Claiming the diaspora: Russia's compatriot policy and its reception by Estonian-Russian population

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Abstract

Nearly a decade ago Russia took a turn from declarative compatriot protection discourse to a more programmatic approach consolidating large Russophone [1] populations abroad and connecting them more with Russia by employing the newly emerged concept of *Russkiy Mir* as a unifying factor for Russophones around the world. Most academic debates have since focused on analyzing *Russkiy Mir* as Russia's soft power tool. This article looks at Russia's compatriot policy from the perspective of the claimed compatriot populations themselves. It is a single empirical in-depth case study of Russia's compatriot policy and its reception by the Russian-speaking community in Estonia. The focus is on Russia's claims on the Russophone population of Estonia and the reactions and perceptions of Russia's ambitions by the Estonian-Russians themselves.

Keywords: compatriots, Russian diaspora, diasporisation, integration in Estonia, identity of Russian-speakers

Introduction

Following Russia's annexation of Crimea and military intervention in Eastern Ukraine in 2014 dozens of journalists have ventured to Narva, the easternmost town of Estonia, with one question on their mind: "Is Narva next?" As one article in The Diplomat Publisher put it,

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three weeks after the referendum in Crimea, "Estonia would be the perfect battlefield for Russia and Putin to continue the war they began with Georgia in 2008" (*The Diplomat*, 2014). An EU border town 150 km from St. Petersburg with an overwhelmingly Russian-speaking population, Narva has become a focal point of discussion for political analysts and journalists over the real intentions of Russia's foreign policy and of its compatriot policy, which is seen as one of its main working tools.

Academic debates have generally focused on the dynamics of Russian-Baltic relations after the collapse of the USSR, looking more deeply into energy and trade interdependence and regional and international security issues (Muižnieks 2006; Šleivyte 2010; Berg & Ehin 2009). Other authors have turned their attention to the dynamics of the relations between the titular and Russophone populations in post-Soviet countries (Kolstø 1995, 1999, 2000; Smith *ed* 1996; Tishkov 1997; Laitin 1998; Zevelev 2001; Lauristin & Heidmets 2003; Korts 2009). More recently focus has shifted to analyzing Russia's compatriot policy as its preferred soft power tool (Simmonsen 2001; Bugajski 2004; Pelnens 2010; CSIS 2011; Saari 2014; Laruelle 2015a). However, little attention has been paid to the civic and cultural allegiances, territorial identification and behavioral strategies of the Russophones themselves vis-à-vis Russia. As an author of one of the few studies on the topic, Kosmarskaya (2011) concludes based on her extensive fieldwork on the perceptions and behaviors of Russophones in Central Asia vis-à-vis Russia's political approach towards them that these Russophones do not possess the 'diasporic' features ascribed to them by Russian authorities (Kosmarskaya 2011, 54). The current empirical case study of Estonian Russians aims to add nuances to the arguments put forward by Kosmarskaya.

In this article I explore two processes that form the dynamics of the relationship between Russia and the Russophone community in Estonia. One is Russia's practice of claiming the diaspora and its policies of 'diasporisation' vis-à-vis Russophones. Diasporisation in this analysis is perceived as an ethnification of transnational connections, so that communicative, social and cultural relations become organized and even institutionalized across sovereign boundaries (Denemark *et al* 2000). In this specific instance of diasporisation, Russia is the active agent that drives and guides the process. It involves the development of a political concept of compatriots (*соотечественники*), the elaboration of policy tools towards this group and the use of the ideological concept of *Russkyi Mir* (Russian World)[2] as a unifying idea for all Russophones around the world. With a set of official policy programs, policy structures and political rhetoric Russia has taken the position of being the active kin-

state (Brubaker 1996) of the Russophone population in Estonia and elsewhere in the post-Soviet space. The first part of the article examines the process of recognizing and claiming the Russophone diaspora or diasporas by Russia's state and non-state actors as well as the intended objectives of the diasporization process.

Second, the agents of Russia's compatriot policy– the social and political leaders singled out by Russia as the leaders of the compatriot movement in Estonia – will be analyzed. In the second section of the article I examine the implementation mechanisms of Russia's diaspora policies in Estonia. Since the adoption of a more structural approach to diaspora policies in early 2000s, several organizations and funding mechanisms have been established in Estonia. However, the impact of the compatriot movement on the formation of a strong and unified Russophone diaspora is questionable today.

However, equally important in determining the success of Russian diasporisation policy are the perceptions of the Russophones themselves and their attitudes and expectations towards Russia. The third part of this study pays equal attention to the civic and cultural allegiances, territorial identification and behavioral strategies of Estonian Russophones vis-à-vis Russia as the historical homeland. Although this analysis does not control for variables such as a participant's number of years residing in Estonia, gender, migratory status or level of education, which may influence allegiances, identities and behavioral strategies, the concurrence of responses provides an indication of Russophones' understandings of Russia as a historic homeland, their cultural and political identifications, and how they relate to the compatriot policy programs of the kin state. In the final section of the article I will raise some implications of Russia's compatriot policies for further integration of Estonian Russians into Estonian society.

Note on data

The empirical analysis encompasses quantitative survey data gathered in 2010, 2011 and 2015 in the form of integration monitoring studies. The data was gathered through public opinion surveys commissioned by the Estonian Ministry of Culture and conducted by various groups of social scientists. Survey samples include permanent residents of Estonia from 15 years of age and up, using a proportional random sampling method. Depending on the survey round, sample size varied between 1010 and 1400 persons. All calculations of the data from various survey rounds used in this analysis are performed by the author using the original data files. While the surveys are primarily aimed at monitoring the structural, cultural and identificational integration process in Estonia, data was also collected regarding Russophones'

cultural identity and linguistic practices, attitude towards Russia, their awareness of Russia's compatriot policy, and the factors that connect or do not connect them with Russia. In this analysis the survey data is used to delineate the civic and cultural allegiances, territorial identification and behavioral strategies of Estonian Russophones. Russophone's perceptions and attitudes to all three foci of Russia's compatriot policy - the development of close cultural, political and economic ties with Russia, including possible repatriation to Russia; maintaining the ethno-cultural and linguistic identity of Estonian-Russians; and the protection of the rights of compatriots living abroad - was tested using the survey data.

The survey data will be complemented with data gathered during qualitative fieldwork in 2015 in Tallinn and Narva, the largest Russian-speaking towns in Estonia. A total of seven in-depth interviews with informants – nominated leaders of the compatriot movement in Estonia or activists and analysts close to the movement – were conducted in Tallinn. Additionally, four focus group discussions with Russian-speaking residents of Narva and Tallinn took place between September and October of 2015. This qualitative fieldwork aimed at discerning the perceptions, imaginations and attitudes reflected in the quantitative survey data. The interview questions focused on distinguishing the Estonian Russians' understanding of their relations to Russia and their position in Russia's compatriot body, their cultural and political allegiances, and their perceptions of Russia's compatriot policy.

Russia's 'claiming' the diaspora: Russian compatriot policy ideology and practice

The collapse of the USSR that resulted in strong political and economic travails in Russia brought along an equally acute identity crisis. The moment Boris Yeltsin's Russia declared itself as a successor state of USSR, the option of having a complete break with the Soviet past and building a new identity for the nation and the state was no longer an official position. An immediate consequence of this was that the Russian nation became redefined in neo-imperialist terms and as a result the boundaries of the imagined Russian nation extended beyond the territorial sovereignty of the Russian state (Morozov 2004, 319, see also Zevelev 2008). Millions of Russians who now lived abroad in former Soviet republics became at least rhetorically included in the community that constituted the broader Russian nation. The narrative of 'Russia as a divided nation' started to emerge, first in academic discussions; later during Putin's reign it reached the level of political rhetoric and eventually policy.

However, under Yeltsin, Russia's actions with regard to the large contingent of Russian

speakers in the former Soviet republics remained limited to rhetorical reactions to the harsh social realities and in some cases deprivation of civic and political rights experienced by Russians in the often nationalizing neighbor-states. In 1994 Yeltsin signed a presidential decree 'On the Principal Directions of the Federation's State Policy Towards Compatriots Living Abroad' but did not follow this up with any practical measures. In 1997 a bill on Russia's policy towards compatriots was tabled in the Duma and immediately provoked heated debates over the definition of compatriots, the rights attributed to these people and the type of measures foreseen to guarantee them rights. When the law was finally adopted in an amended form in 1999 it included as a compromise a very broad definition of who was a compatriot. In a rather constructivist manner Article 3 stated that self-identification on the part of former citizens of the Soviet Union as compatriots of Russia would remain a matter of free choice. This definition left it open for each Russian or former citizen of the USSR residing outside of the Russian Federation to construct their own relations towards the Russian Federation and its claimed 'body' of compatriots.

However, the public and academic discourse on compatriots that preceded and followed the debates surrounding the law revolved primarily around primordial principles where it was assumed, a priori, that an identifiable body of compatriots existed and was automatically the object of special relations with its historic homeland. References to "25 million Russians living abroad" who "although became residents of foreign states, (…) remained intimately attached to their homeland" (see for example Mitrofanova 2004) indicated the approach being taken by Moscow where the body of compatriots was clearly identified. Rooted in Russia's historic academic and political tradition of ethnocentric nationalism the debate on compatriots was influenced by the ethno- and group-centered approach where ethnic boundaries between groups were taken as natural and fundamental. In this approach a person's membership in a compatriot community was not a result of individual choice, as suggested by the law, but was rather predestined by the person's ancestry (Kosmarskaya 2011, 56). The contradiction between a constructivist definition of a compatriot in the law and the ethno- and group-centered approach evoked in political rhetoric was especially visible during the first post-Soviet decade. The compatriot law carried all the hallmarks of Russia's struggle to define the borders of its nation.

With the rise of Vladimir Putin the compatriot policy attained a new significance in the country's political rhetoric. In his first annual address to the Federal Assembly in 2001, Putin stressed the priority to defend "the rights and interests of Russians abroad, our compatriots in

other countries" (Hedenskog & Larsson 2007, 33). The public rhetoric on the need to protect the rights of compatriots abroad became more visible than before and entered strategic foreign policy documents. In 2008 the protection of compatriots abroad was declared as a natural priority of Russian foreign policy in the newly adopted Concept of the Foreign Policy of the Russian Federation (Концепция внешней политики Российской Федерации 2008). "Discrimination and the suppression of the rights, freedoms and legitimate interests of the citizens of the Russian Federation in foreign states" was included among the main threats to Russia's military security even in the military strategy (Hedenskog & Larsson 2007, 33). In parallel to these processes the concept of 'national interests' also emerged. The interchangeable usage of 'compatriot protection' and 'national interest protection' raised questions about the role compatriots might play also in *serving* 'national interest'. This left analysts puzzled about the existence of stated and unstated objectives and the dual nature of the targets of the newly prioritized compatriot policy. Furthermore, the discursive element of the policy seemed to be intended equally for domestic and foreign audiences, however carrying differentiated messages.

Compared to Yeltsin's reign, the rhetoric became more focused on claiming compatriots as an organic part of the Russian nation. From an emphasis on compatriot rights protection that more often than not supported the integration and identification of Russians with the political community of their resident country, the focus shifted to a rhetoric of consolidating and uniting the diaspora, tightening the ties with the historic homeland of Russia and supporting the repatriation of compatriots to Russia. The shift in focus was partly caused by nation-building efforts of new leadership (Morozov 2004; Zevelev 2008). Without going deeper into the debate on Russia's post-Soviet national identity formation, suffice it here to note the mutual formative relationship between the national question inside Russia and the status and belonging of Russians living abroad. In this interactive situation the narrative of 'Russia as a divided nation' moved from the political margins during 1990s to an epicenter of political correctness (Laruelle 2015a, 89; Shevel 2011, 186). Turning attention in political rhetoric to the compatriots abroad "somehow helped psychologically to offset the shock of division after the Soviet Union's collapse" (Zevelev 2008, 56).

This shift in rhetoric can be discerned in two programs of Russia's compatriot policy adopted at around the time: the repatriation program and the legitimization of the concept of *Russkiy Mir* (Russian World) (Laruelle 2015a, 89). Both programs became the central policy tools of Russia's compatriot policy after 2006. The repatriation program characterizes an

underlining idea of the concept of the 'divided nation'. The features ascribed to the diaspora in this document speak of striving for a return to and whole-hearted orientation towards the historic homeland as the basic element of identity. Additionally, the program featured a material interest to reach out to the diaspora as it clearly prioritized Russia's own economic and demographic interests where compatriots were seen as a resource to counteract negative economic and demographic developments at home (Focus Migration 2011). In line with these assumptions the State Program of Voluntary Resettlement to the Russian Federation of Compatriots Living Abroad was launched in 2007 with much flair, only to show meager results during its first year of operation. By the end of the first year, just 143 ethnic-Russian families (around 650 people) had made the move to Russia out of a planned 25,000 (RFE/RL 2007). Overburdened with bureaucratic red tape, the program was destined to be unsuccessful, until the military conflict in Eastern Ukraine inflated the repatriates' numbers.

The emergence of the concept of *Russkiy Mir* as a common civilizational space of Russia and for all Russians around the world (Chepurin 2009) signified an identity construction process that took place within Russia, which attempted to overcome the realities of a 'divided nation' and influenced diaspora policies. Aleksandr Chepurin, at the time the director of the Department for Cooperation with Compatriots Abroad of the Russian Ministry of Foreign Affairs, summed up the ideology of *Russkiy Mir* in front of a compatriots' congress in 2009 as follows:

> Today the place and role of Russia's foreign world could be summed up in the following statements: it is the most important part of the common civilizational space of Russia, that is united through Russian culture, Russian language, and similar mentality; it is an essential factor in the system of international relations, it is an intellectual, spiritual, cultural, demographical resource of Russia; it is one of the components of the development of Russia's civil society, and the integration of the country and the regions into the system of modern worldwide economic ties (Chepurin 2009).

The original ideological construct of *Russkiy Mir* was comprised of three pillars: Russian language; common historical memory that strongly focuses on Soviet victory over Nazism in WWII; and the Russian Orthodox Church. These are the identity markers that unite members of *Russkiy Mir* into one community. The Russian academic circles and Russian Orthodox Church promoted the vision of *Russkiy Mir* long before it entered political rhetoric. Taking its origins from the idea of Russia as a 'third Rome' the concept was further developed by Russian academics in the 1990s who saw the Russian language as the cornerstone of Russian civilization (Tishkov 2007). With the employment of the concept in political rhetoric by

Russia's leadership, identification with Russia's political body, the Russian state, its economy and its territory, also became an identity marker for members of the *Russkiy Mir* community. The *Russkiy Mir* concept thus came to include three types of identification with Russia: cultural (Russian language, Orthodox faith, historical memory), political (Russian state) and economic (being an economic actor in favor of Russia).

After the onset of the Ukraine-Russia crisis, the concept of a 'divided nation' and the need for consolidation of *Russkiy Mir* entered the frontline of political rhetoric and was employed in several foreign policy domains (Jurevičius 2015, 125). This has led many scholars to describe *Russkiy Mir* as Russia's soft power project (Pelnēns 2010; Saari 2014, Zhurzhenko 2014). *Russkiy Mir* remains an instrumental tool and is "deployed whenever the Kremlin needs to penalize a neighbor for its geopolitical or political loyalty" and does not in fact form the driving idea behind decisions in Russia's foreign policy (Laruelle 2015a, 95). The instrumental character is further exemplified by the degree to which its application depends on contextual circumstances (Hedenskog & Larsson 2007, 43; Laruelle 2015a, 95). The rhetoric of a 'divided nation' and consolidation of *Russkiy Mir* is highly malleable and surfaces in instances where the relationships between Russia and states with significant Russian populations become strained. Estonia, Latvia, Ukraine, Belarus and Kazakhstan all have large Russian minorities, both in real numbers and as a percentage of the total population, but nevertheless, Russia has rarely if ever used the concept of *Russkiy Mir* and compatriot policy tools in the latter two countries.

While the vision for *Russkiy Mir* flourished in political rhetoric, the leaders of Russian compatriot policy knew that the people who were imagined to have historic or linguistic connections to Russia did not yet form a consolidated, powerful civilization of *Russkiy Mir* (Chepurin 2009; Baturina 2009). It takes more than just the mere ethno-demographic characteristic of speaking Russian language as a mother tongue, to constitute a strong consolidated diaspora. The consolidation of *Russkiy mir* required financial and institutional structures domestically as well as internationally. As a result, since 2010 significant political and financial resources have been invested to export the ideology of *Russkiy Mir* beyond Russia's borders by various state-sponsored institutions, such as the *Russkiy Mir* Foundation, Pushkin institutes, Moscow houses and local NGOs established by the local compatriot movements. The Annual Congress of Compatriots that is chaired by the Russian President is the main institution constituting the body of the Russian diaspora. Under the guidance of the Russian Ministry of Foreign Affairs, a 'nomenclature of diaspora organizations'

(Kosmaraskaya 2011) was established where national councils were subordinated to regional councils and those in turn to the worldwide congress of Russian compatriots living abroad. These councils are non-formal bodies that unite compatriot organizations and activists in each specific country and operate as the main functional structures that coordinate the distribution of resources among compatriot organizations. However, as will be discussed later, the way in which the leaders of compatriot movements are chosen by Moscow and the legitimacy of compatriots' organizations to represent Russophones is highly contested by the members of the claimed diaspora themselves.

Thus, with the reign of Putin, the compatriot policy has gained new significance, morphing from rhetoric of pure minority rights protection to one that usurps the diaspora via a full-flown concept of *Russkiy Mir* that lies at the heart of Russia's domestic and foreign policies. The policy became focused on three main targets: the protection of the rights of compatriots living abroad; support for maintaining ethno-cultural and linguistic identity of compatriots; and development of close ties – cultural, political and economic - with the historical homeland and possible repatriation to Russia. This time around a multi-level institutional structure as well as a set of implementation programs with clear financial resources had been established. However, has Russia succeeded in consolidating and uniting the Russophone diasporas by building cultural, political and economic affiliations with their historic homeland? Has Russia succeeded in supporting the development of solid and consolidated compatriot movements abroad with strong leadership? These questions will be analyzed in the following sections based on the empirical case of Estonia.

Compatriot movement in Estonia: consolidation or marginalization?

Russia's ambitions to build a strong and consolidated diaspora community in Estonia and elsewhere abroad materialized soon after the adoption of central programs in Moscow. In Estonia, the Russian embassy, under the guidance of the Russian Ministry of Foreign Affairs, started by building the structures of the compatriot movement, establishing a financing mechanism and nominating the leaders by 2007. In parallel a noticeable shift occurred when Moscow's rhetoric of rights protection for former USSR citizens was abandoned and a new focus was placed on supporting the maintenance of Russian language, culture and identity, and building economic and political affiliation with Russia. The strategic goal of Russia's compatriot policy in Estonia became exactly that - the consolidation of Estonian-Russians

based on language and cultural identity and closely connecting the diaspora to Russia through economic and political ties.

