, zakaj se posamezne različice pojavijo v določenem času in prostoru ter kakšne funkcije opravljajo v konkretni družbi. S tem prepričljivo pokaže, kako je mogoče na podlagi povezave med strukturo pravljice (vključno z značaji in motivi) ter njenim diskurzivnim delovanjem razložiti raznolike družbene funkcije posameznih inačic. V njeno analizo so vključene literarne, ljudske pravljice vključno z miti in legendami, s čimer so prikazane kompleksne povezave in prehodi med različnimi narativnimi sferami in zvrstmi. Poleg literarne retorike posveča pozornost tudi likovni retoriki, kar se kaže v bogati slikovni opremljenosti knjige.

Monografija je tematsko razdeljena na tri sklope. Prvi del (poglavlji 2 in 3) se osredotoča na pravljico o Pepelki in sorodne pripovedi. Obravnava nastanek literarne pravljice v renesančnih Benetkah, zlasti v delu Giovannija Francesca Straparole, ter njen nadaljnji razvoj v francoski aristokratski kulturi poznega 17. stoletja pri avtorjih, kot sta Charles Perrault in Marie-Catherine d'Aulnoy. Osrednja tema tega sklopa je biopolitična vloga pravljic pri oblikovanju disciplinarne družbe, zlasti v kontekstu discipliniranja žensk ter vzpostavljanja konceptov feminilnosti in družbene vloge ženske. Analiza pokaže, kako pravljice, kot sta Perraultova in d'Aulnoyna Pepelka, hkrati odražajo in soustvarjajo spolne vloge ter družbene norme. Posebna pozornost je namenjena tudi vlogi čudesnega (*mirabilis*) in njegovemu delovanju v službi specifičnih družbenih funkcij. Prispevek knjige je na tem mestu še posebej izrazit, saj razkriva subtilne mehanizme discipliniranja, ki delujejo prek navidez nedolžnega pravljičnega diskurza.

Drugi del (poglavlja 4 do 7) raziskuje motiv ubijalca zmaja v različnih kontekstih. Sledi genealogiji motiva od starodavnih indoevropskih mitologij do krščanskega koda (sveti Jurij) in slovanske mitopoetske dediščine (Kresnik, Perun). S svojo analizo pokaže, kako se mitični in naturalistični epistemi odražajo v razumevanju živali in pošasti, kot sta človeška ribica in globokomorski ligenj, ter kako znanstveni pristopi – na primer Valvasorjevo raziskovanje Cerkniškega jezera – potiskajo mitsko razumevanje sveta v ozadje, hkrati pa uvajajo instrumentalni razum in nacionalne interese, denimo v

obravnavi človeške ribice kot nacionalnega simbola. Posebna pozornost je namenjena tudi oblikovanju kolektivnega imaginarija skozi ponavljanje simbolnih struktur. Poglavlja v tem sklopu obravnavajo še politično rabo antične mitologije pri gradnji skupnosti in kolektivnega spomina, zlasti mit o Argonavtih in njegov pomen pri konstruiranju izvora Ljubljane. Nadalje so v ospredju slovenski narodni junaki, kot so Martin Krpan, Peter Klepec in Gašper Lambergar, ter njihova vloga pri utrjevanju narodne zavesti in politični instrumentalizaciji skozi zgodovino, na primer v Levstikovem *Martinu Krpanu* ter Cankarjevih in Bevkovih literarnih predbah *Petra Klepca*.

Tretji del (poglavlji 8 in 9) je posvečen pravljici o Janku in Metki ter njenemu prispevku k oblikovanju načij. Prikazuje, kako so pravljice, zlasti v zbirki bratov Grimm, sodelovale pri konstruiranju nemške nacionalne identitete. Ključni del analize predstavlja zgodovina prevodov in pripredb pravljice o Janku in Metki v slovenščino, ki razkriva, kako so bile pravljice prilagojene specifičnim političnim režimom in založniškim politikam v jugoslovanskem prostoru, denimo z odstranjevanjem verskih elementov ali v Bevkovih socialističnih pripredbah. Tratnik obravnava tudi motiv zapuščenih otrok v širšem zgodovinskem okviru, povezanem z demografskimi krizami in revščino, ter v literarnih kontekstih, kot