However, administrative leaders of the compatriot policy in Moscow were aware of a gap between their political ambitions and the realities of the compatriot movements on the ground. A lack of strong leaders, limited economic and political ties with Russia, low awareness of the compatriot policy instruments and meager levels of financial support for the compatriot movement were the main challenges for building a consolidated diaspora with a strong leadership (Klenski 2015). To meet this gap, the Coordination Council of Russian Compatriots in Estonia (*Координационный совет российских соотечественников Эстонии*) was established in 2007 under whose umbrella various compatriot organizations were united. Despite the significant number of organizations that united under the Estonian council,[3] the number of persons actively participating in the movement remained low. During a 2014 congress of Russian compatriots in Estonia only 39 delegates showed up. Nominated leaders of the compatriot movement in Estonia admit that they have not succeeded in attracting a large share of the Estonian-Russian population to join their movement. Attendance numbers at various events are low, and especially problematic is the failure to attract younger generations. As the leaders themselves have acknowledged, the consolidation of diaspora has not happened "… as ethnic Russians and Russian-speakers have individualized strategies in dealing with their historic homeland,"[4] they have "got used to dealing [with their issues] on their own."[5] The younger generation has developed strong territorial and partially political identification with Estonia and "their [more positive] attitude and trust towards the Estonian state determines how they see the compatriot movement [as something not for them]."[6]

The movement was also paralyzed by a series of rivalries, favoritism and corruption scandals almost from its inception. Favoritism often resulted from Russia's administrative control over the local compatriots' activities and a lack of transparency. This prompted some compatriot activists in Estonia to criticize Russia for failing to mobilize and consolidate the Estonian-Russian population and instead developing a narrow class of 'professional Russian compatriots' that profits financially from the compatriot policy (Klenski 2015). They have also been criticized for lacking a sense of mission and a clear mandate from the diaspora itself.[7] As a result, in recent years the movement consisted of just 15-20 core people around the Coordination Council.[8] The inability of the nominated leaders to consolidate and unite the diaspora and build a strong movement brought criticism even from Russia itself. It prompted

a Russian Federation Embassy advisor in Estonia to remind the congress members in a rather angry tone "[their] task is not to distribute soft seats under one's soft butt, but to work!" (*Delfi*, May 14, 2014).

Ostracized former members have also argued that Russia's strong-handed control over the movement results in the suppression of internal processes so that voting in the coordination council must be pre-approved by Russian embassy,[9] and the autonomy of the movement is undermined by a paternalistic attitude from Moscow.[10] Leaders admit with bitterness, that the "coordination council has no influence on Russia's compatriot policy and equally on the Russian-speaking community,"[11] "nobody discusses anything with us"[12] and as a result alienation in both directions has occurred. All of this "discredits Russian compatriot movement leaders, *Russkiy Mir* and Russia itself. It marginalizes all this."[13] Hedenskog and Larsson put forward a similar argument when describing the compatriot movement in Latvia. As a result, despite significant financial support and efforts from Moscow to consolidate the diaspora by picking and naming the leaders and establishing lead compatriot organizations, Russia's efforts have not resulted in a strong united Latvian-Russian compatriot front. In some instances Russia's efforts have even caused an opposite effect by causing splits among compatriot movement (Hedenskog & Larsson 2007, 42).

It is important to note here that Russia's efforts to establish a strong compatriot movement operate in a securitized minority environment (Kymlicka 2004) where the movement and its leaders are depicted as a threat to the internal security of the Estonian state. Every annual report of the Estonian Security Police since 1990s has contained a chapter on the activities of the Russian compatriot movement, reported under the section heading 'Defense of the Constitutional Order'.[14] The names of the movement leaders along with the names of more prominent Russophone political leaders are included in the annual reports of the police as a 'warning'. Additionally, since the early 1990s Estonia's political elite has practiced a policy of co-optation of key non-Estonian leaders (Pettai and Hallik 2002) through selective citizenship and certain state integration programs. Estonia's Centre Party has emerged in the last two decades as an alternative platform that mobilizes Russian-speaking voters.[15] Despite some efforts by the Russian state to co-opt Centre Party Russophone leaders and integrate them into the compatriot movement, the leaders have remained relatively autonomous and in some instances have openly distanced themselves from the compatriot endeavor.

All of this has made counter-mobilization of the Estonian-Russian population relatively

complicated and has resulted in a marginalization of the compatriot movement in Estonia. As will be discussed in the next section, the Estonian-Russian population, including nearly 100,000 citizens of the Russian Federation has a low awareness about the compatriot movement and its leaders, their objectives and actions. Nearly a decade after its first programmatic actions Russia has not succeeded in closing the gap between its political ambitions and the realities of the compatriot movement in Estonia. However, marginalization of the compatriot movement does not translate into the complete failure of Russia's compatriot policy in Estonia. As will be discussed below, the cultural preferences, language use, including the Russian-language education system inherited from Soviet times, and consumption of Russian media opens up other opportunities for Russia to exert influence on identity formation and identification with Russia and the *Russkiy Mir* project.

Diasporisation of Russophones: views from the Estonian-Russian community

Whereas reactions from the Estonian state and society to Russia's compatriot policy and to the *Russkiy Mir* project have received attention from academic and political observers, the study of what Estonian-Russians think of Russia's ambitions to claim the diaspora have received very little notice. The reactions and perceptions of Russophone communities abroad are important signifiers of the effectiveness of the policy and the relevance of Russia's diaspora discourse as a whole. It is important to understand how the diasporas perceive, echo or oppose the underlying ideas of the compatriot policy.

In this section I will analyze the position and reactions of Estonian-Russians vis-à-vis Russia's claim on diaspora and on its compatriot policy. The process of identity formation of Russian-speakers in the former union republics after the shock of the collapse of the state they identified themselves the most with – the Soviet Union - has received considerable interest (see for example Kolstoe 1995; Laitin 1998, Lauristin & Heidmets 2003; Galdbreath 2005). This scholarship will be used as a basis for the further discussion about the process of developing allegiances and self-positioning of Estonian-Russians vis-à-vis Russia as a historic homeland. In this section the positioning and responses of Estonian-Russians to the aims and practices of Russia's compatriot policy will be analyzed. How do Estonian-Russians understand the claims made on their identity and belonging by the Russian state? How do Estonian-Russians position themselves and construct their civic and cultural allegiances vis-à-vis Russia? What are their behavioral strategies regarding Russia's claims of belonging, including potential repatriation to Russia? The survey data used in the analysis sheds some

light on the civic and cultural allegiances, territorial identification and behavioral strategies of Estonian-Russians regarding Russia.

Russia has the potential for high cultural attraction for Russian-speaking populations in the Baltics (Cheskin 2015, 73). Estonia's 2015 survey results show that the strongest connection that Estonian-Russians feel with Russia is in the area of Russian language and cultural heritage (see Table 1 in Appendix). Among all age groups more than half of the respondents and in some cases as much as 70% say Russian culture and language and cultural heritage connects them rather or very strongly with Russia. Cultural-linguistic connection with Russia was similarly strong among those who were born inside or outside of Estonia, mainly in Russia (see Table 2 in Appendix). Thus the cultural and linguistic identification with Russia remains strong among every generation.

The cultural and linguistic connection with Russia is maintained through language use in both private and public spaces, including via Russian-language education, through literature and especially through Russian media consumption. The identity of the Russian-speakers shows some signs of consolidating around these cultural preferences, notably the Russian language (Cheskin 2015, 74) and this opens up the possibility for Russia to exert a meaningful influence on identity formation of the Estonian-Russian population. These markers of Russian linguistic and cultural identity maintenance in Estonia and connectedness with Russia support Russia's political aim to support the linguistic and cultural self-identification as Russians and closer cultural ties with Russia.

At the same time the surveys testify to a strong territorial identification with Estonia among Estonian-Russians where the overwhelming majority of them identify Estonia as their only homeland. This territorial identification with Estonia is noticeably strong among younger age groups (ages 15-24 and 25-34) where between 70-80% in various survey rounds considered Estonia as their only homeland, and a negligible number identified Russia as their homeland (see Table 3 in Appendix). Territorial identification with Estonia is noticeable even among those who were born in Russia - nearly a quarter of this group considers Estonia as their only homeland and another third identify with two homelands, Estonia and Russia (see Table 3 in Appendix).

Territorial identification with Estonia is closely associated with everyday social, economic and cultural practices in the Estonian territorial space. Due to long-term residence in Estonia, Estonian-Russians identify with socio-economic structures and practices, the legal framework and everyday cultural practices of Estonia, and simultaneously disassociate

themselves from Russia:

> If you haven't lived there, it is totally difficult there … as … there is a totally different life; it is more bureaucratic, livelier, totally different (woman, 50, Narva).

While in general the Russian-speaking population has still maintained personal connections with Russia to some extent – half of them have either lived, worked or studied in Russia, or have friends or relatives there – disassociation from Russian society is especially prominent among younger people. 2015 survey results testify that the younger the person is, the less he or she has personal contacts with Russia – as many as 70.3% of young people aged 15-24 no longer have personal connections with Russia while 70.6% of older generation have strong or some personal connections. Young Estonian-Russians aged 15-34 that grew up in post-Soviet Estonia have considerably fewer personal connections with Russia when compared to the next generations of those 35 years and older (see Table 1 in Appendix).

This loss of personal relations with Russia was echoed in the group discussions with young and older Russian-speakers alike and during the interviews with the compatriot movement leaders:

> Young people have only an abstract understanding of Russia, as they have never been to Russia. They sympathize with Russia, but it is not their country. They do not reside in Russia. They have grown up in Nordic culture and everyday practices, but in Russia it is different, especially bureaucracy.[16]

As young people themselves explain, identification with everyday Estonian social and cultural practices including Estonia's higher quality of life create barriers in identifying with Russia:

> (…) don't want to move there. It will be worse there. If you want to get health service, to have a serious operation, to put your kid into kindergarten, to buy a flat, to get a mortgage (….) to open business and so on. It will be fundamentally [difficult] (man, 28, Narva).

The emigration numbers of Estonian residents to Russia illustrate the reluctance of Estonian Russians to take up the call of the historic homeland for repatriation. During the five-year period (2008-2012), 1355 persons emigrated to Russia from Estonia while a total of 4378 immigrated into Estonia from Russia, meaning that Russia is one of the few countries with whom Estonia has positive migration balance (PPA 2014). While the exact numbers of Russians who have emigrated under the state-sponsored repatriation programme are not known, they remain insignificant[17] constituting a negligible share of Estonian-Russians. Extremely low emigration numbers are a reflection of the adaptation process that Estonian-

Russians have gone through since the early 1990s that in turn has resulted in the emergence of a territorially rooted Russian Estonian population.

While the cultural identification with Russia remains strong, the political identification with Russia and its compatriot policy is less straightforward. Shared language, culture and even history alone do not signify identification with and support for Russia's political body and its projects. Russian cultural identity does not automatically produce Russian political identity, and affinity for Russia's policies requires something more (Zakem et al 2015, 12).

In the case of Estonian Russians, the overall awareness about the compatriot policy is low – as many as 65% of Estonian-Russians noted in the 2011 survey that they were not aware of the Russian compatriot policy and only 8.5% confirmed that they knew this policy very well (see Table 4 in Appendix). Low awareness in compatriot policy is paired with a negative evaluation of Russia's role in protecting the interests and rights of Estonian-Russians. In surveys a strong majority of Estonian-Russians (between 70-80% in two survey rounds), and the young generation more than the older, do not agree that Russia is the state that represents their interests or supports and helps the Estonian-Russians (see Table 1 in Appendix). Support for Russia is stronger among Estonian-Russians who were born outside Estonia, mainly in Russia. But even among them an overwhelming majority (between 58-60% in two survey rounds) did not agree that Russia represents their interest or supports them (see Table 2 in Appendix). The marginalization of the compatriot movement discussed above has influenced Estonian Russians criticism towards Russia's compatriot policy:

> We hear only about constant scandals. And that's it. But real work we do not see.
> In general we do not see Russia's [compatriot] work here. (man, 45, Tallinn).

However, a majority agree with the declared objectives of compatriots policy – support for the preservation of Russian culture, language and education; improving the situation of Russian-speakers; identification with Russia and support for repatriation (see Table 5 in Appendix). In interviews, Estonian-Russians declared their cultural Russianness as being 'culturally Russian compatriots', but often disassociated themselves from the political component of the policy. Russian compatriots are seen as instruments of broader Russian foreign policy aims rather than as objects of Russia's compatriot policy themselves (Zakem *et al* 2015). This dual nature of the goals is met with some distrust and perplexity among Estonian-Russians:

> Culture, this is my culture. This is all. But I am not ready to rotate in those political variations, therefore politics, no. (woman, 50, Tallinn).

> For those who speak Russian as a mother-tongue, they live nevertheless in a Russian cultural context, meaning we know this Russian classical literature, read it, films, media, all this, is understandably Russian. (…) But they tried to add to this an understanding of compatriots, not this Russian cultural context, but exactly some political. (man, 34, Narva).

> I was just once at the meeting of Russian citizens, and I understood, that … What culture? There was no Lermontov, Pushkin and Dostoyevsky. I mean this is the indicators of this, what this money brings to us, but (…) Firstly, the age [was] over 60, I guess. And the number [of people], thank God, sort of not large. (man, 32, Narva).

This ambiguity of Russia's compatriot policy felt by Estonian Russians results in many of them distancing themselves from the body of Russia's compatriots. Significantly, more young Estonian-Russians than their older counterparts seem to be suspicious of Russia's compatriot policy objectives as more of them agree that the aim of the policy is to keep Estonia in its sphere of influence (see table 6 in Appendix). As expressed by different respondents, young Estonian-Russians disagreed more often than older persons that they personally could be considered as Russia's compatriots. Identification as a compatriot for them is not necessarily objective stemming from their linguistic and cultural identification as Russians or even cultural identification with Russia, but rather a territorial and political self-identification with Russia:

> Compatriots are those Russians who feel that their homeland is there, abroad [in Russia] and who has decided himself/herself that he/she is compatriot. (man, 43, Narva).

> What does it mean compatriots? One should have been born in Russia at least, to have roots in Russia, to have some connections with Russia, social or economic, to be in Russian community. But we live here, cut off in our own little island. And Russia has nothing to do with it. (man, 32, Tallinn).

Being a compatriot is seen as having affectionate feelings towards Russia (*душой тянешься к России*), however, some distancing was evident in all discussions. Even the few discussants who identified themselves as compatriots nevertheless distanced themselves from Russia as 'their' country. As one woman from Tallinn deliberated:

> Of course, when something happens in Russia, you get worried about all those trouble, I mean. I repeat myself, although I live here since the birth, in my heart I am Russian. Deep Russian person, and even in the Olympic Games I personally was cheering for Russia, although there were also our Estonian sportsmen. In my heart I long for Russia, but I couldn't be able to live there. (woman, 57, Tallinn)

The discussion above brings out preliminary indications that as of today a gap exists between Russia's imagination of its compatriot diaspora and the allegiances, identifications, behavioral

strategies and realities of everyday existence for these people. Russia has declared as its aim to connect Russophones culturally, politically and economically with Russia. While Russians in Estonia have maintained a strong ethnic identity of Russianness and demonstrate a linguistic and cultural identification with Russia, the situation is much more problematic with regard to other processes. Due to the long-term residency in Estonia and with fewer practical and regular connections with Russia, Estonian-Russians are developing a strong territorial identification with Estonia. Identification with the body of compatriots is ambiguous due to the low resonance that Russia's compatriot policy has among Estonian Russians. The gap is most noticeable for younger generations of Estonian-Russians who more often than not distance themselves from Russia, especially politically and economically. That has prompted one of the leaders of the compatriot movement in Estonia to note with some sadness that 'young Russians stand with their backs towards Russia.'[18]

Conclusions

After years of neglect and in some instances even denunciation by the historic homeland, Russia began at the turn of the millennia to take a keen interest in its varied Russophone diaspora in the world. What initially characterized philosophical debates in academic circles over the nature of Russia as a 'divided nation' that needed to be united into a single civilizational world of *Russkiy Mir* soon became an official policy strategy integrated into Russia's foreign and compatriot policies. From 2007 onwards the Russian government proceeded with building policy programs and structures centrally as well as in the countries abroad where numerous Russophone populations resided. This active stance towards Russophones has produced numerous academic debates over the dual nature of Russia's ambitions where compatriots are seen as a tool for rather than an object of Russia's policies.

The preliminary analysis laid out here shows that the relations of Estonian-Russians vis-à-vis Russia are more complex and multidimensional than Russia's compatriot policy implies. The territorial and political connections of Estonian-Russians are rather weak and do not support Russia's ambition to develop strong connections between the diaspora and the historic homeland. Furthermore there exists a significant generational gap where younger Estonian-Russians show even weaker territorial, cultural-linguistic, political and civic loyalties towards Russia. Russia's objectives to develop a strong consolidated compatriot movement that has the capacity to mobilize the Estonian-Russians have also not materialized.

Despite the emergence of new structures the compatriot movement has undergone instead a process of marginalization.

Nevertheless, the initial signs of diasporization of Estonian-Russians are evident through rather strong transnational cultural association with Russia. After years of flux in the post-Soviet space, the identity of the Estonian-Russians shows some signs of consolidating around Russian language and the historical cultural heritage of Russia and this opens up the possibility for Russia to exert a meaningful influence on the identity formation via cultural and linguistic projects. Whether this influence will focus solely on support for the development of local Estonian-Russian identity based on Russian language but rooted in territorial, political and civic loyalties to the Estonian state remains a question to be analyzed.

Notes

[1] Various terms have been used to define the dominantly Russian-speaking population in Russia's neighboring countries that have remained outside Russia's Federation borders after the collapse of the USSR. In this articles term 'Russophones' is used to define all nearly 25 million former USSR citizens who use Russian as their mother tongue and live in 14 former republics other than Russia. The term Estonian-Russians are used to signify Estonia's Russophone population.

[2] *Ruskkyi Mir* as a policy programme involves activities targeted not only towards Russophones abroad, but also foreigners that have an interest in Russian culture and language or that have been exposed to the Russian culture for some period of time. In the context of this article, *Russkyi Mir* is used primarily as an ideological concept that aims to incorporate into a single civilizational space Russian-speakers living outside of Russian Federation. For more on the history of the concept and its application see Laruelle 2015b.

[3] As of May 2015 there were 16 member organizations (website http://rusest.ee/novosti/sostav-ksrse-22-05-15/).

[4] Interview 2. Former member of the Coordination Council of Russian Compatriots in Estonia (interview, August 25, 2015, Tallinn).

[5] Interview 3. A person standing close to compatriot movement (interview August 25, 2015, Tallinn).

[6] Interview 5. Leader of Russian-language media in Estonia (interview August 25, 2015, Tallinn).

[7] Interview 1. Former member of Coordination Council of Russian Compatriots in Estonia (interview July 16, 2015, Tallinn).

[8] Interview 2. Former member of the Coordination Council of Russian Compatriots in Estonia (interview, August 25, 2015, Tallinn).

[9] Interview 2. Former member of the Coordination Council of Russian Compatriots in Estonia (interview, August 25, 2015, Tallinn), Interview 1. Former member of Coordination Council of Russian Compatriots in Estonia (interview July 16, 2015, Tallinn).

[10] One of the former members of the coordination council has described it as *Russia is still treating Russophone population as subordinate (подданный), as objects who are begging at the main entrance (у парадного подъезда)* (Klenski 2015).

[11] Interview 3. A person close to the compatriot movement (interview August 25, 2015, Tallinn).

[12] Interview 4. Member of the Coordination Council of Russian Compatriots in Estonia (interview August 25, 2015, Tallinn).

[13] Interview 2. Former member of the Coordination Council of Russian Compatriots in Estonia (interview, August 25, 2015, Tallinn).

[14] See for example the 2014 Annual Review of Estonian Internal Security Service, available at: https://www.kapo.ee/cms-data/_text/138/124/files/kapo-aastaraamat-2014-en.pdf (accessed October 23, 2015).

[15] According to recent Integration monitoring study (2015) as many as 40% of Russian-speakers expressed their preference to vote for the Central Party. Another 40% either could not say their preferences or refused to answer and the remaining 20% preferred some other political parties (Kallas & Kivistik 2015).

[16] Interview 4. Member of the Coordination Council of Russian Compatriots in Estonia (interview, August 25, 2015, Tallinn)

[17] Estonian National Broadcasting reported from the Repatriation programme event in Tallinn in 2015 that according to the Russian embassy a total of 15 persons had applied for repatriation assistance during the first six months of 2015 (ERR 2015).

[18] Interview 2. Former member of the Coordination Council of Russian Compatriots in Estonia (interview, August 25, 2015, Tallinn).

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Appendix: Tables and Figures

Table 1. Q: To what extent do the following aspects connect you to Russia (or to former republics of Soviet Union)? Estonian-Russian respondents by age, share (%) within the age group.

Age group		15-24	25-34	35-49	50-64	65-74	Total
N, 2015		*74*	*118*	*165*	*207*	*78*	*642*
I was born there; lived there; have relatives; have studied, worked; have friends there	Does not/rather does not connect	70.3	59.4	39.4	38.1	27.0	44.7
	Rather connects/ connects strongly	29.8	37.3	58.7	59.4	70.6	53.1
	Can't say	0.0	3.4	1.8	2.4	2.6	2.2
	Total	100	100	100	100	100	100
Russia supports and helps people like me; represents our interest	Does not/rather does not connect	72.9	71.8	70.0	74.5	58.9	66.7
	Rather connects/ connects strongly	13.5	20.5	16.6	21.8	29.5	21.6
	Can't say	13.5	7.7	13.5	14.1	11.5	11.7
	Total	100	100	100	100	100	100
I'm interested in Russian culture and language, in Russia's cultural heritage	Does not/rather does not connect	44.6	21.2	24.8	16.0	11.6	21.7
	Rather connects/ connects strongly	55.4	75.5	74.0	81.7	83.4	71.9
	Can't say	0.0	3.4	1.2	2.4	5.1	2.4
	Total	100	100	100	100	100	100

Data: Integration monitoring 2015, author's calculations.

Table 2. Q: To what extent do the following aspects connect you to Russia (or to former republics of Soviet Union)? Estonian-Russian respondents by place of birth, share (%) within the place of birth.

Place of birth		Estonia	Other country	Total
N, 2015		*427*	*288*	*715*
I was born there; lived there; had/have relatives; have studied, worked; have friends there	Does not/rather does not connect	57.9	20.5	42.8
	Rather connects/ connects strongly	39.5	78.1	55.1
	Can't say	2.6	1.4	2.1
	Total	100	100	100
Russia supports and helps people like me; represents our interest	Does not/rather does not connect	71.6	58.3	66.3
	Rather connects/ connects strongly	15.0	31.9	21.8
	Can't say	13.3	9.7	11.9
	Total	100	100	100
I'm interested in Russian culture and language, in Russia's cultural heritage	Does not/rather does not connect	24.3	17.5	21.5
	Rather connects/ connects strongly	73.6	79.5	75.9
	Can't say	2.1	3.1	2.5
	Total	100	100	100

Data: Integration monitoring 2015, author's calculations.

Table 3. Q: Which country do you consider as your homeland? Estonian-Russian respondents by age (share within age group) and by place of birth (share within place of birth group), 2015.

2015		N	Estonia	Russia	Other country	Estonia as well as Russia	Estonia as well as other country	Can't say	Total
Age	15-24	75	80.0	0.0	1.3	8.0	8.0	2.7	100
	25-34	118	73.7	5.9	0.0	15.3	2.5	2.5	100
	35-49	163	57.1	11.0	4.9	21.5	4.3	1.2	100
	50-64	208	51.0	14.9	9.6	21.8	3.8	2.6	100
	65-74	78	37.2	25.6	9.0	21.8	3.8	2.6	100
	Total	642	58.4	11.8	5.6	17.0	4.7	2.5	100
Place of birth	Estonia	426	79.6	2.1	0.7	12.9	2.6	2.1	100
	Abroad	288	20.5	30.6	14.2	25.7	6.6	2.4	100
	Total	714	55.7	13.6	6.2	18.1	4.2	2.2	100

Data: Integration monitoring 2015, author's calculations.

Table 4. Q: Are you informed about the Russia's compatriot programme? Non-Estonian respondents by age, place of residence and place of birth, share (%) within age, within place of residence and within place of birth.

2011		N	No	To some extent	Yes, very well	Total
Age	15-24	121	62.0	28.1	9.9	100
	25-34	146	64.4	27.4	8.2	100
	35-49	206	58.3	28.2	13.6	100
	50-64	234	68.8	26.1	5.1	100
	65-74	96	74.0	21.9	4.2	100
	Total	803	64.9	26.7	8.5	100
Residence	Harjumaa	403	56.3	33.3	10.4	100
	Ida-Virumaa	244	77.5	16.8	5.7	100
	Rest of Estonia	155	67.7	25.2	7.1	100
	Total	802	65.0	26.7	8.4	100
Place of birth	Estonia	480	67.9	24.2	65.0	100
	Abroad	322	60.6	30.4	26.7	100
	Total	802	65.0	9.0	8.4	100

Data: Integration monitoring 2011, author's calculation.

Table 5. Q: To what extent do you agree with the following opinions about the impact of the compatriot programme? Estonian-Russian respondents by age, share (%) within age group.

Age group	15-24	25-34	35-49	50-64	65-74	Total
N, 2011	*42*	*44*	*82*	*66*	*21*	*255*

Policy supports the identification of all Russian-speakers with Russia	Agree	87.8	70.4	62.9	57	57.2	66.6
	Disagree	12.2	20.5	35.8	33.9	28.5	28.2
	Don't know	0	9.1	1.2	9.2	14.3	5.6
	Total	100	100	100	100	100	100
Policy helps to support the preservation of Russian culture and education in Estonia	Agree	62.5	72.1	55.5	73.8	70	65.5
	Disagree	35	25.6	43.2	18.5	25	30.9
	Don't know	2.5	2.3	1.2	7.7	5	3.6
	Total	100	100	100	100	100	100
Policy helps to improve the situation of Russian-speaking population	Agree	72.5	59.1	43.2	46.9	52.3	52.4
	Disagree	25	29.6	54.3	47	42.9	42.5
	Don't know	2.5	11.4	2.5	6.1	4.8	5.2
	Total	100	100	100	100	100	100
Policy supports the repatriation of Russians to their historic homeland	Agree	59	51.2	43.8	53	35	49.2
	Disagree	41	46.5	52.5	39.4	60	46.7
	Don't know	0	2.3	3.8	7.6	5	4
	Total	100	100	100	100	100	100
Policy expresses Russia's ambition to keep Estonia in its sphere of influence	Agree	42.5	43.2	24.7	28.8	19.1	31.3
	Disagree	57.5	45.4	72.9	65.1	66.7	63.1
	Don't know	0	11.4	2.5	6.1	14.3	5.6
	Total	100	100	100	100	100	100

Data: Integration monitoring 2011, author's calculation.

Unfinished Building: Kurdish Language Rights During the First AKP Ruling Period from November 2002 to June 2015

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Abstract

As an interdisciplinary study employing the methods of comparative politics and constitutional law, this article scrutinizes which minority language rights have been vested in ethnic Kurds during the first AKP (Justice and Development Party) ruling period from November 2002 to June 2015. The study maintains that the Kurds can now exercise various language rights in Turkey (Kurdish broadcasting rights, the right to use Kurdish personal names, the right to use Kurdish place names, the right to use Kurdish in politics and the right to learn Kurdish). But nevertheless, there are still at least two crucial issues with which the AKP government should deal during its second ruling period beginning in November 2015, namely the use of Kurdish as the language of education in public schools (mother tongue education) and the official use of Kurdish.

Introduction

The conservative centre-right Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) was founded under the leadership of Recep Tayyip Erdoğan in August 2001. Not long after its foundation, the AKP won the 2002 parliamentary election, which was the first of three consecutive victories for the Party. Having ruled Turkey through its majority

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governments from November 2002 to June 2015, the AKP, albeit coming out the first party by far, lost its parliamentary majority in the June 7 general election (258 out of 550 seats), leading to the end of the first AKP ruling period.

AKP leader Ahmet Davutoğlu, who took the leading position after Erdoğan was elected as President of Turkey in August 2014, failed to find a junior coalition partner from among the other parties in the Grand National Assembly of Turkey (*Türkiye Büyük Millet Meclisi*, TBMM) – the Republican People's Party (*Cumhuriyet Halk Partisi*, CHP), the Nationalist Movement Party (*Milliyetçi Hareket Partisi*, MHP) and the pro-Kurdish Peoples' Democratic Party (*Halkların Demokratik Partisi*, HDP) – and therefore handed the mandate back to President Erdoğan. The President then did not hand the duty to another party, and the 45-day period to form a new government officially ended on 23 August 2015, paving the way for the ruling of the first-ever interim electoral Turkish government – which was made up of representatives from the AKP, the MHP and the HDP, as well as some independents – until the November 1 snap election in which the AKP regained its absolute majority in Parliament (317 out of 550 seats). A new AKP cabinet was unveiled just after the election that subsequently received a vote of confidence on November 28, resulting in the official start of the second AKP ruling period under the leadership of Ahmet Davutoğlu from November 2015 to May 2016 and Binali Yıldırım since then.[1]

As an interdisciplinary study employing the methods of comparative politics and constitutional law, this article seeks to understand which minority language rights have been bestowed upon Turkish-citizen Kurds during the first AKP ruling period, comprising of three terms in office (2002-2007, 2007-2011 and 2011-2015). In the history of the Turkish Republic, ethnic Kurds suffered from numerous Turkification policies which were in fact coercive assimilation strategies implemented through the cultural togetherness policy, the official policy of the traditional republican regime. This repressive policy began to be abandoned in the 2000s, when the AKP government initiated a new governmental policy aimed at granting the Kurds various language rights.

While most of these rights are now freely exercised by Kurdish-origin Turkish citizens – e.g. Kurdish broadcasting rights, the right to use Kurdish personal names, the right to use Kurdish place names, the right to use Kurdish in politics and the right to learn Kurdish – the enforcement of some others, such as mother tongue education in Kurdish, is still problematic. There is also another important issue on which the AKP government has kept silent, namely the official use of Kurdish.

This article proceeds in the following order. The first section will present a historical overview of the oppressive attitude of the traditional republican regime towards Kurdish language rights. Having explained the cultural togetherness policy by paying attention to the political history of the Republic, the article will examine the AKP policy on Kurdish language rights in depth. After understanding the essence of the policy, the article will categorize all language rights conferred upon the Kurds into two classes: trouble-free policies and problematic policies. The article will finally look at another issue on which the AKP government has kept silent.

1. Traditional republican regime: cultural togetherness policy

Ethnic Kurds had indeed enjoyed a sort of administrative autonomy over the territory where they constituted the majority (Eastern and Southeastern Anatolia) until the late Ottoman period (Arakon, 2014; Tas, 2013, 2014). After the adoption of the *Treaty of Lausanne* (1923), the founding treaty of the Turkish Republic, however, early republican elites aimed at constructing a new state which would not be a continuation of the Ottoman Empire (Ergin, 2008), though this had not been the case during the War of Independence (1919-22), when the elites were 'seeking statehood for the multicultural entity of Anatolia, heir to the Ottoman Empire' (Ergil, 2000: 124).

Following the War, the elites began implementing basic principles of Turkish foreign policy, facilitating the realization of the nation-state by which a liberal, pragmatic, rational and secular state system had been desired (Tasdemir and Oner-Ozkan, 2016). The elites initially sought to purify the newly established nation-state from religious values which, according to some early republican politicians, were representing backwardness, philistinism and poverty. On this basis, the Caliphate and Sultanate, both of which had been very significant emblems of Ottoman politics, were annulled, completing the early construction process of a new republican regime in Ankara, the capital of Turkey (Efegil, 2011).

The newly formulated republican government supported a cultural togetherness policy under which Turkish identity was acknowledged as the main source of national unity, and the other non-Turkish Anatolian features were subdued through denial, leading to a controversial rather than accommodative relationship between the Turks and Kurds (Somer, 2004; Yegen, 2004). That is why the early republican history (1924-1938) recorded eighteen Kurdish rebellions in total (Celik, 2010).

Not long after the official promulgation of the new state, members of the clandestine organization '*Azadi*' initiated a mass movement on the grounds of numerous early republican wrongdoings, including many legal restrictions on the exercise of Kurdish language rights, e.g. the ban on the usage of Kurdish in schools. In 1925, this movement turned into the Sheikh Said Revolt that ended with Said's execution on 29 June 1925 (Ergin, 2014; Strohmeier, 2003). The other important rebellious attempts were the Ararat Riot and the Dersim Resistance. The former was launched in 1927 under the leadership of Ihsan Nuri Pasha, who was supported by the *Khoyboun* (Independence), a transnational Kurdish political organization founded in Lebanon. The Riot was completely crushed with Iranian cooperation in 1931. The Dersim Resistance started in 1936 under the leadership of Sheikh Sayyid Riza, who led the Resistance until his death in 1937, and ended in a Kurdish defeat in 1938 (Al, 2015a; Gunter, 2007; Strohmeier, 2003).

As the cultural togetherness policy was originally built upon the principle of aiming to eliminate ethnic features other than those of ethnic Turks, when the Kurds asked for the maintenance of their own ethno-cultural traditions, the central government considered these demands as threats to the territorial integrity and national unity of the Republican State. To put it differently, Ankara defined such Kurdish movements as secessionist rebellions and tried to resolve the issue by means of military measures and coercive assimilation policies.

Throughout the 1920s and 1930s, the republican regime mobilized all its forces to popularize the Turkish language and propagate all ideas and products of the language revolution (O'Driscoll, 2014). As a 'linguicidal' policy initiated in 1927 but peaked in 1937, the 'Citizen, Speak Turkish!' campaign[2] encouraged the use of Turkish while condemning the usage of the other Anatolian languages, including all Kurdish dialects (Kurmanji, Sorani and Zaza). In addition, the Turkish Linguistic Society (*Türk Dil Kurumu*), an important public institution at the heart of the language revolution, was established in 1932 with the goal of generating a cohesive national language that would eliminate non-Turkish (mainly Arabic and Persian) words and influences, and in their place either discover new words or integrate pure Turkish words assembled from different Turkish dialects (Al, 2015b; Morin and Lee, 2010). The Linguistic Society was part of an arsenal of other republican entities such as the Turkish Historical Society (*Türk Tarih Kurumu*), founded in 1931 with the main purpose of writing and disseminating a *new* national history of the Turks (Hanioglu, 2012; Zeydanlioglu, 2012).

What the traditional regime had desired through making all these attempts was to shape a homogenous Turkish nation that could be easily realized when looking at the early political

standpoints. On 21 April 1925 when he was installed as Prime Minister of Turkey, İsmet İnönü declared that:

> We are openly nationalist […] Besides the Turkish majority, none of the other [ethnic] elements shall have any impact. We shall at any price, Turkicize those who live in our country, and destroy those who rise up against the Turks and Turkdom (cited in Muller and Linzey, 2007: 22).

In a similar but more violent vein, Justice Minister Mahmut Esat Bozkurt described the status the Kurds could expect in Turkey as follows:

> We live in a country called Turkey, the freest country in the world […] I believe that the Turk must be the only lord, the only master of this country. Those who are not of pure Turkish stock can have only one right in this country, the right to be servants and slaves (cited in Nezan, 1980: 65).

As more concrete evidence, Prime Minister İsmet İnönü's well-known Kurdish report of 1935 supported the idea that an assimilation policy was not only a political scenario of which the republican elites had dreamed, but it was also a crucial requirement to manage the Kurds (Efegil, 2011). Public inspector Abidin Özmen also prepared a very similar official report in which he moreover introduced the Turkish language as the most critical instrument to assimilate the Kurds (Al, 2015b).

Having proclaimed their political standpoints, the state officials already started implementing coercive assimilation policies. In the area of education, the radical nationalist morning oath (*Andımız*) was officially imposed as a duty on all primary school students, who would take a pledge of allegiance to the Republican State at the beginning of every school-day by uttering the vow.[3] Moreover, early textbooks on citizenship education underscored the slogan 'one language, one culture, one ideal' (Ince, 2012: 119). The same textbooks furthermore defined the term 'nation' as a socio-political community 'formed by citizens, bound by a unity of language, culture and ideal' (*ibid*: 119). As for language education, the textbooks described Turkish as the most beautiful, easiest and richest language on the globe whilst mentioning nothing about the other Anatolian languages and dialects. Finally, the textbooks emphasized the importance of 'being born a Turk, living as a Turk and dying as a Turk' by saying 'how happy is the one who says I am Turk' (*ibid*: 121).

In addition to these Turkification policies implemented in the domain of education, various other coercive assimilation policies were introduced: governmental appointments in the Kurdish-occupied regions were filled with ethnic Turks (Kurban, 2003); numerous boarding schools were constructed in the same regions with the task of educating Kurdish

pupils in an environment that physically separated them from their cultural habitat (Yegen, 2009); a significant number of Kurdish-origin individuals were forcefully deported from their historic territories and settled in Western Turkey, where Turkish culture is dominant (Ensaroglu, 2013; Yegen, 2007); the use of languages other than Turkish in schools and courts was prohibited (Kuzu, 2016); the use of non-Turkish surnames was banned (Yegen, 2009); the Kurds were defined as 'Mountain Turks', and accordingly the use of the word 'Kurd(s)' was penalized (Kurban, 2003; Zeydanlioglu, 2008); and all individuals who applied to be employed in the public sector or in the army and its academies were required to be of pure Turkish race (Kurban, 2004).

While suffering from these assimilation policies during the single-party period, ruled by the CHP from 1923 to 1945, the Kurdish people experienced many more such repressive policies in the second half of the twentieth century, when Turkey had witnessed three military interventions. Just after the 1960 *coup d'état*, the Kurdish-origin names of numerous Kurdish-populated towns and villages were replaced with Turkish ones. In addition, many journals publishing articles on Kurdish linguistic and cultural characteristics, including New Path, Origin of the Tigris, Tigris-Euphrates, Voice and World of Peace, were all prohibited (Gunter, 1988). Not long after the 1971 junta, giving non-Turkish names to newborns was banned (Moustakis and Chaudhuri, 2005; Yegen, 2009). Following the 1980 coup, the military regime introduced a ban on the explanation, publication and broadcasting of ideas and opinions in any language other than Turkish. The regime also confiscated books, films and newspapers pertaining to Kurdish people or their culture (Hughes and Karakas, 2009; Yegen, 2009).

For the first time in the history of the Republic, the cultural togetherness policy was governmentally criticized by President Turgut Özal in 1992, when he announced that Turkey should have abandoned all assimilation policies due to their destructive impacts upon the multicultural character of the Anatolian Peninsula (Candar, 2013; Robins, 1993; Yucel, 2016). Following the sudden death of Turgut Özal in April 1993, however, Turkey re-embraced the cultural togetherness policy and did not take any serious steps to abrogate Turkification policies until the early 2000s, when the AKP came to power.