so Perraultov *Palček*, Basilejeva *Nennillo in Nennella* ter Grimmova *Janko in Metka*. Skozi te motive se odražajo družbene razmere in ideološki premiki, na primer prehod od suverene oblasti k razsvetljenim subjektom ter vpliv kapitalističnih družbenih razmerij. Strukturo pripovedi Tratnik poveže s koncepti suverenosti, racionalnosti in civilne družbe ter s tem razširi razumevanje pravljice kot odraza družbenih pričakovanj in norm. S posebnim poudarkom na slovenskih inačicah, je uspešno utemeljena teza o dinamični družbeni funkciji pravljic. Pravljice tako niso statične, temveč se njihova sporočilnost in funkcija spreminja glede na družbenopolitični kontekst nastanka in recepcije.

Pomemben prispevek monografije je osredotočenost na slovenske primere, s čimer je pomembno osvetljena slovenska kulturna dediščina in njena vpetost v širše evropske in zgodovinske procese. Delo presega zgolj nacionalni okvir, saj s svojo teoretsko doslednostjo in primerjalno zasnovanim pristopom predstavlja pomemben prispevek tudi v širšem mednarodnem prostoru razprav o družbenih funkcijah pravljic.

Analiza slovenskih narodnih junakov in prevodov Grimmovih pravljic v slovenščino pod različ-

nimi režimi jasno prikaže, kako so pravljice služile nacionalnim in ideološkim ciljem. Monografija *V deželi pravljic* s tem predstavlja izjemno dragocen prispevek k razumevanju kompleksnih družbenih funkcij pravljičnih narativov. Z metodološko izvirnostjo, poglobljeno analizo izbranih primerov ter bogatim vključevanjem slovenskega gradiva presega ustaljene okvire proučevanja pravljic in pokaže, da so pravljice pomembni kulturni in politični diskurzi, ki so skozi stoletja aktivno soustvarjali družbene predstave, vrednote in norme. Ponuja sveže in premišljene uvide v na videz že dobro poznane pripovedi. Slog pisanja je mestoma zahteven, saj besedilo temelji na bogatem naboru referenc, teoretskih konceptov in zgodovinskih primerov. Kljub temu Tratnik spremeno povezuje analitično zahtevnost z berljivostjo besedila, pri čemer bralcu v oporu vključuje številne ilustracije in natančne opise. Vizualno gradivo tako ne deluje zgolj kot spremiščevalni element, temveč vzpostavlja dodatno interpretativno raven, ki smiselnopredstavlja analitični del monografije.

**Jasmina Rejec**

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SLIKA NA NASLOVNICI: *John Martin: The Great Day of His Wrath* (izrez, Wikimedia Commons).

Slika 1: *Besede in pogovori kot orožje, Kevin Coleman in Independent Software* (Vir: <https://www.c4isrnet.com/opinion/the-compass/net-defense-blogs/2017/06/15/the-weaponization-of-words-and-conversations/>).

Slika 2: *Pogled iz zraka na ljudi, ki prečkajo prehod za pešce* (Foto: Ryoji Iwata on Unsplash).

Slika 3: *Silhouette ljudi* (Vir: Freepik).

Slika 4: *Ustvarjalec vsebin* (Vir: Freepik).

Slika 5: *Grafit »Post no hate«* (Foto: Jon Tyson, Unsplash).

Slika 6: *Parada* (Vir: Freepik).

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FRONT COVER: *John Martin: The Great Day of His Wrath* (cutout, Wikimedia Commons).

Figure 1: *The weaponization of words and conversations by Kevin Coleman and Independent Software* (Source: <https://www.c4isrnet.com/opinion/the-compass/net-defense-blogs/2017/06/15/the-weaponization-of-words-and-conversations/>).

Figure 2: *Aerial view of people walking on pedestrian lane* (Photo: Ryoji Iwata on Unsplash).

Figure 3: *People silhouettes* (Source: Freepik).

Figure 4: *Content creator* (Source: Freepik).

Figure 5: *»Post no hate« grafitti* (Photo: Jon Tyson, Unsplash).

Figure 6: *Parade* (Source: Freepik).

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