2. AKP policy on Kurdish language rights

The AKP policy on Kurdish language rights is built upon the 1992 Kurdish Report of the Welfare Party (*Refah Partisi*, RP), which was prepared by the Party's Istanbul Provincial Head under the leadership of Recep Tayyip Erdoğan, who would set up the AKP in 2001. As a document welcoming multiculturalism, the RP report underscored that the Republic could not accommodate its Kurdish-origin citizens by imposing various assimilation policies upon them. According to the report, most Turkish-citizen Kurds did not ask for an independent Kurdistan throughout the history of the Republican State; instead, what they demanded was to freely practice their language and culture, thereby justifying that bestowing language rights upon ethnic Kurds was not an issue which would eventually threaten the territorial unity of the Republic. The report thus stood up for the abolishment of the cultural togetherness policy and the removal of all legal obstacles to the exercising of Kurdish language rights (Kolcak, 2015b).

The AKP, which took up the reins of government upon its landslide victory in the 2002 parliamentary election, began implementing a governmental policy consistent with the essence and spirit of the RP report. Having repeatedly welcomed the multicultural nature of Anatolia, Prime Minister Erdoğan, during his official visit to the Kurdish-dominated city of Diyarbakir in August 2005, not only condemned the cultural togetherness policy, but he also announced that the AKP government would progressively eliminate all barriers to the use of Kurdish dialects (Mitchell, 2012). Although this announcement was regarded as the beginning of the process in which the Republic would tolerate different Anatolian linguistic and cultural characteristics, the first concrete stride was made after the 2007 parliamentary election in which the AKP reiterated its previous success and secured its absolute majority in the TBMM (Guzeldere, 2008; Nykanen, 2013).

The new AKP government embarked on a policy of democratization, known as the 'Democratic Initiative' (*Demokratik Açılım*), aimed at improving the standards of Turkish democracy through eliminating traditional barriers to the exercise of globally-respected freedoms, e.g. freedom of thought, conscience and religion, freedom of opinion and expression, and freedom of peacefully assembly and association. As an umbrella concept, the Democratic Initiative encompassed several subcategories dealing not only with the general democracy-related problems of the Republic, but also with the matters of different cultural, ethnic, religious and linguistic minorities inhabiting in Turkey such as (i) the Alevi Opening (Alevi *Açılımı*), (ii) the Armenian Opening (*Ermeni Açılımı*), (iii) the Caferi Opening (*Caferi*

Açılımı), (iv) the Greek Orthodox Opening (*Yunan Ortadoks Açılımı*), (v) the Roma Opening (*Roman Açılımı*) and (vi) the Kurdish Opening (*Kürt Açılımı*).

The Kurdish Opening, which was officially announced in May 2009, was renamed as the National Unity and Fraternity Project (*Milli Birlik ve Kardeşlik Projesi*, MBKP), after the opposition parties in Parliament, except for the pro-Kurdish Peace and Democracy Party (*Barış ve Demokrasi Partisi*, BDP), had criticized the democratization project on the grounds that it would result in the national fragmentation of the Republic (Ayata, 2011). While the MBKP was still in operation, the AKP also launched a new governmental policy once it secured its absolute majority in Parliament upon its landslide victory in the 2011 general election, namely the Peace Process (*Barış Süreci*), seeking to disarm the Kurdistan Workers' Party (*Partiya Karkêran Kurdistan*), a terrorist organization initiating a warfare against Turkey in 1984 with the main goal of creating an independent Kurdistan in Eastern and Southeastern Anatolia (Villellas, 2013).[4]

In the light of these two official governmental policies (the MBKP and the Peace Process), the AKP government attempted at dealing with many, but not all, language-related issues of the Kurdish people during its first ruling period. Whilst the Party succeeded in resolving a significant number of issues, there are still some problematic areas. We can indeed examine the entire AKP policy on Kurdish language rights through a three-fold classification: the first category is the one encompassing trouble-free AKP policies; the second category is the one specifically scrutinizing the problematic AKP policy, namely mother tongue education in Kurdish; and the last category is the one on which the AKP has kept silent: the official use of Kurdish.

AKP policies on Kurdish language rights (2002-2015)

- **Trouble-free policies**
  - **Kurdish broadcasting rights**
  - **Kurdish personal names**
  - **Kurdish place names**
  - **Kurdish in politics**
  - **Kurdish language courses**
- **Problematic policy**
  - **Mother tongue education**
- **AKP silence**
  - **Official use of Kurdish**

Figure 1. AKP policies on Kurdish language rights (2002-2015).

2.1 *Trouble-free AKP policies*

Trouble-free AKP policies on Kurdish language rights can be categorized under five main subtitles: i) Kurdish broadcasting rights, ii) Kurdish personal names, iii) Kurdish place names, iv) Kurdish in politics, and finally v) Kurdish language courses. Let us now study each of these trouble-free policies in order.

Kurdish broadcasting rights

The first attempt at liberalizing Kurdish broadcasting rights had already been made before the AKP came to power. Article 9 of the *Statute of Turkey* (SoT) 4709/2001 – a constitutional reform package adopted with the purpose of fulfilling the so-called Copenhagen Criteria for European Union (EU) membership – removed the ban on the use of languages other than Turkish in the expression and dissemination of thoughts and ideas in the media. This constitutional amendment laid the foundation for Kurdish broadcasting rights in the following years.

For the first time in the history of Turkey, the SoT 4771/2002, an EU harmonization law becoming effective in August 2002, allowed for the use of 'languages and dialects traditionally spoken by Turkish citizens in their daily lives' in the broadcasting media (art. 8(a)). To implement this statutory provision, the Supreme Board of Radio and Television (*Radyo ve Televizyon Üst Kurulu*, RTÜK) issued an executive regulation in December 2002, when the AKP had just taken up the reins of government.

The RTÜK Regulation of 2002 was very restrictive legal document which permitted solely the state-funded Turkish Radio-Television Corporation (*Türkiye Radyo ve Televizyon Kurumu*, TRT) – to broadcast in Anatolian languages and dialects other than Turkish, including Kurdish dialects (Kurmanji, Sorani and Zazaki), Arabic, Armenian, Bosnian, Lazuri and Circassian (art. 5(2)). The Regulation, moreover, introduced time limitations on such broadcasts: for TV broadcasts, two hours weekly, but at most forty-five minutes daily; and for radio broadcasts, four hours per week, not exceeding forty-five minutes per day (art. 5(6)). Furthermore, it restricted the scope of broadcasts by ruling that TV and radio programmes in such languages and dialects might only be made in the areas of culture, music and news (art. 5(3)). Finally, the Regulation required complete and consecutive Turkish translation for radio programmes and Turkish subtitles for TV broadcasts (art. 5(6)). Hence, while the

constitutional and statutory bases were established, the use of Kurdish dialects in the broadcasting media was still very restrictive when the first AKP government was sworn in.

The AKP government firstly enabled private TV channels and radio stations to broadcast in Anatolian languages and dialects other than Turkish by means of Article 14(2) of the SoT 4928/2003, an EU harmonization law entering into force in July 2003. The RTÜK then issued a new executive regulation to enforce this new statutory provision in January 2004. The RTÜK Regulation of 2004, despite allowing for private broadcasting, did not remove the restrictions introduced in the former regulation: the restriction upon the scope of broadcasts; the time limitations with a revised version (for radio five hours per week, not exceeding an hour per day; for TV, four hours weekly, but at most forty-five minutes daily); and the requirement for Turkish translation and subtitles for broadcasts.

Under this restrictive framework, both the public-funded TRT and private media providers began airing programs in Kurdish dialects. In June 2004 the TRT commenced its broadcasting in the Kurmanji and Zazaki dialects of Kurdish with some additional time limitations: radio broadcasts beginning at 6 a.m. and lasting for thirty minutes on Wednesdays and Fridays; TV broadcasts lasting for forty-five minutes on Wednesdays and Fridays.[5] Having completed all the regulatory requirements, three private media groups – Gün TV, Söz TV and Media FM – were also authorized by the RTÜK to broadcast in Kurdish dialects in March 2006. Just three months later, in June 2006, the RTÜK continued softening its restrictive policy through enabling the authorized media groups to air concerts and movies beyond the time limit (*Hurriyet Daily News*, 2006).

The AKP dramatically accelerated its liberalization policy over broadcasting in Anatolian languages and dialects other than Turkish during its second term in office (2007-2011), when the Democratic Initiative and accordingly the Kurdish Opening became one of the central subjects to the governmental agenda of the Party. The new AKP-dominated Parliament (341 out of 550 seats) passed the SoT 5767/2008, adopted with the purpose of amending the *Law on the Turkish Radio-Television Corporation* (SoT 2954/1983), thereby enabling the TRT to broadcast in any language or dialect other than Turkish for twenty-four hours a day (art. 6(5)). In the enforcement of this statutory provision, the TRT founded a new state channel in late 2008 which would air programmes in the Kurmanji, Sorani and Zazaki dialects of Kurdish for twenty-four hours a day, namely TRT-6 (later renamed as TRT KURDÎ). This public-funded channel has been broadcasting in these dialects since January 2009, and its content involves Kurdish-centred programs broadcast on Kurdish history,

culture, literature and cuisine, as well as various general interest programs broadcast on news, debates, health, religion, travel and cartoons for children.

As a continuation of the liberalization policy, in November 2009, the RTÜK adopted a new executive regulation which removed all the restrictions upon the use of Anatolian languages and dialects other than Turkish in the broadcasting media. Not long after the adoption of the 2009 Regulation, in February 2010, the RTÜK authorized fourteen media organizations to broadcast in Kurdish dialects – Aksa FM, Aktüel TV-Radio, Can TV- Radio, Cemre FM, Çağrı FM, Gün TV-Radio, Radyo Ses, Radyo Net, Söz TV, Nur FM and TV 21 (Onderoglu, 2010).

The regulatory permission was then guaranteed in a statutory manner in March 2011, when the new media law of Turkey (SoT 6112/2011) entered into force. As the basic law of the Turkish media, the SoT 6112/2011 directly allows for the use of languages and dialects other than Turkish in the broadcasting media (art. 5). The number of TV channels and radio stations broadcasting in the dialects of Kurdish has substantially increased since the adoption of the new media law. There are now a significant number of media service providers airing programmes in Kurmanji, Sorani and Zazaki for twenty-four hours a day.[6] Hence, we can conclude that Kurdish broadcasting rights are now freely exercised without any constitutional, statutory or regulatory restrictions, rendering the AKP policy on Kurdish broadcasting rights a trouble-free one.

Kurdish personal names

The 1971 military regime had prohibited the use of Kurdish personal names on the grounds of having politically offensive meanings (art. 16(4) of the *Civil Registry Law* (SoT 1587/1972)). In removing this prohibition, the AKP government amended the above provision through the SoT 4928/2003, Article 5 of which read that newborns might be given non-Turkish names should they comply with the moral values of the Republic and not offend the public. The enforcement of this statutory provision was, however, restricted by the 2004 Circular of the Ministry of Interior Affairs which prevented those names incorporating non-Turkish letters – Q, W and X (common in Kurdish) – from being used. This executive order indeed had to exclude non-Turkish letters from being used due to the fact that Article 222 of the Turkish Penal Code (SoT 5237/2004) was criminalizing the use of non-Turkish letters (from two to six months imprisonment).

While many Kurdish names were out of order owing to the presence of the aforementioned punishment, Article 16(e) of the so-called '2013 Democratization Package' (SoT 6529/2014), one of the most important fruits of the Kurdish Opening that eliminated various bans on the exercise of Kurdish language rights after coming into effect on 13 March 2014, annulled Article 222 of the Turkish Penal Code, thereby liberalizing all Kurdish personal names including those incorporating non-Turkish letters.

Since the revocation of the relevant article of the Penal Code, the Ministry of Interior Affairs has been allowing Kurdish parents to give their newborns Kurdish-origin names, such as Bawer, Bedirxan, Berwan, Ciwan, Dijwar, Jiyan, Pelewan, Rojbin and Xwezan, rendering the AKP policy over Kurdish personal names a trouble-free policy (Kolcak, 2015b).

Kurdish place names

As a requirement of the cultural togetherness policy, non-Turkish place names, including those of towns, villages, lakes, hills, mountains, rivers and valleys, had been changed throughout all the traditional republican era. This oppressive policy took its roots in the 1913 Ottoman Decree on Turkifying Armenian, Bulgarian and Greek Place Names (*1913 İskân-ı Muhacirin Nizamnamesi*) (Konuksever, 2009). Although the original version of the Decree did not include any provisions requiring the alteration of Kurdish place names, the early republican regime began Turkifying Kurdish-origin place names during the single-party period, when the Turkification process was being completed through decisions taken by Provincial Councils (Dogan, 2012).

While acquiring a semi-statutory character with the 1940 Decree of the Ministry of Interior Affairs on Changing non-Turkish Place Names, the Turkification process obtained a full statutory status with the *Law on Provincial Administration* (SoT 5442/1949) under which a two-fold procedure was introduced: the non-Turkish names of towns and cities shall be Turkified through acts of Parliament; and the non-Turkish names of the other places, including villages, neighbourhoods and streets, shall be Turkified by the Ministry of Interior Affairs who shall initially receive the advisory opinion of the Provincial Council on the alteration issue concerned (art. 2(1)(d)). In implementing this statutory provision, almost twenty-eight thousand non-Turkish place names − Arabian, Armenian, Circassian, Greek, Kurdish, Lazuri and Syriac − were changed from the 1950s to the 1970s, particularly by the Expert Committee on Altering Names (*Ad Değiştirme İhtisas Komisyonu*), which was a steering commission established by the Ministry of Interior Affairs (Inal, 2012).

There was no official attempt at restoring the original place names during the eighties and nineties, and this pattern was followed by the AKP government during its first (2002-2007) and second (2007-2011) terms in office. Following its third consecutive victory in the 2011 general election, however, the AKP government incorporated a provision paving the way for a restoration process into the Democratization Package (SoT 6529/2014). Article 16(a) of the Package abrogated Article 2(1)(d) of the SoT 5442/1949, and enabled a two-fold procedure for restoring the original place names: the restoration of the original names of towns and cities; and the restoration of the original names of the other places, including villages, neighbourhoods and streets. The former procedure follows the path set out in Article 2(1)(a) of the SoT 5442/1949: the names of towns and cities can solely be changed through acts of Parliament. As concerns the latter procedure, it is a three-step bureaucratic process: Provincial Councils and Municipal Assemblies shall initially make an official congressional decision upon the restoration of an original place name; this decision shall then be submitted to the Ministry of Interior Affairs; and finally the Ministry shall endorse the decision of such local councils and assemblies.

An active restoration process has been pursued since the spring of 2014. The first Kurdish-origin place name was restored in May 2014, when the village of Vergili was renamed as Becirman. In November 2014, the Ministry of Interior Affairs endorsed the decision of the Van Metropolitan Municipal Council to restore 704 Armenian- and Kurdish-origin place names, including those of villages, neighbourhoods and streets. In December 2014, the original names of four villages in the Kurdish-dominated city of Siirt were restored. In addition to these completed cases, many places in the Kurdish-populated cities, e.g. Agri, Batman, Bitlis, Diyarbakir, Hakkari, Mardin, Sanliurfa and Sirnak, would soon retrieve their Kurdish-origin names. Having made their official decisions on restoring numerous Kurdish-origin place names, the Provincial Councils and Municipal Assemblies settled in the aforementioned cities have already submitted the decisions to the Ministry of Interior Affairs via the Provincial Governorships, the representatives of the central government at the local level, and the last bureaucratic step is still in progress that is the endorsement of the Ministry (Kolcak, 2015a, 2015b).

Kurdish in politics

The use of languages other than Turkish in making political propaganda had been prohibited by the traditional republican regime through the statutory provision in Article 43(3) of the *Law on Political Parties* (SoT 2820/1983). This article was still in force during the first

(2002-2007) and second (2007-2011) terms of the AKP government, when many politicians were still being punished on the grounds of speaking non-Turkish languages during their electoral campaigns. In June 2008, for instance, Orhan Miroğlu, a Kurdish-origin politician, was found guilty on the basis that he had used a banned language during his electoral rally in the city of Mersin (*Radikal*, 2008).

The prohibition was eventually removed by Article 16(b) of the Democratization Package (SoT 6529/2014), which annulled Article 43(3) of the SoT 2820/1983. Since the annulment of this statutory provision, three nation-wide elections have been held in Turkey (the 2014 local elections, the 2015 parliamentary election and the 2015 parliamentary snap election). During the campaigns of these elections, all Kurdish dialects and other non-Turkish languages were freely used both by the pro-Kurdish HDP and by other political parties, particularly the AKP. Not only did the candidates of these parties freely speak Kurdish dialects during their rallies, but the HDP and the AKP also used Kurdish songs[7] and electoral

banners during the campaign periods.

Image 1. Multilingual AKP poster for the 2014 Diyarbakir municipal election

Image 2. Multilingual HDP poster for the 2015 general election

Kurdish language courses

Before the AKP began playing an active role in Turkish politics, the first attempt at providing Kurdish language courses had been made with an EU harmonization law in August 2002, the SoT 4771/2002, according to which private language courses teaching Kurdish or other Anatolian languages and dialects could be opened (art. 11). This statutory provision was, however, made impracticable, once the Ministry of National Education adopted its executive regulation under which no course could fulfil the instructor-related condition: although there was no Turkish educational faculty offering graduate programs in Kurdish language or literature, the regulation asked any private course intending to teach Kurdish to hire solely those instructors who not only have Turkish citizenship but also have had a bachelor's degree in such linguistic programs, rendering the enforcement of the statutory provision impossible (Zeydanlioglu, 2012).

During its first term in office, the AKP government initially eased the opening of private language courses through Article 23 of the SoT 4963/2003 – by which the Ministry of National Education removed its instructor-related previous restriction – but more important policies on Kurdish language courses were introduced during the second and third terms of the Party, when the democratic discourse of the Kurdish Opening was positively affecting the public.

In the autumn of 2009, the Higher Education Board (*Yüksek Öğretim Kurulu*, YÖK) began allowing public and private universities to provide language courses in Kurdish dialects

and other Anatolian languages. Since then, many public and private universities, especially those established in the Kurdish-occupied cities – such as Bingol University, Dicle University, Hakkari University, Mardin Artuklu University, Mus Alparslan University and Sirnak University – have been offering Kurdish language courses. Dicle University, for instance, provides a three-month regular language course in the Kurmanji dialect of Kurdish. The course teaches different aspects of the dialect, including daily life conversations, grammar and vocabulary. A significant number of participants, involving academics, bureaucrats, doctors, lawyers and teachers have attended the course so far (Kolcak, 2015b).

In addition to the universities, numerous non-governmental organizations, e.g. the Geoaktif Culture and Activism Centre (*Geoaktif Kültür ve Aktivizm Merkezi*) and the Istanbul Kurdish Institute (*İstanbul Kürt Enstitüsü*), and various municipalities – such as Baykan District Municipality, Cinar District Municipality, Tatvan District Municipality, Tusba District Municipality, Yenisehir District Municipality, to name but a few only, have begun providing Kurdish language courses since the early 2010s.

Image 3. Poster of Tatvan district municipality for Kurdish language courses

The public universities based in the Kurdish-dominated region have, moreover, started training Kurdish experts by means of various degree programs in Kurdish dialects since December 2009, when the AKP government endorsed the opening of the first research centre providing postgraduate education in Anatolian languages other than Turkish, namely the Living Language Institute (*Yaşayan Diller Enstitüsü*, YDE). Following this endorsement (Cabinet Decree 2009/15597), which allowed for the establishment of the YDE at Mardin Artuklu University, the YÖK authorized many other universities settled in the Kurdish-

populated region, e.g. Bingol University, Dicle University, Mus Alparslan University, Siirt University, Tunceli University, Van Yuzuncu Yil University, to provide undergraduate, graduate and post-graduate programs in Kurdish dialects, such as a BA in Kurdish Language and Literature, a BA in Zazaki Language and Literature, an MA in Kurdish Language and Dialects and a PhD in Kurdish Language and Literature.

These universities are still continuing to offer such degree programs. A significant number of students have already been enrolled in these programs since the early 2010s. For instance, when Mardin Artuklu University started offering a BA in Kurdish Language and Literature in the academic session of 2010-11, twenty students registered for this bachelor's degree. The number gradually increased in the following years and reached 65 in the last academic year (2015-16), when the first undergraduates beginning in the 2010-11 period received their bachelor's degree. In the 2012-13 and 2013-14 academic sessions, the University also awarded almost 500 students a Graduate Diploma in Kurdish Language and Literature (Tastekin, 2014). In the 2014-15 academic year, furthermore, approximately 100 postgraduates gained their master's degree in Kurdish Language and Literature from the University after successfully completing their dissertations (Kolcak, 2015a). Similar numbers are pursuing their studies at the other universities whilst the total number of graduates has reached 1500, according to a recent study conducted by several academicians working at the universities offering Kurdish-related degree programs (*Radikal*, 2015).

In addition to the availability of Kurdish courses at the higher educational level, public secondary schools have been providing elective Kurdish and other Anatolian – e.g. Abkhasian, Circassion, Georgian and Lazuri – language courses since the school year of 2012-13. The opening of such courses are dependent upon the demand of students because the schools are obliged to incorporate these courses into their curricula should they be demanded by at least ten students. In the 2012-13 session, the number of students enrolled in such courses was nearly 21,000, but the number dramatically increased and reached 85,000 in the school year of 2015-16 (*Milliyet*, 2012; *Hürriyet*, 2015).
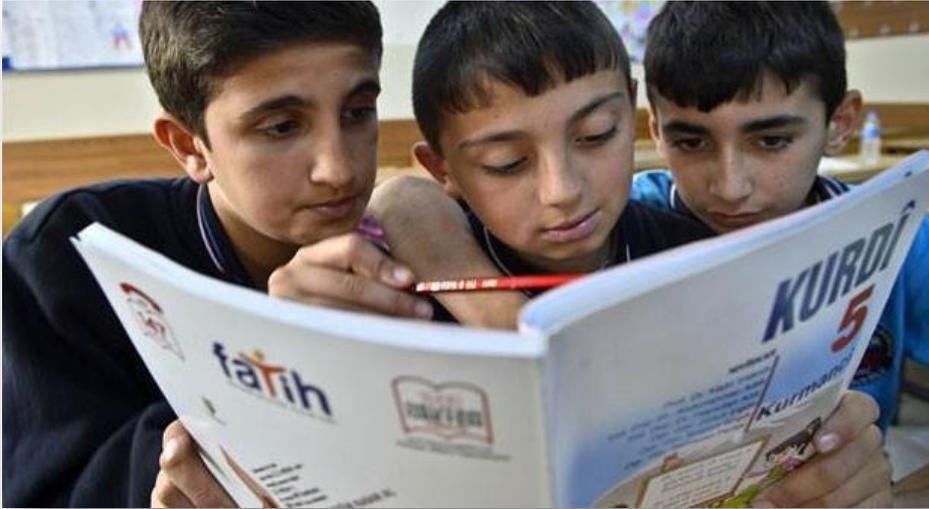
Image 4. Three secondary school students glancing through the Kurdish textbook

Having examined all trouble-free AKP policies, let us now turn our attention to the problematic policy, namely mother tongue education in Kurdish.

2.2 *Problematic AKP policy: mother tongue education*

Mother tongue education is the means by which a minority group can use its native tongue as the language of instruction. By the language of instruction, I mean not only the teaching of the native tongue (e.g. linguistic course in Kurdish) but also its use in delivering the content of the educational curricula (e.g. biology, geography and/or physics courses in Kurdish). Mother tongue education can take the form of at least in three different educational systems: monolingual, bilingual or multilingual. The first system is the one under which the *entire* content of the curriculum is taught in the native tongue of the minority. The second is the one under which the content of the curricula is taught in two languages: one is the mother tongue of the minority (e.g. Kurdish in Turkey); and the other is, in most cases, the dominant language of the whole public (e.g. Turkish in Turkey). The last system involves the content of the curriculum being delivered in at least three languages (e.g. delivering the content of the curriculum in Kurdish, Turkish and English).[8]

It is initially worth noting that mother tongue education is very limited in Turkey. The Turkish Constitution (SoT 2709/1982), which was created under the aegis of the military regime taking power following the *coup d'état* of 12 September 1980, stipulates that

> [n]o language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institution of education. Foreign languages to be taught in

institutions of education and the rules to be followed by schools conducting education in a foreign language shall be determined by law. The provisions of international treaties are reserved (art. 42(9).

By reserving the provisions of international treaties, the above article bestows a constitutional guarantee for mother tongue education solely upon religious minorities inhabiting in Turkey. In September 2003, the Turkish Republic ratified the *International Convention on Civil and Political Rights* (ICCPR), under which ethnic, linguistic and religious minorities are bestowed with the right to use their own language in the field of education (art. 27), but with a reservation preventing all Muslim minorities, including the Kurds, from exercising the rights secured under Article 27 ICCPR:

> The Republic of Turkey reserves the right to interpret and apply the provisions of Article 27 of the International Convention on Civil and Political Rights in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne […] and its Appendixes.

Article 40 of the *Treaty of Lausanne* states that

> Turkish nationals belonging to non-Moslem minorities […] shall have an equal right to establish, manage and control at their own expense […] any schools and other establishments for instruction and education, with the right to use their own language.

The following article of the same treaty also rules that

> [a]s regards public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language.

In accordance with the *Treaty of Lausanne*, therefore, the Turkish Republic recognizes only non-Muslim groups as the ones who can exercise minority educational rights enshrined in Article 27 ICCPR. As concerns the Kurds, who predominantly profess Islam and who have been acknowledged as a Muslim community (*cemaat*) since the very early Ottoman periods, they are not able to enjoy minority educational guarantees set out in the *Treaty of Lausanne* or other international documents in force on the grounds that they do not form a religious minority in Turkey.

While not providing the Kurds with a constitutional guarantee for mother tongue education, Article 42(9) of the Turkish Constitution enables the use of Kurdish and other Anatolian languages as the language of education should they be considered as *foreign* languages. This legal path was already followed by Article 11 of the Democratization

Package (SoT 6529/2014) which would pave the way for the establishment of *private* schools using Anatolian languages and dialects other than Turkish as the language of instruction. In implementing this statutory provision, the Ministry of National Education amended Article 49 of the Regulation on Private Schools in July 2014, and thereby a four-step administrative process for bilingual education was introduced: i) any private school which would like to use an Anatolian language other than Turkish as the language of education shall initially apply to the Ministry of National Education; ii) the Ministry shall then determine the opening of the school by examining whether it has fulfilled all the general requirements laid out in the Regulation on Private Schools; iii) having authorized the opening of the school, the Ministry shall determine in which courses (e.g. maths, geography, music, physics, etc.) the school can use the language other than Turkish; iv) subsequent to the determination of such courses, the school is eventually granted official school status and empowered to carry out bilingual education.

Not long after the adoption of the regulatory provision, the Kurdish Research and Development Society (*Kürt Dili Araştırma ve Geliştirme Derneği*) applied to the Ministry of National Education to open various primary schools conducting bilingual education in Kurdish and Turkish, e.g. the Primary School of Ferzad Kemanger in the city of Diyarbakir, the Primary School of Fatma Tokat in the city of Van, the Primary School of Berîvan Berivan in the city of Sirnak, the Primary School of Ehmet Bayhan in the city of Mardin, and the Primary School of Üveyş Ana in the city of Hakkari. These schools have been carrying out bilingual education in Turkish and Kurdish since the school year of 2014-15. It is noteworthy, however, that as they have not yet fulfilled all the requirements laid out in the Regulation on Private Schools, the schools are still considered as educational support centres in place of official primary schools (Aslan and Sunar, 2014; Bozarslan, 2015).

The authorization of private schools to conduct bilingual education is, of course, a remarkable development; however, it may not be enough. Public schools may also be bestowed with the right to use Kurdish as the language of education. This right is already recognized by the two European minority-specific legal documents which have not been signed by Turkey, namely the *European Charter for Regional or Minority Languages* (ECRML) and the *Framework Convention for the Protection of National Minorities* (FCNM). According to Article 8 ECRML, the state parties undertake to make available the whole or a substantial part of education in regional or minority languages from the kindergarten level to the end of higher education within the territory where such languages are spoken. Similarly,

the FCNM not only endorses the use of minority languages as the language of instruction in private schools (art. 13(1)), but it also involves a provision pertaining to public schools:

> In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language (art. 14(2)).

In various European countries where a progressive human rights regime is being implemented, the aforementioned provisions have already been incorporated into their domestic legal frameworks. The United Kingdom (UK), for instance, provides the Welsh the right to use their native tongue as the language of education in both public and private schools established in Wales. While allowing the teaching of Welsh in all schools since the introduction of compulsory education through the *Education Act 1870*, the UK Government established a bilingual educational system (Welsh-English) in Wales by means of the *Education Act 1944*. After the adoption of this act, a significant number of private and public schools providing bilingual education at primary and secondary levels were established not only in Western Wales, where the dominant language spoken is Welsh, but also in Southern and Eastern Wales, where English is the prevalent language. Having been strengthened by the *Education Reform Act 1988*, the bilingual system took its ultimate shape with the establishment of the Welsh devolved region in 1998 by which educational matters in Wales were recognized as an area with which the National Assembly for Wales (*Cynulliad Cenedlaethol Cymru*) – the legislative body of the devolved region – and the Welsh Government (*Llywodraeth Cymru*), the executive organ of the devolved region, should deal. These public entities have been pursuing their educational policies aimed at creating a bilingual Welsh nation since the establishment of the devolved region.[9]

Similar to the UK, Spain enables the implementation of bilingual and multilingual educational systems through the Constitution of 1978, which divided the country into autonomous regions after the long ruling period of dictatorial Francoism (1939-75). In contemporary Spain, every autonomous community where a language other than Castilian (the dominant language) is spoken – Catalonia, Galicia, Navarra, the Balearic Islands, the Basque Country and Valencia – is authorized to use its native tongue as the language of instruction in both public and private schools. The Galician Autonomous Community, established with the *Galician Autonomous Statute of 1981*, for instance, has been implementing a bilingual educational system (Galego-Castilian) in its public and private

schools since June 1983, when the Galician Parliament (*Parlamento de Galicia*) had laid the legal foundation for bilingual education through Title III of the *Linguistic Normalization Law of Galicia* (*Lei de Normalización Lingüística de Galicia*).[10]

Finally, the Åland Islands, a Swedish-speaking autonomous archipelago associated with the unitary state of Finland, also exercises the right to use its native tongue as the language of education in both public and private schools located in the archipelago. While all Ålandic public schools implement a monolingual educational system under which Swedish is the sole language of instruction whilst Finnish is merely an optional foreign language module, private schools may, if they wish, conduct bilingual education in Finnish and Swedish.[11]

To sum up, granting a minority group the right to use its native tongue as the language of education in public schools, as well as private ones, is now a legally-recognized reality that should be taken into consideration by the AKP during its second ruling period. Turkish public schools may practice a bilingual educational system akin to that being implemented in the private schools; alternatively, monolingual or multilingual programmes may also be taken into account by scrutinizing various European examples, including those examined in this study.

2.3 *AKP silence: the official use of Kurdish*

Turkish has been the *sole* official language of the Republican State since its foundation. Before the establishment of the Turkish Republic, the 1876 Ottoman Constitution (*Kânûn-ı Esâsî*) – the only constitution of the Empire – had stipulated that '[e]ligibility to public office is conditional on a knowledge of Turkish, which is the official language of the State (art. 18)'. This stipulation was embraced by all Turkish constitutions adopted in the following years. The Constitution of 1921 (*Teşkilât-ı Esasiye Kanunu*) recognized Turkish as the only official language of the State by directly referring to Article 18 of the Ottoman Constitution. The next two republican constitutions – the Constitution of 1924 (art. 2) and the Constitution of 1961 (art. 3) – affirmed this status of Turkish. Finally, the current constitution, the Constitution of 1982, acknowledges Turkish as the mere official language of the Republic like its predecessors, but unlike them, the present constitution makes the provision pertaining to the status of Turkish (art. 3) an irrevocable constitutional provision (art. 4).

In spite of the absence of its recognition in the Turkish constitutional framework, the official use of minority languages is a right which is secured under both of the European minority-specific legal materials. The ECRML regulates this right through classifying it into

two basic classes: the official use by judicial authorities and the official use by administrative authorities. As regards the former usage which is preserved by Article 9 ECRML, the Charter stipulates that every provincial judicial organ established in a province where a regional or minority language is being spoken should, at the request of the parties, conduct all civil and criminal proceedings in this language; the organ ought to allow an accused or a litigant to use this language during all judicial processes; it shall not regard a request or oral/written evidence inadmissible on the grounds that it has been formulated in the regional or minority language; and finally the judicial organ ought to produce, on request, all judicial documents concerning legal proceedings in the regional or minority language.

As concerns the latter usage which is enshrined in Article 10 ECRML, the Charter reads that every provincial administrative body founded in a province where a regional or minority language is being spoken should enable the official use of this language within the framework of the provincial (local) authority; the administrative body ought to provide any user of the language with the opportunity to submit oral/written applications or documents and to receive a reply in her own language; the body shall make available widely used official texts and forms either in the regional or minority language or in a bilingual version; and finally the administrative body should be capable of using the regional or minority language in drafting official materials and providing its public services.

As for the other European minority-specific legal source, the FCNM, it also imposes some significant duties analogous to those of the ECRML upon the state signatories. With respect to the official use by administrative entities, the FCNM rules that

> [i]n areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those minorities so request and where such a request corresponds to a real need, the state signatories should endeavour to ensure the conditions which would make possible the official use of minority languages in the administrative authorities (art. 10(2)).

The following paragraph of the same provision deals with the official use by judicial institutions:

> The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter (art. 10(3)).

Many European countries that are implementing a progressive human rights regime have already incorporated these provisions into their domestic legal frameworks. The UK, for

example, authorizes the Welsh to use their native tongue officially. The process of ensuring the official use of Welsh was completed through two basic acts, the *Welsh Language Act 1967* and the *Welsh Language Act 1993*. While enabling the official use of Welsh in court proceedings, the former law also allowed Ministers to prescribe statutory forms in Welsh. As for the latter law which played a concrete role in building a bilingual nation in Wales, it dramatically broadened the scope of the previous act through granting Welsh the status of equal validity with English, resulting in the official use of Welsh in the entire public realm. In modern Wales, which is a devolved region of the UK capable of exercising executive and legislative competences through its own autonomous institutions, all public entities, including the Welsh National Assembly and the Welsh Executive, have a bilingual characteristic enabling both Welsh and English to be used officially.

Spain is also another example where minority or regional languages enjoy official status. While acknowledging Castilian (the dominant language) as the official language of the state, the Spanish Constitution of 1978 stipulates that autonomous communities might use their own regional official languages in pursuit of their statutes of autonomy (art. 3). In implementing this constitutional article, all autonomous communities where a language other than Castilian is being spoken – Catalonia, Galicia, Navarra, the Balearic Islands, the Basque Country and Valencia – have already incorporated a provision into their statutes of autonomy, thereby authorizing the regional public entities to use both Castilian and the regional languages officially. In Galicia, for instance, both Castilian and Galego have been granted official status by Article 5 of the *Galician Autonomous Statute of 1981*. These two languages have been used officially by all autonomous public institutions, including the Galician Parliament (*Parlamento de Galicia*) and the Galician Executive (*Xunta de Galicia*) since the construction of the Galician Autonomous Community.

Finally, Finland empowers the Åland Islands to use Swedish as its official language. According to the Finnish Constitution, both Finnish and Swedish are the national official languages of the State (art. 17(1)), permitting every Swedish-speaking Finnish citizen to use her native tongue in communicating with the nation-wide judicial and administrative institutions (Ihalainen and Saarinen, 2014). While the two languages are the national official languages, the sole official language of the Åland Islands is Swedish pursuant to Article 36 of the *Ålandic Autonomous Act of 1991*. Hence, all Finnish public entities, including the Council of State, are obliged to use Swedish in communicating with Ålandic autonomous organs (arts. 38 and 43).

In sum, granting a minority group the right to use its native tongue officially is currently a legally-recognized reality which ought to be taken into account by the AKP during its second ruling period. Turkey may recognize Kurdish dialects as national official languages by following the Finnish path. Alternatively, the Turkish language might remain as the sole national language of the State while acknowledging Kurdish dialects as regional official languages by following the British or Spanish patterns.

Conclusion

This article has sought to examine which minority language rights have been conferred upon the Kurdish people during the first AKP ruling period from November 2002 to June 2015. It is initially worth noting that the AKP has made important strides to compensate the harm done by the cultural togetherness policy. The Kurds can now exercise various minority language rights in Turkey: Kurdish broadcasting rights, the right to use Kurdish personal names, the right to use Kurdish place names, the right to use Kurdish in politics and the right to learn Kurdish. But nonetheless, there are still at least two crucial issues with which the AKP should deal during its second ruling period starting in November 2015.

The first is the use of Kurdish as the language of education in both public and private schools. Turkish private schools are now able to use Kurdish as the language of instruction, but this might not be enough. In the modern world, mother tongue education in *public* schools is a right that is not only acknowledged by minority-specific legal materials, e.g. the ECRML and the FCNM, but also exercised by various European minorities – such as the Welsh, the Galicians and the Ålanders – through monolingual, bilingual or multilingual educational methods. Hence, the AKP government may take into consideration such educational methods during its second ruling period, and it may eventually enable Kurdish to be used as the language of education in public schools.

The second is the official use of Kurdish. There has been no official attempt at granting Kurdish official status in Turkey since the establishment of the Republic. This circumstance might not be consistent with the spirit of the contemporary world, however. The official use of minority languages is currently a right that is both recognized by minority-specific legal sources, e.g. the ECRML and the FCNM, and exercised by a significant number of European minorities, the Welsh, the Galicians, the Ålanders, to name just a few. Therefore,

the AKP government may initiate a new policy during its second ruling period through which Kurdish might begin to be used officially.

Notes

[1] For a deep analysis of the two parliamentary elections, see Onis (2016).

[2] By 'linguicidal', Zeydanlioglu (2012: 103) underlines the *destructive* impact of the campaign upon languages other than Turkish.

[3] The oath includes several radical nationalist remarks, e.g. 'I am Turk' (*Türküm*); 'May my existence be a gift to the Turkish existence' (*Varlığım Türk varlığına armağan olsun*); and 'How happy is a person who calls herself Turkish' (*Ne mutlu Türküm diyene*). Uttering the oath was compulsory until 8 October 2013, when the Ministry of National Education abolished it through amending Article 1 of the Regulation on Primary Education Institutions.

[4] The examination of the PKK is beyond of the scope of this study. For more details on this terrorist organization and its disarmament process, see Belge (2016); Gunes (2013); Gunter (2016); Ozkirimli (2014); Tezcur (2015).

[5] The broadcasts were in Kurmanji on Wednesdays and in Zazaki on Fridays.

[6] The list of TV channels and radio stations broadcasting in Kurdish dialects can be found at http://kurtce.tvfre-kansi.com/.

[7] During the 2015 parliamentary election, for example, the AKP used the Kurdish song '*Carek Di*!' (Once More!), written by Aydın Aydın and Ferzende Kaya, and composed by Aydın Aydın. In the same election, the HDP used the Kurdish song '*Were HDP*' (Come to HDP), written and composed by one of the most important choirs of Diyarbakir, namely Diyarbakir Tev Çand.

[8] For more details on mother tongue education, see Derince (2012); Gok (2012); Kaya and Aydin (2013).

[9] For further details regarding the Welsh case, see Bradbury and Andrews (2010); Davies (1989); Gwyn-Williams (1985); Mann (2007); May (1999); Morgan (2006); Rawlings (2015).

[10] For more details on the Galician case, see Beswick (2007); Losada and Maiz (2005); O'Rourke (2014).

[11] For further details concerning the Ålandic case, see Daftary (2001); Hannikainen (2002); Suksi (2011).

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The Protection of Linguistic Minorities in Italy: A Clean Break with the Past

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Abstract

This article discusses the multi-levelled protection regime that has been established in Italy with regards to linguistic minorities. In the application of the Constitution, Framework Law 482/99 recognises twelve minority languages. The regime it puts in place is, however, one of potential protection. To enjoy concrete language rights, minorities must be recognised through a formal decision on the municipal level, after certain thresholds have been met. In addition, special statutes concern the German-, French- and Slovenian speakers in, respectively, Alto Adige/Südtirol, Valle d'Aosta/Vallée d'Aoste and Friuli Venezia Giulia. It is argued that the Italian model deserves more international attention. It strikes an ingenious balance between issues of national cohesion and unity, protection of minorities and territorialism, involving also the local (municipal) level. Italy has managed to make a clean break with an uneasy and even violent past in this respect, and could serve as a model for other countries facing similar challenges.

Keywords: human rights; linguistic minorities; minority protection; Constitution; Italy; language law; Alto Adige/Südtirol; Valle d'Aosta/Vallée d'Aoste; Law 482/99

The protection of linguistic minorities is one of the key features of Italian constitutionalism. Many small linguistic groups, scattered throughout the country, are recognised at a national or regional level, albeit in practice with greatly varying degrees of protection. The Republic has also

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established far-reaching language arrangements for German-, French and Slovenian-speakers in, respectively, Alto Adige/Südtirol, Valle d'Aosta/Vallée d'Aoste and Friuli Venezia Giulia.

In this contribution the language rights which the various recognised linguistic minorities enjoy will be discussed. First and foremost though, I will briefly recall the current state of affairs in international law as regards minimum standards for the protection of (linguistic) minorities. This will allow for assessing the compatibility of the Italian protection mechanisms with international standards.

In actual fact, it would seem that the case of Italy has received insufficient attention in international scholarship. This may be partly explained by a lack of legal source material in other languages than Italian. At any rate, the Italian example presents very interesting features, not least because Italy faces the challenge of having to deal with quite an important number of historical linguistic minorities on its territory, which are furthermore not all concentrated in well-defined geographical areas. Italy also presents a very useful model of how a balance has been struck between aims of national unity on the one hand, and regional or local autonomy on the other, in particular regarding linguistic arrangements.

As to the methodology, a "law in context" approach will be taken. For a good understanding of the linguistic diversity in Italy it is essential to recall some aspects of Italian history. In addition, where available, data will be provided on the number of speakers of the various minority languages, as these elements are relevant to assess the practical implementation of the legal protection which is offered under Italian law.[1]

1. The protection of minorities under international law

It is widely accepted that in most States language is a prime element for national unity. Many States in fact deny the existence of (linguistic) minorities within their jurisdiction, regarding it as a potential threat to internal cohesion. It may be argued though that providing language rights to minorities is more in the State's long term interest, as a means of gaining citizens' trust in the central government (Arzoz, 2007: 13; 23).

Protection of linguistic minorities may also aim at simply protecting linguistic diversity as such in society. A good example is provided by the European Charter for Regional or Minority Languages. The second recital of the Preamble reads as follows:

> Considering that the protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe's cultural wealth and traditions.

Similarly, the European Court of Human Rights held that:

> [there is an] emerging international consensus among the Contracting States of the Council of Europe recognising the special needs of minorities and an obligation to protect their security, identity and lifestyle, not only for the purpose of safeguarding the interests of the minorities themselves but to preserve a cultural diversity of value to the whole community.[2]

However, international law leaves it, in principle, to the State to grant (or not) language rights to members of minority groups on its territory, i.e. the right to use a minority or regional language in official dealings.[3] The only international provision acknowledging the right to minority languages, is article 27 of the International Covenant on Civil and Political Rights, which reads as follows:

> In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.[4]

The wording of the provision suggests that it only offers protection against interference and assimilation. It does not oblige States to actively provide for the use of the minority language in, for instance, official proceedings or in public schools. The use on the national territory of a different language from the official language is thus merely tolerated. The UN Human Rights Committee, though, seems to consider that the provision at issue does also impose a positive obligation on the State, without, however, giving specifications as to the extent thereof.[5]

Another difficulty is that there is no generally accepted definition of the term minority (language) in international law (Creech, 2005: 132; Shuibhne, 2002: 49). Common agreement is limited to the fact that minorities must be indigenous, thus excluding the languages of immigrant communities.

The European Charter defines regional or minority languages as those which are (i) traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population and (ii) different from the official language(s) of that State.[6] However, it is left to the States themselves to specify which minority or regional languages they want to include in the scope of the Charter. The latter has furthermore ruled out the application of individual, enforceable language rights, but focuses rather on general State obligations. Effective implementation is left to the goodwill of the signatory States (Shuibhne, 2002: 229). Nonetheless, the Charter contains the most advanced notion of international minority protection available in the world today (Arzoz, 2007: 16).

The Framework Convention for the Protection of National Minorities also holds provisions on the protection of linguistic minorities.[7] The wording of State obligations is, however, vague and leaves it in actual fact entirely to the States to decide about the implementation. Article 10(2) of the Framework Convention is self-evident in that regard:

> Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

Aspects of the Charter and the Framework Convention seem nevertheless relevant, as they could be making their way to the case law of the European Court of Human Rights. In Gorzelik v Poland, a case brought by members of the Silesian minority in Poland, the Court referred, for instance, to the Preamble to the Framework Convention, stating that "*a pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity*".[8] The Court seems therefore to have made a first step toward establishing positive language obligations for the States in the public domain.

In the same vein, in scholarship, it is argued that there is growing consensus in international law that when linguistic minorities are geographically concentrated and present in substantial numbers, they should be entitled to a proportional use of their language by public officials (Koenig & De Varennes, 2001: 2; De Varennes, 1997: 5; 18).

In summation, international law is slowly evolving towards an obligation for States to not merely tolerate the existence of linguistic minorities, but to also take a more active stance. Yet, in

the present state of international law, no unqualified right to use a minority language in dealings with official authorities exists (Van der Jeught, 2015: 24; Paz, 2014: 473; Schilling, 2008: 1229; Mancini & De Witte, 2008: 248; Arzoz, 2007: 26).

2. Language diversity in Italy: a historical explanation

2.1 *The long and difficult path to Italian unity*

Between the fall of the Roman Empire in the West in the 5th century and modern times, a timespan of a millennium and a half, the Italians had no political unity. It is said there were more separate States on the peninsula in the 14th century than in the entire world in 1934 (Duggan, 2012: 2). The various entities and city States also went through stages of foreign domination. As in other geographical areas of Europe, Latin − the *lingua franca* derived from the Roman Empire − was gradually replaced by the languages of the people. The first traces of *volgare* can be found in Tuscany around the beginning of the 13th century (Serianni, 2002: 55). In 1561, Emmanuele Filiberto duca di Savoia replaced Latin with *volgare* in Piemonte, Nizza and Valle d'Aosta in all legal acts.[9] In any case, people on the peninsula could make themselves mutually understood without too much difficulty and there was a common literary language as of the 14th century, based on Tuscan (Duggan, 2012: 3; Serianni 2002: 151).

Undoubtedly, language was instrumental in the process towards national unity. It was, for that matter, at the moment Italians ran the risk of losing their language that they became aware of its importance: during his second rule (from 1800 to 1813/1814), Napoleon Bonaparte attempted to impose French as the official language in Italy, a policy which aroused Italian patriotism (Duggan, 2012: 96). Moreover, Giuseppe Mazzini, the intellectual leader of the Italian *Risorgimento*, was an adept of Romanticism rather than the Enlightenment and was very much influenced by German writers on linguistic nationalism, especially Herder (Duggan, 2012, 108).

2.2 *An independent state*

As a nation, Italy did finally emerge in 1861, when Parliament proclaimed Victor Emmanuel the first king of Italy. However the long political fragmentation had left a legacy of different languages and dialects (Duggan, 2012: 28). It is alleged that even the king himself generally

wrote in French and spoke dialect at cabinet meetings and that his Prime minister, Count Camillo Benso di Cavour, was visibly uncomfortable when using Italian in Parliament.

Accordingly, setting up a language policy was one of the priorities of the new Kingdom, which was mainly made up of illiterate people (75% of the population as a whole and up to 90% in the South) and dialect-speakers. Only 10% of the population, for the most part concentrated in Rome and Tuscany, spoke standard Italian, although most were able to understand it. The schooling system was also in a poor state, due to lack of resources and qualified teachers, especially in the southern Regions of Italy (the so-called *Mezzogiorno*). Standardization of the various vernaculars was essential for the new State, so as to make sure that all laws were fully understood throughout the territory and to enable State officials and teachers to be operative in all Regions (Serianni, 2002: 293; 341).

With the Peace Treaty of Saint-Germain-en-Laye at the end of the First World War, the territory of Italy was expanded towards the North, until the Brenner frontier, which implied the inclusion of many German-speaking people in the two new provinces of Trentino and Alto Adige/Südtirol.[10] Italy also gained the port of Trieste and the Istrian peninsula which brought many Slovenian-speakers under Italian rule.

In the fascist era, a severe linguistic policy was applied on the entire territory. Mussolini attempted to standardize the Italian language, on the pretext that local dialects undermined central authority (Serianni, 2002: 171). The *Duce* also established a policy to Italianise the German-speaking inhabitants of the Alto Adige/Südtirol, the Slovenian-speakers in Friuli Venezia Giulia as well as the French-speakers in the Valle d'Aosta/Vallée d'Aoste (De Varennes, 2001: 21). As regards the German-speaking minority, an agreement was reached in 1939 between Hitler and Mussolini to offer them the choice (*die Option*) of leaving South Tyrol and resettling in the *Reich,* or to assimilate completely (Alcock, 2001: 3).

On January 1, 1948, the Republican Constitution entered into force (Bin & Pitruzella, 2001: 129). In a clean break with the fascist era, article 6 of the Constitution, currently still in force, stipulates that the Republic protects linguistic minorities. The Regions in which the largest linguistic minorities resided, were granted a special statute providing for autonomy.[11]

Finally, in 1999, a law was adopted, recognising twelve historical minority languages on the peninsula and providing for their protection.[12]

3. Protection of linguistic minorities in Italy: the general legal framework

Italy has ratified the Council of Europe Framework Convention for the Protection of National Minorities.[13] As to national law, the Italian Constitution does not contain any reference to general language arrangements or a national language.[14] Law 482/99 fills that void, stipulating clearly that Italian is the official language of the Republic.[15] For that matter, the Constitutional Court (*Corte Costituzionale*) has always confirmed that Italian is implicitly the official language of the Republic.[16] The status of Italian as the sole official language also follows from the fact that it is the language which is to be used in courts, in civil as well as criminal proceedings.[17] The only linguistic provisions in the Constitution are articles 3 and 6. The former provides for a non-discrimination clause on language grounds *inter alia*, while the latter stipulates that: "The Republic safeguards linguistic minorities by means of appropriate measures." Article 6 thus lays the foundations for the protection of language minorities, but it requires implementing legislation.[18] The Constitutional Court has consistently hailed this provision as a fundamental principle of the constitutional order, explicitly stressing its distinction from fascist policy in this respect.[19]

The constitutional provision is implemented by Law 482/99, which stipulates that the language and culture of twelve linguistic minorities are safeguarded, namely the Albanian, Catalan, Germanic,[20] Greek, Slovenian, Croatian, French, Franco-Provencal, Friulian, Ladin, Occitan, and Sardinian minorities.[21]

It should be made clear from the outset though, that Law 482/99 is in itself a framework law.[22] This means that it only establishes a potential protection mechanism, which has to be "activated" subsequently at local level. Local authorities may therefore use Law 482/99 as a basis for the granting of genuine language rights, but must in so doing also respect the limits imposed by it.

First and foremost, the provisions of Law 482/99 may be activated only at the request of at least fifteen percent of residents or one third of councillors in a given municipality. If these thresholds are not met, the law also provides for the possibility to hold a local referendum. In such a case, minority protection depends, in fact, entirely on the goodwill of the majority. According to recent data, Law 482/99 currently applies in 1076 municipalities (i.e. around 13%

of all Italian municipalities), inhabited by around four million inhabitants (7% of the country's population) (Council of Europe, 4th Opinion on Italy, 9).

In addition, minority language protection may only be granted at local level (a municipality or a fraction thereof). It may by no means be extended to the entire territory of a Region. Clearly, such local protection must also be limited to the areas in which the minority language is historically used. Language rights are therefore limited to these historical areas and claims by expanding minority groups or groups migrating to another Region are excluded. The territoriality principle has been confirmed by the *Corte Costituzionale*. The Court struck down a regional law of Friuli Venezia Giulia, *inter alia* because it provided for the possibility of generalizing the use of Friulian to the entire territory of the Region.[23]

The scope of the linguistic rights which may be granted to the minorities concerned is broad. It encompasses the use of the minority language in the schooling system, the local municipal council, dealings with the local administration as well as before the Justice of the Peace. Municipalities may also decide to add traditional or customary place names to the official Italian names. Surnames and first names of persons, that were changed into Italian or that were refused by the local administration before the entry into force of Law 482/99, may be changed back, without charge, into the original linguistic form.

However, an important limit is put on the use of other languages than Italian. The national language may never be replaced by the minority tongue. The latter language may, for instance, be used by councillors in a local municipal council, yet, at the request of any councillor who does not understand the minority language, interpretation in Italian must be provided. In addition, only deliberations or acts made in Italian produce legal effects.

4. The implementation of Law 482/99

It is explicitly stated that Law 482/99 does not affect special language protection rules that exist in Regions with a special statute (Trentino-Alto Adige/Südtirol, Valle d'Aosta/Vallée d'Aoste and Friuli Venezia Giulia), and in the autonomous provinces of Trento and Bozen/Bolzano. As a result, the most favourable provisions apply.[24]

Law 482/99 is in fact mostly relevant to other language minorities in Italy (Wright, 2007: 89). The real impact of this Law, given that it requires implementation on a local level, is, however, not easy to assess. In general, there is no legal obligation to report on the implementation of the Law. Local legislation may vary greatly as to the extent of language rights actually granted. The Council of Europe Advisory Committee points out that "*minority rights are protected and implemented in a very asymmetric way*", and that "*not all minorities have benefited on an equal basis (...)*" (Council of Europe, 4th Opinion on Italy, 1). The Committee also criticises the lack of funding to support, for instance, minority language teaching or printed media. This mainly affects the smaller linguistic minorities. The following survey indeed seems to suggest quite a heterogeneous picture as to the implementation of Law 482/99.

Sardinian

Sardinian, a romance language, is the largest recognised minority language, with a roughly estimated number of 1.3 million speakers.[25] In 1997, a regional law to promote the Sardinian language and culture was adopted, which provided, among other things, also for the use of the language in education and in dealings with the administration. Provision is made for teaching Sardinian language and culture at school. That language may also be used in dealings with the administration. Provision is made for bilingual place names (Italian and Sardinian). It is difficult to assess the practical implementation, yet the Euromosaic Report confirms that, when requested, the local authorities use Sardinian. Recently, it was reported that a number of municipal linguistic help desks have been set up to facilitate communication in the Sardinian language. The Advisory Committee of the Council of Europe notes with regret, however, that the lack of information on the number of such help desks and on the funding "*makes it impossible to create an impression on whether such undertakings are adequate to meet the needs of over one million Sardinian-language speakers*" (Council of Europe, 4th Opinion on Italy, 23). As to place names, it is reported that Sardinian is "sometimes" used (Euromosaic Report, Sardinian, pt. 2.3).[26]

Catalan

Catalan, another recognised language, is spoken by a community of some 39 000 people in the town of Alghero, in Sardinia (Euromosaic Report, Catalan, pt. 1.1). In fact, the community is a remnant of the Aragonese/Spanish rule on the island from 1325 until the 18th century, a timespan in which Catalan was the language of the administration and the Catalan people settled in the

towns. Despite the replacement of Aragonese cultural hegemony by Spanish as of 1469, Catalan continued to in fact be the official language in Sardinia until the 17th century, when it was replaced by Spanish for administrative and cultural purposes (Euromosaic Report, Catalan, pt. 1.2). Catalan is also mentioned in the regional law which protects the Sardinian language, without, however, being granted enforceable rights.[27]

Albanian

Albanian is spoken in a wide, mainly mountainous area comprising 49 towns and villages, extending from the Abruzzi Apennines to the south of Italy and to Sicily (Euromosaic Report, Albanian, pt. 1.1). Various sources estimate the number of Albanian-speakers in Italy at around 100 000, although no reliable statistics are available. It is worth noting the case of Arbresh, a dialect of Albanian, which is currently still spoken *inter alia* in five communities in Sicily (Wright, 2007: 90). Arbresh has been the language of these communities for the past 500 years, ever since the Albanians came to settle in Sicily after the demise of the Byzantine Empire. It is suggested they were able to keep their language because of their isolation, as Orthodox Christians amidst a Catholic population. Other factors were the relative prosperity of the community, which made them rather contemptuous of rural Sicilians (Wright, 2007: 90). Law 482/99 gives them legal instruments to strengthen their position, yet in practice it is not clear if these language rights have actually been activated, and if so, to what extent. It is reported that, in certain municipalities, cultural and linguistic activities of the ethnic Albanian communities are promoted and bilingual road signs are in place (Euromosaic Report, Albanian, pt. 1.3). The Council of Europe Advisory Committee points out that small language groups such as the Albanian community are given scarce attention and that there is a clear lack of public funding (Council of Europe, 4th Report on Italy).

Croatian

This language is spoken, probably since the 13th century, in three municipalities in the Region of Molise, by an estimated number of only 1700 people (Euromosaic Report, Croatian, pt. 1.1). This small language community does not seem to enjoy any special language rights.

Greek

Another very small linguistic minority is Greek (or Griko), whose numbers are estimated at some 3900 speakers, situated in a number of villages in southern Italy in an area known as Magna

Grecia or 'Greater Greece' (Euromosaic Report, Greek, pt. 1.1). Their language rights equally seem very limited.[28] This is also confirmed by the Council of Europe Advisory Committee (4th Report on Italy).

Occitan

Since the 13th and 14th centuries, the Occitan language is spoken in different Regions of Italy, mainly in fifteen alpine valleys in the Piedmontese provinces of Torino and Cuneo, as well as in Liguria and Calabria, where Occitan-speakers sought refuge from religious persecution (Euromosaic Report, Occitan, pt. 1.1). The remoteness and isolation of the areas where the minority lives explain the fact that it has kept its language. The areas where Occitan is spoken lie in the highest valleys of the alpine regions, without public services. There has scarcely been any immigration into these valleys in the course of history. The number of speakers is limited: although there seem to be no reliable data, it is estimated that some 35 000-80 000 people have Occitan as a mother tongue and use the language habitually in their everyday communications (Euromosaic Report, Occitan, pt. 1.1). No specific language rights seem to have ensued from Law 482/99. The Piedmontese authorities do provide limited financial aid to associations for the promotion and defence of Occitan (Euromosaic Report, Occitan, pt. 1.3). The language is also used informally by public employees, for instance in post offices. Some municipalities have erected signs at village boundaries welcoming visitors in Occitan (generally alongside Italian) and numerous inn, restaurant, hotel and campsite signs, etc., bear the name of the establishment in Occitan (Euromosaic Report, Occitan, pt. 2.3, Council of Europe, 4th Opinion on Italy, 25).

Ladin

The speakers of this language closely related to the Swiss Rhaeto-Romance mainly live in five valleys of the Dolomite Alps in the north of Italy (Wright, 2007: 92). There are approximately 30000 members of the Ladin speaking community, who speak six (according to some, seven) distinct varieties of the language. The area in which they live has only recently acquired effective communication systems and the relative isolation of the communities in separate valleys has enabled the different varieties to develop and continue. Since 1989, Ladin has been an official language in the Bozen/Bolzano province, alongside standard Italian and German (Wright, 2007: 92). In 2001, Ladin speakers' new rights were implemented in Trento province following Law 482/99.

Friulian

The case of Friulian (another Rhaeto-Romance language, also referred to as Eastern Ladin) in the autonomous Region of Friuli-Venezia Giulia, is particularly interesting, as it shows the limits imposed by Law 482/99. Friulian is spoken by some 43% of the local population, i.e. more than 526 000 people. Friulian asserted itself as early as 1150 (Vospernik, 1989: 475). According to Euromosaic, the Italian government does not support the use of Friulian and in some cases discourages people from using the language. Under fascism, Friulian literature and music were supported and Friulians, as a Latin civilisation, were defended against Slav and German "barbarism" (Euromosaic, Friulian, pt. 3.1). It was mentioned above that the Constitutional Court objected to the generalisation of the territorial scope of the use of Friulian to the entire Region. The Court also struck down other regional provisions regarding the place names which were to be only in Friulian and a general obligation for teaching in Friulian, because these protection measures exceeded the framework laid down by Law 482/99 (Palermo, 2009: 1781).[29] As a result, the use of Friulian seems to remain largely unofficial. Euromosaic reports that Friulian is frequently used in local authorities as well as in daily life. Public signs are in Italian, with the exception of more remote, mountainous areas where signs may be in both Italian and Friulian (Euromosaic Report, Friulian, pt. 2.3). The Friulian language is also taught in kindergartens, and as a subject in primary and junior secondary schools in the provinces of Udine, Gorizia and Pordenone (Council of Europe, 4th Opinion on Italy, 29).

Other minority vernaculars

The status of the languages of other minorities mentioned in Law 482/99 (Germanic, French and Franco-Provencal) will be discussed hereafter. In addition, it must be mentioned that yet other regional languages, which are not mentioned in the Law, may also be recognised on a local level. This is the case for Sicilian as well as Piedmontese or languages and dialects of the Veneto (Palici de Suni, 2009: 1774). Here we are entering the linguistic debate about the difference between a language and a dialect, which falls out of the ambit of the present article. Sicilian, for instance, is not one of the minority languages under Law 482/99, notwithstanding the fact that the vast majority of Sicilians are alleged to speak Sicilian as their mother tongue.[30] The reason is that Sicilian is considered to be a mere dialect of Italian, not a language.[31] Quite significantly, Sicilian

is not mentioned in the Euromosaic Report nor in the Opinion of the Advisory Committee of the Council of Europe.

5. The autonomous entities

The highest degree of protection is offered to language minorities in the autonomous Regions of Trentino-Alto Adige/Südtirol, Valle d'Aosta/Vallée d'Aoste and Friuli Venezia Giulia. For a good understanding, Italy is divided into 20 Regions of which five have a special (autonomous) statute. These Regions are further divided into metropolitan cities, provinces and municipalities. The five autonomous Regions are Friuli Venezia Giulia, Sardinia, Sicily, Trentino-Alto Adige/Südtirol and Valle d'Aosta/Vallée d'Aoste. The Trentino-Alto Adige/Südtirol Region is furthermore composed of the autonomous provinces of Trento and Bolzano. Interestingly, three of these autonomous Regions are granted a special statute because of the presence of linguistic minorities (the other two are islands, Sicily and Sardinia). The bilingual official names of two Regions (Trentino-Alto Adige/Südtirol, Valle d'Aosta/Vallée d'Aoste) have been in use since the constitutional reform of 2001.

5.1 *Alto-Adige/Südtirol*

As previously mentioned, it was only after the First World War and the demise of the Austrian-Hungarian Monarchy that, with the Treaty of Saint-Germain-en-Laye of 1919, South Tyrol was attached to Italy. The Italianisation policy under fascist rule hit the region hard and the use of German was completely banned from the administration, schools and courts. Private and official signs and place names were Italianised and German-language newspapers closed down. Listening to German or Austrian radio was strictly forbidden. Germanic names of residents, deriving from Italian or Latin, had to be changed in Italian. First names that "offended Italian sentiment" were forbidden (Alcock, 2001: 3).

After the Second World War, the local *Südtiroler Volkspartei* (SVP) demanded a return of the territory to Austria (Alcock, 2001: 4). In September 1946, the Agreement De Gasperi-Gruber between Italy and Austria was signed in Paris.[32]According to this Agreement, German-speaking inhabitants of the Bozen/Bolzano province and of the neighbouring bilingual municipalities of the Trento Province were granted complete parity of rights with Italian-speaking inhabitants.

The Agreement also provided for the right of German-speaking citizens to elementary and secondary teaching in their mother tongue, parity of the German and Italian languages in public offices and official documents, as well as in place names, the right to re-establish German family names which were Italianised in the preceding years and equality of rights as regards entering public office. The latter provision aimed at reaching more proportionate levels of employment between the two linguistic groups. The Agreement further provided that autonomy would be established in consultation with local representative "German-speaking elements".

During the parliamentary debates on the constitutional law of 26 January 1948, which was to implement the Agreement, Prime Minister De Gasperi declared that Italy would faithfully execute these undertakings, so as to show that the German-speaking minority in Italy was among the best protected in the world (Bartoli, 1985: 70).

Italy, however, did not want regional autonomy to coincide completely with the territory in which the German-speaking group lived and therefore also added, despite strong protests from the German-speaking minority, the Province of Trento to the Region. Consequently, since in terms of population the province of Trento was larger than Bozen and was 99% Italian, while the province of Bozen was two-thirds German, Italians had a two-thirds majority in the entire Region (Alcock, 2001: 6). Implementation of the Agreement proved furthermore to be complicated and this led to increasing frustration among German-speakers and eventually even escalated into terrorist actions in the 1950s.[33]

Due to the existence of the Agreement, the question of Alto-Adige/Südtirol was not a purely Italian matter but also had international ramifications. Consequently, in 1960, Austria brought the issue to the attention of the United Nations. The General Assembly urged Italy to faithfully execute the Gruben-De Gasperi Agreement and recommended the start of negotiations and, if need be, that the dispute be referred to the International Court of Justice.[34]

Eventually, following negotiations between the Italian government and the SVP, in 1969, the *Pachetto/Paket*-agreement was concluded, which was approved by Austria and led to a new Statute of 1972 on autonomy.[35] Implementation again took a long time, and it was, for instance, only in 1988 (entry into force in November 1989) that the Statute was executed by Presidential Decree with respect to the use of German and Ladin in the public administration and the courts.[36]

Guaranteed proportionate participation of language groups

At the political level, proportionate participation of all groups (Italian, German and Ladin) is safeguarded. Members of the Regional Council (*Consiglio regionale*) and the Provincial Council (*Consiglio provinciale*) belong to a linguistic group. Provision is made for a blocking minority procedure, in the sense that when a linguistic group feels adversely affected by a draft act, it may request a vote within the language group. If that language group rejects the draft act by a two thirds majority, and the act in question is nevertheless adopted, a case can be brought before the *Corte Costituzionale.*

As to the public administration and the courts, there is a quota system for public officials in the province of Bozen/Bolzano. Posts are assigned to each language group (Italian, German and Ladin) according to official census results on the basis of an individual declaration of belonging to one or other of the language groups (the so-called *dichiarazione di appartenenza-Sprachgruppenzugehörigkeitserklärung*). This declaration is also relevant with respect to social housing, as special budgets are allocated per language group. Similarly, for judges, magistrates and public prosecutors, a quota system exists. Specific rules are laid down regarding the court system in general: chambers must be composed equally of members of the German and Italian language groups, the post of president of each chamber rotating between these groups.

Schools are organised on the basis of language

The right to mother tongue teaching is made available in both Italian and German, by native speakers, from elementary through to primary level and secondary school. Ladin is also taught in elementary and primary schools in Ladin areas.[37] In practice, this means that parallel, separate schooling systems are established based on language. It is left to the parents to decide in which school (German or Italian) they enrol their children, but these may only be enrolled in a school of another language group if they have sufficient language skills. The idea of separate schools has been criticised, but was felt essential to maintain the identity of the German-speaking group (Alcock, 2001: 17).

All citizens have enforceable rights to use their own language in all circumstances

All officials in public administration must prove that they are fluent in Italian and German.[38] In official dealings with the administration of the province of Bozen/Bolzano (public administration and all public services, also when exercised by public enterprises), Italian or German may be used. The legislation is quite detailed and even covers some private law contracts, such as

obligatory insurance policies, which must be available both in Italian and German. Language rights must be clearly indicated in all offices concerned so as to ensure that citizens are aware of the fact that both German and Italian may be used. In case of violation of language rules, all acts concerned may be declared null and void, at the request of a citizen. Even the army and the police must use German in dealings with German-speaking citizens in the province of Bozen/Bolzano.[39]

The language of court proceedings is German in cases brought by German-speaking citizens of the province of Bozen/Bolzano. Interestingly, that right is extended to all EU citizens, following a judgment of the European Court of Justice.[40]

For understandable historical reasons, the issue of place names is particularly sensitive. A special provision gives topographic naming competence to the provinces, provided that bilingualism in the province of Bozen/Bolzano is respected.[41]

5.2 *Valle d'Aosta/Vallée d'Aoste*

This area belonged to the House of Savoy (Savoia, Savoie) with effect from 1034, but was given a certain degree of autonomy.[42] French became the language of the administration as of the 16th century and was also adopted by nobles and the clergy, while generally the local language, Franco-Provencal, was spoken (Regional report 2007: 24).

When in 1860 the Valle d'Aosta/Vallée d'Aoste came to form part of the new Italian State, Italian became the official language (Regional report 2007, 25). Immigration of Italian-speakers from other Regions and emigration of local people to France rapidly increased the Italian-speaking portion of the population. As a reaction, in 1909, the *Ligue valdôtaine*, supported by the clergy, was founded to defend the French language (Regional report 2007: 26).

In the fascist era, French was completely banned from public life. Place names were Italianised and French could no longer be used at school (De Varennes, 2001: 21). At the end of the Second World War, local resistance movements strove to obtain autonomy and the right to use French. Interestingly, French was favoured over the local Franco-Provencal, as for local residents French was the language which expressed their culture and identity. Hence, support from France and General De Gaulle was sought. The latter seemed to be favourable to the idea of an annexation of the Vallée, but backed down when meeting strong Anglo-American opposition

(Lengereau, 1989). After the Second World War, in 1948, the Valle d'Aosta/Vallée d'Aoste became one of the Italian Regions with a special statute.[43]

The right to use French

It is reported that all residents speak Italian, while about three out of four know French and one out of two knows Franco-Provencal (Regional report 2007: 27). Dealings with the public administration may take place in both Italian and French. Administrative acts may be drafted in French as well as in Italian, whilst court acts must be written in Italian. Public and street signs may be in both French and Italian (and also in German in areas where the Walser community lives),[44] but there seems to be no systematic practice in this regard. Commercial signs are largely in Italian, though sometimes French and Franco-Provencal is used, especially in mountain communities (Regional report 2007: 14).

Bilingual schools

As to the schooling system, an equal number of hours of teaching must be assigned to French and Italian. In practice though, for many years, the teaching of most subjects took place in Italian, and only some subjects could be taught in French. It is only since 1983 that full parity of hours concerning all subject matters is established (Regional report 2007: 42). One of the objectives in this regard is a plurilingual education "*ouverte à l'Europe*", allowing also for the promotion of knowledge of the Franco-Provencal language and culture (Regional report 2007: 43).

Language rights are also granted to the small Walser minority: in the Walser municipalities, a limited number of counters have been opened where formalities can be dealt with and information obtained (Regional report 2007: 17). The possibility of the teaching of German in schools in that area is also provided for. In practice, this concerns a very limited number of pupils, and is restricted to one to three hours of teaching per week.[45]

5.3 *Autonomous Region of Friuli Venezia Giulia*

It may be recalled that Trieste and the Istrian peninsula became part of Italy after the First World War, which brought many Slovenian-speakers under Italian rule. Italian nationalists, however, also laid claim to other Regions where Italian-speakers lived, namely Dalmatia and Fiume (Rijeka) (Duggan, 2012: 196). As a result, from 1920 paramilitary squads began to carry out raids

against Slav councils and institutions in Istria and Friuli, followed by a forced assimilation policy under fascism (Duggan, 2012: 200).

After the Second World War, attempts were made to grant special autonomy to the Region. The special statute could, however, enter into force only in 1963, because of the unresolved issue of Trieste and the definition of the borders between Italy and (then) Yugoslavia (Palici de Suni, 2009: 1779).[46] The territory of Trieste was divided into a military zone A, occupied by the allied forces and a zone B, occupied by the Yugoslav forces. The military occupation ended with the Memorandum of London of October 5 1954, whereby zone A was handed over to Italy and zone B to Yugoslavia.[47]

This Memorandum of Understanding defined a detailed language regime and provided for complete equality of treatment of the "Yugoslav ethnic group" in the Italian-administered area and the "Italian ethnic group" in the Yugoslav-administered area. It stipulated, in particular, for equal linguistic rights concerning the press, educational, cultural, social and sports organisations. There was also the obligation that signs and place names should be equally in the language of the minority group, where the latter constituted a significant element (at least one quarter) of the population.

Following the subsequent Treaty of Osimo (10 November 1975) between Italy and Yugoslavia, the Memorandum ceased to have effect, but article 8 of the Treaty guaranteed an equivalent level of protection.[48] In its Preamble, the Treaty stipulates the greatest possible loyalty towards the minorities in the two countries, based on international human rights principles.

Rather than through the special regional statute, the Slovenian minority was therefore protected pursuant to these international provisions concerning Trieste. It was not until 2001 that a domestic linguistic framework was established, based on Law 482/99.[49] The scope of the language protection is, in conformity with the principles laid down in Law 482/99, limited to those municipalities where the Slovenian minority has traditionally lived and where a threshold of 15% of residents or one third of councillors may activate the protection mechanism. Provision is made for the right to use Slovenian names and to change names that were altered or refused previously. Slovenian may also be used in dealings with the public administration and the courts, as well as in elected political bodies, in public signs and place names in the municipalities concerned, as well as in schooling.

The linguistic situation in this autonomous Region is even more complex, as Friulian is also widely spoken. The special protection granted by regional law, struck down by the Constitutional Court, has been discussed above. In addition, several dialects are also recognised.[50]

Conclusion

The 19th century poet and novelist Alessandro Manzoni said "diversity" was the cruellest word you could throw at Italy, as it summed up a long history of suffering and degradation (Duggan 2012: 6). There could be some historic truth in this bold and patriotic statement, as the way that led the Italian people to one nation and also to the language of Dante has certainly been long and complex. At present though, a deeply rooted regionalism and attachment to local traditions and languages are clearly a legacy of the patchwork of States that have existed for centuries on the peninsula.

Italian republican constitutionalism therefore aims at reconciling the need to be *una e indivisibile* (one and indivisible) while at the same time fostering linguistic minorities. The result is a highly intricate and prolific legislation at national as well as at regional level which is also quite ingenious at finding equilibrium between the two aims.

The multi-levelled legal protection offered by the Constitution, Framework Law 482/99 and implementing measures which may be activated on a local (municipal) level could serve as an example for other countries. The potential protection mechanism available to language minorities through Framework Law 482/99 deserves more international attention in this regard. Indeed, the fear of regional identities being construed as nations distinct from the national, Italian one, is still very much present. This issue which is, incidentally, highly relevant to many other countries. The Italian system neatly defuses that potential danger, involving the local, municipal level, rather than the regional. In this regard, the landmark judgment of the Constitutional Court in 2009 regarding the Friulian language clearly blocked identity-building language initiatives of the Regions. Likewise, a good balance is found between the need to grant linguistic rights and the practical feasibility in cases where minorities are scattered throughout the territory (such as the establishment of a threshold to activate the minority language protection mechanism).

On the downside, one could argue that the twelve recognised minority languages do not enjoy an equal level of protection. Rather, one notices a clear hierarchy. The best protected minority is the German-speaking group in Alto Adige/Südtirol, followed by the French-speaking group in Valle d'Aosta/Vallée d'Aoste, and the Slovenian-speaking minority in the autonomous Region of Friuli Venezia Giulia. The higher level of protection granted to these groups is undoubtedly a *Wiedergutmachung* for fascist policies. In this regard, Italy is additionally bound by international post-Second World War agreements regarding the German and Slovenian minorities. The fact that linguistic minorities are granted different levels of protection is compatible with the Italian Constitution. The *Corte Costituzionale* has consistently held that the legislator has the discretionary power to decide the form and degree of language rights and autonomy to be granted. This is also consistent with international law.

Another point that may be made is the lack of reliable data on actual (minority) language use in Italy. This point, as well as the lack of public funding to implement language promotion activities, is also criticised in the most recent Opinion on Italy by the Advisory Committee on the Framework Convention for the Protection of National Minorities.

In summation, it may be concluded that Italy has established a minority language protection mechanism which not only meets international standards, but may also serve as an example to many other countries facing similar challenges. It shows the respect of the Italian Republic towards its tremendously rich cultural and linguistic patrimony and forms at the same time a clean break with an uneasy past in this regard.

Notes

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[1] I have used the Euromosaic Report (The production and reproduction of the minority language groups in the European Union, 1996, European Commission). Abbreviated versions of the original report are available at http://www.uoc.edu/euromosaic/web/homean/index1.html. Retrieved: February 17, 2016. Reliable data on language use in Italy is scarce as Italy does not collect information on the ethnic composition of the population. The last census, carried out in October 2011, did not contain questions on ethnicity and languages spoken at home (Council of Europe, Fourth Opinion on Italy, adopted on 19 November 2015, Advisory Committee on the Framework Convention for the Protection of National Minorities, 12 July 2016 (hereafter referred to as "Council of Europe, 4th Opinion on Italy"), https://www.coe.int/en/web/minorities/-/italy-publication-of-the-4th-advisory-committee-opinion.

Retrieved: 19.10.2016). The latter Opinion is also used throughout this paper, as it contains some data on minority language use in Italy.

[2] Judgment of 13 November 2007, D.H. and others v the Czech Republic, application no 57325/00, http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-83256, pt. 181. Retrieved: February 17, 2016.

[3] In the Ballantyne case, for instance, the UN Human Rights Committee recognised the lawfulness of official languages and with that the legitimacy of an official language policy (Ballantyne v Canada, Communication no 359/1989 and 385/1989, CCPR/C/47/D/359/1989, Office of the United Nations High Commissioner for Human Rights.

[4] UN International Covenant on Civil and Political Rights, 16 December 1966, *United Nations Treaty Series*, vol. 999 (1976), no. 14668, 171.

[5] General Comment no 23: The rights of minorities (Art. 27), 8 April 1994, CCPR/C/21/Rev.1/Add.5. See in this sense also UN General Assembly Resolution 47/135 of 18 December 1992: Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, UN General Assembly Resolutions, http://www.worldlii.org/int/other/UNGARsn/1992/198.pdf. Retrieved February 17, 2016. See also Diergaardt v Namibia, in which the Human Rights Committee held that Namibian authorities should use Afrikaans with a traditional community (the Rehoboth Baster Community, descendants of indigenous Khoi and Afrikaner settlers), although the official language of the State is English (Communication no 760/1997, views of 25 July 2000, *CCPR/C/69/D/760/1997*, Office of the United Nations High Commissioner for Human Rights. Retrieved: February 17, 2016. Admittedly, this decision was handed down in the specific context of Namibia, where English is the mother tongue of only a very small portion of the population (0,8%). The Committee took particular issue with the fact that officials dealing with the minority in question were proficient in Afrikaans, but were explicitly forbidden by the authorities to use that language, even in informal contexts, e.g. on the phone.

[6] Art. 1, European Charter for Regional or Minority languages. See also art. 1(a) thereof which stipulates that "*it does not include either dialects of the official language(s) of the State or the languages of migrants*".

[7] Framework Convention for the Protection of National Minorities, 1 February 1995, *European Treaty Series* No 157.

[8] Judgment of 17 February 2004, application no 44158/98, http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-61637, pt. 93. Retrieved: February 17, 2016.

[9] Edit de Rivoli of September 22, 1561. French was officialised in Nice and the Valle d'Aosta/Vallée d'Aoste, Italian in Piedmonte.

[10] Art. 27, Treaty of Peace of Saint-Germain-en-Laye between the Allied and Associated Powers and Austria, September 10, 1919, *Treaty series*, No 17 (1919) (Gt. Brit. Foreign office).

[11] The Regions with a special statute are Trentino-Alto Adige/Südtirol, Valle d'Aosta/Vallée d'Aoste and Friuli Venezia Giulia.

[12] Legge n. 482, Norme in materia di tutela delle minoranze linguistiche storiche, December 15, 1999, *G.U*. n. 297 of December 20, 1999, 4 (hereafter referred to as "Law 482/99").

[13] See Council of Europe website, http://www.coe.int/en/web/minorities/etats-partie. Retrieved 19.10.2016. Italy has signed the European Charter for Regional or Minority Languages (on 27.6.2000) but has not ratified it (see http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/148/signatures).

[14] Italian Constitution of December 22, 1947. For a consolidated version in Italian, see Italian Senate, http://www.senato.it/1024. An English translation, which has been used in this contribution, is also available: http://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf. Retrieved: February 17, 2016.

[15] Art. 1, Law 482/99. In 2002, the Italian Parliament was considering a proposal to amend the Constitution by declaring Italian the official language of the Republic (see question E-0887/02 of April 3, 2002 by Miquel Mayol i Raynal, Official language in Italy, *OJ C* 205E/232 of August 29, 2002).

[16] Judgment of 18 May 2009, 159/2009, 2.3 of the part "considerato in diritto", http://www.cortecostituzionale.it. Retrieved: October 5, 2014.

[17] Art. 122(1), *Codice di procedura civile* and art. 109(1), *Codice di Procedura Penale*.

[18] According to Arzoz, the case law of the *Corte Costituzionale* seems to confer some direct effect to article 6 of the Constitution, namely a minimum protection that is immediately applicable, including the right to use the minority language in dealings with the administration. The legislator has, however, the choice of the form, timing and methods in order to achieve the constitutional objective, taking into account the existing social conditions and the availability of resources (Arzoz, 2007: 20). As far as we could verify, however, no enforceable language rights are directly based on article 6 of the Constitution.

[19] Judgment of 18 May 2009, 159/2009, 2.1 of the part "considerato in diritto".

[20] The term "Germanic" is used and not German, to include also the Austrian-Bavarian dialects of Tyrolian, Mocheno and Cimbro that are spoken in Trento and Belluno, as well as other Germanic dialects in the province of Udine.

[21] See art. 2, Law 482/99: "*In attuazione dell'articolo 6 della Costituzione (…),la Repubblica tutela la lingua e la cultura delle popolazioni albanesi,catalane, germaniche,greche,slovene e croate e di quelle parlanti il francese, il franco-provenzale,il friulano,il ladino,l'occitano e il sardo"*.

[22] Law 482/99 is itself further specified by Decreto del Presidente della Repubblica n. 345, Regolamento di attuazione della legge 15 dicembre 1999, n. 482, recante norme di tutela delle minoranze linguistiche storiche, 2 May 2001, *G.U.* n. 213 of September 13, 2001.

[23] Judgment of 18 May 2009, 159/2009, pt. 3.1.1 of the part "considerato in diritto".

[24] Judgment of 18 May 2009, 159/2009, 2.4 of the part "considerato in diritto".

[25] No reliable data seem available from the Italian censuses. Sardinian speakers account for 80% of the entire population of the island. There are indications that since the 1970s the language is in decline (Euromosaic Report, Sardinian, pt. 1.1).

[26] Legge Regionale n. 26 Promozione e valorizzazione della cultura e della lingua della Sardegna, 15 October 1997, *B.U. n. 32* of October 24, 1997, 1.

[27] Art. 2(4), Regional Law. Other languages are also recognised, such as *tabarchino delle isole del Sulcis, Sassarese and Gallurese*.

[28] See question E-4860/06 of October 31, 2006 by Georgios Karatzaferis, Greek language in southern Italy, *OJ C* 329/1 of December 30, 2006. Primary school children are taught this vernacular for one hour a week. The language seems to be dying out. Answering the question of the MEP, the Commission replied that the Greek and Italian Governments had not submitted any application for co-funding of initiatives in support of the Greek language in Southern Italy under the Lingua action.

[29] See Legge regionale n. 29 Norme per la tutela, valorizzazione e promozione della lingua friulana, December 18, 2007, *B.U.* n. 52 of December 27, 2007, 1.

[30] See linguistic background on Sicilian: http://www.linguasiciliana.it/diffusione.htm. Retrieved: February 17, 2016.

[31] See art. 1, Legge Regionale n. 85 Provvedimenti intesi a favorire lo studio del dialetto siciliano e delle lingue delle minoranze etniche nelle scuole dell'isola e norme di carattere finanziario, May 6, 1981, *B.U.* n. 23 of May 9, 1981, 1.

[32] The Agreement was named after the Italian Prime minister and the Austrian Foreign Affairs minister, and was adopted by Decreto legislativo n. 1430 del capo provvisorio dello Stato, November 28, 1947, *G.U. n. 295 Supplemento ordinario* of December 24, 1947, 3781.

[33] For instance, forty years after the Gruben-De Gasperi Agreement, street and place names that were Italianised under fascist rule, were still unchanged (Benedikt, 1989: 20-21). The first big protest march was held in November 1957 under the title *Volk in Not*, to which 30 000 to 40 000 people attended, to hear Silvius Magnago, leader of the *Südtiroler Volkspartei*, who pleaded for autonomy and linguistic rights. More radical elements organized themselves in the *Befreiungsausschuss Südtirol* (BAS) and demanded independence. In the so-called *Feuernacht,* terrorists blew up 43 electricity poles (Alcock, 2001: 8). In the following years more attacks followed: in a total of 400 terrorist actions, fifteen military and policemen as well as two civilians were killed (Grinner, 2010).

[34] Resolution 1497 (XV) of October 31, 1960 of the UN General Assembly on the Province of Bolzano, UN General Assembly Resolutions, http://www.worldlii.org/int/other/UNGARsn/1960. Retrieved: February 17, 2016.

[35] Decreto del presidente della Republica n. 670, Approvazione del testo unico delle leggi costituzionali concernenti lo statuto speciale per il Trentino - Alto Adige, August 31, 1972, *G.U.* n. 301 of November 20, 1972, 7603 (hereafter referred to as "special Statute"). The 1972 special Statute was changed in 2001 to provide *inter alia* for the direct election of the president of the Region and provinces (Legge costituzionale n. 2, Disposizioni concernenti l'elezione diretta dei presidenti delle regioni a statuto speciale e delle province autonome di Trento e di Bolzano, January 31, 2001, *G.U.* n. 26 of February 1, 2001, 4).

[36] Decreto del Presidente della Republica n. 574, Norme di attuazione dello statuto speciale per la Regione Trentino-Alto Adige in materia di uso della lingua tedesca e della lingua ladina nei rapporti dei cittadini con la pubblica amministrazione e nei procedimenti giudiziari, July 15, 1988, *G.U.* n. 105 of May 8, 1989, 13 (hereafter referred to as "Decreto 574/88"). Long transition periods were also unavoidable: a time-span of 30 years was agreed upon (until 2002) for the implementation of the respect of linguistic proportions in public administration, so as to avoid dismissals of overrepresented Italian officials (Alcock, 2001: 13).

[37] Art 19(2), special Statute. See Euromosaic Report, Ladin, pt. 2.1, from which it appears that the educational situation varies greatly from one municipality to another. The number of Ladin speakers in South Tyrol and elsewhere is unofficially estimated at 28 000 and, according to a 1991 census, 18 000 of these live in the Province of Bolzano (Euromosaic Report, Ladin*,* pt. 1.1).

[38] Art 1, Decreto del Presidente della Repubblica n. 752, Norme di attuazione dello statuto speciale della Regione Trentino-Alto Adige in materia di proporzionale negli uffici statali siti nella provincia di Bolzano e di conoscenza delle due lingue nel pubblico impiego, July 26, 1976, *G.U.* n. 304 of November 15, 1976, 8129.

[39] Art. 1(2), Decreto 574/88, and art. 12, Decreto 574/88. Staff must therefore have the necessary (bilingual) linguistic skills (art. 12(2), Decreto 574/88). A quota system for staff is established so as to assure proportionate representation of the language groups (art. 33, Decreto 574/88).

[40] Judgment of 24 November 1998, Bickel and Franz, case C-274/96, *ECR* 1998, I-7637.

[41] Art. 8(2), special Statute. Nevertheless, negotiations are still taking place between representatives of the Province of Bolzano and the Italian government in order to eliminate certain topographic names in Italian. In 2013, an agreement was reached to use only German names in 135 cases (Depentori, P., Alto Adige, ora la montagna parla solo tedesco – Accordo tra la Provincia di Bolzano e il governo: via l'italiano da 135 toponimi, *La Repubblica*, August 26, 2013, 17).

[42] Profil de la politique linguistique éducative, Vallée d'Aoste, Rapport régional, Assessorat à l'Éducation et à la Culture, Département Surintendance aux études, 2007, 23 (hereafter referred to as "Regional report 2007").

[43] Legge costituzionale n. 4, Statuto speciale per la Valle d'Aosta, February 26, 1948, *G.U.* n. 59 of March 10, 1948.

[44] The term Walser is a contraction of the adjective Walliser, meaning Valaisan (see about this community: Petite, M., 'A new perspective on the Walser community: Mobilisation of symbolic resources

in an INTERREG project', *Journal of Alpine Research | Revue de géographie alpine*, https://rga.revues.org/912. Retrieved: 19.10.2016.

[45] In 2005, this concerned some 130 children in three municipal schools (Regional report 2007, 65).

[46] Legge Costituzionale n. 1, Statuto speciale della Regione Friuli Venezia Giulia, January 31, 1963, *G.U.* n. 29 of February 1, 1963.

[47] Memorandum of Understanding between the governments of Italy, the UK, the US and Yugoslavia regarding the Free Territory of Trieste, October 5, 1954, *United Nations Treaty Series*, vol. 235 (1956), no. 3297, 99. Italy never signed the Treaty (Palici de Suni, 2009: 1778).

[48] Ratified in Italy by Legge, 14 March 1977. The *Gazeta ufficiale* has published the original language version of the Treaty, in French.

[49] Legge n. 38, Norme a tutela della minoranza linguistica slovena della Regione Friuli Venezia Giulia, February 23, 2001, *G.U. n.*56 of March 8, 2001, 5.

[50] Namely triestino, bisiaco, gradese, maranese, muggesano, liventino, veneto dell'Istria e della Dalmazia, veneto goriziano, pordenonese and udinese (art 2, Legge Regionale n. 5 Valorizzazione dei dialetti di origine veneta parlati nella regione Friuli Venezia Giulia, February 17, 2010, *B.U. n. 8* of February 24, 2010, 1).

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Book Review: Those Who Count: Expert Practices of Roma Classification

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Review of: Those Who Count: Expert Practices of Roma Classificationl, by Mihai Surdu. *Budapest: Central European University Press, 2016, 267 pp., ISBN 978-963-386-114-1.*

Surdu's book focuses on classificatory practices in Europe regarding Roma minority, and dissects topics critical for many scientific fields of research: the power of naming, discipline through categorization, domination over society, and scientific practices defining characteristics and the social status of groups. Roma ethnicity, Surdu maintains, is the result of deeply rooted scientific practices that have made the ethnic group a measurable and objective entity. The book, in a sense, is a careful examination of the process of essentialization – a phenomena widely criticized with a clear need of further conceptualization. It is particularly important that the book examines the historical roots as well as modern practices of scientific categorization, illustrating how vulnerable some groups are to the interests of certain actors, such as slave owners, historically, and later state institutions interested in taxation, manageability of the population or gathering data for census.

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Social differentiation by categorizing groups in advanced societies – a practice that was described as "political reduction of social complexity" by Starr (1992) – must be examined not only by looking at state institutions, but also elsewhere. Surdu makes a comparison that no doubt would make many scholars of Romani Studies and beyond uneasy: "for the police, Gypsies are the usual suspects for criminal behavior, whereas for policy research, they are the subjects of policy measures for social integration. While the police acts towards Gypsies with the repressive force of the state, policy research appeals for Roma integration through the benevolent action of the same state" (p. 67). Repressive and paternalistic practices are thus present as much in academia as in the state institutions that are at times criticized by academia. The two institutions, importantly, are legitimized and empowered to stigmatize populations – one with the power of law, the other with symbolic power – and both have a propensity to codify, quantify and categorize groups (p. 68).

The book is an important reminder of the role scientists and policy-related actors can play in (re)producing the marginalization of Roma. The static categories, rigid data collecting methods, damaging visual representation of Roma, and overall fixed characteristics of an entire group do not reflect the complex reality, but rather create a falsely homogenous and, in this case, destructive image of Roma that conforms to negative stereotypes. As Surdu writes, "The sampling strategies in the poorest Roma neighborhoods, as well as considering Roma ethnicity as a categorical and independent variable, may transform an academic researcher into a contributor to the reification, racialization and stigmatization of the Roma group" (p. 52). Similarly, the public Roma image shaped through policy studies also echo a uniform, homogenous image of Roma that "continuously fuels and refuels the (mostly negative) social representations of Roma" (p. 194).

Surdu also scrutinizes the methodologies used in order to study and collect data about Roma. Random sampling, which is key for a representative study, is often unattainable: selection of localities is rather a function of the criteria of availability and existing NGOs active in the locale. Moreover, Surdu continues, "in the case of Roma it is conceptually impossible to have randomness for a population which has not been previously defined, or which is haphazardly amalgamated for instrumental reasons" (p.

57). In addition, self-reference and the incorporation of existing (often misleading) data has replaced critical, grounded research and contestation of the validity of published research: "scientific and expert discourse about Roma after 1990 becomes self-referential and isomorphic to a large extent [, …] advanced mainly through scientific papers, which rely on previous scientific work rather than scrutinizing empirical reality" (p. 190). And yet such studies often claim to be timely and representative of regional, national, or even European Roma.

Another key contribution of the book is regarding the relationship between research subject and researcher. This is another perennial debate among scholars, which strives to unpack the role of the researcher during the data-gathering phase to produce the most accurate data in ethical ways. The researcher, for instance, should reflect on their status as an in- or out-group member and consider their power in relation to the group.[1] Some critical researchers, however, have already noted what Surdu alludes to: there is a need for "inclusive research which *goes beyond* the academy and promotes participatory and community-based research as a tool for furthering social justice" (Ryder 2015).[2] More precisely, Surdu's criticism centers on the inability of Roma (as subjects of research) to co-define the definition of their ethnicity, and they are left to merely "ratify an external definition advanced by the social researcher" (p. 55). The externally defined group-characteristics, thus, also lead to the performativity of Roma ethnicity, rather than inhering this ethnicity (p. 80). In short, cultural determinism may have replaced biological determinism (ibid.).

Finally, scientific research is contextualized in, and perhaps informed by, political realities: "I claim that scientific discourse about Gypsies/Roma is secondary to the political discourse, or co-constructed with it, and that Roma are constituted as a scientific object in dialectic interplay with Roma as a political object" (p. 67). Moreover, activists, NGOs and other pro-Roma organizations "are bounded to represent Roma identity in very stigmatic terms, in order to gain attention of the political actors and donors" (p. 85). Consequently, the negative, stereotypical representation, Surdu convincingly shows, is present in many policy briefs, studies and the overall discourse, which often adopts unitary identity markers and uniform problems, such as poverty, inadequate housing, lack of employment, and similar (p. 85). The actors involved (institutions of the state,

academics, ethno-political entrepreneurs) all have an interest in the categorization and differentiation of Roma, thus transforming an ethnic category into a social and fiscal one (p. 105). However, Surdu eloquently shows that academics and the general public may challenge state scientific practices, practicing and reinforcing their agency over top-down categorization, arguing for a continuum of ethnic categories, rather than defined groups, or simply defying categorization efforts (e.g. Jedi religion phenomena).

Overall, through Surdu's book the reader gains a new insight into the perennial exclusion and marginalization of Roma. The book also leaves some critical questions unanswered, especially regarding the transformation of the debunked system of scientific practices. Nevertheless, there is no doubt that removing negative stigma is vital for ending the marginalization of Roma, which would require a more critical look and (self-) assessment of all the actors involved in the process: state institutions, non-state actors and academics alike. Furthermore, data collection by scholars and researchers needs to incorporate a new dimension, beyond scientific accuracy: understanding a group must not be a top-down study of the group, but needs to be reconsidered as a mutual project where the "researched" and the "researcher" form a team to achieve a mutual goal of understanding and making themselves understood. For this constructive process, Surdu's book is a milestone.

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[1] On self-reflexivity see the edited volume by Yanow and Schwartz-Shea.
[2] Outside of Romani Studies, there has also been a resurgence of interest among scholars in participatory research strategies in the recent years.

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